

NATIONAL POLYTECHNICS REGULATORY COMMISSION

(ESTABLISHMENT) BILL 2016

ARRANGEMENT OF CLAUSES

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PART IV - FUNDS OF THE COMMISSION

- 13. Funds of the Commission
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- 18. Annual reports
- 19. Power to accept gifts

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL POLYTECHNICS REGULATORY COMMISSION AND FOR RELATED MATTERS

Sponsored by Hon. Frederick Y Agbedi

[] Commencement

BE IT ENACTED by the National Assembly of the Federal

Republic of Nigeria as follows:

PART I - ESTABLISHMENT OF THE NATIONAL POLYTECHNICS REGULATORY COMMISSION

1.-(1) There is established a Commission to be known as the National Polytechnics Regulatory Commission (in this Bill referred to as "the Commission").

Establishment of the Commission and location of its headquarters

(2) The Commission:

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

(b) may sue and be sued in its corporate name; and

(c) may acquire, hold or dispose of any moveable or immovable property for the purpose of its functions under this Bill.

(3) The headquarters of the Commission shall be located in the Federal Capital Territory, Abuja.

2.-(1) There is established for the Commission a Governing Council (hereinafter referred to as "the Council") which shall be responsible for running the affairs of the Commission.

Establishment of the Commission's Governing Council

(2) The Council shall consist of:

(a) a Chairman;

(b) a representative each from the following Federal Ministries not

below the rank of a Director:

(i) Education;

- 1 (ii) Youth and Sports Development;
- 2 (iii) Health and Human Services;
- 3 (iv) Finance;
- 4 (v) National Planning
- 5 (vi) Science and Technology; and
- 6 (vii) Information and Communication;
- 7 (c) one representative of the Office of Head of Service of the
- 8 Federation not below the rank of a Director;
- 9 (d) one person not below the rank of a Director to represent each of the
- 10 geo-political zones of the Federation drawn from the State Ministries of
- 11 Education in rotation;
- 12 (e) one representative of the Academic Staff Union of Polytechnics;
- 13 (f) one representative of the Non-Academic Staff Union of
- 14 Polytechnics;
- 15 (g) six persons to represent Rectors of Polytechnics one drawn from
- 16 each of the geo-political zones of the Federation;
- 17 (h) one person to represent each of the following broad academic
- 18 disciplines drawn from different Polytechnics and from different geo-political
- 19 zones of the Federation:
- 20 (i) Engineering;
- 21 (ii) Urban and Regional Planning;
- 22 (iii) Science and Technology;
- 23 (iv) Communications;
- 24 (v) Business Studies; and
- 25 (vi) Transportation.
- 26 (i) one representative of the National Commission for Women;
- 27 (j) one person with a wide knowledge in private or public sector
- 28 interest drawn from each of the geo-political zones of the Federation;
- 29 (k) the Executive Secretary of the Commission who shall also be the
- 30 Secretary of the Council.

1 (3) The Chairman and other members of the Commission other
2 than ex-officio members shall be:

3 (a) persons of proven integrity, honour and ability; and

4 (b) appointed by the President subject to confirmation by the
5 Senate.

6 3. The Executive Secretary shall:

The Executive
Secretary

7 (a) possess such qualifications and experience as determined by
8 the President;

9 (b) hold office for a term of five years and may be re-appointed for
10 a further term of five years and no more; and

11 (c) be paid such remuneration as may be prescribed in the letter of
12 appointment.

13 4.-(1) The Chairman and other members of the Council, other than
14 the Executive Secretary and ex-officio members shall hold office:

Tenure of office,
etc.

15 (a) for a term of four years and may be re-appointed for a further
16 term of four years and no more; and

17 (b) on such terms and conditions as may be specified in their letters
18 of appointment.

19 5.-(1) Notwithstanding the provisions of sections 3 and 4 of this
20 Bill, a member of the Council may, at any time, be removed from office by
21 the President on the occurrence of any of the following:

Vacation of office

22 (a) if he or she becomes bankrupt;

23 (b) if he or she is convicted for a felony or any offence involving
24 fraud or dishonesty,

25 (c) where he or she becomes of unsound mind or is incapable
26 carrying out his duties:

27 (d) if he or she is guilty of a serious misconduct in relation to his or
28 her duties; or

29 (e) in case of a person who has a professional qualification, the
30 basis of which he or she was appointed, he or she is disqualified or

10 suspended other than at his or her own request or in pursuance of an order

2 in any part of the world by an order of a competent authority made in respect of

3 that member.

4 (2) A member of the Council may be removed by the President if the

5 President is satisfied that it is not in the interest of the Commission or that of the

6 public that the member should continue in office.

7 (3) A member of the Council may resign his appointment by a notice

8 in writing by him addressed to the President and that member shall, on the date

9 of the receipt of that letter by the President, cease to be a member of the

10 Council.

11 (4) Where a member of the Council ceases to hold office for any

12 reason whatsoever before the expiration of the term for which he was

13 appointed, another person to represent the same interest as that member shall

14 be appointed to the Council for the unexpired term.

15 6. Members of the Council shall be paid such allowances and benefits

16 as the Revenue Mobilization Allocation and Fiscal Commission shall direct

17 not from time to time.

18 7.-(1) The Council shall have power to:

19 (a) formulate the general policies and guidelines relating to the

20 functions of the Commission;

21 (b) manage and superintend the affairs of the Commission;

22 (c) subject to the provisions of this Bill, make, alter and revoke rules

23 and regulations for carrying on the functions of the Commission;

24 (d) in accordance with the extant provisions for the Civil Service of

25 the Federation, fix terms and conditions of service, including remuneration, of

26 the employees of the Commission;

27 (e) in accordance with the provisions of this Bill, do such other things

28 which, in the opinion of the Council, are necessary to ensure efficient

29 performance of the functions of the Commission.

30 (2) The supplementary provisions set out in the Schedule to this Bill

Emoluments

Emoluments

Emoluments

Powers of the Council

Powers of the Council

Schedule

shall have effect with respect to the proceedings of the Council and the other matters contained in the said Schedule.

PART III - FUNCTIONS OF THE COMMISSION

8. (1) The Commission shall have the following functions:

Functions of the Commission

(a) advise the President and Governors of the States through the Minister on the establishment of new polytechnics in Nigeria;

(b) prepare, after consultation with all the State Governments, the

Governing Boards of existing Polytechnics, the National Manpower Board

and such other bodies as it considers appropriate, periodic master plans for

the balanced and coordinated development of all polytechnics in Nigeria

and such plans shall include:

(i) general programmes to be pursued by the polytechnics, in order to ensure that they are fully adequate to meet national needs and objectives;

(ii) recommendations for the establishment and location of new polytechnics as when considered necessary, and in accordance with the Commission's approved guidelines; and

(iii) recommendations for the establishment of new academic units in existing polytechnics or the approval or disapproval of proposals to establish such academic units;

(c) make such inquiries and investigations relating to polytechnic education as the Commission may consider necessary in the national interest;

(d) make such other recommendations to the Federal and State Governments, relating to polytechnics as the Commission may consider to be in the national interest;

(e) inquire into and advise the Federal Government on the financial needs both recurrent and capital, of polytechnic education in Nigeria and, in particular, investigate and study the financial needs of polytechnic research

and ensure that adequate provision is made for this in the polytechnics;

(f) receive block grants from the Federal Government and allocate

to maintain a Department of Technical Education and to provide for the Commission

1 them to polytechnics in accordance with such terms and formula as may be laid
2 down by the Federal Government;

3 (g) take into account, in advising the Federal and State Governments
4 on polytechnic finances, such grants as may be made to the polytechnics by
5 State Governments and by persons and institutions in and outside Nigeria;

6 (h) collate, analyse and publish information relating to polytechnics
7 education in Nigeria and obtain information from other sources, where such
8 information is relevant to the discharge of its functions under this Bill;

9 (i) undertake periodic reviews of the terms and conditions of service
10 of personnel engaged in the polytechnics and to make recommendations to the
11 Federal Government, where appropriate;

12 (j) recommend to the visitor of a polytechnic that a visitation be made
13 to such polytechnic as and when it considers such visit necessary;

14 (k) act as the agency for channeling all external aid to the polytechnics
15 in Nigeria;

16 (l) examine departmental syllabuses in polytechnics and approve or
17 disapprove such programmes as the case may be in each of the polytechnics in
18 Nigeria; and

19 (m) in accordance with the provisions of this Bill, carry out such other
20 activities as are conducive to the discharge of its functions under this Bill.

21 (2) The Minister may give the Commission directives of a general
22 character or relating generally to particular matters, with regard to the exercise
23 by the Commission of its functions under this Bill, and it is the duty of the
24 Commission to comply with such directives.

25 PART III - STAFF OF THE COMMISSION

Appointment of
Deputy Executive
Secretary and
other employees
of the Commission

26 9.-(1) The Council shall appoint for the Commission a Deputy
27 Executive Secretary and such other persons to be employees of the
28 Commission, to assist the Executive Secretary in the exercise of his/her
29 functions.

30 (2) Notwithstanding the provisions of subsection (1) of this section,

1 the Deputy Executive Secretary or any of the other employees of the
2 Commission may be appointed by the Council by way of transfer or
3 secondment from any of the public services in the Federation.

4 **10.** The remuneration and tenure of office of the Deputy Executive
5 Secretary and other employees of the Commission shall be determined by
6 the Commission after consultation with and approval of the Federal Civil
7 Service Commission and the Office of Head of Service of the Federation.

Remuneration
of the Deputy
Executive
Secretary and
other Officers

8 **11.-(1)** The Commission may, subject to the provisions of this Bill
9 and approval of the Head of Service of the Federation, make staff
10 regulations relating generally to the conditions of service of the employees
11 of the Commission.

Staff Regulations

12 (2) Without prejudice to the generality of the provisions of
13 subsection (1) of this section, the regulations may provide for:

14 (a) the appointment, promotion and disciplinary control (including
15 dismissal) of employees of the Commission; and

16 (b) appeals by such employees against dismissal or other
17 disciplinary measures.

18 (3) Until the regulations are made, any instrument relating to the
19 conditions of service of officers in the civil service of the Federation shall be
20 applicable.

21 (4) Staff regulations made under this section shall not have effect
22 until approved by the Commission, and when so approved, the regulations
23 may not be published in the official gazette, but the Commission shall cause
24 them to be brought to the notice of all persons to be affected in such a
25 manner as it may, from time to time, determine

26 **12.-(1)** Service in the Commission shall be approved service for
27 the purposes of the Pension Act and accordingly, employees of the
28 Commission shall be entitled to pension, gratuities and other retirement
29 benefits as are prescribed in the Pensions Act.

Pension Act
Cap P4 I:FN
2010

30 (2) Notwithstanding the provisions of subsection (1) of this

1 section, nothing in this Bill shall prevent the appointment of a person to any
2 office on terms which preclude the grant of pension, gratuity or any other
3 retirement benefit in respect of that office.

4 Filename: PROMISE 4

5 Directory: E:

6 PART IV – FUNDS OF THE COMMISSION

Funds of the
Commission

7 13.-(1) There is established by the Commission, a fund to be known as
8 the National Polytechnics Regulatory Commission Fund.

9 (2) There shall be paid into fund established by subsection (1) of this
10 section:

11 Comments:

12 (a) such sums as may be available to the Commission for the purpose
13 of making grants to the Polytechnics in accordance with section 8(f) of this
14 Bill; and

15 (b) such sums as may from time to time, be credited to the fund by way
16 of payment of the principal and interest or and other charges in respect of any
17 loan made out of the fund, and also interest from investment made from the
18 Fund.

19 (3)(a) Disbursements from the fund shall be made in accordance with
20 the Finance (Control and Management) Act;

21 (b) Without prejudice to the provisions of paragraph (a) of this
22 subsection, the Public Funds of the Federation (Disbursement) Rules, shall
23 continue in force and have effects as if made under this subsection.

Maintenance of
a separate fund
by the Commission

24 14.-(1) The Commission shall establish and maintain a separate
25 account from which there shall be defrayed all expenditure incurred by the
26 Commission, except such expenditure as may be incurred by it pursuant to
27 section 9 of this Bill.

28 (2) There shall be paid and credited to the fund established by
29 subsection (1) of this section, such payments as may be made to it by the
30 Federal Government, for the running expenses of the Commission and all other

1 assets from time to time accruing to the Commission otherwise than in
2 pursuance of section 8(f) of this Bill.

3 **15.** The Commission may, from time to time, apply its funds:

Application of
the funds of the
Commission

4 (a) to defraying the cost of its administration;

5 (b) to paying the emoluments, allowances and benefits of members
6 of the Council;

7 (c) to reimbursing members of the Council or of any committee
8 setup by the Council for such expenses as may be expressly authorised by
9 the Council;

10 (d) to paying the salaries, fees or other remunerations or
11 allowances, gratuities, pensions and other benefits payable to the officers
12 and other employees of the Commission, provided that no payment of any
13 kind under this paragraph (except such as may be expressly authorised by
14 the Council) shall be made to any person who is in receipt of emoluments
15 from the Federal or a State Government.

16 (e) for the development or maintenance of any property vested in or
17 owned by the Commission; and

18 (f) for and in connection with all or any of its functions under this
19 Bill.

20 **16.-(1)** The Commission shall, not later than 31st August in each
21 year, submit to the President, an estimate of its expenditure and income
22 (including payments to the Commission) for the next succeeding year.

Annual estimates
and accounts

23 (2) The Commission shall keep proper accounts in respect of each
24 year and proper records in relation to those accounts and shall cause the
25 accounts to be audited within three months after the end of each year by
26 auditors appointed from the list and in accordance with the guidelines issued
27 by the Auditor-General for the Federation.

28 **17.-(1)** The Auditor-General for the Federation shall:

Audit

29 (a) periodically audit the accounts and records of the financial
30 transactions of the Commission;

- 1 (b) inspect records relating to assets of the Commission;
- 2 (c) draw the attention of the President to any irregularity which may
- 3 be disclosed; and
- 4 (d) forward a copy his audit report to the National Assembly.

5 (2) The Auditor-General for the Federation or an officer authorized by

6 him is entitled, at all reasonable times, to a full and free access to all accounts,

7 records, documents and papers of the Commission relating directly or

8 indirectly to the receipt or payment of money by the Commission or to the

9 acquisition, receipt, custody or disposal of assets by the Commission.

Annual reports

10 **18.**-(1) The Commission shall prepare and submit to the National

11 Assembly through the President, not later than six (6) months after the end of

12 each financial year, a report of the activities of the Commission during the

13 immediate preceding year.

14 (2) A copy of the audited accounts of the Commission and the

15 auditor's report on it shall be included in the report to be submitted in

16 accordance with subsection (1) of this section.

Power to accept
gifts

17 **19.** The Commission may accept any gift of land, money or other

18 property on such terms and conditions, if any, as may be specified by the person

19 or organization making the gift; provided that the Commission shall not accept

20 any gift if the conditions attached to it are inconsistent with the functions of the

21 Commission or the provisions of any existing laws.

Power to borrow

22 **20.**-(1) The Commission may, from time to time, borrow such sums as

23 it may require for the performance of its functions under this Bill.

24 (2) The Commission shall not, without the approval of the President,

25 borrow money which exceeds, at any time, the amount earlier set by the

26 President.

27 (3) Notwithstanding subsection (1) of this section, where the sum to

28 be borrowed is in foreign currency, the Commission shall not borrow any sum

29 in foreign currency without the prior approval of the President.

- 1 (a) delivering it to any of the principal officers of the Commission; or
- 2 (b) sending it by registered post addressed to the Chairman or
- 3 Executive Secretary at the headquarters of the Commission.

4 (5) A person connected with the direct workings of the Commission
5 shall not be removed under arrest when his immediate removal from duty
6 might result in danger to life or goods, whether in execution of a warrant or
7 otherwise, while actually engaged in the performance of his duties until the
8 person has been given an opportunity of providing a substitute by:

- 9 (a) the head of the department in which he is employed; or
- 10 (b) the officer in immediate charge of the work in which the person is
- 11 engaged.

12 (6) In any suit pending before a Court, the Commission may be
13 represented in Court at any stage of the proceedings by any staff of the
14 Commission who shall satisfy the Court that he is duly authorized by the
15 Commission in that behalf.

Indemnity of
Officers

16 **26.** A member of the Council, the Deputy Executive Secretary, any
17 officer or employee of the Commission shall be indemnified out of the assets of
18 the Commission against any liability incurred by him in defending any
19 proceeding, whether civil or criminal, in which judgment is given in his favour
20 or in which he is acquitted, if any such proceeding is brought against him in his
21 capacity as a member of the Council, the Deputy Executive Secretary, officer
22 or employee of the Commission.

Secrecy

23 **27.-(1)** A member of the Council, the Deputy Executive Secretary,
24 any other officer or employee of the Commission shall:

25 (a) for his personal gain, not make use of any information which has
26 come to his knowledge in the exercise of his powers or is obtained by him in the
27 ordinary course of his business as a member of the Council, the Deputy
28 Executive Secretary, officer or employee of the Commission;

29 (b) treat as confidential any information which has come to his
30 knowledge in the exercise of his powers or is obtained by him in the

1 performance of his duties under this Bill;

2 (c) not disclose any information referred to under paragraph (b) of
3 this subsection, except where required to do so by a court or in such other
4 circumstances as may from time to time be prescribed by the Council.

5 (2) Any person who contravenes any of the provisions of
6 subsection (1) of this section commits an offence and is liable, on
7 conviction, to a fine of not less than N200,000 or imprisonment for a term
8 not exceeding two years or to both such fine and imprisonment.

9 PART VI - MISCELLANEOUS PROVISIONS

10 28. The Minister may, with the approval of the President, give the
11 Council such directives as are necessary or expedient for giving full effect to
12 the provisions of this Bill and for the due administration of its provisions,
13 and the Council shall comply with such directives.

Power of the
Minister to give
directives to the
Commission

14 29. The Council may, with the approval of the Minister, make
15 regulations for the purpose of carrying out or giving full effect to the
16 provisions of this Bill.

Regulations

17 30. In this Bill, unless the context otherwise requires:

Interpretation

18 "Commission" means the National Polytechnics Regulatory Commission
19 established by this Bill;

20 "Council" means the Governing Council of the Commission;

21 "Function" includes power and duty;

22 "Member" means a member of the Council and includes the Chairman and
23 the Executive Secretary;

24 "Minister" means the Minister in charge of Education;

25 "Polytechnics" covers polytechnics, bi-technics, mono-technics, colleges of
26 agriculture, schools of accountancy and other similar institutions offering
27 educational courses; and

28 "President" means the President of the Federal Republic of Nigeria.

29 31. This Bill may be cited as the National Polytechnics Regulatory
30 Commission (Establishment) Bill, 2016.

Citation

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SCHEDULE

Section 6(2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

Proceedings of the Council

1. Subject to the provisions of this Bill and the Interpretation Act, the Council shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Council may, from time to time, determine.

2.-(1) There shall be at least four ordinary meetings of the Council in every calendar year and subject thereto, the Council shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than three other members, he shall convene a meeting of the Council to be held within 14 days from the date on which the notice was given.

(2) Every meeting of the Council shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum of any meeting of the Council shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2(2) of this Schedule) and ten other members.

4. The Council shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.

5. A question put before the Council at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.

6. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

20. Annual report

PART VIII - MISCELLANEOUS

21. Delegation of Bank's powers to directors, etc.

22. Office and branches

23. Application of Cap. B3

24. Service of documents

25. Restriction of execution against the property of the Bank

26. Exclusion of enactment on the limitation of action

27. Repeals, savings, etc

28. Regulations.

29. Interpretation

30. Short title

SCHEDULE

Proceedings of the Board