

FEDERAL COLLEGE OF EDUCATION (SPECIAL), PATANI,
(ESTABLISHMENT) BILL, 2021

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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION (SPECIAL), PATANI, DELTA STATE TO PROVIDE FULL-TIME COURSES OF STUDY IN TECHNOLOGY, APPLIED SCIENCES, ARTS, SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT AND TO MAKE PROVISIONS FOR THE GENERAL ADMINISTRATION OF THE COLLEGE AND FOR RELATED MATTERS.

Sponsored by Hon. Mutu Nicholas Ebomo

[] Commencement

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

1 1.-(1) There is hereby established the Federal College of Education
2 (Special), Patani in Patani Local Government Area of Delta State, Nigeria
3 (herein referred to as 'the College'), which shall have such powers and
4 exercise such functions as conferred by this Bill.

Establishment
of Federal College
of Education
(Special), Patani,
Delta State

5 (2) The College shall be a body corporate with perpetual
6 succession and a common seal and shall have power to acquire and dispose
7 of interests in movable and immovable property and may sue and be sued in
8 its corporate name.

9 2.-(1) The governance of the College and the direction of its affairs
10 shall vest in a Governing Council of the College (in this Bill referred to as
11 "the Council").

Governing Council
of the College

12 (2) Without prejudice to the generality of subsection (1) of this
13 section, it shall be the responsibility of the Council to consider and approve:

14 (a) the plan of activities of the College

15 (b) the programme of studies, courses, and research to be
16 undertaken by the College;

17 (c) the annual estimates of the College; and

18 (d) the investment plans of the College.

1 (3) The provisions of the Schedule to this Bill shall have effect with
2 respect to the Council as specified therein.

Membership of
the Council

3 3.-(1) The Council shall consist of a Chairman and the following other
4 members, to be appointed by the President:

5 (a) a representative of the Federal Ministry of Education;

6 (b) a representative a representative of the Nigerian Society of
7 Engineers;

8 (c) a representative of the University of Technology to which the
9 College is affiliated for the purpose of moderation of degree awarding
10 programmes;

11 (d) three persons of note in the areas of science and of technical
12 education, one of whom shall be a woman appointed by the President;

13 (e) a representative of the National Commission for Women;

14 (f) a representative of the alumni association of the College;

15 (g) two representatives of the Academic Board of the College;

16 (h) a representative of the National Commission for Colleges of
17 Education; and

18 (i) the Provost of the College.

Tenure of office
of members of
the Council

19 4.-(1) A member of the Council (other than ex-officio member) shall
20 hold office for a term of three years and subject to the provisions of subsection

21 (2) of this section, shall be eligible for re-appointment for a further
22 period of three years.

23 (3) The office of a member appointed under section 3(1)(d) of this Bill
24 shall become vacant if:

25 (a) the member resigns his office by notice in writing under his hand,
26 addressed to the Minister; or

27 (b) the Minister is satisfied that it is not in the interest of the College
28 for the person appointed to continue in office and notifies the member in
29 writing to that effect.

1 5. The functions of each College shall be to:

Functions of the
College

2 (a) provide full-time and part-time courses in teaching, instruction
3 and training in:

4 (i) technology, applied science, commerce, arts, social science,
5 humanities and management; and

6 (ii) such other fields of applied learning relevant to the needs of the
7 development of Nigeria in the areas of industrial and agricultural production
8 and distribution and for research in the development and adaptation of
9 techniques as the Council may from time to time determine;

10 (b) conduct courses in education for qualified teachers;

11 (c) arrange conferences, seminars and workshops relative to the
12 fields of learning specified in paragraph (a) of this section; and

13 (d) perform such other functions as in the opinion of the Council
14 may serve to promote the objectives of the College.

15 6.-(1) For the carrying out of the functions of each College, the
16 Council shall have power to:

Power of the
Council

17 (a) hold examinations and grant diplomas, professional certificates
18 and other distinctions to persons who have pursued a course of study
19 approved and accredited by the National Commission for Colleges of
20 Education;

21 (b) demand and receive from any student or any other person
22 attending the College for the purpose of instruction such fees as the Council
23 may, with the prior approval of the Minister, from time to time determine;

24 (c) hold public lectures and undertake printing, publishing and
25 bookselling;

26 (d) make gifts for any charitable purpose;

27 (e) hold examinations in education for qualified teachers;

28 (f) provide amenities for and make such other provision for the
29 welfare of the staff;

30 (g) invest the funds of the College in securities specified by law or

- 1 in such other securities in Nigeria as may be approved by the Minister;
- 2 (h) borrow money within Nigeria in such manner and upon such
- 3 security as the Minister may from time to time authorise;
- 4 (i) enter into such contracts as may be necessary or expedient for
- 5 carrying into effect the objectives of the College;
- 6 (j) recruit staff of the right calibre and determine the career structure
- 7 of such staff;
- 8 (k) establish and maintain such schools and other teaching units
- 9 within the College or extramural departments as the Council may, from time to
- 10 time, decide; (l) institute and award fellowships, medals, prizes and other titles;
- 11 (m) mount exhibitions and displays designed to foster an appreciation
- 12 of trends in and the scope and requirements of education;
- 13 (n) erect, provide, equip and maintain such educational, recreational
- 14 and residential facilities as the College may require;
- 15 (o) create lectureships and other academic posts and offices and to
- 16 make appointments thereto;
- 17 (p) encourage and make provision for research in the College; and
- 18 (q) do such acts and things whether or not incidental to the foregoing
- 19 powers as may advance the objects of the College.
- 20 (2) The power of the Council to establish further schools within the
- 21 College shall be exercisable by order and not otherwise.

Visitation

- 22 7.-(1) The Minister of Education shall be the Visitor to the College.
- 23 (2) The Visitor shall, not less than once in every five years, conduct a
- 24 visitation to the College or appoint a Visitation Panel, consisting of not less
- 25 than five experts to conduct the visitation for:
- 26 (a) the purpose of evaluating the academic and administrative
- 27 performance of the College;
- 28 (b) such other purpose or in respect of any other affairs of the College
- 29 as the Visitor may deem fit.

1 8.-(1) There shall be established for the College a board to be
2 known as the Academic Board which shall consist of the following
3 members:

The Academic
Board and its
functions

- 4 (a) the Provost of the College as the Chairman;
5 (b) all heads of departments;
6 (c) the College Librarian, and
7 (d) not more than two members of the academic staff other than
8 heads of departments, to be appointed by the Council.

9 (2) The Academic Board shall be responsible for:

- 10 (a) the direction and management of academic matters of the
11 College including the regulation of admission of students, the award of
12 certificates and diplomas, scholarships, prizes, and other academic
13 distinctions;

- 14 (b) making periodic reports on such academic matters to the
15 Council as the Council may from time to time direct, and

- 16 (c) discharging any other functions which the Council may
17 delegate to it.

18 9. Subject to the provisions of this Bill, the Minister may give to
19 the Council directions of a general character or relating generally to matters
20 of policy with regard to the exercise by the Council of its functions under
21 this Bill and it shall be the duty of the Council to comply with such
22 directions.

Power of Minister
to give directions
to the Council

23 10.-(1) There shall be a Provost for the College (in this Bill referred
24 to as 'the Provost') who shall be appointed by the President in accordance
25 with the provisions of this section.

The Provost
of the College

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

- 28 (a) advertise the vacancy in a reputable journal or widely read
29 newspaper in Nigeria, specifying the:

- 30 (i) qualifications of the person who may apply for the post; and

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

3 (b) constitute a search team consisting of:

4 (i) a member of the Council, not being a member of the Academic
5 Board, as Chairman; (ii) two members of the Academic Board, not below the
6 rank of chief lecturer;

7 (iii) two members of the academic community of the College not
8 below the rank of chief lecturer to be selected by Council, to identify and draw
9 up a short-list of persons who are not likely to apply for the post for any reason
10 whatsoever.

11 (3) A Joint Council and Academic Board Selection Board consisting
12 of:

13 (a) the Chairman of the Council;

14 (b) two members of the Council not being members of the Academic
15 Board;

16 (c) two members of the Academic Board not below the rank of chief
17 lecturer, who were not members of the search team, shall consider the
18 candidates and persons on the short-list drawn up under subsection (2) of this
19 section through an examination of their curriculum vitae and interaction with
20 them and recommend through the Council to the President, three candidates for
21 his consideration.

22 (4) The President shall appoint, as Provost, one of the candidates
23 recommended to him under the provisions of subsection (3) of this section.

24 (5) Subject to this Bill and the general control of the Council, the
25 Provost shall be the chief executive of the College and shall be charged with
26 general responsibility for matters relating to the day-to-day management
27 operations of the College.

28 (6) The Provost shall:

29 (a) hold office for a period of four years beginning from the effective
30 date of his appointment and on such terms and conditions as may be specified

1 in his letter of appointment; and

2 (b) may be re-appointed for a further period of four years and no
3 more.

4 11.-(1) There shall be for the College a Deputy Provost.

Deputy Provosts

5 (2) The Council shall appoint the Deputy Provost from among the
6 chief lecturers in the College in one of the following ways:

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

9 (b) on the recommendation of a Selection Board constituted under
10 this section for that purpose; or

11 (c) on the nomination of the Provost.

12 (3) The Selection Board referred to in subsection (2)(b) of this
13 section shall consist of:

14 (a) the chairman of the Council;

15 (b) the Provost;

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

18 (d) two members of the Academic Board; and make such inquiries
19 as it deems fit before making the recommendation required under that
20 subsection.

21 (4) The Deputy Provost shall:

22 (a) assist the Provost in the performance of the functions;

23 (b) act in the place of the Provost when the post of provost is vacant
24 or if the Provost is, for any reason, absent or unable to perform his functions
25 as Provost; and

26 (c) perform such other functions as the provost or the Council may,
27 from time to time, assign to him.

28 (5) A deputy provost shall:

29 (a) hold office for a period of two years beginning from the
30 effective date of his appointment and on such terms and conditions as may

The Registrar
and other staff
of the College

1 be specified in his letter of appointment; and

2 (b) may be re-appointed for one further period of two years and no
3 more.

4 12.-(1) The Council shall appoint a Registrar of the College (in this
5 Bill referred to as "the Registrar"), who shall keep the records and conduct the
6 correspondence of the Council and shall perform such other duties as the
7 Council and subject thereto as the Provost may from time to time direct.

8 (2) The Registrar shall, in addition to other duties conferred on him by
9 or under this Act, be the secretary to the Council, the Academic Board and any
10 committee of the Council and in his absence, the Council or any such
11 committee may appoint some other person to act as secretary, and he shall not
12 vote on any question before the Council or count towards a quorum.

13 (3) The Registrar shall:

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

17 (b) may be re-appointed for one further period of five years and no
18 more.

19 (4) Where on the commencement of this section, a Registrar
20 appointed before the commencement of this section has held office for:

21 (a) five years or less, he shall be deemed to be serving his first term of
22 office and may be re-appointed for a further term of five years;

23 (b) more than five years but less than ten years, he shall complete the
24 maximum period of ten years and thereafter relinquish his post and be assigned
25 other duties in the College;

26 (c) ten years or more, the Council may allow him to serve as Registrar
27 for a further period of one year only and thereafter he shall relinquish his post
28 and be assigned other duties in the College.

Other principal
officers of the
College

29 13.-(1) There shall be for the College the following other principal
30 officers in addition to the Registrar, namely:

1 (a) the Bursar, and
2 (b) the College Librarian, who shall be appointed by the Council on
3 the recommendation of the Selection Board constituted under section 11(3)
4 of this Bill.

5 (2) The Bursar shall be the chief financial officer of the College and
6 be responsible to the Provost for the day-to-day administration and control
7 of the financial affairs of the College.

8 (3) The College Librarian shall be responsible to the Provost for the
9 administration of the College library and the co-ordination of library
10 services in the teaching units of the College.

11 (4) The Bursar or Librarian shall:

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

15 (b) may be re-appointed for a further period of five (4) years and no
16 more.

17 (5) Where on the commencement of this section, a Bursar or
18 Librarian has held office for:

19 (a) five years or less, he shall be deemed to be serving his first term
20 of office and may be reappointed for a further term of five years;

21 (b) more than five years but less than ten years, he shall complete
22 the maximum period of ten years and thereafter relinquish his post and be
23 assigned other duties in the College;

24 (c) ten years or more, the Council may allow him to serve as
25 Registrar for a further period of one year only and thereafter he shall
26 relinquish his post and be assigned other duties in the College.

27 14.-(1) A principal officer may resign his appointment:

28 (a) in the case of the Provost, by notice to the Visitor;

29 (b) in any other case, by notice to the Council.

Resignation of
appointment of
principal officers

Other employees
of the College

1 15.-(1) The Council may appoint such other persons to be employees
2 of the College as the Council may determine to assist the Provost and the
3 principal officers of the College in the performance of their functions under this
4 Bill.

5 (2) Subject to the provisions of this Bill, the remuneration, tenure of
6 office and conditions of service of the employees of the College shall be
7 determined by the Council in consultation with the Federal Civil Service
8 Commission.

Selection Board
for other principal
officers

9 16.-(1) There shall be a Selection Board for the College, which shall
10 consist of:

11 (a) the chairman of the Council;

12 (b) the Provost;

13 (c) four members of the Council not being members of the Academic
14 Board, and

15 (d) two members of the Academic Board.

16 (2) The functions, procedure and other matters relating to the
17 Selection Board constituted under subsection (1) of this section shall be as the
18 Council may, from time to time, determine.

Pensions

19 17.-(1) It is hereby declared that service in the College shall be
20 approved service for the purposes of the Pensions Act and, accordingly,
21 officers and other persons employed in the College shall in respect of their
22 service in the College be entitled to pensions, gratuities and other retirement
23 benefits as are prescribed thereunder, so however that nothing in this Act shall
24 prevent the appointment of a person to any office on terms which preclude the
25 grant of a pension and gratuity in respect of that office.

26 (2) For the purposes of the application of the provisions of the
27 Pensions Act, any power exercisable thereunder by a Minister or other
28 authority of the Government of the Federation (other than the power to make
29 regulations under section 23 thereof) shall be exercisable by the College and
30 not by any other person or authority.

Financial Provisions

18.-(1) The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives of this Bill.

Establishment
of funds of the
College

(2) There shall be paid and credited to the fund established under subsection (1) of this section such:

(a) sums as may from time to time be granted to the Council by the Federal Government through the National Commission for Colleges of Education;

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

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

(3) The Council shall submit to the Minister, through the National Commission for Colleges of Education, not later than three months before the end of each financial year or at such other time as he may direct, an estimate of its revenue and expenditure for the next succeeding financial

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

Power to accept
gifts

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

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

Accounts and
audit

21. The Council shall as soon as may be after the expiration of each financial year, prepare and submit to the Minister a report of its activities during the immediately preceding financial year and shall include in the report a copy of the audited accounts of the College for that year and of the auditor's report on the accounts.

Annual reports

1 *Miscellaneous and Supplement*

Offices and
premises

2 22.-(1) For the purpose of providing offices and premises necessary
3 for the performance of its functions, the Council may:

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

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

6 (2) The Council may, with the approval of the Minister, sell any
7 interest in or lease any land, offices or premises held by it and no longer
8 required for the performance of its functions.

Discipline of
students

9 23.-(1) The Council may make rules providing for the Provost to
10 conduct enquiries into alleged breaches of discipline (including lack of
11 diligence) by students and such rules may make different provisions for
12 different circumstances.

13 (2) The rules shall provide for the procedure and rules of evidence to
14 be followed at enquiries under this section.

15 (3) Subject to the provisions of subsection (1) of this section, where it
16 is proved during the enquiry that any student of the College has been guilty of
17 misconduct, the Provost may, without prejudice to any other disciplinary
18 powers conferred on him by this Act or any regulations made thereunder, direct
19 that:

20 (a) the student shall not, during such period as may be specified in the
21 direction, participate in such activities of the College, or make use of such
22 facilities of the College, as he may specify;

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

25 (c) the student may be suspended for such period as may be specified
26 in the direction; or

27 (d) the student be expelled from the College.

28 (4) Where there is temporarily no Provost or where the Provost
29 refuses to apply any disciplinary measures, the Council may, either directly or
30 through some other staff, apply such disciplinary actions as are specified in

1 subsection (3) of this section to any student of the College who is guilty of
2 misconduct.

3 (5) Where a direction is given under subsection (3) (c) or (d) of this
4 section in respect of any student, the student may, within 21 days from the
5 date of the letter communicating the decision to him, appeal from the
6 direction to the Council, and where such an appeal is brought, the Council
7 shall, after causing such inquiry to be made in the matter as the Council
8 considers just, either confirm or set aside the direction or modify it in such
9 manner as the Council may think fit.

10 (6) The fact that an appeal from a direction is brought in pursuance
11 of subsection (5) of this section shall not affect the operation of the direction
12 while the appeal is pending.

13 (7) The Provost may delegate his powers under this section to a
14 disciplinary committee consisting of such members of the College as he may
15 nominate.

16 (8) Nothing in this section shall be construed as preventing the
17 restriction or termination of a student's activities at the College otherwise
18 than on the ground of misconduct.

19 (9) It is hereby declared that the direction under subsection (3) (a)
20 of this section may be combined with a direction under subsection (3) (b) of
21 this section.

22 (10) In all cases under this section, the decision of the Council shall
23 be final unless reversed by the Minister on appeal by the student.

24 24. In this Bill, unless the context otherwise requires:

Interpretation

25 "Academic Board" means the board establish under section 8 of this Bill;

26 "Appointments and Promotions Committee" means a body by that name
27 established under paragraph 3(2)(a) of the Schedule to this Bill;

28 "Chairman" means the Chairman of the Governing Council

29 "College" means the Federal College of Education (Special), Patani
30 established under Section 1 of this Bill;

1 "Council" means the governing Council of the College established under
2 section 2 of this Bill;

3 "Function" includes power and duties;

4 "Junior Staff Appointments and Promotion Committee" means a body by that
5 name set up under paragraph 3(2)(b) of the Schedule to this Bill;

6 "Member" means a member of the Governing Council including the Chairman;

7 "Minister" means the Minister for Education;

8 "Provost" means the Provost of a College appointed under section 10 of this
9 Act;

10 "The Registrar" means the Registrar of the College appointed under section 12
11 of this Bill.

Short title

12 25. This Bill may be cited as the Federal College of Education
13 (Special), Patani (Establishment) Bill, 2021.

1 SCHEDULE

2 [Section 2(3)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

4 *Terms of service*

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

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

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

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

19 (2) The chairman may at any time and shall, at the request in
20 writing of 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
22 his absence, members present shall elect one of their member to preside at
23 the 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
26 of the Council but persons co-opted shall not be entitled to vote at a meeting
27 of the Council.

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

1 (6) Decisions of the Council shall be made on approval by a simple
2 majority of members.

3 *Miscellaneous*

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

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education (Special), Patani, Delta State to provide full-time and part-time courses of study and skills training in Technology, Applied Sciences, Arts, Social Sciences, Humanities and Management, and other fields of studies and to make provisions for the general administration of the College.