

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF HEALTH TECHNOLOGY, NINGI, BAUCHI STATE TO ENSURE ACCESS TO EDUCATION IN HEALTH TECHNOLOGY, TO PROVIDE FULL-TIME COURSES OF TEACHING, INSTRUCTION AND TRAINING IN HEALTH TECHNOLOGY; AND FOR RELATED MATTERS

*Sponsored by Hon. Abdulkadir Sa'ad Abdullahi*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria as follows:

1 PART I - ESTABLISHMENT OF THE FEDERAL COLLEGE OF HEALTH  
2 TECHNOLOGY NINGI, BAUCHI STATE AND ITS GOVERNING COUNCIL

3 1.-(1) there is established the Federal College of Health  
4 Technology Ningi, Bauchi State (in this bill referred to as the "College")  
5 which shall have such powers and exercise such functions as are conferred  
6 on it by this Bill.

Establishment  
of the Federal  
College of Health  
Technology, Ningi,  
Bauchi State

7 (2) The College shall be a body corporate with perpetual  
8 succession and a common seal and may sue and be sued in its corporate  
9 name.

10 (3) The College may acquire, hold and dispose of movable and  
11 immovable property for the purpose of its functions.

12 2. The objectives of the College shall be to:

13 (a) provide courses of study, training and research in health  
14 technology leading to attainment or award of certificates and professional  
15 diploma as may be determined by the governing council;

Objectives of  
the College

16 (b) provide courses of instruction and other facilities for the pursuit  
17 of learning in an health related subjects, and to make those facilities

1 available on proper terms to such persons as are equipped to benefit from them;

2 (c) provide avenues for research in health related subjects and  
3 continuing education in health related subjects;

4 (d) provide the basis for curriculum development in the areas of  
5 disease prevention, health restoration, promotion and protection as well as  
6 health education, information and communication; and

7 (e) undertake other activities appropriate for the highest standard of a  
8 college.

Functions of  
the College

9 3.-(1) for the carrying out of its objects as specified in clause 2 of the  
10 bill, the college shall have power to:

11 (a) make rules and regulations under which persons may be admitted  
12 as students for any particular course in the college;

13 (b) provide courses of instruction in academic and professional  
14 subjects for students of the college;

15 (c) make provision for research and health information, particularly at  
16 the community or grass-root level;

17 (d) hold examinations and award certificates and other distinctions to  
18 persons who have pursued a course of study approved by the college and have  
19 satisfied such other requirements as the college may specify;

20 (e) establish on the recommendation of the governing council  
21 campuses, departments and other units of learning and research as the college  
22 may require;

23 (f) produce health professionals of both National and International  
24 standards;

25 (g) subject to clause 22 of this bill, to acquire, hold, grant, charge or  
26 otherwise deal with or dispose of movable and immovable property wherever  
27 situate;

28 (h) accept gifts, grants and donations, but without obligation to accept  
29 the same for a particular purpose, unless it approves the terms and conditions;

30 (i) enter into contracts, establish trusts, act as trustee, solely or jointly

1 with any other person, and employ and act through agents;

2 (j) erect, provide, equip and maintain libraries, laboratories, lecture  
3 halls, halls of residence, refectories, sports grounds, playing fields and other  
4 buildings or things necessary, suitable or convenient for any of the objects of  
5 the college;

6 (k) hold public lectures and undertake printing, publishing and  
7 book selling;

8 (l) borrow, whether on interest or not, and indeed be, upon the  
9 security of any or all of the property movable or immovable of the college,  
10 such moneys as the council may, from time to time in its discretion, find  
11 necessary or expedient to borrow or to guarantee any loan, advance or credit  
12 facility;

13 (m) make gifts for any charitable purpose;

14 (n) do anything which it is authorised or required by this bill or by  
15 any other statute to do; and

16 (o) do all such acts or things, whether or not incidental to the  
17 foregoing powers, as may advance the objects of the college.

18 (2) Subject to the provisions of this bill and of the statutes made  
19 there under and without prejudice to clause 9 (2) of this bill, the powers  
20 conferred on the college by sub-clause (1) of this clause shall be exercisable  
21 on behalf of the college by the council on any other manner which may be  
22 authorised by this bill.

23 4.-(1) The governance of the college and the direction of its affairs  
24 shall vest in the governing council of the college (in this bill referred to as  
25 "the council").

Governing Council  
of the College

26 (2) Without prejudice to the generality of sub clause (1) of this  
27 clause, it shall be the responsibility of the council to consider and approve:

28 (a) the plan of activities of the college;

29 (b) the programme of studies, courses, and research to be  
30 undertaken by the college;

1 (c) the annual estimates and expenditures of the college; and

2 (d) the investment plans of the college.

Membership  
of the Council  
of the College

3 5.-(1) The council of the college shall consist of a chairman and the  
4 following members, to be appointed by the minister:

5 (a) a representative of the federal ministry responsible for health;

6 (b) a representative of the alumni association of the college;

7 (c) three persons appointed on individual merit on a nationwide basis  
8 who should have wide experience of service in the public or private sector;

9 (d) two representatives of the academic board of the college; and

10 (e) the provost of the college.

11 (2) Persons to be appointed to the council shall be persons of proven  
12 integrity, knowledgeable and familiar with the affairs and tradition of the  
13 college.

Tenure of Office  
of Members of  
the Council

14 6.-(1) A member of the council (other than an ex-officio member) shall  
15 hold office for a term of three years and subject to the provisions of sub-clause  
16 (2) of this clause, shall be eligible for reappointment for a further period of  
17 three years.

18 (2) A member of the council shall cease to hold office if:

19 (a) the member resigns his office by notice in writing under his hand,  
20 addressed to the minister; or

21 (b) the minister is satisfied that it is not in the interest of the college for  
22 the person appointed to continue in office and notifies the member in writing to  
23 that effect.

Powers of the  
Council

24 7.-(1) For the carrying out of the functions of the college, the council  
25 shall have power to:

26 (a) provide amenities for and make such other provision for the  
27 welfare of the staff of the college;

28 (b) make gifts for any charitable purpose;

29 (c) invest the funds of the college in securities specified by law or in  
30 such other securities;

1 in Nigeria as may be approved by the minister;

2 (d) borrow money within Nigeria in such manner and upon such  
3 security as the minister may from time to time authorise;

4 (e) enter into such contracts as may be necessary or expedient for  
5 carrying into effect the objectives of the college;

6 (f) recruit staff of the right caliber and determine the career  
7 structure of such staff;

8 (g) establish and maintain teaching units within the college or  
9 departments as the council may, from time to time, decide;

10 (h) institute and award fellowships, medals, prizes and other titles;

11 (i) mount exhibitions and displays designed to foster an  
12 appreciation of trends in and the scope and requirements of education;

13 (j) erect, provide, equip and maintain such educational,  
14 recreational and residential facilities as the college may require;

15 (k) create lectureships and other academic posts and offices and to  
16 make appointments;

17 (l) encourage and make provision for research in the college; and

18 (m) do such acts and things whether or not incidental to the  
19 foregoing powers as may advance the objects of the college.

20 8.-(1) The minister of health shall be the visitor of the college.

Visitation

21 (2) the visitor shall, at least once in every five years, conduct a  
22 visitation of the college or appoint a visitation panel consisting of not less  
23 than five experts to conduct the visitation:

24 (a) for the purpose of evaluating the academic and administrative  
25 performance of the college; or

26 (b) for such other purpose or in respect of any other affairs of the  
27 college as the visitor may deem fit.

28 9.-(1) There shall be established for the college a board to be  
29 known as the academic board which shall consist of the following members:

The Academic  
Board and its  
functions

30 (a) the ~~provost~~ of the college who shall be the chairman;

1 (b) all heads of departments;  
2 (c) the college librarian; and  
3 (d) not more than two members of the academic staff other than heads  
4 of departments to be appointed by the council.

5 (2) the academic board shall be responsible for:

6 (a) the direction and management of academic matters of the college  
7 including the regulation of admission of students, the award of certificates,  
8 scholarships, prizes and other academic distinctions;

9 (b) making periodic reports on such academic matters to the council  
10 as the council may from time to time direct; and

11 (c) discharging any other functions which the council may from time  
12 to time delegate to it.

**Power of Minister  
to give directions  
to the Council**

13 **10.** Subject to the provisions of this bill, the minister may give to the  
14 council directions of a general character or relating generally to matters of  
15 policy with regard to the exercise by the council of its functions under this bill  
16 and it shall be the duty of the council to comply with such directions.

**The Provost of  
the College**

17 **11.**-(1) There shall be a provost of the college (in this bill referred to as  
18 "the provost") who shall be appointed by the minister, in accordance with the  
19 provisions of this clause.

20 (2) where a vacancy occurs in the office of provost, the council shall:

21 (a) advertise the vacancy in a reputable journal or a widely read  
22 newspaper in Nigeria specifying:

23 (i) the qualities of the person who may apply for the post;

24 (ii) the terms and conditions of service applicable to the post;

25 and thereafter draw up a short list of suitable candidates for consideration;

26 (b) constitute a search team consisting of:

27 (i) a member of the council not being a member of the academic  
28 board, as chairman;

29 (ii) two members of the academic board not below the rank of chief  
30 lecturer;

1 (iii) two members of the academic community of the college not  
2 below the rank of chief lecturer to be selected by the council, to identify and  
3 draw up a short list of suitable persons who are not likely to apply for the post  
4 for any reason whatsoever.

5 (3) a joint council and academic selection board consisting of:

6 (a) the chairman of the council;

7 (b) two members of the council not being members of the academic  
8 board;

9 (c) two members of the academic board not below the rank of chief  
10 lecturer, who were not members of the search team, shall consider the  
11 candidates and persons on the short lists drawn up under sub clause (2) of  
12 this clause through an examination of their curriculum vitae and interaction  
13 with them and recommend through the council to the minister, three  
14 candidates for his consideration.

15 (4) the minister shall appoint as provost one of the candidates  
16 recommended to him under the provisions of sub clause (3) of this clause.

17 (5) the provost:

18 (a) shall hold office for a period of four years beginning with the  
19 effective date of appointment and on such terms and conditions as may be  
20 specified in the letter of appointment; and

21 (b) may be reappointed for one further period of four years and no  
22 more.

23 12.-(1) There shall be for the college a deputy provost.

Deputy Provost

24 (2) The council shall appoint the deputy provost from among the  
25 chief lecturers in the college in one of the following ways, that is:

26 (a) from a list of three candidates in order of preference, submitted  
27 by the provost; or

28 (b) on the recommendation of a selection board constituted under  
29 this clause for that purpose; or

30 (c) on the nomination of the provost.

- 1 (3) the selection board referred to in sub clause (2) of this clause shall:  
2 (a) consist of:  
3 (i) the chairman of the council;  
4 (ii) the provost;  
5 (vii) two members of the council not being members of the academic  
6 board;  
7 (iv) two members of the academic board; and  
8 (b) make such inquiries as it deems fit before making the  
9 recommendation required under that sub clause.  
10 (4) the deputy provost shall:  
11 (a) assist the provost in the performance of his functions;  
12 (b) act in the place of the provost when the office of provost is vacant  
13 or if the provost is, for any reason, absent or unable to perform his functions as  
14 provost; and  
15 (c) perform such other functions as the provost or the council may,  
16 from time to time, assign to him.  
17 (5) the deputy provost:  
18 (a) shall hold office for two years from the date of appointment and on  
19 such terms and conditions as may be specified in the letter of appointment; and  
20 (b) may be reappointed for one further period of two years and no  
21 more.
- 22 13.-(1) The council of the college shall appoint a registrar to the  
23 college (hereinafter referred to as the registrar") who shall keep the records and  
24 conduct the correspondence of the council and shall perform such other duties  
25 as the council and the provost may from time to time direct.
- 26 (2) The registrar shall, in addition to other duties conferred on him by  
27 or under this bill, be the secretary to the council, the academic board and any  
28 committee of the council and in his absence, the council or any such committee  
29 may appoint some other person to act as secretary, and he shall not vote on any  
30 question before the council or count towards a quorum.

The Registrar  
and other staff  
of the College

1 (3) A Registrar:

2 (a) shall hold office for a period of five years from the effective date  
3 of appointment and on such terms and conditions as may be specified in the  
4 letter of appointment; and

5 (b) may be reappointed for one further period of five years and no  
6 more.

7 (4) Where, on the commencement of this clause, a registrar  
8 appointed before the commencement of this clause has held office:

9 (a) for five years or less, the person shall be deemed to be serving  
10 the first term of office and may be reappointed for a further term of five  
11 years;

12 (b) for more than five years but less than ten years, the person shall  
13 complete the maximum period of ten years and thereafter relinquish the  
14 post; and

15 (c) for ten years or more, the council may allow the person to serve  
16 as registrar for a further period of one year only and thereafter he shall  
17 relinquish the office.

18 14. A Principal officer may resign the appointment:

19 (a) in the case of the provost, by notice to the visitor; and the bursar;  
20 and

Resignation of  
appointment of  
Principal Officers

21 (b) in any other case, by notice to the council.

22 15. The council may appoint such other persons to be employees  
23 of the college as the council may determine to assist the provost and the  
24 principal officers of the college in the performance of their functions under  
25 this bill.

Other Staff of  
the College

26 16.-(1) There shall be, for the college, a selection board which shall  
27 consist of:

Selection Board  
for other Principal  
Officers

28 (a) the chairman of the council;

29 (b) the provost;

30 (c) four members of the council not being members of the

1 academic board; and

2 (d) two members of the academic board.

3 (2) the functions, procedure and other matters relating to the selection  
4 board constituted under sub clause (1) of this clause, shall be as the council  
5 may, from time to time, determine.

Pensions

6 17.-(1) Service in the college shall be approved service for the  
7 purposes of the pensions act and, accordingly, officers and other persons.  
8 employed in the college shall in respect of their service in the college be  
9 entitled to pensions, gratuities and other retirement benefits as are prescribed in  
10 the act, however nothing in this bill shall prevent the appointment of a person to  
11 any office on terms which preclude the grant of a pension and gratuity in  
12 respect of that office.

13 (2) For the purposes of the application of the provisions of the  
14 pensions act, any power exercisable by a minister or other authority of the  
15 government of the federation (other than the power to make regulations under  
16 clause 23) shall be exercisable by the college and not by any other person or  
17 authority.

18 PART II - FINANCIAL PROVISIONS

Establishment  
of fund of the  
College

19 18.-(1) The council shall establish and maintain a fund which shall be  
20 applied towards the promotion of the objectives specified in this bill.

21 (2) There shall be paid and credited to the fund established under sub  
22 clause (1) of this clause:

23 (a) such sums as may from time to time be granted to the council by  
24 the federal government through the national commission for colleges of  
25 education;

26 (b) all moneys raised for the purposes of the council by way of gifts,  
27 grants-in-aid or testamentary disposition; and

28 (c) all subscriptions, fees and charges for services rendered by the  
29 council and all other sums that may accrue to the council from any source.

30 (3) The council shall submit to the minister, through the national

1 commission for colleges of education, not later than three months before the  
2 end of each financial year or at such other time as he may direct, an estimate  
3 of its revenue and expenditure for the next succeeding financial year.

4 19.-(1) The council may accept gifts of land, money or other  
5 property upon such terms and conditions if any, as may be specified by the  
6 person making the gift.

Power to accept  
gifts

7 (2) The council shall not accept any gift if the conditions attached  
8 by the person making the gift are inconsistent with the functions of the  
9 council.

10 20. The council shall keep proper accounts of its receipts,  
11 payments, assets and liabilities and shall in respect of each year cause the  
12 accounts to be audited.

Accounts and  
audit

13 21. The council shall as soon as may be after the expiration of each  
14 financial year, prepare and submit to the minister a report of its activities  
15 during the immediately preceding financial year and shall include in the  
16 report a copy of the audited accounts of the college for that year and of the  
17 auditor's report on the accounts.

Annual Reports

18 PART III - MISCELLANEOUS AND SUPPLEMENTARY

19 22.-(1) for the purpose of providing offices and premises necessary  
20 for the performance of its functions, the council may:

Offices and  
Premises

21 (a) purchase any interest in or take on lease any land; and

22 (b) build, equip and maintain offices and premises.

23 (2) the council may, with the approval of the minister, sell any  
24 interest in or lease any land, offices or premises held by it and no longer  
25 required for the performance of its functions.

26 23.-(1) The council may make rules providing for the provost to  
27 conduct enquiries into alleged breaches of discipline (including lack of  
28 diligence) by students and such rules may make different provisions for  
29 different circumstances.

Discipline of  
Students

30 (2) The rules shall provide for the procedure and rules of evidence

1 to be followed at enquiries under this clause.

2 (3) Subject to the provisions of sub clause (1) of this clause, where it is  
3 proved during the enquiry that any student of the college has been guilty of  
4 misconduct, the provost may, without prejudice to any other disciplinary  
5 powers conferred on him by this bill or any regulations made there under direct:

6 (a) that the student shall not, during such period as may be specified in  
7 the direction, participate in such activities of the college, or make use of such  
8 facilities of the college, as may be specified;

9 (b) that the activities of the student shall during such period as may be  
10 specified in the directions, be restricted in such manner as may be so specified;

11 (c) that the student may be suspended for such period as may be  
12 specified in the direction; or

13 (d) that the student be expelled from the college.

14 (4) Where there is temporarily no provost or where the provost  
15 refuses to apply any disciplinary measures, the council may, either directly or  
16 through some other staff, apply such disciplinary actions as are specified in sub  
17 clause (3) of this clause to any student of the college who is guilty of  
18 misconduct.

19 (5) Where a direction is given under sub clause (3) (c) or (d) of this  
20 clause in respect of any student, the student may, within 21 days from the date  
21 of the letter communicating the decision to him, appeal against the direction to  
22 the council, and where such an appeal is brought, the council shall, after  
23 causing such inquiry to be made in the matter as the council considers just,  
24 either confirm or set aside the direction or modify it in such manner as the  
25 council may think fit.

26 (6) The fact that an appeal on a direction is brought in pursuance of  
27 sub clause (5) of this clause shall not affect the operation of the direction while  
28 the appeal is pending.

29 (7) The provost may delegate his powers under this clause of a

1 disciplinary committee consisting of such members of the college as he may  
2 nominate.

3 (8) nothing in this clause shall be construed as preventing the  
4 restriction or termination of a student's activities at the college otherwise  
5 than on the ground of misconduct.

6 (9) the direction under sub clause (3) (a) of this clause may be  
7 combined with a direction under sub clause (3) (b) of this clause,

8 (10) in all cases under this clause, the decision of the council shall  
9 be final unless reversed by the minister on appeal by the student.

10 24. In this bill:

Interpretation

11 "appropriate authority" means any person, body or authority authorized by  
12 law to act in a specific or general capacity in relation to a subject matter;

13 "campus" means any campus which may be established by the college;

14 "chairman" means the chairman of the council;

15 "council means the governing council of the college established by clause 4  
16 of this bill;

17 "provost" means the provost of a college appointed under clause 9 of this  
18 bill;

19 "functions" includes powers and duties;

20 "minister" means the minister charged with responsibility for matters  
21 relating to health;

22 "member" means a member of the council including the chairman.

23 25. This Bill may be cited as the Federal College of Health  
24 Technology, Ningi, Bauchi State (Establishment, etc.) Bill, 2021. Citation

1 SCHEDULE

2 [Clause 4]

3 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC

4 *Terms of Service*

5 1. There may be paid to the members of the council or any committee,  
6 other than ex- officio members, such remuneration and allowances as may  
7 from time to time be determined by the minister.

8 2. Where a vacancy occurs in respect of the membership specified in  
9 clause 3 (1) (d) and 3 (2) (d), it shall be filled by the appointment of a successor  
10 to hold office for the remainder of the term of office of his predecessor in office  
11 and such successor shall represent the same interest as his predecessor.

12 3. The council may act notwithstanding any vacancy in its  
13 membership or any defect in the appointment of a member or the absence of a  
14 member.

15 *Proceedings*

16 4.-(1) The council shall meet for the conduct of business at such times,  
17 places and on such days as the chairman may appoint but shall meet not less  
18 than once every four months.

19 (2) The chairman may at any time and shall, at the request in writing of  
20 not less than six members, convene a meeting of the council.

21 (3) At any meeting of the council the chairman shall preside; but in his  
22 absence, members present shall elect one of their members to preside at the  
23 meeting.

24 (4) Where the council desires to obtain the advice of any person on  
25 any particular matter, the council may co-opt persons who are not members of  
26 the council but persons co-opted shall not be entitled to vote at a meeting of the  
27 council

28 (5) The quorum of the council shall be one half of the total members of  
29 the council, at least one of whom shall be a member appointed by the minister.

30 (6) Decisions of the council shall be made on approval by a simple

1 majority of members.

2 *Miscellaneous*

3 5.-(1) The fixing of the seal of the college shall be authenticated by  
4 the signature of the chairman, provost and of some other members of the  
5 council authorised generally or specially by the council to act for that  
6 purpose.

7 (2) Any contract or instrument which, if made or executed by a  
8 person other than a body corporate would not be required to be under seal  
9 may be made or executed on behalf of the college by any person generally or  
10 specially authorised to act for that purpose by the council.

11 (3) Any document purporting to be duly executed under the seal of  
12 the college shall be received in evidence and shall, unless the contrary is  
13 proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Health Technology to ensure access to education in Health Technology, to provide full-time courses of teaching, instruction and training in Health Technology; and also make provision for the appointment of a provost and the officials of the college to carry out the administration of the college.

