

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL SCHOLARSHIP COMMISSION TO APPROVE AND DISBURSE SCHOLARSHIP BURSARY AND GRANTS FOR EDUCATIONAL AND RESEARCH PURPOSES, AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator T. Y. Kaura

[] Commencement

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

1 PART I- ESTABLISHMENT AND COMPOSITION, ETC. OF THE FEDERAL
2 SCHOLARSHIP COMMISSION

3 1.-(1) There is hereby established a body to be known as the Establishment of
4 "Federal Scholarship Commission" (in this Act referred to as "the the Board
5 Commission").

6 (2) The Commission:

7 (a) Shall be a body corporate with perpetual succession and a
8 common seal; and

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

10 (c) May acquire, hold and manage any moveable or immovable
11 property for the purpose of carrying its functions.

12 (3) The headquarters of the Commission shall be situated in the
13 Federal Capital Territory Abuja and there shall be established six zonal
14 offices in the six Geopolitical zone of the Federation.

15 2.-(1) There is established for the Commission a Governing Board Establishment
16 (in this Act referred to as "the Board") which shall provide policy guidelines and composition
17 for the day-to-day administration of the Agency. of the Governing Board

18 (2) The Board shall comprise:

19 (a) a part-time chairman to be appointed by the President subject to
20 confirmation by the Senate;

- 1 (b) the Permanent Secretary of the Ministry of Education
2 (c) a representative from each of the Ministry of:
3 (i) finance;
4 (ii) Science and Technology;
5 (iii) National Planning.
6 (d) a representative from each of the six geo-political zones of the
7 Federation, who, by reason of their character and experience in matters relating
8 to education, are in the opinion of the Minister suitable for appointment as
9 members of the Board;
10 (e) a representative of the National University Commission;
11 (f) the Director General for the Commission.

12 (3) Members of the Board shall be appointed by the President.

Tenure of office

13 3.-(1) The Chairman and members of the Board other than the ex -
14 officio members shall hold office for a term of four years in the first instance
15 and may be reappointed for a further term of four years and no more;

16 (2) The Chairman and Members of the Board shall be paid such
17 emoluments allowances and remunerations and incidental expenses as the
18 Revenue Mobilisation Allocation and Fiscal Commission may determine from
19 time to time.

Cessation of
membership

20 4.-(1) Notwithstanding the provisions of section 4 subsection (1) a
21 member of the Board shall cease to hold office if:

22 (a) he resigns his appointment as a member of the Board by a notice
23 under his hand addressed to the President;

24 (b) he becomes of unsound mind;

25 (c) Becomes bankrupt or makes compromise with his creditors;

26 (d) He is convicted of a felony or any offence involving dishonesty or
27 corruption;

28 (e) he becomes incapable of carrying on the functions of his office
29 arising from infirmity of mind and body; or

30 (f) the President is satisfied that it is not in the interest of the public for

1 the person to continue In office and notifies the member in writing to that
2 effect.

3 (2) Where a vacancy occurs in the membership of the Board, it
4 shall be filled by the appointment of a successor to hold office for the
5 remainder of the term of his predecessor, If so however that the successor
6 shall represent the same interest and shall be appointed by the president.

7 (3) The supplementary provisions contained in the schedule to this
8 Act shall have effect with respect to the proceedings of the Board and other
9 matters mentioned therein.

10 PART II - FUNCTION AND POWERS OF THE COMMISSION

11 5. The functions of the Commission shall be to:

Functions and
Powers of the
Commission

12 (1) approve and disburse bursaries scholarship and other grants to
13 students to finance their education in institutions of higher learning both
14 within and outside the country;

15 (2) mobilize and promote the mobilization of funds and grants
16 from the public sector, donor agencies, individuals, institutions,
17 organisations, the private sector as well as from international bilateral and
18 multilateral sources for the purpose of the disbursement of scholarships,
19 bursaries and other grants towards enhancing and financing higher
20 education.

21 (3) receive, record and process and scholarship funds, bursaries
22 and other grants for educational purposes and approve the disbursement of
23 funds to qualified beneficiaries in accordance with the established
24 guidelines and criteria of the Commission.

25 (4) create make or establish rules and regulations for the award of
26 scholarships, bursaries and grants.

27 (5) develop the appropriate procedures, guidelines, form, method
28 or techniques for the purpose of carrying out the Commissions functions,
29 duties and responsibilities.

30 (6) provide leadership in the planning and programming of

1 scholarship offers received from various donor countries, institutions and
2 agencies, and to ensure the relevance of such training programmes/courses to
3 the country's development objectives.

4 (7) evaluate foreign scholarship offers to ensure compliance with the
5 guidelines of the commission and national security objectives

6 (8) establish and maintain effective institutional linkages with local
7 representatives of donor countries and institutions or organisations on foreign
8 scholarship matters.

9 (9) increase the number of exchange opportunities through cost
10 sharing on the part of foreign governments as well as Nigerian Institutions and
11 by seeking grants in aid and other supplemental funds from private sources.

12 (10) maintain scholarship activity database including the record of all
13 grants, donors, beneficiaries, scholarship manuals, statistics and reports.

14 (11) keep abreast of emerging and developing scholarship
15 opportunities.

16 (12) advise the Minister on all matters concerning the grant of
17 scholarships.

18 (13) do anything or enter into any transaction which in the opinion of
19 the Board is necessary to ensure the proper performance of its functions under
20 this Act.

Powers of the
Commission

21 6. The Commission shall have the powers to:

22 (1) purchase or acquire any assets or property considered necessary
23 for the proper conduct of its functions.

24 (2) source funds for the Agency through grants, aids, gifts or
25 donations.

26 (3) fix terms and conditions of service including remuneration of its
27 employees.

28 (4) establish such zonal offices of the Commission as it may deem
29 necessary for the proper performance of its functions; and

30 (5) do such other things as are necessary or incidental for the

1 successful performance of its functions under this Act.

2 PART III - STAFF OF THE COMMISSION

3 7.-(1) There shall be for the Commission a Director General, who
4 shall:

Director General
of the Commission

5 (a) be responsible for the day-to-day administration of the
6 Commission according to the policy guidelines drawn by the members of
7 the Board;

8 (b) be the Chief Executive and Accounting Officer of the
9 Commission;

10 (c) he shall be a person Possessing a minimum of a masters degree
11 in relevant and not less than 15 years cognate experience of which 10 years
12 shall be in Educational management.

13 (2) The Director General shall:

14 (a) be appointed by the President; and

15 (b) hold office on such terms and conditions as to emoluments and
16 otherwise as may be specified in the letter of appointment.

17 8.-(1) The Board shall have powers to appoint for the commission
18 such other employees as it may deem it necessary for the efficient
19 performance of its function under this Act and shall have power to pay
20 persons so employed such remunerations (including allowances) as the
21 Commission may determined after consultation with the National Salaries
22 and Wages Commission.

Other Staff of
the Commission

23 (2) The power of the Commission to under subsection (1) of this
24 section shall include the power to:

25 (a) promote and control staff as may appear to the Commission
26 necessary and expedient;

27 (b) dismiss ,terminate, consider the resignation or withdrawal of
28 apr:}ointment and exercise disciplinary control over the staff of the
29 Commission, other than the Director-General.

30 (3) The Board may delegate to the Director -General, generally or

1 specifically, the powers to appoint such categories of staff of the Commission
2 as the Commission may determine from time to time.

Power to make
Regulation

3 9. The Commission may subject to the provision of this Act, make
4 staff regulations relating to the conditions of service of its employers and
5 without prejudice to the generality of the foregoing, such regulations may
6 provide for:

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

9 (b) appeals by such employees against dismissal or other disciplinary
10 measures.

Pensions Reform
Act 2004

11 10.-(1) Service in the commission shall be approved service for the
12 purpose of the Pensions Act and the officers and staff of the Agency shall be
13 entitled to pension, gratuities and retirement benefits as are prescribed in the
14 Pensions Act.

15 (2) Nothing in this Section shall prevent the appointment of a person
16 to any office on terms which preclude the grant of pensions and gratuity in
17 respect of that office.

Structure of the
Commission

18 11.-(1) The Commission shall have the following departments:

19 (a) Operations;

20 (b) Planning, Research and Statistics;

21 (c) Monitoring and Evaluation; (d) Legal Services;

22 (e) Finance and Supplies; and

23 (f) Administration and Personnel Management.

24 (2) The Board may, with the approval of the President, create more
25 departments, if it is necessary to do so in order to facilitate the carrying out of
26 the functions of the Agency.

Funds of the
Agency

27 12.-(1) The Commission shall maintain a fund which shall consist of:

28 (a) budgetary allocation from the Federal Government;

29 (b) foreign aid and assistance from bilateral and multilateral
30 governments and agencies;

1 (c) monies raised for the purposes of the Commission by way of
2 gifts, aids, donations, grants or otherwise;

3 (d) all other assets that may from time to time accrue to the
4 Commission.

5 **13.-(1)** The Commission shall from time to time apply the proceeds
6 of its funds to: Application of
funds

7 (a) the discharge of its primary responsibility and function of
8 disbursements of scholarship grants and students exchange programme;

9 (b) the cost of administration of the Commission;

10 (c) the payment of salaries and other allowances of the employees
11 and members of the Board; and

12 (d) any activity undertaken that is necessary or incidental to the
13 functions of the Commission.

14 **14.** The commission may, with the consent of the President borrow, Power to borrow
15 on such terms and conditions as the Commission may determine, such sums
16 of money as the Commission may require in the exercise of its functions.

17 **15.** The Commission shall, not later than 31 st October in each year, Annual estimates
18 submit to the President an estimate of the expenditure and income of the
19 Commission during the next succeeding year.

20 **16.** The Commission shall cause to be kept proper accounts of the Accounts and
Audit
21 Commission in respect of each year and shall cause the accounts to be
22 audited not later than six months after the end of each year by auditors
23 appointed from the list and in accordance with guideline supplied by the
24 Auditor General of the Federation.

25 **17.** The Commission shall not later than six months after the end of Annual Reports
26 each year, submit to the president through the Minister ,a report on the
27 activities of the Commission and its administration during the immediately
28 preceding year and shall include in the report the audited accounts of the
29 Commission and the comments thereon.

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PART V - MISCELLANEOUS PROVISIONS

Seal of the Commission

18.-(1) The fixing of the seal of the Commission shall be authenticated by the signature of the Director General of the Commission or any other member authorised generally or specially to act for that purpose by the Board.

(2) Any contract or instrument, which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Commission by the Director General or any person generally or specially authorised to act for that purpose by the Board.

(3) Any document purporting to be a document duly executed under the seal of the Commission may be received in evidence and shall, unless the contrary is proved, be presumed to be executed.

Approval of the Presidents

19. The Commission may, with the approval of the President, make regulations for giving effect to the provisions of this Act.

Limitation of Suits

20.-(1) Notwithstanding any provision in any other enactment, no suit against the Commission a member of the Board, or any staff of the Commission for any act done in pursuance or execution of any public duty, or in respect of any alleged neglect or default in the execution of such duty, shall lie or be instituted in any court unless commenced within twelve months after the act, neglect or default complained of or, in case of a continuance of damage or injury, within twelve months after the ceasing thereof.

(2) No suit shall be commenced against the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent; and the notice shall clearly and explicitly state.

- (a) the cause of action;
- (b) the particulars of claim;
- (c) the name and place of abode of the intending plaintiff; and
- (d) the relief claimed.

1	21. The notice referred to in subsection (2) of Section 22 of this Act	Service of documents
2	and any summons, notice or other document required or authorized to be	
3	served on the Commission may be served on the director general of the	
4	Commission or by sending it by registered post addressed to the Director	
5	General at the Head office of the Commission or the relevant zonal office.	
6	22. Any member of the Board or staff of the Commission, who	Indemnity of Officers
7	incurred any liability in defending any proceeding, whether judgement is	
8	given in his favour or he is acquitted, shall be indemnified out of the fund of	
9	the Commission if such proceeding is brought against him in his capacity as	
10	a member of staff.	
11	23. In this Act:	Interpretation
12	"Chairman" means the Chairman of the Commission;	
13	"Commission" means the Federal Scholarship Commission established	
14	under Section 1 (1) of this Act;	
15	"Director General" means an officer appointed in accordance with Section 8	
16	of this Act;	
17	"Minister" means Minister of Education;	
18	"President" means President of the Federal Republic of Nigeria.	
19	24. This Act may be cited as the Federal Scholarship Commission	Citation
20	Bill, 2015.	

1

SCHEDULE

2

Section 5(3)

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SUPPLEMENTARY PROVISIONS IN RELATION TO THE PROCEEDING

4

TO THE BOARD

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1.-(1) Subject to this Bill and Section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board or of any committee established by the Board.

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(2) The quorum of the Board shall be 10 and the quorum of any committee shall be determined by the Board

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2.-(1) The Board shall meet not less than 4 times in each year and the Board shall meet whenever it is summoned by the Chairman or, if the Chairman is required to do so by notice given to him by not less than 10 members, he shall summon a meeting of the Board to be held within 14 days from the date which the notice is given.

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(2) At any meeting of the Board, the Chairman shall preside, but if he is absent, the members present at the meeting shall appoint one of them to preside at the meeting.

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(3) When the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit, "but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

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Committees

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3.-(1) The Board may appoint one or more committees to carry out on its behalf such of its functions as the Board may determine.

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(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board) as may be determined by the Board and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.

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(3) A decision of a committee of the Board shall be of no effect until it

1 is confirmed by the Board.

2 (4) The validity of any proceeding of the Board or of a committee
3 shall not be adversely affected by any vacancy in the membership of the
4 Board or a committee or by any defect in the appointment of any member of
5 the Board or a committee or by a reason only that a person not entitle to do so
6 took part in the proceedings.

7 (5) A member of the Board or any person holding office on a
8 committee of the Board who has a personal interest in any contract or
9 arrangement entered into or proposed to be considered by the Board or a
10 committee shall forthwith disclose his interest to the Board or committee
11 and shall not vote on any question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal Scholarship Commission to approve and disburse scholarship bursary and grants for educational and research purposes.

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