

THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**SCHOOL OF MINES AND GEOLOGICAL STUDIES IN AKOKO-EDO ESTABLISHMENT,
BILL, 2022
(RECOMMITTAL)**

A BILL
FOR

AN ACT TO ESTABLISH THE SCHOOL OF MINES AND GEOLOGICAL STUDIES IN
AKOKO-EDO LOCAL GOVERNMENT AREA; AND FOR RELATED MATTERS, 2022

THIS BILL WAS RECOMMITTED AND PASSED BY THE SENATE ON TUESDAY 29TH
NOVEMBER, 2022



Arrangement of Clauses

Clauses

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A BILL
FOR
AN ACT TO ESTABLISH THE SCHOOL OF MINES AND GEOLOGICAL STUDIES IN AKOKO-EDO LOCAL GOVERNMENT
AREA; AND FOR RELATED MATTERS, 2021

[

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Commencement

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

PART I — ESTABLISHMENT OF SCHOOL OF MINES AND GEOLOGICAL STUDIES

1. (1) There is hereby established the School of Mines and Geological Studies (in this Bill referred to as "the School") which shall have such powers and exercise such functions as conferred on it by this Bill.

Establishment of School of Mines and Geology Studies.

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

2. (1) There is hereby established for the School a Governing Council (in this Bill referred to as "the Council") which shall be responsible for the consideration and approval of the:

Establishment of the Governing Council.

(a) plan of activities of the School;

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

(c) annual budget estimates of the School; and

(d) investment plans of the School.

3. The Council shall consist of a chairman and:

Membership of the Council of the school.

(a) four persons representing a variety of interests and broadly representative of the whole federation one of whom shall be a woman;

(b) one person to represent the alumni association;

(c) a representative of the community where the School is situate;

(d) the Rector;

(e) the Deputy Rector;

(f) one person representing the Federal Ministry of Education;

(g) two persons, not below the rank of Chief Lecturer, elected by the academic board from among its members; and

(h) three persons, not below the rank of Senior Lecturer or its equivalent, elected by the Congregation from among its members in which one shall be a non-teaching staff.

4. (1) A member of the Council (other than an ex-officio member) shall hold office for a term of three years and be eligible for reappointment for a further period of three years.

Term of Office of
Membership of the
Council.

(2) The office of a member appointed under section 3 of this Bill shall become vacant if:

(a) the member resigns his/her appointment by notice in writing under his hand, addressed to the Minister; or

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

5. The function of the School shall be:

Functions of the School.

(a) to provide full-time courses in Mining and Geological Studies:

(i) to serve as a home for research activities in all fields of Geological, Survey and Exploration, in such other fields of applied learning relevant to the needs of the development of Nigeria,

(ii) research in the development and adaptation of techniques as the council may from time to time determine, and

(iii) to train manpower for the mineral exploration, mining, processing and extraction industries,

(b) to conduct courses in Mining and Geological Studies for miners;

(c) to arrange conferences, seminars and workshops in relevant fields of learning; and

(d) to perform such other functions as in the opinion of the Council may promote the objectives of the School.

6. The Council shall have powers to:

Powers of the Council.

(a) hold examination and grant diploma, professional certificates and other distinctions to persons who have pursued a course of study approved and accredited by the National Board for Technical Education;

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

(c) hold public lectures and undertakes printing, publishing and selling;

(d) provide amenities for the welfare of the staff of the School;

(e) invest the surplus funds of the School on programmes that by law as may be approved by the Council; enter into such contracts as may be necessary or expedient for carrying into effect the objectives of the School;

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

(g) establish and maintain such schools and other units within the school or extra-mural departments as the Council may, from time to time decide;

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

(i) mount exhibitions and display designs to foster appreciation of techniques and technology; erect, provide, equip and maintain such educational, recreational and residential facilities as the School may require;

(j) create lectureships and other academic posts and offices to make appointments thereto; and

(k) encourage and make provision for research in the School and; do such things incidental to the foregoing powers as may advance the objects of the school

7. (1) The President shall be the visitor of the School.

Visitation.

(2) The Visitor shall, not less than once in every two years, conduct a visitation of the School or appoint a visitation panel consisting of not less than five experts to conduct the visitation:

(a) for the purpose of evaluating the academic and administrative performance of the School; or

(b) for such other purpose the Visitor may deem fit.

8. (1) There shall be established for the School a Board to be known as the Academic Board which shall consist of the following members:

The Academic Board
and its Functions.

(a) the Rector of the School who shall be the Chairman;

(b) the Deputy Rector, Deans of Departments, Professors/ Reader/Chief-Readers and the Registrar who shall be the Secretary;

(c) the School Librarian; and

(d) not more than two members of the academic staff other than heads of departments to be elected by the Congregation

2) The Academic Board shall be responsible for:

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

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

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

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

Power of Minister to
give direction to the
Council.

10. (1) There shall be a Rector of the School (in this Bill referred to as "the Provost") who shall be appointed by the Governing Council of the Institution, in accordance with the provisions of this section.

The Rector of the
School.

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

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

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

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

(b) constitute a search team consisting of:

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

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

(iii) two members of the academic community of the School not below the rank of Chief Lecturer to be selected by the Council, to identify and draw up a short list of suitable person who are not likely to apply for the post for any reason whatsoever.

11. (1) There shall be for the School a Deputy Rector.

Deputy Rector.

(2) The Council shall appoint the Deputy Rector from among the Chief Lecturers in the School in the following ways, that is:

(a) from a list 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 this subsection (2) shall:

(a) consist of:

(i) the Chairman of the Council,

(ii) the Rector,

(iii) two members of the Council not being members of the Academic Board, one of whom shall be the member appointed by the Minister, and

(iv) two members of the Academic Board, and

(b) make such inquiries as it deems fit before making the recommendation required under that subsection.

(4) The Deputy Rector shall:

(a) be in charge of academic activities and assist the Rector in the performance of his functions;

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

(c) perform such other functions as the Rector or the Council may assign to him.

(5) The Deputy Rector:

(a) shall 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 reappointed for one further period of two years and no more.

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

12. (1) The Council of the School shall appoint a Registrar to the School (hereinafter referred to as "the Registrar II") who shall keep the records and conduct the correspondence of the Council and shall perform such other duties as the Council and subject thereto as the Rector may from time to time direct.

The Registrar or other staff of the school.

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

(3) A Registrar:

(a) shall hold office for a period of five 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 reappointed for one further period of five years and no more.

(4) Where on the commencement of this section a Registrar appointed before the commencement of the section 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 10 years, he shall complete the maximum period of years and thereafter relinquish his post and be assigned other duties in the School;

(c) 10 years or more, the Council may allow him 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 School.

13. (1) There shall be for the School the following Principal Officers in addition to the Registrar, that is:

Other Principal Officers
of the School.

(a) the Bursar; and

(b) the School Librarian, who shall be appointed by the Council on the recommendation of the selection Board constituted under section 16 of this Bill.

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

(3) The School Librarian shall be responsible to the Rector for the administration of the School Library and the coordination of the School library services in the teaching units of the School.

(4) A Bursar or Librarian:

(a) shall each hold office for a period of five 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 reappointed 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 10 years, he shall complete the maximum period of 10 years and thereafter relinquish his post and be assigned other duties in the School;

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

14. A Principal Officer may resign his appointment:

Resignation of
appointment of
principal officer.

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

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

15. (1) The Council may appoint such other persons to be employees of the School as the Council may determine to assist the Rector and the Principal Officers of the School in the performance of their functions under this Bill.

Other employee.

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

16. (1) There shall be for the School, a selection Board which shall consist of:

Selection Board for
other Principal Officer.

- (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, procedures 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

17. (1) It is hereby declared that service in the School shall be approved service for the purposes of the Pension Reform Act, 2004 and accordingly, officers and other persons employed in the School shall in respect of their service in the School be entitled to pension, gratuities and other retirement benefits as are prescribed thereunder, however, that nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

Pension. Act, No. 4,
2014.

Act, No. 4, 2014.

(2) For the purposes of the application of the provisions of the Pension Reform Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (other than the power to make regulations) shall be exercisable by the School and not by any other person or authority.

PART II — FINANCIAL PROVISIONS

Fund.

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

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

- (a) such sums as may from time to time be granted to the Council by the Minister of Education or as may be renamed at any point in time;
- (b) all moneys raised for the purposes of the Council by way of gifts, grants-in-aids 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 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 year.

19. 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 provided such conditions do not conflict with or undermined the objectives of the School as provided in this Bill. Power to accept gift.

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. Account and audit.

21. The Council shall 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 copy of the audited accounts of the School for that year and of the auditor's report on the accounts. Annual report.

22. (1) For the purposes of providing offices and premises necessary for the performance of its functions, the Council may: Offices and premises.

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

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

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

23. (1) The Council may make rules providing for the Rector to conduct enquiries into alleged breaches of discipline, dereliction of duties and gross misconduct (including lack of diligence) by students or staff, and such rules may make different provisions for different circumstances. Discipline of staff and student.

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

(3) Subject to the provisions of subsection (1), where it is proved during the enquiry that any staff or student of the School has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Bill or any regulations made hereunder direct:

(a) that the staff or student shall not, during such period as may be specified in the direction, participate in such activities of the School, or make use of such facilities of the School, as may be so specified;

(b) that the activities of the staff or student shall during such period as may be;

(c) specified on the directions, be restricted in such manner as may be so specified; or that the staff or student may be suspended for such period as may be specified in the direction; or

(d) that the staff or student be expelled from the School.

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

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

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

(7) The Rector may delegate his powers under this section to a disciplinary committee consisting of such members of the School as he may nominate.

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

(9) It is hereby declared that the direction under subsection (3) (a) may be combined with a direction under subsection (3) (b).

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

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

Interpretation.

"Chairman" means the Chairman of the Council;

"School" means the School of Mines and Geological Studies established by section 1 of this Bill and "Schools" shall be construed accordingly;

"Council" means the Governing Council of the School established by section 2 of this Bill;

"Congregation" means academic and non-academic staff of the School with First Degree or Higher National Diploma (HND);

"Functions" includes powers and duties;

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

"Minister" means the Minister charged with responsibility for matters relating to the Federal Ministry of Mines and Steel Development;

"Rector" means the Rector of the School appointed under section 9 of this Bill;

"The person responsible for the advancement and development of Mining and Geological Studies" means the person appointed by the Minister to oversee the School in Akoko-Edo Local Government Area.

25. This Bill may be cited as the School of Mines and Geological Studies (Establishment) Bill, Short title. 2022.

SCHEDULE

Section 2 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of service

1. There may be paid to the members of the council any committee, other than ex-officio members, such remunerations and allowances as may from time to time be determined by the Minister.
2. Where a vacancy occurs in respect of the membership specified in section 3 (1) (d), it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and such successor shall represent the same interest as his predecessor.
3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Proceedings

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

(2) The Chairman may at any time at the request in writing of not less than six members, convene a meeting of the Council.

(3) At any meeting of the Council the Chairman shall preside; but in his absence, member present shall elect one of their members to preside at the meeting.

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

(5) The quorum of the Council shall be one half of the total members of the Council at least one of whom shall be a member appointed by the Minister.

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

Miscellaneous

5. (1) The fixing of the seal of the School shall be authenticated by the signature of the Chairman, Rector and of some other members of the Council authorised generally or specially by the Council to act for that purpose.

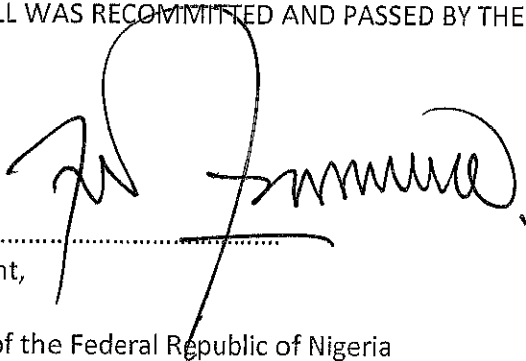
(2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal may be made or executed on behalf of the School by any person generally or specially authorized to act for that purpose by the Council.

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish a School of Mines and Geological Studies in Akoko-Edo Local Government Area of Edo state, to serve as a training ground for would be geologists/miners, and thereby enhance diversification of the Nigerian economy, creation of wealth and generation of employment.

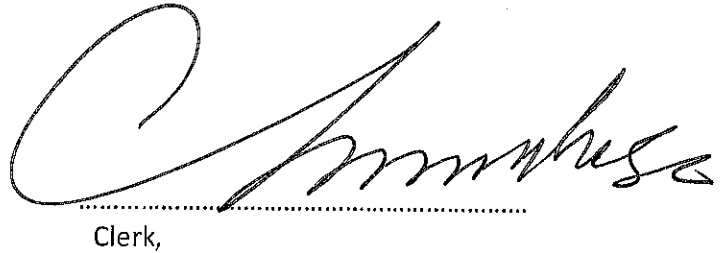
THIS BILL WAS RECOMMITTED AND PASSED BY THE SENATE ON TUESDAY 29TH NOVEMBER, 2022



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President,

Senate of the Federal Republic of Nigeria



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Clerk,

Senate of the Federal Republic of Nigeria