

FEDERAL UNIVERSITY OF HEALTH SCIENCE AND TECHNOLOGY  
(ESTABLISHMENT) BILL, 2021  
ARRANGEMENT OF CLAUSES

*Clauses:*

PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL  
UNIVERSITY OF HEALTH SCIENCE AND TECHNOLOGY

1. Establishment of Federal University of Health Science and Technology
2. Objects of the University
3. Membership of the University
4. Powers of the University.
5. Chancellor to take precedence before members
6. Establishment and membership of the Council
7. Functions of the Council and its Finance and General Purpose Committee
8. Functions of the Senate
9. Vice-Chancellor to take precedence in the absence of Chancellor

PART II - TRANSFER OF PROPERTY

10. Transfer of Property

PART III - STATUTES OF THE UNIVERSITY

11. Powers of the University to make Statutes
12. Power to make Statutes
13. Proof of Statutes
14. Visitor to decide the meaning of Statutes

PART IV - SUPERVISION AND DISCIPLINE

15. The Visitor
16. Removal of members
17. Removal and discipline of academic, administrative and professional staff
18. Removal of Examiner

19. Disciplinary action on students

**PART V - MISCELLANEOUS AND GENERAL PROVISIONS**

20. Exclusion or discrimination

21. Transfer of land to the University

22. Consent of Visitor in land deals

23. Quorum

24. Committees

25. Seal of the University

26. Proposals and recommendation

27. Repeal

28. Savings and Transitional Provisions

29. Interpretation

30. Citation

Schedules

# A BILL

## FOR

AN ACT TO REPEAL THE FEDERAL COLLEGE OF DENTAL TECHNOLOGY AND THERAPY (ESTABLISHMENT) ACT, 2017 AND ENACT THE FEDERAL UNIVERSITY OF HEALTH SCIENCE AND TECHNOLOGY, BILL, 2021 TO MAKE COMPREHENSIVE PROVISIONS FOR MANAGEMENT AND ADMINISTRATION OF THE UNIVERSITIES; AND FOR RELATED MATTERS

*Sponsored by Hon. Okechukwu Toby*

[ ] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL  
2 UNIVERSITY OF HEALTH SCIENCE AND TECHNOLOGY

3 1.-(1) There is established the Federal University of Health  
4 Science and Technology, Enugu (in this Bill referred to as "the University").

Establishment of Federal University of Health Science and Technology, Enugu

5 (2) The University:

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

8 (b) may sue or be sued in its corporate name.

9 2. The objects of the University shall be to:

Objects of the University

10 (a) encourage the advancement of learning and to hold out to all  
11 persons without distinction of race, creed, sex or political conviction the  
12 opportunity of acquiring higher and liberal education in;

13 (b) develop, offer academic and professional programmes leading  
14 to the award of certificates, first degrees, post-graduate diploma and other  
15 higher degrees, which emphasises planning, adaptive, developmental and  
16 productive skills in education, technology, applied science, agriculture,  
17 commerce, art, social science, humanities, management and allied  
18 professional disciplines;

1 (c) encourage and promote scholarship and conduct research in  
2 restricted fields of learning and human endeavour and produce socially mature  
3 educational men and women with capability not to only understand need of  
4 Nigeria as a nation, but also to exploit existing educational infrastructures and  
5 improve on it to develop new ones;

6 (d) relate its activities to the social, cultural and economic needs of the  
7 people of Nigeria; and

8 (e) undertake other activities appropriate for a university of the  
9 highest standard.

Membership of  
the University

10 3.-(1) The University shall consist of-

11 (a) Chancellor;

12 (b) Pro-Chancellor and a Council;

13 (c) Vice Chancellor and a Senate;

14 (d) Deputy Vice Chancellors;

15 (e) a body to be called Congregation;

16 (f) a body to be called Convocation;

17 (g) the campuses and colleges of the University;

18 (h) the faculties, schools, institutes and other teaching and research  
19 units of the University;

20 (i) the persons holding the offices constituted by the First Schedule to  
21 this Bill other than those mentioned in paragraphs (a) to (c);

22 (j) all graduates and undergraduates; and

23 (k) all other persons who are members of the University in accordance  
24 with provisions made by Statute in that behalf.

25 (2) The First Schedule to this Bill shall have effect with respect to the  
26 Principal Officers of the University mentioned therein.

27 (3) A provision shall be made by Statute with respect to the  
28 constitution of the following bodies the-

29 (a) Council;

30 (b) Senate;

1 (c) Congregation; and

2 (d) Convocation.

3 4.-(1) For the carrying out of its objects as specified in section 2 of Powers of the  
4 this Bill, the University shall have power to- University

5 (a) establish such campuses, colleges, faculties, institutes, schools,  
6 extra-mural departments and other teaching and research units within the  
7 University as may seem necessary or desirable, subject to the approval of the  
8 National Universities Commission;

9 (b) institute professorships, readerships, associate professorships,  
10 lectureships and other posts and offices and to make appointments  
11 accordingly;

12 (c) institute and award fellowships, scholarships, exhibitions,  
13 bursaries, medals, prizes and other titles, distinctions, awards and forms of  
14 assistance;

15 (d) provide for the residence, discipline and welfare of members of  
16 the University;

17 (e) hold examinations and award degrees, diplomas, certificates  
18 and other distinctions to persons who have pursued a course of study  
19 approved by the University and have satisfied such other requirements as the  
20 University may lay down;

21 (f) award honorary degrees, fellowships or academic titles;

22 (g) demand and receive from any student or any other person  
23 attending the University for the purpose of instruction such fees as the  
24 University may determine, subject to the overall directives of the  
25 appropriate authority;

26 (h) subject to section 22 of this Bill, to acquire, hold, grant, charge  
27 or otherwise deal with or dispose of movable and immovable property  
28 wherever situate;

29 (i) accept gifts, legacies and donations, but without obligation to  
30 accept the same for a particular purpose unless it approves the terms and

- 1 conditions attaching to them;
- 2 (j) enter into contracts, establish trusts, act as trustee, solely or jointly  
3 with any other person, employ and act through agents;
- 4 (k) erect, provide, equip and maintain libraries, laboratories, lecture  
5 halls, halls of residence, refectories, sports grounds, playing fields and other  
6 buildings or things necessary, suitable or convenient for any of the objects of  
7 the University;
- 8 (l) hold public lectures and undertake printing, publishing and book  
9 selling;
- 10 (m) subject to any limitation or condition imposed by statute, to invest  
11 any money appertaining to the University by way of endowment, whether for  
12 general or special purposes, and such other money as may not be immediately  
13 required for current expenditure, in any investment or security or in the  
14 purchase or improvement of land, with power to vary any such investment and  
15 to deposit any money for the time being un-invested with any bank on deposit  
16 or current account;
- 17 (n) borrow, whether on interest or not, and if need be, upon the  
18 security of any or all of the property movable or immovable of the University,  
19 such money as the Council may in its discretion, find necessary or expedient to  
20 borrow or to guarantee any loan, advance or credit facility;
- 21 (o) make gifts for any charitable purpose;
- 22 (p) do anything which it is authorised or required by this Bill or by any  
23 other Statute to do; and
- 24 (q) do all such acts or things, whether or not incidental to the  
25 foregoing powers, as may advance the objects of the University.
- 26 (2) Subject to the provisions of this Bill and of the statutes made under  
27 it and without prejudice to section 9 (2) of this Bill, the powers conferred on the  
28 University by subsection (1) shall be exercisable on behalf of the University by  
29 the Council or by the Senate or in any other manner which may be authorised by  
30 this Bill.

1           5.-(1) The Chancellor shall in relation to the University, take  
2 precedence, before all other members of the University, and when he is  
3 present shall preside at all meetings of Convocation held for conferring  
4 degrees.

Chancellor to  
take precedence  
before members

5           (2) The Pro-Chancellor shall, in relation to the University, take  
6 precedence before all other members of the University except the  
7 Chancellor, and except for the Vice-Chancellor when acting as Chairman of  
8 Congregation or Convocation, and the Pro-Chancellor shall, when he is  
9 present, be the Chairman at all meetings of the Council.

10          6.-(1) There shall be a Council for the University consisting of-

Establishment  
and membership  
of the Council

11           (a) the Pro-Chancellor;

12           (b) the Vice-Chancellor;

13           (c) the Deputy Vice-Chancellors;

14           (d) one person from the Federal Ministry responsible for  
15 education;

16           (e) four persons representing a variety of interests and broadly  
17 representative of the whole Federation to be appointed by the President;

18           (f) four persons appointed by the Senate from among its members;

19           (g) two persons appointed by the Congregation from among its  
20 members; and

21           (h) one person appointed by Convocation from among its  
22 members.

23           (2) Persons to be appointed to the Council shall be persons of  
24 proven integrity, knowledgeable and familiar with the affairs and tradition  
25 of the University.

26          7.-(1) Subject to the provisions of this Bill relating to the Visitor,  
27 the Council shall be the governing body of the University and shall be  
28 charged with the general control and superintendence of the policy, finances  
29 and property of the University, including its public relations.

Functions of the  
Council and its  
Finance and General  
Purpose Committee

30           (2) There shall be the Finance and General Purposes Committee of

1 the Council, which shall, subject to the directions of the Council, exercise  
2 control over the property and expenditure of the Council as the Council may  
3 delegate to it.

4 (3) Provision shall be made by Statute with respect to the constitution  
5 of the Finance and General Purposes Committee.

6 (4) The Council shall ensure proper accounts of the University are  
7 kept and that the accounts of the University are audited annually by auditors  
8 appointed by the Council from the list and in accordance with guidelines  
9 supplied by the Auditor-General for the Federation, and that an annual report is  
10 published by the University together with certified copies of the accounts as  
11 audited.

12 (5) Subject to this Bill and the Statutes, the Council and the Finance  
13 and General Purposes Committee may each make rules for the purpose of  
14 exercising any of their respective functions or of regulating their own  
15 procedure.

16 (6) Rules made under subsection (5) by the Finance and General  
17 Purposes Committee shall not come into effect unless approved by the Council,  
18 and where any rule so made by the Committee conflicts with any direction  
19 given by the Council (whether before or after the coming into effect of the rules  
20 in question), the direction of the Council shall prevail.

21 (7) There shall be paid to the members of the Council, the Finance and  
22 General Purposes Committee and of any other committee set up by the  
23 Council, travelling allowances and other reasonable expenses, at such rates as  
24 may be fixed by extant government circulars.

25 (8) The Council shall meet as and when necessary for the performance  
26 of its functions under this Bill, and shall meet at least four times every year.

27 (9) If required in writing by five members of the Council, the  
28 Chairman shall, within 28 days after the receipt of such request, call a meeting  
29 of the Council.

30 (10) If after 28 days of the receipt or delivery to him of a request under

1 subsection (9), the Chairman fails or neglects to call a meeting, the Registrar  
2 shall, within 14 days, cause a meeting of the Council to be convened for that  
3 purpose and the request shall specify the business to be considered at the  
4 meeting and no business not so specified shall be transacted at that meeting.

5 8.-(1) Subject to section 5 of the Bill and subsections (3) and (4) of  
6 this section, and the provisions of this Bill relating to the Visitor, it shall be  
7 the general function of the Senate to organise and control teaching in the  
8 University, admission of students, the discipline of students and to promote  
9 research in the University.

Functions of the  
Senate

10 (2) Without prejudice to the generality of the provisions of  
11 subsection (1) of this section, the Senate shall make provision for the-

12 (a) establishment, organisation and control of campuses, colleges,  
13 faculties, departments, schools, institutes and other teaching and research  
14 units of the University, and the allocation of responsibility for different  
15 branches of learning;

16 (b) organisation and control of courses of study in the University  
17 and of the examinations held in conjunction with those courses, including  
18 the appointment of examiners, both internal and external;

19 (c) award of degrees, and such other qualifications as may be  
20 prescribed, in connection with examinations conducted by the University;

21 (d) making of recommendations to the Council with respect to the  
22 award to any person of an honorary fellowship, honorary degree or the title  
23 of professor emeritus;

24 (e) establishment, organisation and control of halls of residence  
25 and similar institutions in the University;

26 (f) supervision of the welfare of students in the University and the  
27 regulation of their conduct;

28 (g) granting of fellowships, scholarships, prizes and similar awards  
29 that are within the control of the University; and

30 (h) determination of what description of dress shall be academic

1 dress for the purposes of the University, and regulating the use of academic  
2 dress.

3 (3) The Senate shall not establish any new campus, college, faculty,  
4 department, school, institute or other teaching and research units of the  
5 University, any hall of residence or similar institution at the University without  
6 the approval of the Council.

7 (4) Subject to this Bill and the Statutes, the Senate may-

8 (a) make regulations for the purpose of exercising any function  
9 conferred on it either by the provisions of this section or for the purpose of  
10 providing for any matter for which provision by regulation is authorised or  
11 required by this Act or by Statute; and

12 (b) by regulation, provide that at least one of the persons appointed as  
13 examiners at each final or professional examination held in conjunction with  
14 any course of study in the University is not a teacher at the University but is a  
15 teacher at the branch of learning to which the course relates in some other  
16 University of high repute.

17 (5) Subject to a right of appeal to the Council from a decision of the  
18 Senate under this subsection, the Senate may deprive any person of any degree,  
19 diploma or other award of the University which has been conferred on him if  
20 after due enquiry he is shown to have been guilty of any dishonourable or  
21 scandalous conduct in gaining admission into the University or obtaining that  
22 award.

23 9.-(1) The Vice-Chancellor shall, in relation to the University, take  
24 precedence before all other members of the University except the Chancellor  
25 and, subject to section 5 of this Bill, the Pro-Chancellor and any other person  
26 for the time being acting as Chairman of the Council.

27 (2) Subject to the provisions of this Bill, the Vice-Chancellor shall  
28 have general function, in addition to any other function conferred on him by  
29 this Bill or otherwise, of directing the activities of the University, and shall, to  
30 the exclusion of any other person or authority, be the chief executive and

e-Chancellor  
take precedence  
in the absence of  
Chancellor

1 academic officer of the University and ex-officio Chairman of the Senate.

2 PART II - TRANSFER OF PROPERTY

3 10.-(1) All property held by or on behalf of the Provisional Council  
4 shall vest in the University and be held by it for the purpose of the  
5 University.

Transfer of  
Property

6 (2) The provisions of the Second Schedule to this Bill shall have  
7 effect with respect to the transfer of property by this section and to matters  
8 arising therefrom and with respect to other matters mentioned in that  
9 Schedule.

10 PART III - STATUTES OF THE UNIVERSITY

11 11.-(1) Subject to this Bill, the University may make Statutes for-

Powers of the  
University to  
make Statutes

12 (a) making provision with respect to the composition and  
13 constitution of any authority of the University;

14 (b) specifying and regulating the powers and duties of any  
15 authority of the University, and any other matter connected with the  
16 University;

17 (c) regulating the admission of students where it is done by the  
18 University, and their discipline and welfare;

19 (d) determining whether any particular matter is to be treated as  
20 academic or non-academic for the purposes of this Bill, any Statute,  
21 regulation or other instrument made thereunder; and

22 (e) making provision for other matters for which provision by  
23 Statute is authorised or required by this Bill.

24 (2) Subject to section 25 (6) of this Bill, the Interpretation Act shall  
25 apply in relation to any Statute made under this section as it applies to a  
26 subsidiary instrument within the meaning of section 27 (1) of that Act.

27 (3) The Statute contained in the Third Schedule to this Bill shall be  
28 deemed to have come into effect on the commencement of this Bill and shall  
29 be deemed to have been made under this section by the University.

30 (4) The power to make Statute conferred by this section shall not be

1 prejudiced or limited in any way by reason of the inclusion or omission of any  
2 matter in or from the Statute contained in the Third Schedule to this Bill or any  
3 subsequent Statute.

Power to make  
Statutes

4 **12.**-(1) The power of the University to make Statutes shall be  
5 exercised in accordance with the provisions of this section.

6 (2) A proposed Statute shall not come into effect until it has been  
7 approved at a meeting of the:

8 (a) Senate, by the votes of not less than two-thirds of the members  
9 present and voting; and

10 (b) Council by the votes of not less than two-thirds of the members  
11 present and voting.

12 (3) A proposed Statute may originate either in the Senate or Council,  
13 and may be approved as required by subsection (2) by both bodies in no  
14 particular order.

15 (4) A Statute which-

16 (a) makes provision for or alters the composition or constitution of the  
17 Council, the Senate or any other authority of the University; or

18 (b) provides for the establishment of a new campus or college or for  
19 the amendment or revocation of any Statute whereby a campus or college is  
20 established, shall not come into operation unless it has been approved by the  
21 Visitor.

22 (5) For the purpose of section 2 (2) of the Interpretation Act, a Statute  
23 shall be treated as being made on the date on which it is approved by the  
24 Council and the Senate in accordance with subsection (3) or in the case of a  
25 Statute falling within subsection (4), on the date on which it is approved by the  
26 President.

Proof of Statutes

27 **13.** A statute may be proved in any court by the production of a copy  
28 of it bearing or having affixed to it a certificate signed by the Vice-Chancellor  
29 or the Registrar to the effect that the copy is a true copy of a Statute of that  
30 University.

1                   14.-(1) In the event of any doubt or dispute arising at any time as to  
2                   the meaning of any provision of a Statute, the matter may be referred to the  
3                   Visitor, who shall take such advice and make such decision on it as he deems  
4                   fit.

Visitor to decide  
the meaning of  
Statutes

5                   (2) The decision of the Visitor on any matter referred to him under  
6                   this section shall be binding upon the authorities, staff and students of the  
7                   University and where any question as to the meaning of any provision of a  
8                   Statute has been decided by the Visitor under this section, no question as to  
9                   the meaning of that provision shall be entertained by any other authority in  
10                  Nigeria.

11                  (3) Nothing in this subsection (2) shall affect the power of a court of  
12                  competent jurisdiction to determine whether any provision of a statute is  
13                  wholly or partly void as being ultra vires or as being inconsistent with the  
14                  Constitution.

15                  (4) The provisions of this section shall apply in relation to any  
16                  doubt or dispute as to whether any matter is, for the purposes of this Bill, an  
17                  academic or non-academic as they apply in relation to any doubt or dispute  
18                  as is mentioned in subsection (1) and accordingly the reference in subsection  
19                  (2) to any question as to the meaning of any provision of the statute shall  
20                  include references to any question as to whether any matter is for the  
21                  purposes, academic or non-academic.

22                                   PART IV - SUPERVISION AND DISCIPLINE

23                   15.-(1) The President shall be the Visitor of the University.

The Visitor

24                   (2) The Visitor shall, as often as the circumstances may require not  
25                   being less than once every five years, conduct a visitation of the University  
26                   or direct that such a visitation be conducted by such persons as the Visitor  
27                   may deem fit in respect of any of the affairs of the University.

28                   (3) The bodies and persons comprising the University shall:

29                   (a) make available to the Visitor, and to any other persons  
30                   conducting a visitation under this section, such facilities and assistance as

1 may reasonably be required for the purposes of the visitation; and

2 (b) give effect to any instruction consistent with the provisions of this  
3 Bill which may be given by the Visitor in consequence of the visitation.

Removal of  
members

4 **16.-(1)** Where it appears to the Council that a member (other than the  
5 Pro-Chancellor or the Vice-Chancellor) should be removed from office on  
6 grounds of misconduct or inability to perform the functions of his office, the  
7 Council shall make a recommendation to that effect through the Minister to the  
8 Visitor and if the Visitor, after making enquiries (if any) as may be considered  
9 necessary, approves the recommendation it may direct the removal of the  
10 member from office.

11 (2) The Minister shall use his best endeavors to cause a copy of the  
12 instrument embodying a direction under subsection (1) to be served as soon as  
13 reasonably practicable on the person to whom it relates.

Removal and  
discipline of  
academic,  
administrative  
and professional  
staff

14 **17.-(1)** Where it appears to the Council that there are reasons for  
15 believing that any person employed as a member of the academic,  
16 administrative or professional staff of the University, other than the Vice-  
17 Chancellor, should be removed from office on grounds of misconduct or  
18 inability to perform the functions of his office, the Council shall-

19 (a) give notice of those reasons to the person in question;

20 (b) afford such person an opportunity of making representation in  
21 person on the matter to the Council; and

22 (c) take a decision to terminate or not to terminate the appointment.

23 (2) If the affected staff or any three members of the Council so request  
24 within a period of one month from the date of receipt of the notice of the  
25 Council's decision, the Council shall make arrangements for:

26 (a) a joint committee of the Council and the Senate to review the  
27 matter and to report on it to the Council; and

28 (b) the person in question to be afforded an opportunity to appear  
29 before and be heard by an investigating committee with respect to the matter,  
30 and if the Council, after considering the report of the investigating committee,

1 is satisfied that the person in question should be removed, the Council may  
2 so remove him by an instrument in writing signed on the direction of the  
3 Council.

4 (3) The Vice-Chancellor may, in a case of gross misconduct by a  
5 member of staff which in the opinion of the Vice-Chancellor is prejudicial to  
6 the interest of the University, suspend such member and any such  
7 suspension shall immediately be reported to the Council.

8 (4) Any member of staff may be suspended from duty or his  
9 appointment may be terminated by the Council for a good cause and, for the  
10 purposes of this subsection, "good cause" means:

11 (a) conviction for any offence which the Council considers to  
12 render the person concerned unfit for the performance of the functions of his  
13 office;

14 (b) any physical or mental incapacity which the Council, after  
15 obtaining medical advice, considers to render the person concerned unfit to  
16 continue to hold office;

17 (c) conduct of a scandalous or disgraceful nature which the  
18 Council considers to render the person concerned unfit to continue to hold  
19 office; or

20 (d) conduct which the Council considers to constitute failure or  
21 inability of the person concerned to perform the functions of his office or to  
22 comply with the terms and conditions of his service.

23 (5) Any person suspended under subsection (3) shall be on half pay  
24 and the Council shall, before the expiration of a period of three months from  
25 the date of such suspension, consider the case against that person and come  
26 to a decision as to whether to:

27 (a) continue the person's suspension and if so on what terms  
28 (including the proportion of his emoluments to be paid to him);

29 (b) reinstate the person in which case the Council shall restore his  
30 full emoluments with effect from the date of suspension;

1 (c) terminate the appointment of the person concerned in which case  
2 the person will not be entitled to the proportion of his emoluments withheld  
3 during the period of suspension; and

4 (d) take such lesser disciplinary action against the person (including  
5 the restoration of such proportion of his emoluments that might have been  
6 withheld) as the Council may determine.

7 (6) Where the Council, under this section, decides to continue a  
8 person's suspension or decides to take further disciplinary action against the  
9 person, the Council shall, before the expiration of three months from the  
10 decision, come to a final determination in respect of the case concerning the  
11 person.

12 (7) The person by whom an instrument of removal is signed under  
13 subsection (1) shall use his best endeavors, to cause a copy of the instrument to  
14 be served as soon as reasonably practicable on the person to whom it relates.

15 (8) Nothing in this section shall prevent the Council from making  
16 regulations for the discipline of staff and workers of the University as may be  
17 appropriate.

18 **18.-(1)** Where, on the recommendation of the Vice-Chancellor, it  
19 appears to the Senate that a person appointed as an Examiner for an  
20 examination of the University ought to be removed from his office or  
21 appointment, then, the Senate may, after affording the Examiner an opportunity  
22 of making representations in person on the matter direct the Vice-Chancellor to  
23 remove the Examiner by an instrument in writing signed by the Registrar.

24 (2) Subject to the provisions of any regulation made under section 8  
25 (4) of this Bill, the Vice-Chancellor may, on the recommendation of Senate,  
26 appoint an appropriate person as Examiner in the place of the Examiner  
27 removed.

28 (3) The Registrar shall on signing an instrument of removal under this  
29 section, use his best endeavors to cause a copy of the instrument to be served as  
30 soon as reasonably practicable on the person to whom it relates.

1                   19.-(1) Subject to the provisions of this section, where it appears to  
2 the Vice- Chancellor that any student is guilty of misconduct, the Vice-  
3 Chancellor may, without prejudice to any other disciplinary powers  
4 conferred on him by Statute or regulations, direct that the-

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

8                   (b) activities of the student shall, during such period as may be  
9 specified in the direction, be restricted in such manner as may be specified;

10                  (c) student be rusticated for such period as may be specified in the  
11 direction; or

12                  (d) student be expelled from the University.

13                  (2) Where a direction is given under subsection (1) (c) or (d) in  
14 respect of any student, the student may, within the prescribed period and in  
15 the prescribed manner, appeal against the direction to the Senate.

16                  (3) Where an appeal is brought under subsection (2), the Senate  
17 shall, after causing such inquiry to be made in the matter as the Senate  
18 considers just, either confirm or set aside the direction or modify it in any  
19 manner as the Senate deems fit.

20                  (4) The fact that an appeal from a direction is brought under  
21 subsection (2) shall not affect the operation of the direction while the appeal  
22 is pending.

23                  (5) The Vice-Chancellor may delegate his powers under this  
24 section to a disciplinary board consisting of members of the University as he  
25 may nominate.

26                  (6) Nothing in this section shall be construed as preventing the  
27 restriction or termination of a student's activities at the University for  
28 conduct which, in the opinion of Senate, is prejudicial to the interest of the  
29 University, to its corporate objective or image.

30                  (7) A direction under subsection (1) (a) may be combined with a

1 direction under subsection (1)(b).

2 PART V - MISCELLANEOUS AND GENERAL PROVISIONS

Exclusion or  
discrimination

3 20.-(1) A person shall not be required to satisfy requirements as to  
4 race (including ethnic grouping), sex, place of birth, family origin, religious or  
5 political persuasion, as a condition for becoming or continuing to be a-

6 (a) student in the University;

7 (b) holder of any degree, appointment or employment in the  
8 University; or

9 (c) member of any body established by virtue of this Bill.

10 (2) A person shall not be subjected to any disadvantage or accorded  
11 any advantage in relation to the University by reference to any of the matters  
12 referred to in subsection (1).

13 (3) Nothing in subsection (1) shall be construed as preventing the  
14 University from imposing any disability or restriction on any of the persons  
15 specified in subsection (1), where such persons willfully refuse or fail on  
16 grounds of religious belief to undertake any duty generally and uniformly  
17 imposed on all such persons or any group of them which duty, having regard to  
18 its nature and the special circumstances, is in the opinion of the University  
19 reasonably justifiable in the national interest.

Transfer of land  
to the University

20 21.-(1) For the purpose of the Land Use Act (which provides for the  
21 compulsory acquisition of land for public purposes) any purpose of the  
22 University shall be the same as that of the Federation.

23 (2) Where an estate or interest in land is acquired by the Government  
24 pursuant to this section, the Government may, by a certificate under the hand  
25 and seal of the Chief Federal Lands Officer or any other person authorised in  
26 that behalf transfer it to the University.

Consent of Visitor  
to land deals

27 22.-(1) Without prejudice to the provisions of the Land Use Act, the  
28 University shall not dispose of or charge any land or an interest in any land  
29 (including any land transferred to the University by this Bill) except with the  
30 prior written consent, either general or special, of the Visitor.

1 (2) The consent shall not be required in the case of any lease or  
2 tenancy at a rack-rent for a term not exceeding 21 years of any lease or  
3 tenancy to a member of the University for residential purpose.

4 23. Except as may be otherwise provided by Statute or by Quorum  
5 regulation, the quorum and procedure of any body of persons established by  
6 this Bill shall be such as may be determined by that body.

7 24.-(1) Any body of persons established by this Bill shall, without Committees  
8 prejudice to the generality of the powers of that body, have power to appoint  
9 committees, which need not consist exclusively of members of that body  
10 and authorise a committee established by it to:

11 (a) exercise on its behalf, such of its functions as it may determine,  
12 and

13 (b) co-opt members and direct whether or not co-opted members  
14 shall be entitled to vote in that committee.

15 (2) Any two or more such bodies may arrange for the holding of  
16 joint meetings of those bodies or for the appointment of committees  
17 consisting of members of those bodies, for the purpose of considering any  
18 matter within the competence of those bodies or any of them and either  
19 dealing with it or of reporting on it to those bodies or any of them.

20 (3) Except as may be otherwise provided by Statute or regulation,  
21 the quorum and procedure of a committee established or meeting held under  
22 this section shall be such as may be determined by the body or bodies which  
23 have decided to establish the committee or hold the meeting.

24 (4) The Pro-Chancellor and the Vice-Chancellor shall be members  
25 of every committee of which the members are wholly or partly appointed by  
26 the Council, (other than a committee appointed to inquire into the conduct of  
27 the officer in question) and the Vice-Chancellor shall be a member of every  
28 committee of which the members are wholly or partly appointed by the  
29 Senate.

30 (5) Nothing in this section shall be construed as enabling-

1 (a) statutes to be made otherwise than in accordance with section 11 of  
2 this Bill; or

3 (b) the Senate to empower any other body to make regulations or to  
4 award degrees or other qualifications.

Seal of the  
University

5 25.-(1) The seal of the University shall be such as may be determined  
6 by the Council and approved by the Chancellor and the affixing of the seal  
7 shall:

8 (a) in the case of certificates issued by the University, be authenticated  
9 by the Vice-Chancellor and the Registrar; and

10 (b) in the case of any other document, be authenticated by any  
11 member of Council, the Vice-Chancellor and the Registrar or any other person  
12 authorised by Statute.

13 (2) Any document purporting to be a document executed under the  
14 seal of the University shall be received in evidence and shall, unless the  
15 contrary is proved, be deemed to be so executed.

16 (3) Any contract or instrument which, if made or executed by a person  
17 not being a body corporate, would not be required to be under seal, may be  
18 made or executed on behalf of the University by any person generally or  
19 specially authorised to do so by the Council without seal.

20 (4) The validity of the proceedings of any body established pursuant  
21 to this Bill shall not be affected by-

22 (a) any vacancy in the membership of the body;

23 (b) any defect in appointment of a member of the body; or

24 (c) reason that any person not entitled to do so, took part in the  
25 proceedings.

26 (5) Any member of a body who has a personal interest in any matter  
27 proposed to be considered by that body shall disclose his interest to the body  
28 and shall not vote on any question relating to that matter.

29 (6) Nothing in section 12 of the Interpretation Act (which provides for  
30 the application, in relation to subordinate legislation, of certain incidental ns

1 provisions) shall apply to statutes or regulations made pursuant to this Bill.

2 (7) The power conferred by this Bill on anybody to make statute or  
3 regulations shall include power to revoke or vary any:

4 (a) Statute (including the Statute contained in the Third Schedule to  
5 this Bill; or

6 (b) Regulation by a subsequent Statute or Regulation as the case  
7 may be, and that the Statutes and Regulations may have different provisions  
8 in relation to different circumstances.

9 (8) No stamp or other duty shall be payable in respect of any  
10 transfer of property to the University by virtue of sections 10, 21, and the  
11 Second Schedule to this Bill.

12 (9) Any notice or other instrument authorised to be served by virtue  
13 of this Bill may, without prejudice to any other mode of service, be served by  
14 post.

15 26. Where in any of the provisions of this Bill, it is laid down that  
16 proposals are to be submitted or a recommendation is to be made by one  
17 authority to another through one or more intermediate authorities, every  
18 such intermediate authority shall forward any proposal or recommendation  
19 received by it pursuant to that provision to the appropriate authority, but  
20 any such intermediate authority may, if it thinks fit, forward its own  
21 comments on it.

Proposals and  
recommendation

22 27. The Federal College of Dental Technology and Therapy  
23 (Establishment) Act, 2017 is repealed.

Repeal

24 28.-(1) All assets, rights, liabilities, interests, and obligations  
25 vested in Federal College of Dental Technology and Therapy  
26 (Establishment) Act, 2017, before the commencement of this Bill, shall after  
27 commencement of this Bill be vested in the Federal University of Health  
28 Science, and Technology,

Saving and  
Transitional  
Provisions

29 (2) All staff of Federal College of Dental Technology and Therapy  
30 existing before the commencement of this Bill shall after commencement of

1 this Bill continue to be staff of Federal University of Health Science, and  
2 Technology, in accordance with the terms of appointment.

Interpretation

3 29. In this Bill:

- 4 "appropriate authority" means any person, body or authority authorised by law  
5 to act in a specific or general capacity in relation to a subject matter; "campus"  
6 means any campus which may be established by the University; "college"  
7 means any college which may be established by the University;  
8 "Constitution" means the Constitution of the Federal Republic of Nigeria;  
9 "Government" means the Federal Government of Nigeria;  
10 "graduate" means a person on whom a degree (other than an honorary degree)  
11 has been conferred by the University;  
12 "gross misconduct" means any act of misconduct and improper behaviour that  
13 may be designated as gross misconduct by any Statute or regulation made,  
14 pursuant to this Act;  
15 "Minister" means the Minister charged with responsibility for education;  
16 "misconduct" means any conduct which is prejudicial to the good name of the  
17 University or the discipline and proper administration of the business of the  
18 University;  
19 "notice" means notice in writing;  
20 "officer" does not include the Visitor;  
21 "prescribed" means prescribed by Statute or regulation made under this Act;  
22 "President" means the President of the Federal Republic of Nigeria;  
23 "professor" means a person designated as a professor of the University in  
24 accordance with provisions made in that behalf by Statute or by regulations;  
25 "property" includes rights, liabilities and obligations;  
26 "the Provisional Council" means the Provisional Council appointed for the  
27 University by the President with effect from September 2017;  
28 "regulations" means regulations made by the Senate or Council;  
29 "Senate" means the Senate of the University established by this Act;  
30 "Statute" means a Statute made by the University under section 11 of this Act

1 and in accordance with the provisions of section 12 of this Act;  
2 "the Statutes" means all such Statutes as are in effect from time to time;  
3 "teacher" means a person holding a full time appointment as a member of the  
4 teaching or research staff of the University;  
5 "undergraduate" means a person in statu pupilarum in the University, other  
6 than-  
7 (a) a graduate, and  
8 (b) a person of such description as may be prescribed for the  
9 purposes of this definition, and "University" means the Federal University  
10 of Health Science and Technology as established by this Bill.

11 28. This Bill may be cited as the Federal University of Health  
12 Science and Technology (Establishment) Bill, 2021.

13 SCHEDULES

14 FIRST SCHEDULE

15 PRINCIPAL OFFICERS OF THE UNIVERSITY

16 *The Chancellor*

17 1. The Chancellor shall be appointed by, and hold office at the  
18 pleasure of, the President.

19 *The Pro-Chancellor*

20 2.-(1) The Pro-Chancellor shall be appointed or removed from  
21 office by the President.

22 (2) Subject to the provisions of this Act, the Pro-Chancellor shall  
23 hold office for a period of four years from the date of his appointment.

24 *The Vice Chancellor*

25 3. The procedure for the appointment and removal of the Vice-  
26 Chancellor shall be in accordance with the provisions of the University  
27 (Miscellaneous Provisions) Act 1993 as amended.

28 *Deputy Vice Chancellor*

29 4.-(1) There shall be for the University, two Deputy Vice-  
30 Chancellors or such number of Deputy Vice-Chancellors as the Council

1 may, from time to time, deem necessary for the proper administration of the  
2 University.

3 (2) The procedure for the appointment and removal of a Deputy Vice-  
4 Chancellor shall be in accordance with the provisions of the University  
5 (Miscellaneous Provisions) Act 1993 as amended.

6 (3) A Deputy Vice-Chancellor shall:

7 (a) assist the Vice-Chancellor in the performance of his functions;

8 (b) act in place of the Vice-Chancellor when the post of the Vice-  
9 Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or  
10 unable to perform his functions as Vice-Chancellor; and

11 (c) perform such other functions as the Vice-Chancellor or the  
12 Council may assign to him.

13 *Office of the Registrar, Bursar and University Librarian*

14 5.-(1) There shall be for the University, a Registrar, who shall be the  
15 Chief Administrative Officer of the University and is responsible to the Vice-  
16 Chancellor for the day-to-day administration of the University except as  
17 regards matters for which the Bursar is responsible in accordance with  
18 paragraph 6 (2).

19 (2) The person holding the office of Registrar shall, by virtue of that  
20 office, be Secretary to the Council, the Senate, Congregation and Convocation.

21 (3) The Registrar, Bursar and Librarian shall hold office for a single  
22 term of five years only effective from the date of appointment and on such  
23 terms and conditions as may be specified in the appointment letter.

24 (4) The Council may, upon satisfactory performance, extend the  
25 tenure of the Registrar, Bursar or Librarian for a further period of one year only  
26 and thereafter the Registrar, Bursar or Librarian shall relinquish the post and be  
27 assigned to other duties in the University.

28 *Principal Officers of the University*

29 6.-(1) There shall be for the University, the following Principal  
30 Officers in addition to the Registrar:

- 1 (a) the Bursar; and
- 2 (b) the University Librarian.

3 (2) The Bursar shall be the Chief Financial Officer of the  
4 University and is responsible to the Vice-Chancellor for the day-to-day  
5 administration and control of the financial affairs of the University.

6 (3) The University Librarian shall be responsible to the Vice-  
7 Chancellor for the administration of the University Library and the co-  
8 ordination of all library services in the University and its campuses,  
9 colleges, faculties, schools, departments and institutes and other teaching or  
10 research units.

11 (4) The Bursar and the University Librarian shall each hold office  
12 for such period and on such terms and conditions as to emoluments as may  
13 be specified in their letters of appointment.

14 *Other Officers of the University*

15 7. There shall be for the University, a Director of Works, who is  
16 responsible to the Vice-Chancellor for the administration of the Works  
17 Department, and is responsible for all works, services and maintenance of  
18 University facilities.

19 *Director of Health Services*

20 8. There shall be for the University, a Director of Health Services,  
21 who shall:

22 (a) be responsible to the Vice-Chancellor for the administration of  
23 the Health Centre;

24 (b) be the Chief Medical Officer of the University; and

25 (c) coordinate all matters relating to the health of all staff and  
26 students.

27 *Resignations and Appointment*

28 9.-(1) Any officer mentioned in this Schedule may resign his office  
29 in:

30 (a) the case of the Chancellor or Pro-Chancellor, by notice to the

1 become members of the corresponding faculty boards, until new appointments  
2 are made in pursuance of the Statutes under this Act.

3 *The Staff*

4 5. Any person who was a member of staff of the University as  
5 established or was otherwise employed by the Provisional Council shall be  
6 employed at the University on such designation, status and functions which  
7 correspond as nearly as possible to those which pertained to him as a member  
8 of that staff or as such an employee.

9 *The Scope of Responsibilities*

10 6. Questions as to the scope of the responsibilities of the officers shall  
11 be determined by the Vice-Chancellor.

12 THIRD SCHEDULE *Sections 11 (3), (4) and 25 (7)*  
13 FEDERAL UNIVERSITY OF HEALTH, SCIENCE  
14 AND TECHNOLOGY  
15 STATUTE NO.1

16 *Articles:*

- 17 1. The Council
- 18 2. Finance and General Purpose Committee
- 19 3. The Senate
- 20 4. The Congregation
- 21 5. Convocation
- 22 6. Organisation of Faculties and the Branches thereof
- 23 7. Faculty Board
- 24 8. The Dean of the Faculty
- 25 9. Selection of certain principal and other key officers
- 26 10. Creation of academic post
- 27 11. Appointment of academic staff
- 28 12. Appointment of administrative and technical staff

29 *The Council*

30 (1) Any member of Council holding office pursuant to section 6 (1),

1 (e), (f), (g) or (h) of this Act may, by notice to the Council resign his office.

2 (2) A member of Council holding office pursuant to section 6 (1)  
3 (e), (f), (g) or (h) of this Act shall, unless he previously vacates it, vacate that  
4 office on the expiration of a period of four years starting from 1st August in  
5 the year in which he was appointed.

6 (3) Where a member of Council holding office pursuant to section  
7 6(1) ( e), (f), (g) or (h) of this Act vacates office before the expiration of his  
8 tenure, the body that appointed him may appoint a successor to hold office  
9 for the residue of his unexpired term.

10 (4) A person ceasing to hold office as a member of Council  
11 otherwise than by removal for misconduct shall be eligible for re-  
12 appointment for only one further period of four years.

13 (5) The quorum of the Council shall be five, at least one of whom  
14 shall be a member pursuant to section 6 (1) (d) and (e) of this Act.

15 (6) If the Pro-Chancellor is not present at a meeting of the Council,  
16 the members present at the meeting may appoint one of them to be the  
17 Chairman at that meeting, and subject to section 5 of this Act and the  
18 provisions of this paragraph, the Council may regulate its own procedure.

19 (7) Where the Council desires to obtain advice with respect to any  
20 particular matter, it may co-opt not more than two persons for that purpose,  
21 and the persons co-opted may take part in the deliberations of the Council at  
22 any meeting but shall not be entitled to vote.

23 (8) The Council constituted by this Act shall have a four year tenure  
24 from the date of its inauguration, provided that where a Council is found to  
25 be incompetent and corrupt, it shall be dissolved by the Visitor and a new  
26 Council shall be immediately constituted for the effective functioning of the  
27 University.

28 (9) The powers of the Council shall be exercised in accordance  
29 with the laws and Statutes of the University, and to that extent, establishment  
30 circulars that are inconsistent with the laws and Statutes of the University

1 (6) Congregation shall be entitled to express by, resolution or  
2 otherwise, its opinion on all matters affecting the interest and welfare of the  
3 University and shall have other functions in addition to the function of electing  
4 a member of the Council, as may be provided by statute or regulations.

5 *Convocation*

6 5.-(1) Convocation shall consist of-

7 (a) the Officers of the University mentioned in the First Schedule to  
8 this Act;

9 (b) all teachers within the meaning of this Act; and

10 (c) all other persons whose names are registered in accordance with  
11 subparagraph (2).

12 (2) A person shall be entitled to have his name registered as a member  
13 of convocation if he-

14 (a) is either a graduate of the University or a person satisfying such  
15 requirements as may be prescribed for the purposes of this paragraph; and

16 (b) applies for the registration of his name in the prescribed manner  
17 and pays the prescribed fee.

18 (3) Regulations shall provide for the establishment and maintenance  
19 of a register for the purpose of this paragraph and, subject to subparagraph (3),  
20 may provide for the payment from time to time of further fees by persons  
21 whose names are on the register and for the removal from the register of the  
22 name of any person who fails to pay those fees.

23 (4) The person responsible for maintaining the register shall, without  
24 the payment of any fee, ensure that the names of all persons who are for the time  
25 being, members of Convocation by virtue of subparagraph (1) (a) or (b) are  
26 entered and retained on the register.

27 (5) A person who reasonably claims that he is entitled to have his  
28 name on the register shall be entitled on demand to inspect the register, or a copy  
29 of the register at the principal offices of the University at all reasonable times.

30 (6) The register shall, unless the contrary is proved, be sufficient use

1 evidence that any person named therein is, and that any person not named  
2 therein is not, a member of convocation, but for the purpose of ascertaining  
3 whether a particular person was such a member on a particular date, any  
4 entry in, and deletion from, the register made on or after that date shall be  
5 disregarded.

6 (7) The quorum of Convocation shall be 50 or one-third (or the  
7 whole number nearest to one-third) of the total number of members of  
8 Convocation whichever is less.

9 (8) Subject to section 5 of this Act, the Chancellor shall be  
10 Chairman at all meetings of Convocation when he is present, and, in his  
11 absence, the Vice-Chancellor shall be the Chairman at the meeting.

12 (9) Convocation shall have such functions, in addition to the  
13 function of appointing a member of the Council, as may be provided by  
14 Statute.

15 *Organization of Faculties and Branches of the University*

16 6. Each Faculty shall be divided into such number of branches as  
17 may be prescribed.

18 7. (1) There shall be established in respect of each Faculty, a  
19 Faculty Board, which subject to the provisions of this Act, and subject to the  
20 directions of the Vice-Chancellor, shall:

21 (a) regulate the teaching and study of, and the conduct of  
22 examinations connected with the subjects assigned to the faculty;

23 (b) deal with other matters assigned to it by Statute, by the Vice-  
24 Chancellor or by the Senate; and

25 (c) advise the Vice-Chancellor or Senate on any matter referred to  
26 it by the Vice-Chancellor or Senate.

27 (2) Each Faculty Board shall consist of:

28 (a) The Vice-Chancellor;

29 (b) The persons severally in charge of the branches of the faculty;

30 (c) such number of the teachers assigned to the faculty and having

1 the prescribed qualifications as the Board may determine; and

2 (d) such person whether or not members of the University as the  
3 Board may determine with the general or special approval of Senate.

4 (3) The quorum of the Board shall be eight members or one-quarter of  
5 the members of the Board for the time being whichever is greater.

6 (4) Subject to the provisions of this statute and to any provision made  
7 by regulations in that behalf, the Board may regulate its own procedure.

8 *The Dean of the Faculty*

9 8.-(1) The Dean of a faculty shall be a professor elected by the Faculty  
10 Board and such Dean shall hold office for a term of two years. He will be  
11 eligible for re-election for another term of two years after which he may not be  
12 elected again until two years have elapsed.

13 (2) If there is no professor in a faculty, the Vice-Chancellor shall  
14 appoint an Acting Dean who shall not be below the rank of Senior Lecturer for  
15 the faculty, who will act for a period of one year in the first instance, renewable  
16 for another one year only.

17 (3) In the absence of the Vice-Chancellor, the Dean shall be the  
18 chairman at all meetings of the Faculty Board when he is present and he shall be  
19 a member of all committees and other boards appointed by the faculty.

20 (4) The Dean of a faculty shall exercise general superintendence over  
21 the academic and administrative affairs of the faculty and it shall be the  
22 function of the Dean to present to the convocation for the conferment of  
23 Degrees, persons who have qualified for the Degrees of the University at  
24 examinations held in the branches of learning for which responsibility is  
25 allocated to that faculty.

26 (5) There shall be a committee to be known as the Committee of  
27 Deans which shall consist of all the Deans of the several faculties and that  
28 committees shall advice the Vice-Chancellor on all academic matters and on  
29 particular matters referred to the Committee by the Senate.

30 (6) The Dean of a faculty may be removed from the office for a good

1 cause by the Faculty Board after a vote would have been taken at a meeting  
2 of the Board, and in the event of a vacancy occurring following the removal  
3 of the Dean, an Acting Dean may be appointed by the Vice-Chancellor  
4 provided that at the next faculty board meeting an election shall be held for a  
5 new Dean.

6 (7) In this article, "good cause" has the same meaning as in section  
7 17(4) of this Act.

8 *Selection of Certain Principal and other key Officers*

9 9.-(1) When a vacancy occurs in the Office of the Registrar, Bursar,  
10 the University Librarian, Director of Health Services, a Selection Board  
11 shall be constituted by the Council and shall consist of:

12 (i) The Pro-Chancellor;

13 (ii) The Vice-Chancellor;

14 (iii) two members appointed by the Council, not being members of  
15 Senate; and

16 (iv) two members appointed by the Senate not being members of  
17 Council.

18 (2) The Selection Board, after making such inquiries as it thinks fit,  
19 shall recommend a candidate to the Council for appointment to the vacant  
20 office, and after considering the recommendation of the Board the Council  
21 may make an appointment to that office.

22 (3) A person appointed to the office of Director of Works or  
23 Director of Health Services shall hold office for such period and on such  
24 terms and conditions as may be specified in his letter of appointment.

25 *Creation of Academic Post*

26 10. Recommendation for the creation of posts other than those  
27 mentioned in paragraph 9 of this Schedule shall be made by the Senate to the  
28 Council through the Finance and General Purpose Committee.

29 *Appointment of Academic Staff*

30 11. Subject to this Act and the Statutes derived from it, the filling

1 of vacancies in academic posts (including newly created ones) shall be as  
2 prescribed from time to time by Statutes.

3 *Appointment of Administrative and Technical Staff*

4 12.-(1) The administrative and technical staff of the University, other  
5 than those mentioned in paragraph 9 of this schedule shall be appointed by the  
6 Councilor on its behalf by the Vice-Chancellor or the Registrar in accordance  
7 with any delegation of powers made by the Council in that behalf.

8 (2) In the case of administrative or technical staff that has close and  
9 important contacts with the academic staff, there shall be senate participation  
10 in the process of selection.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal Federal College of Dental Technology and Therapy (Establishment) Act, 2017 and enact the Federal University of Health Science, and Technology, to ensure equity and access to tertiary education in the country.

The University is a conventional University with restricted programmes, limited and focused faculties.