

FEDERAL POLYTECHNIC, AKUGBENE, DELTA STATE

(ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF SECTIONS

1. Establishment of Federal Polytechnic, Akugbene
2. Functions of the Polytechnic
3. Establishment and constitution of Governing Council
4. Visitation
5. Registrar of the Polytechnic
6. Tenure of office of the Registrar
7. General Functions of the Council

Staff of the Polytechnic

8. The Rector of the Polytechnic
9. Deputy Rectors
10. Other principal officers of the Polytechnic
11. Resignation of appointment of principal officers
12. Selection Board for other principal officers
13. Other employees of the polytechnic
14. Application of the Pensions Act

Establishment of the Academic Board

15. The Academic Board

Tenure of Office

16. Removal from office of members of the Council and the Rector
17. Removal and discipline of academic, administrative and technical staff

Discipline

18. Discipline of students
19. Discipline of junior staff

Financial Provisions

20. Audit of accounts
21. Funds of the Council

22. Donations for particular purposes
23. Payment into bank
24. Annual report

Miscellaneous and Supplemental

25. Power to make bye-laws
26. Exclusion of discrimination on account of race, religion, etc
27. Quorum and Procedure of bodies established under this Bill.
28. Interpretation
29. Short title

SCHEDULE

Supplementary Provisions relating to the Council

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL POLYTECHNIC AKUGBENE, DELTA STATE TO PROVIDE FULL- TIME COURSES OF STUDY IN TECHNOLOGY, APPLIED SCIENCES, MANAGEMENT AND OTHER FIELDS OF STUDY AND TO MAKE PROVISIONS FOR THE GENERAL ADMINISTRATION OF THE POLYTECHNIC 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. There is hereby established the Federal Polytechnic Akugbene
2 in Bomadi Local Government Area of Delta State, Nigeria (in this Bill
3 referred to as 'the Polytechnic'), which shall have such powers and exercise
4 such functions as are specified in this Bill.

Establishment
of Federal
Polytechnic
Akugbene,
Delta State

5 2.-(1) The functions of the Polytechnic shall be:

Functions of
the Polytechnic

6 (a) to provide full-time or part-time courses of instruction and
7 training;

8 (i) in technology, applied science, commerce and management;
9 and

10 (ii) in such other fields of applied learning relevant to the needs of
11 the development of Nigeria in the area of industrial and agricultural
12 production and distribution and for research in the development and
13 adaptation of techniques as the Council may from time to time determine;

14 (b) to arrange conferences, seminars, and study groups relative to
15 the fields of learning specified in paragraph (a) of this subsection (1).

16 (c) to perform such other functions as in the opinion of the Council
17 may serve to promote the objectives of the Polytechnic.

18 (2) Nothing in this section shall preclude the government of a State

Establishment
and Constitution
of the Governing
Council, etc.

1 or any of its agencies from setting up a polytechnic similar to the Polytechnic
2 established under this Bill.

3 3.-(1) ~~There~~ shall be established for the Polytechnic a Governing
4 Council (in this Bill referred to as 'the Council') which shall be a body corporate
5 with perpetual succession and a common seal and may sue and be sued in its
6 corporate name.

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

9 (a) one person to represent the Universities;

10 (b) one person to represent the Manufacturers' Association of Nigeria;

11 (c) one person to represent professional bodies whose disciplines are
12 taught at the Polytechnic;

13 (d) one person selected from a Federal or State public utility statutory
14 corporation;

15 (e) one person of standing in the community where the Polytechnic is
16 situate;

17 (f) the Rector of the Polytechnic;

18 (g) one representative of the Minister charged with responsibility for
19 matters relating to polytechnics;

20 (h) one representative of the Permanent Secretary of the Ministry
21 charged with responsibility for matters relating to industries;

22 (i) two representatives of the academic board of the Polytechnic;

23 (j) one representative of the State Commissioner of Education; and

24 (k) five other persons, at least one of whom shall be a woman, to be
25 selected each on his personal merit based on his contribution to either the
26 development of industry, technology or commerce or special interest in
27 technical education.

28 (3) The Chairman and members of the Council other than ex-officio
29 members shall be appointed by the President.

30 (4) The provisions set out in the Schedule to this Bill shall apply in on

1 relation to the constitution of the Council and the other matters therein
2 specified.

3 4.-(1) The Minister of Education shall be the Visitor to the Visitation
4 Polytechnic.

5 (2) The Visitor shall, not less than once in every five years, conduct
6 a visitation of the Polytechnic or appoint a Visitation Panel, consisting of not
7 less than five experts to conduct the visitation for:

8 (a) the purpose of evaluating the academic and administrative
9 performance of the Polytechnic;

10 (b) such other purpose or in respect of any other affairs of the
11 Polytechnic as the Visitor may deem fit.

12 5.-(1) There shall be a Registrar of the Polytechnic who shall be Registrar of the
13 responsible to the Rector for the day-to-day administration of the Polytechnic
14 Polytechnic and shall perform such other duties as the Councilor, as the case
15 may be, the Rector may from time to time require him to do.

16 (2) The Registrar shall be the secretary to the Council, the
17 Academic Board and any committee of the Council; and shall attend all the
18 meetings of those bodies unless excused for good reason by the chairman of
19 the Council.

20 (3) Where the Registrar is absent, the chairman of the Council may,
21 after consultation with the Rector, appoint a suitable person to act as
22 secretary for any particular meeting of the Council.

23 (4) The secretary to the Council or a person appointed to act under
24 subsection (3) of this section shall not vote on any question before the
25 Councilor count towards a quorum unless he is so entitled as a member of
26 the Council.

27 6.-(1) The Registrar shall: (a) hold office for a period of five years Tenure of Office
28 beginning from the effective date of his appointment and on such terms and of the Registrar
29 conditions as may be specified in the letter of his appointment; and

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

3 (2) Where on the commencement of this section a Registrar has held
4 office for:

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

7 (b) more than five years but less than ten years, he shall complete the
8 maximum period of ten years and thereafter relinquish his post and be assigned
9 other duties in the Polytechnic;

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

General functions
of the Council

13 7.-(1) Subject to provisions of this Bill, the Council shall be the
14 governing body of the Polytechnic and shall have the general management of
15 the affairs of the Polytechnic, and in particular, the control of the property and
16 finances of the Polytechnic; and shall also have power to do anything which in
17 its opinion is calculated to facilitate the carrying out of the activities of the
18 Polytechnic and promote its best interests.

19 (2) The Council may acquire and hold such movable or immovable
20 property as may be necessary or expedient for carrying into effect the
21 provisions of this Bill; and for the same purpose may sell, lease, and mortgage
22 or otherwise alienate or dispose of any property so acquired.

23 (3) The Council may enter into such contracts as may be necessary or
24 expedient for, carrying into effect the provisions of this Bill.

25 (4) The Minister may give to the Council directions of a general
26 character or relating generally to particular matters (but not any individual
27 person or case) with regard to the exercise by the Council of its functions and it
28 shall be the duty of the Council to comply with the directions.

The Rector of
the Polytechnic

29 STAFF OF THE POLYTECHNIC

30 8.-(1) There shall be a Rector of the Polytechnic (in this Bill referred

1 to as 'the Rector') who shall be appointed by the President in accordance with
2 the provisions of this section.

3 (2) Where a vacancy occurs in the post of Rector, the Council shall:

4 (a) advertise the vacancy in a reputable journal or widely read
5 newspaper in Nigeria, specifying:

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

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

9 (b) constitute a Search Team consisting of:

10 (i) a member of the Council, not being a member of the Academic
11 Board, as Chairman;

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

14 (iii) two members of the Academic Community of the Polytechnic
15 not below the rank of Chief Lecturer, to be selected by Council, to identify
16 and draw up a short-list of persons who are not likely to apply on their own
17 volition because they feel that it is not proper to do so.

18 (3) A Joint Council and Academic Board Selection Board
19 consisting of:

20 (a) the Chairman of the Council;

21 (b) two members of the Council not being members of the
22 Academic Board;

23 (c) two members of the Academic Board not below the rank of
24 Chief Lecturer, who were not members of the Search Team, shall consider
25 the candidates on the short-list drawn up under subsection (2) of this section
26 through an examination of their curriculum vitae and interaction with them
27 and recommend, through the Council, to the President, three candidates for
28 his consideration.

29 (4) The President shall appoint, as Rector, one of the candidates
30 recommended to him under the provisions of subsection (3) of this section.

(5) Subject to this Bill and the general control of the Council, the Rector shall be the Chief Executive of the Polytechnic and shall be charged with responsibility for matters relating to the day-to-day management operations of the Polytechnic.

(6) The Rector shall:

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

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

Deputy Rectors

9.-(1) There shall be for the Polytechnic a Deputy Rector.

(2) The Council shall appoint the Deputy Rector from among the chief lecturers in the polytechnic in one of the following ways:

(a) from a list of three candidates, in order of preference, submitted by the Rector;

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

(c) on the nomination of the Rector.

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

(a) the Chairman of the Council,

(b) the Rector,

(c) two members of the Council not being members of the Academic Board,

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

(4) The Deputy Rector shall:

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

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

and

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

(5) The Deputy Rector(s) shall:

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

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

10.-(1) There shall be for the Polytechnic the following other principal officers in addition to the Registrar, namely:

Other principal
officers of the
Polytechnic

(a) the Bursar, and

(b) the Polytechnic Librarian,

who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 9(3) of this Bill.

(2) The Bursar shall be the Chief Financial Officer of the Polytechnic and be responsible to the Rector for the day-to-day administration and control of the financial affairs of the Polytechnic.

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

(4) The Bursar or Librarian shall:

(a) hold office for a period of five years in the first instance and on such terms and conditions as may be specified in his letter of appointment; and

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

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

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

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

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

Resignation of
appointment of
principal officers

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

(a) in the case of the Rector, by notice to the Visitor; and

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

Selection Board
for other principal
officers

12.-(1) There shall be a Selection Board which shall consist of:

(a) the chairman of the Council;

(b) the Rector;

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

(d) two members of the Academic Board.

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

Other employees
of the Polytechnic

13.-(1) The Council may appoint such other persons to be employees of the Polytechnic as the Council may determine to assist the Rector and the principal officers of the Polytechnic in the performance of their functions under this Bill.

(2) The power to appoint all other employees of the Polytechnic shall be exercised in the case of:

(a) senior employees, by the Council on the recommendation of the Appointment and Promotions Committee set up under the provisions of paragraph 3(2)(a) of the Schedule to this Bill;

(b) junior employees, by the Rector on the recommendation of the Junior Staff Appointments and Promotions Committee constituted under paragraph 3(2)(b) of the Schedule to this Bill.

(3) Subject to the provisions of this Bill, the remuneration, tenure of office and conditions of service of the employees of the Polytechnic shall be determined by the Council in consultation with the Federal Civil Service Commission.

14.-(1) The Federal Civil Service Commission may by order published in the Federal Gazette declare the office of the Rector or any other person employed by the Council to be a pensionable office for the purposes of the Pensions Act.

Application of
the Pensions Act

(2) Nothing in the provisions of subsection (1) of this section shall prevent the appointment of any person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

ESTABLISHMENT OF THE ACADEMIC BOARD

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

The Academic
Board

- (a) the Rector of the Polytechnic as the Chairman;
- (b) the Deputy Rector of the Polytechnic;
- (c) all Heads of Departments;
- (d) the Polytechnic Librarian, and
- (e) not more than two members of the academic staff, other than heads of departments, who may be appointed by the Academic Board.

(2) The Academic Board shall be responsible for:

(a) the direction and management of academic matters of the Polytechnic including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes, and other academic distinctions;

(b) the making to the Council of such periodic reports on such academic matter as the Academic Board may think fit or as the Council may from time to time direct; and

(c) the discharge of any other functions which the Council may delegate to it.

TENURE OF OFFICE

Removal from
office of members
of the Council
and Rector

16.-(1) Where it appears to the Council that a member of the Council (other than ex-officio member) or the Rector should be removed from office on ground(s) of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the President; and if the President, after making such inquiries as he considers necessary, approves the recommendation, the President, shall in writing declare the office of such member vacant.

(2) The President may remove any member of the Council, if he is satisfied that it is not in the public interest or in the interest of the Polytechnic that such member should continue as a member of the Council.

Removal and
discipline of
academic,
administrative
and technical
staff

17.-(1) Where it appears to the Council that there exists reasons for believing that any person employed as a member of the academic, administrative, or technical staff of the Polytechnic, other than the Rector, should be removed from office on ground of misconduct or inability to perform the functions of his office, the Council shall:

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

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

(c) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements:

(i) if he is an academic staff, for a joint committee of the Council and the Academic Board to investigate the matter and report on it to the Council; or

(ii) for a committee of the Council to investigate the matter, where it relates to any other member of the staff of the polytechnic and to report on it to the Council, and

(iii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect

1 to the matter, and where the Council, after considering the report of the
2 investigating committee, is satisfied that the person in question should be
3 removed as aforesaid, the Council may so remove him by an instrument in
4 writing signed on the directions of the Council.

5 (2) The Rector may, in a case of misconduct by a member of the
6 staff which in the opinion of the Rector is prejudicial to the interests of the
7 Polytechnic, suspend such member and any such suspension shall forthwith
8 be reported to the Council.

9 (3) Any member of staff of the Polytechnic may be suspended from
10 office or his appointment may be terminated by the Council for good cause,
11 and for the purpose of this subsection, "good cause" means:

12 (a) any physical or mental incapacity which the Council, after
13 obtaining medical advice, considers to be such as to render the person
14 concerned unfit for the discharge of the functions of his office; or

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

18 (c) conduct of a scandalous or other disgraceful nature which the
19 Council considers to be such as to render the person concerned unfit to
20 continue to hold his office; or

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

24 (4) Any person suspended pursuant to subsection (2) or (3) of this
25 section, shall be placed on half-pay and the Council shall before the
26 expiration of the period of three months after the date of such suspension
27 consider the case against that person and come to a decision as to whether to:

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

30 (b) reinstate such person, in which case the Council shall restore

1 his full emoluments to him with effect from the date of suspension;

2 (c) terminate the appointment of the person in question, in which case
3 such a person, will not be entitled to the proportion of his emoluments withheld
4 during the period of suspension; or

5 (d) take such lesser disciplinary action against such person (including
6 the restoration of such proportion of his emoluments that might have been
7 withheld) as the Council may determine; and in any case, where the Council,
8 pursuant to this section, decides to continue a person's suspension or decides to
9 take further disciplinary action against a person, the Council shall before the
10 expiration of a period of three months from such decision come to a final
11 determination in respect of the case concerning any such person.

12 (5) It shall be the duty of the person by whom an instrument of
13 removal is signed in pursuance of subsection (1) of this section, to cause a copy
14 of the instrument to be served as soon as reasonably practicable on the person in
15 whom it relates.

16 (6) Nothing in the foregoing provisions of this section shall prevent
17 the Council from making such regulations for the discipline of other categories
18 of staff and workers of the Polytechnic as it may think fit.

19 DISCIPLINE

Discipline of
students

20 18.-(1) Subject to the provisions of this section, where it appears to
21 the Rector that any student of the Polytechnic has been guilty of misconduct,
22 the Rector may, without prejudice to any other disciplinary powers conferred
23 on him by this Bill or regulations made hereunder direct that:

24 (a) the student shall not during such period as may be specified in the
25 direction, participate in activities of the Polytechnic, or make use of such
26 facilities of the Polytechnic, as he may specify;

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

29 (c) the student be suspended for such period as may be specified in the
30 directions; or

1 (d) the student be expelled from the Polytechnic.

2 (2) Where there is temporarily no Rector or where the Rector
3 refuses to apply any disciplinary measures, the Council, either directly or
4 through some other staff, may apply such disciplinary actions as are
5 specified in subsection (1) of this section to any student of the Polytechnic
6 who is guilty of misconduct.

7 (3) Where a direction is given under subsection (1)(c) or (d) of this
8 section in respect of any student, the student may, within a period of 21 days
9 from the date of the letter communicating the decision to him, appeal from
10 the direction to the Council; and where such an appeal is brought, the
11 Council shall, after causing such inquiry to be made in the matter as the
12 Council considers just, either confirm or set aside the direction or modify it
13 in such manner as the Council may think fit.

14 (4) The fact that an appeal from a direction is brought in pursuance
15 of subsection (3) of this section shall not affect the operation of the direction
16 while the appeal is pending.

17 (5) The Rector may delegate his power under this section to a
18 disciplinary committee consisting of such members of the Polytechnic as he
19 may nominate.

20 (6) Nothing in this section shall be construed as preventing the
21 restriction or termination of a student's activities in the Polytechnic
22 otherwise than on the ground of misconduct.

23 (7) A direction under subsection (1)(a) of this section may be
24 combined with a direction under subsection (1)(b) of this section.

25 (8) In all cases under this section, the decision of the Council shall
26 be final.

27 19.-(1) Where a junior staff is accused of misconduct or
28 inefficiency, the Rector may suspend him for not more than three months
29 and forthwith shall direct the Junior Staff Appointments and Promotions
30 Committee to:

Discipline of
junior staff

1 (a) consider the case; and

2 (b) make recommendations as to the appropriate action to be taken by
3 the Rector.

4 (2) In all cases under this section, the junior staff shall be informed of
5 the charge(s) against him and shall be given reasonable opportunity to defend
6 himself.

7 (3) The Rector may, after considering the recommendation made
8 pursuant to subsection (1)(b) of this section, dismiss, terminate, retire or down-
9 grade the junior staff concerned.

10 (4) A junior staff who is dissatisfied or aggrieved by the Rector's
11 decision under subsection (3) of this section, may within a period of 21 days
12 from the date of the letter communicating the decision to him, address a
13 petition to the Council to reconsider his case and the Council's decision thereon
14 shall be final.

15 (5) In any case of gross misconduct on the part of a junior staff, the
16 Rector shall forthwith suspend him and thereafter refer the matter to the Junior
17 Staff Appointments and Promotions Committee to be dealt with according to
18 the foregoing provision of this section.

19 FINANCIAL PROVISIONS

Audit of account

20 **20.-(1)** The Council shall keep proper accounts and records in relation
21 thereto and shall cause to be prepared, not later than 1 October in each financial
22 year, an estimate of its revenue and expenditure for the ensuing financial year
23 and when prepared, the estimate shall be submitted to the National Board for
24 Technical Education for approval.

25 (2) The Council shall at the end of each financial year but not later
26 than 30 June of each year cause to be prepared a statement of its income and
27 expenditure during the previous financial year.

28 (3) The statement of accounts referred to in subsection (2) of this
29 section shall, when certified by the Rector, be audited by a firm of auditors
30 appointed from the list and in accordance with the guidelines supplied by the

1 Auditor-General of the Federation and shall be published in the annual
2 report of the Polytechnic.

3 **21.** The funds of the Council shall include:

Funds of the
Council

4 (a) fees charged by and payable to the Council in respect of
5 students;

6 (b) any other amounts due to or receivable by the Council;

7 (c) revenue from time to time accruing to the Council from the
8 Federal Government by way of subvention, grant-in-aid, endowment or
9 otherwise howsoever;

10 (d) donations and legacies accruing to the Council from any source
11 for the special purpose of the Council.

12 **22.-(1)** Donations of money to be applied to any particular purpose
13 shall be placed to the credit of a special reserve account approved by the
14 Council until such time as they may be expended in fulfilment of such
15 purpose.

Donations for
particular purposes

16 (2) The Council shall not be obliged to accept a donation for a
17 particular purpose unless it approves of the terms and conditions attached to
18 such donation.

19 **23.** All sums of money received on account of the Council shall be
20 paid into such bank for the credit of the Council as may be approved by the
21 Council.

Payments into
bank

22 **24.** The Council shall on or before 31 December in each year
23 prepare and submit to the President through the Minister, a report of the
24 activities during the preceding financial year and shall include in the report,
25 the audited accounts of the Polytechnic in respect of that financial year and
26 the auditors' comments on the account.

Annual report

27 MISCELLANEOUS AND SUPPLEMENTAL

28 **25.-(1)** The Council may make bye-laws relating to any matter
29 within its competence under this Bill other than matters for which provision

Power to make
by-laws

1 is to be made by standing orders pursuant to paragraph 7 of the Schedule to this
2 Bill.

3 (2) All such bye-laws shall be in writing and shall come into force
4 when sealed with the seal of the Council unless some other date for their
5 commencement is prescribed therein.

6 (3) Nothing in subsection (2) of this section, shall make it obligatory
7 for the Council to publish any of the said bye-laws in the Federal Gazette but
8 the Council shall bring such bye-laws to the notice of all affected thereby.

Exclusion of
discrimination
on account of
race, religion, etc.

9 26. No person shall be required to satisfy requirements as to any of the
10 following matters, that is to say race (including ethnic grouping), sex, place of
11 birth or of the family origin or religious or political persuasion or as a condition
12 of becoming or continuing to be a student of the Polytechnic or as a holder of
13 any certificate of the Polytechnic, or of any religion, etc. appointment or
14 employment in the Polytechnic, or a member of anybody established by virtue
15 of this Bill; and no person shall be subjected to any disadvantage or accorded
16 any advantage in relation to the Polytechnic by reference to any of those
17 matters:

18 Provided that, nothing in this section shall be construed as preventing
19 the Polytechnic from imposing any disability or restriction on any of the
20 aforementioned persons where such a person wilfully refuses or fails on
21 grounds of religious belief to undertake any duty generally and uniformly
22 imposed on all such persons or any group of them which duty, having regard to
23 its nature and the special circumstances pertaining thereto is, in the opinion of
24 the Polytechnic, reasonably justifiable in the national interest.

Quorum and
procedure of
bodies established
under this Bill

25 27. Subject to the provisions of paragraph 6(2) of the Schedule to this
26 Bill and any standing orders or bye-law made under this Bill, the quorum and
27 procedure of any body of persons established by this Bill shall be such as may
28 be determined by that body.

Interpretation

29 28. In this Bill, unless the context otherwise requires:
30 "Academic Board" means the board establish under section 10 of this Bill;

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

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

"Minister" means the Minister charged with responsibility for matters relating to technical education;

"Polytechnic" means the polytechnic set up under section I of this Bill;

"Registrar" means the Registrar of the polytechnic appointed under section 4 (1) of this Bill.

29. This Bill may be cited as the Federal Polytechnic, Akugbene, Delta State (Establishment) Bill, 2021. Short title

SCHEDULE

[Section 3(4)]

PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Tenure of office of Council members

1.- (1) A member of the Council other than an ex-officio member shall hold office for a period of three years beginning from the date on which he was appointed and shall be eligible for re-appointment for a further term of three years and no more.

(2) Members of the Council holding office as specified in paragraph 1(1) of this Schedule, shall be paid remuneration or allowance in accordance with rates specified from time to time by the National Council of Ministers.

(3) A member of the Council holding office as specified in paragraph 1(1) of this Schedule may by notice in writing to the Minister resign his office.

2.- (1) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor; so however that the

1 successor shall represent the same interest as his predecessor.

2 (2) The Council may act notwithstanding any vacancy in its
3 membership or the absence of any member or that a person not entitled to do so
4 took part in its proceedings.

5 *Committees*

6 3.-(1) The Council may appoint one or more committees to which it
7 may delegate any of its functions.

8 (2) Without prejudice to the generality to sub-paragraph (1) of this
9 Schedule, the Council shall appoint the following committees, namely:

10 (a) the Appointments and Promotions Committee which shall without
11 prejudice to the provisions of section 13 of this Bill consist of:

12 (i) a chairman to be appointed by the Rector from members of the
13 senior staff of the Polytechnic;

14 (ii) four other members who shall be appointed by the Council; and
15 be charged with the responsibility for making recommendations to the Council
16 on the appointment and promotion of the academic and senior staff of the
17 Polytechnic and have a quorum of three members;

18 (b) the Junior Staff Appointments and Promotions Committee which
19 shall consist of a chairman and four other members to be appointed by the
20 Council and shall have the powers set out in sections 13(2)(b) and 19 of this
21 Bill;

22 (c) the Committee on Students' Affairs which shall consist of the
23 following members:

24 (i) a chairman who shall be appointed by the Rector from among the
25 senior employees of the Polytechnic;

26 (ii) one member of the Council;

27 (iii) two members of the academic staff of the Polytechnic; and

28 (iv) four students of the Polytechnic; and the Committee on Students'
29 Affairs shall be charged with the duty of considering any matter:

30 (i) which relates to the welfare of students;

1 (ii) referred to it by either the Councilor students of the
2 Polytechnic;

3 (iii) the students wish to refer to the Council.

4 (3) No decision of a committee shall have effect unless it is
5 confirmed by the Council.

6 *Proceedings of the Council*

7 4.-(1) The Council shall meet for the conduct of business at such
8 times as the chairman of the Council may appoint but shall meet not less than
9 twice in a year.

10 (2) The chairman of the Council may at any time and shall at the
11 request in writing of not less than five members of the Council summon a
12 meeting of the Council.

13 (3) Particulars of the business to be transacted shall be circulated to
14 members with the notice of the meeting at least two weeks before the date of
15 the meeting.

16 5. Where the Council desires to obtain the advice of any person on
17 any particular matter, it may co-opt such person as a member for a meeting
18 whether or not expressly convened for the purpose of considering the
19 particular matter but no co-opted member shall be entitled to vote or shall
20 count towards quorum.

21 6.-(1) Every question put before the Council at a meeting shall be
22 decided by a simple majority of the members present and voting.

23 (2) Seven members shall form a quorum at any meeting of the
24 Council,

25 (3) The Chairman shall, at any meeting of the Council, have a vote
26 and, in the case of an equality of votes, may exercise a casting vote.

27 7. Subject as aforesaid, the Council may make standing orders
28 with respect to the holding of meetings, the nature of notices to be given, the
29 proceedings thereat, the keeping of minutes of such proceedings and the
30 custody and production for inspection of such minutes.

1 8. If the Chairman of the Council is absent from a meeting of the
2 Council, the members present shall elect one of their number to act as chairman
3 for the purposes of that meeting.

Miscellaneous

9. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal, may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.

9 10.-(1) The common seal of the Council shall not be used or affixed to
10 any document except in pursuance of a resolution duly passed at a properly
11 constituted meeting of the Council and recorded in the minutes of such
12 meeting.

(2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorized generally or specifically by the Council to act for that purpose.

16 (3) Any document purporting to be a document duly executed under
17 the seal of the Council shall be received in evidence and shall, unless the
18 contrary is proved, be deemed to be so executed.

11. Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Polytechnic, Akugbeme, Delta State to provide full-time and part-time courses of study and skills training in Technology, Applied Sciences, Management, and other fields of studies and to make provisions for the general administration of the Polytechnic.