

A BILL

FOR

AN ACT TO AMEND THE FEDERAL POLYTECHNICS ACT (CAP F17, LAWS OF THE FEDERATION OF NIGERIA, 2004), TO REVIEW THE RETIREMENT AGE OF STAFF OF FEDERAL POLYTECHNICS, HARMONIZE THE TENURE OF THE OFFICE OF THE RECTOR AND OTHER PRINCIPAL OFFICERS OF THE FEDERAL POLYTECHNICS IN NIGERIA AND FOR OTHER RELATED MATTERS

Sponsored by Senator Ali Wakili

[] Commencement

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

- 1 1. The Federal Polytechnics Act, Cap F17, Laws of the Federation
2 of Nigeria, 2004 (in this Act referred to as "the Principal Act") is amended as
3 set out in this Act. Amendment of
the Federal
Polytechnics Act,
Cap. F17, LFN,
2004
- 4 2.-(1)Section 2(1)(a) of the Principal Act is amended by Amendment to
Section 2(1) of
the Principal Act
5 substituting for the existing as follows:
6 (2) The functions of each polytechnic shall be- Functions of each
Polytechnic
7 (a) To provide full-time or part-time courses of instruction and
8 training to produce middle and high level manpower-
9 (i) in technology, applied science, commerce and management;
10 and
11 (ii) in such other fields of applied learning relevant to the needs of
12 the development of Nigeria in the areas of industrial and agricultural
13 production and distribution and for research in the development and
14 adaptation of techniques as the Council may from time to time determine;
- 15 3.-(1) Section 3 of the Principal Act is amended by substituting for Amendment to
Section 3 of the
Principal Act
16 the existing a new section 3 as follows-
17 (2)-(1) There shall be established for each Polytechnic a Governing Establishment
and Constitution
of each Council,
etc.
18 Council (hereafter in this Act referred to as "the Council"), which shall be a

1 body corporate with perpetual succession and a common seal and may sue and
2 be sued in its corporate name.

3 (2)The Council shall consist of a Chairman and the following other
4 members:

5 (a) Four persons representing a variety of interests and broadly
6 representative of the whole federation, at least one of whom shall be a woman;

7 (b) One person representing the alumni association;

8 (c) A representative of the community where the polytechnic is
9 situated;

10 (d) The Rector;

11 (e) The Deputy Rector(s);

12 (f) One person representing the Federal Ministry of Education or
13 Regulatory Agency;

14 (g) Two persons not below the rank of Chief Lecturer elected by the
15 Academic board from among its members;

16 (h) Three persons not below the rank of Senior Lecturer or its
17 equivalent elected by the Congregation from among its members in which one
18 shall be non-teaching staff;

19 (3) (i) The Chairman and members of the Council other than ex-
20 officio members shall be appointed by the President and Commander-in-Chief
21 of the Armed Forces;

22 (ii) Persons to be appointed to the Council shall be persons of proven
23 integrity, knowledgeable and acquainted with the working and tradition of the
24 Technical and Vocational education.

25 (4) Any member of the Council other than an ex-officio member shall
26 hold office for a period of three years at the first instance and may be eligible for
27 re-appointment for another period of three years and no more.

28 (5)The governance structure of each polytechnic shall be composed
29 of—

30 (a) Governing Council;

1 (b) Academic Board;

2 (c) Management Committee;

3 (d) School Board; and

4 (e) Departmental Board.

5 (6) The provisions set out in the Second Schedule to this Act shall
6 apply in relation to the Council, governance structure and other matters
7 therein specified.

8 4. -(1) Section 4 of the Principal Act is amended by substituting for
9 the existing subsection (1) as follows: Amendment to
Section 4(1) of
the Principal Act

10 (2).-(1) The President and Commander-in-Chief of the Armed Visitation
11 Forces shall be the Visitor to each Polytechnic.

12 5. Section 6 of the Principal Act is amended by substituting for the Amendment to
Section 6 of the
Principal Act
13 existing a new section 6 as follows:

14 6. -(1) A Registrar shall hold office for a single tenure of five years Tenure of office
of the Registrar
15 beginning from the effective date of his appointment and on such terms and
16 conditions as may be specified in his letter of appointment.

17 (2) where a Registrar has held office for five years or less on the
18 commencement of this Act, he shall be deemed to have been serving his final
19 term of office.

20 (3) Section 8 of the Principal Act is amended by substituting for Amendment to
Section 8 of the
Principal Act
21 the existing a new section 8 as follows:

22 7.-(1) There shall be a Rector of each Polytechnic (in this Act The Rector of
each Polytechnic
23 referred to as 'the Rector') who shall be appointed by the President,
24 Commander-in-Chief of the Armed Forces in accordance with the
25 provisions of this section.

26 (2) Where a vacancy occurs in the post of the Rector, the Council
27 shall;

28 (a) advertise the vacancy not later than six months (6) to the
29 expiration of the term of the seating Rector in not less than two national
30 newspapers in Nigeria, specifying-

1 (i) the qualifications of the persons who may apply for the post, which
2 shall be a Chief Lecturer in the Polytechnic sector with at least five years
3 experience on that position among other criteria and

4 (ii) the terms and conditions of service applicable to the post, and
5 thereafter, draw up a short list of suitable candidates for consideration;

6 (b) constitute a Search Team consisting of—

7 (i) a member of the Council, not being a member of the Academic
8 Board, as chairman;

9 (ii) two members of the Academic Board, not below the rank of Chief
10 Lecturer;

11 (iii) two members of Academic Staff not below the rank of Chief
12 lecturers to be elected from among its members.

13 (3) A Joint Council, Academic Board and Congregation Selection
14 Board consisting of—

15 (a) the Chairman of the Council;

16 (b) two members of the Council, not being members of the Academic
17 Board;

18 (c) two members of the Academic Board not below the rank of Chief
19 Lecturer, who were not members of the Search Team elected among its
20 members; and

21 (d) two members of the Congregation not below the rank of Chief
22 Lecturer who were not members of the Search Team elected among its
23 members, shall consider the candidates on the short list drawn up under
24 subsection (2) of this section through an examination of their curriculum vitae
25 and interaction with them and recommend in order of performance ranking,
26 through the Council, to the President and Commander-in-Chief of the Armed
27 Forces, three candidates for his consideration.

28 (4) The President and Commander-in-Chief of the Armed Forces
29 shall appoint, as Rector, one of the candidates recommended to him under the
30 provisions of subsection (3) of this section.

1 (5) Subject to this Act and the general control of the Council, the
 2 Rector shall be the Chief executive of the Polytechnic and shall be charged
 3 with general responsibility for matters relating to the day-to-day
 4 management operations of the polytechnic.

5 (6) The Rector shall:

6 (a)(i) hold office for a single-tenure of five years beginning with
 7 the effective date of his appointment and on such terms and conditions as
 8 may be specified in his letter of appointment;

9 (ii) Where a Rector was appointed on four-year tenure on the
 10 commencement of this Act, his tenure shall be extended for a period of one
 11 year to complete the single-tenure of five years in line with subsection (6a)
 12 above;

13 (iii) Where a Rector is serving second tenure of four years on the
 14 commencement of this Act, he shall be deemed to have been serving his final
 15 term of office;

16 (b) have power to exercise general authority over staff and be
 17 responsible for discipline in the polytechnic; and

18 (c) his remuneration shall be determined by the National Salaries
 19 and Wages Commission.

20 8. Section 9 of the Principal Act is amended by substituting for the
 21 existing a new section 9 as follows:

Amendment to
 Section 9 of the
 Principal Act

22 9.-(1) There shall be for each polytechnic at least one Deputy
 23 Rector and such numbers as the Council may, from time to time, deem
 24 necessary for the proper administration of the Polytechnic:

Deputy Rector(s)

25 (2) Where a vacancy occurs in the post of Deputy Rector, the
 26 Rector shall forward to the Academic Board a list of two candidates for each
 27 post of Deputy Rector that is vacant.

28 (3) The Academic Board shall elect for each vacant post one
 29 candidate from each list forwarded to it under subsection (2) of this section
 30 and forward his name to the Council for confirmation.

1 (4) Where-
2 (a) the Academic Board rejects the two candidates forwarded to it by
3 the Rector under subsection (2) of this section, the Rector shall submit another
4 list;

5 (b) the Council rejects the name sent to it under subsection (3) of this
6 section, the Academic Board shall send the name of the other candidate on the
7 list forwarded to it by the Rector under subsection (2) of this section.

8 The existing subsections (4) and (5) are to be renumbered accordingly.

9 (5) The Deputy Rector(s) shall-

10 (a) assist the Rector in the performance of his functions;

11 (b) act in the place of the Rector when the post of Rector is vacant or if
12 the Rector is for any reason absent or unable to perform his function as Rector;
13 and

14 (c) perform such other functions as the Rector or the Council may
15 from, time to time, assign to him.

16 (6) The Deputy Rector(s)-

17 (a) shall hold office for a single tenure of four years beginning from
18 the effective date of his appointment and on such terms and conditions as may
19 be specified in his letter of appointment;

20 (b) Where a Deputy Rector was appointed on two-year tenure on the
21 commencement of this Act, his tenure shall be extended for a period of two
22 years to complete the single-tenure of four years in line with subsection (6a)
23 above;

24 (c) Where a Deputy Rector is serving second tenure of two years on
25 the commencement of this Act, he shall be deemed to have been serving his
26 final term of office.

27 8. Section 10 of the Principal Act is amended by substituting for the
28 existing a new section 10 as follows:

29 10.-(1) There shall be for each Polytechnic the following other
30 principal officers in addition to the Deputy Rector(s):

Amendment to
Section 10 of the
Principal Act

Other Principal
Officers of each
Polytechnic

- 1 (a) the Registrar;
 2 (b) the Bursar; and
 3 (c) the Polytechnic Librarian,

4 who shall be appointed by the Council on the recommendation of the
 5 Selection Board constituted under section 12 of this Act.

6 (2) The Bursar shall be the chief financial officer of the Polytechnic
 7 and be responsible to the Rector for the day-to-day administration and
 8 control of the financial affairs of the Polytechnic,

9 (3) The Polytechnic Librarian shall be responsible to the Rector for
 10 the administration of the Polytechnic Library and the co-ordination of the
 11 library services in the teaching units of the Polytechnic.

12 (4) The Bursar or Librarian—

13 (a) Shall hold office for a single tenure of five years beginning from
 14 the effective date of his appointment and on such terms and conditions as
 15 may be specified in his letter of appointment;

16 (b) Where a Bursar or Librarian has held office for five years or less
 17 on the commencement of this Act, he shall be deemed to have been serving
 18 his final term of office.

19 9. Section 12(1) of the Principal Act is amended by substituting for
 20 the existing a new subsection (1) as follows:

Amendment to
 Section 12 of the
 Principal Act

21 12.-(1) There shall be for each Polytechnic a selection Board which
 22 shall consist of-

Selection Board
 for other Principal
 Officers

- 23 (a) the Chairman of the Council;
 24 (b) the Rector;
 25 (c) four members of the Council not being members of the
 26 Academic Board;
 27 (d) two members of the Academic Board not being members of
 28 Council and not below the rank of Chief Lecturer elected from among its
 29 members and
 30 (e) three members of the congregation not below the rank of

1 Principal Lecturer or its equivalent elected from among its members in which
2 one shall be non-teaching staff.

Amendment of
Section 14 of the
Principal Act

3 10. Section 14 of the Principal Act is amended by inserting new
4 subsections (3) and (4) as follows-

5 14. Application of Pension Act:

6 (3) A law or rule requiring a person to retire from the Public Service
7 after serving for thirty five (35) years or having attained the age of 60 years in
8 service, shall not apply to staff of polytechnics.

9 (4) Notwithstanding anything to the contrary contained in the
10 Pensions Reform Act, the compulsory retirement age of staff of Polytechnics
11 shall be sixty five (65) years.

Amendment to
Section 15(1)
of the Principal
Act

12 11. Section 15(1) of the Principal Act is amended by substituting for
13 the existing a new subsection (1) as follows:

14 15. The Academic Board:

15 (1) There shall be established for each polytechnic a board to be
16 known as the Academic Board which shall consist of the following members:

17 (a) the Rector of the polytechnic, as the Chairman;

18 (b) the Deputy Rector(s) of the polytechnic;

19 (c) all Heads of academic Departments and Units;

20 (d) the Polytechnic Librarian;

21 (e) not more than two members of academic staff who are not
22 members of the Academic Board and not below the rank of senior lecturer
23 elected from among its members. Such members shall serve for nonrenewable
24 term of three years;

25 (f) all Deans and academic Directors; and

26 (g) all Chief Lecturers.

Amendment of
Section 16 of the
Principal Act

27 12. Section 16 of the Principal Act is amended by substituting for the
28 existing section a new section 16 as follows:

Removal from
office of members
of the Council and
the Rector

29 16.-(1) Where it appears to the Governing Council that a member of
30 the Council other than an ex-officio member or the Rector should be removed.

1 from office on the ground of misconduct or inability to perform the
2 functions of his office, the Council shall make a recommendation through
3 the Minister to the Federal Executive Council and if, the Federal Executive
4 Council approves of it, the Minister shall declare the office of such member
5 or Rector vacant.

6 (2) The Minister may recommend the removal of any member of
7 the Governing Council or Rector to the Federal Executive Council, if he is
8 satisfied that it is not in the interest of the public or of the polytechnic that
9 such a person should continue as a member of the Council.

10 (3) In case of vacancy in the office of the Rector, the Council shall
11 appoint an acting Rector who shall not be in office for more than 6 months.

12 (4) There shall be no sole administration in any Polytechnic in
13 Nigeria.

14 13. The First Schedule to the Principal Act is amended by
15 substituting for the existing Section 1 with a new Section 1 as follows-

16 FIRST SCHEDULE

17 POLYTECHNICS

18 [Section 1]

19 The polytechnics referred to in section 1 of this Act are as follows-

- 20 (a) The Federal Polytechnic, Ado-Ekiti;
21 (b) The Federal Polytechnic, Bauchi;
22 (c) The Federal Polytechnic, Bida;
23 (d) The Federal Polytechnic, Idah;
24 (e) The Federal Polytechnic, Ilaro;
25 (f) The Federal Polytechnic, Kaura-Namoda;
26 (g) The Yaba College of Technology, Yaba;
27 (h) The Federal Polytechnic, Mubi;
28 (i) The Federal Polytechnic, Nasarawa;
29 (j) The Federal Polytechnic, Unwana-Afikpo;
30 (k) The Federal Polytechnic, Kaduna;

Amendment of
the First Schedule
to the Principal
Act

- 1 (l) Federal Polytechnic, Ede;
- 2 (m) Federal Polytechnic, Offa;
- 3 (n) Federal Polytechnic, Damaturu;
- 4 (o) Federal Polytechnic, Oko; and
- 5 (p) Federal Polytechnic, Nekede.
- 6 (q) Federal Polytechnic, Ekowe;
- 7 (r) Federal Polytechnic Oil and Gas, Bonny;
- 8 (s) Federal Polytechnic, Birnin-Kebbi;
- 9 (t) Federal Polytechnic, Bali;
- 10 (u) National Institute of Construction Technology, Uromi;
- 11 (v) Federal Polytechnic, Kazaure;
- 12 (w) Federal Polytechnic, Ukana;
- 13 (x) Auchi Polytechnic, Auchi; and
- 14 (y) Federal Polytechnic, Ile-Oluji.

Amendment to
Section 3 of
Second Schedule
to the Principal
Act

15 13. Section 3 of the Second Schedule is amended by substituting for
16 the existing section a new section 3 as follows:

17 *Committees*

18 3(1) The Council may appoint one or more committees to which it
19 may delegate any of its functions.

20 (2) Without prejudice to the generality of sub-paragraph (1) of this
21 Schedule, the Council shall appoint the following committees, that is-

22 (a) the Appointments and Promotions Committee which shall:

23 (i) consist of Rector as the chairman and four other members who
24 shall be appointed by the Council;

25 (ii) be charged with the responsibility for making recommendations
26 to the Council on the appointment and promotion of the academic and senior
27 non-teaching staff of the polytechnic and have a quorum of three members.

28 (b) the Junior Staff Appointments and Promotions Committee which
29 shall consist of a Deputy Rector as chairman and four other members to be
30 appointed by the Rector and shall have the powers set out in section 13(2)(b)

1 and section 19 of this Act;

2 (c) the Committee on Students' Affairs which shall consist of the
3 following members-

4 (i) a Deputy Rector as chairman;

5 (ii) one member of the Council;

6 (iii) Dean of Students Affairs;

7 (iv) two members of the academic staff not below the rank of
8 Senior Lecturer; and

9 (v) two representatives of the Students Union of the polytechnic;

10 and the Committee on Students' Affairs shall be charged with the duty of-

11 (i) considering any matter which relates to the welfare of students;

12 (ii) any other matter referred to it by either the Council or
13 management of the polytechnic;

14 (iii) any matter which the students wish to refer to Council shall be
15 referred to the management in the first instance which may in turn refer the
16 matter to the Committee on Students' Affairs.

17 (3) No decision of a Committee of Council shall have effect unless
18 it is confirmed by the Council.

19 14. Sections 4 and 6 of the Second Schedule to the Principal Act is
20 amended by substituting for the existing section 4 subsection (1) and section
21 6 subsection (2) with new subsections as follows:

Amendment of
Section 4(1) and
6(2) of the Second
Schedule to the
Principal Act

22 *Proceedings of the Council*

23 4(1) The Council shall meet for the conduct of business once in a
24 quarter except for emergency.

25 6(2) Two third of members shall form a quorum at any meeting of
26 the Council.

27 15. The Second Schedule to the Principal Act is amended by
28 inserting new section 9 and 10 as follows:

Amendment to
Section 9 and 10
of the Second
Schedule to the
Principal Act

1 Lecturer I for a period of one year in the first instance and renewable once
2 and no more.

3 (c) Nothing in this Act shall prevent the management Committee
4 and Boards from making supplementary rules to guide their proceedings
5 provided such rules are not inconsistent with the provisions of this Act.

6 *Establishment of the Congregation*

7 10. There shall be for the polytechnic, a Congregation made of
8 both Academic and Senior Non-Teaching staff, who holds at least a first
9 degree or its equivalent-

10 (a) the Rector shall be the Chairman of the Congregation and

11 (b) the Congregation shall meet at least once in a year.

12 16. The existing Section 9, 10 and 11 are re-numbered accordingly.

13 17. This Bill may be cited as the Federal Polytechnics Citation
14 (Amendment) Bill, 2017.

EXPLANATORY MEMORANDUM

*(This does not form part of the above Act, but it is intended to explain
its purport)*

This Bill seeks to amend the Federal Polytechnics Act (CAP F17, LFN,
2004) to among other things-review the retirement age of staff of Federal
polytechnics in Nigeria and to harmonize the tenure of the office of the
Rector and other principal officers of the Federal Polytechnics in Nigeria.

11/20/20

Mr. [Name] [Address] [City] [State] [Zip]

Dear Mr. [Name]:

I am writing to you regarding the [subject] that we discussed previously. I have reviewed the information you provided and I am pleased to hear that you are interested in [subject].

We have a number of options available to you, and I would be happy to discuss them with you. The first option is [option 1], which offers [benefit]. The second option is [option 2], which offers [benefit].

I would like to schedule a meeting with you to discuss these options in more detail. Please let me know what time works best for you. I can be reached at [phone number] or [email address].

I look forward to hearing from you soon. If you have any questions, please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,
[Name]
[Title]