

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL POLYTECHNIC, ABA, ABIA STATE; AND FOR OTHER MATTERS CONNECTED THEREWITH

*Sponsored by Senator T.A Orji*

[ ] Commencement

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

1           1.-(1) The Abia State Polytechnic is hereby upgraded and  
2 established as the Federal Polytechnic Aba, Abia State which shall have  
3 such powers and exercise such functions as is conferred on it by this Act.

Establishment  
of the Federal  
Polytechnic, Aba,  
Abia State

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

8           2.-(a) to provide full-time and part-time courses of instruction and  
9 training to produce middle and high level manpower:

Functions of the  
Polytechnic

10           (i) in technology, applied science, commerce and management;  
11 and

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

16           (b) to arrange conference, seminars and study groups relative to  
17 the fields of learning specified in paragraph (a) of this subsection (1);

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

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

Establishment  
and Constitution  
of the Council, etc.

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

3 **3.-(1)** There shall be established for the Polytechnic a Governing  
4 Council (hereafter in this Act referred to as "the Council").

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

7 (a) four persons representing a variety of interests and broadly  
8 representative of the whole Federation, at least one of whom shall be a woman;

9 (b) one person to represent the alumni association;

10 (c) a representative of the community where the Polytechnic is  
11 situated;

12 (d) the Rector;

13 (e) the Deputy Rector(s);

14 (f) one person representing the Federal Ministry of Education or  
15 regulatory agency;

16 (g) two persons not below the rank of Chief Lecturer elected by the  
17 Academic Board from among its members;

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

21 (3)(i) The Chairman and members of the Council other than ex-  
22 officio members shall be appointed by the President and Commander-in-Chief  
23 of the Armed Forces;

24 (ii) Persons to be appointed to the Council shall be persons of proven  
25 integrity, knowledgeable and acquainted with the working and tradition of the  
26 Technical and Vocational Education.

27 (4) Any member of the Council other than an ex-officio member shall  
28 hold office for a period of three years at the first instance and may be eligible for  
29 re-appointment for another period of three years and no more.

30 (5) The governance structure of the Polytechnic shall be composed of:

- 1 (a) Governing Council;
- 2 (b) Academic Board;
- 3 (c) Management Committee;
- 4 (d) School Board; and
- 5 (e) Departmental Board.

6 (6) The provisions set out in the First Schedule to this Bill, shall  
7 apply in relation to the Council governance structure and other matters  
8 therein specified.

9 4.-(1) The President and Commander-in-Chief of the Armed Visitation  
10 Forces shall be the Visitor to the Polytechnic.

11 (2) The Visitor shall, not less than once in every five years, conduct  
12 a visitation of the college or appoint a Visitation Panel, consisting of not less  
13 than five experts, to conduct the visitation-

14 (a) for the purpose of evaluating the academic and administrative  
15 performance of the Polytechnic;

16 (b) for such other purpose or in respect of any other affairs of the  
17 Polytechnic as the Visitor may deem fit. [1993 No. 5]

18 5.-(1) There shall be a Registrar to the Polytechnic who shall be Registrar of the  
Polytechnic  
19 responsible to the Rector for the day-to-day administration of the  
20 polytechnic and shall perform such other duties as the Council or as the case  
21 may be, the Rector may from time to time require him.

22 (2) The Registrar shall be the Secretary to the Council, the  
23 Academic Board and any committee of the Council and shall attend all the  
24 meetings of those bodies unless excused for good reason by the chairman of  
25 the Council.

26 (3) In the absence of the Registrar, the Chairman of the Council  
27 may, after consultation with the Rector, appoint a suitable person to act as  
28 Secretary for any particular meeting of the Council.

29 (4) The Secretary to the Council or a person appointed to act under  
30 subsection (3) of this section, shall not vote on any question before the

	1	Council or count towards a quorum unless he is so entitled as a member of the
	2	Council.
Tenure of office of the Registrar	3	<b>6.</b> -(1) A Registrar shall hold office for a single tenure of five years
	4	beginning from the effective date of his appointment and on such terms and
	5	conditions as may be specified in the letter of his appointment;
	6	(2) Where a Registrar has held office for five years or less on the
	7	commencement of this Act, he shall be deemed to have been serving his final
	8	term of office.
General functions of the Council	9	<b>7.</b> -(1) Subject to provision of this Act, the Council shall be the
	10	governing body of the Polytechnic concerned and shall have the general
	11	management of the affairs of the Polytechnic, and in particular, the control of
	12	the property and finances of the polytechnic; and shall have power to do
	13	anything which in its opinion is calculated to facilitate the carrying out of the
	14	activities of the Polytechnic and promote its best interests.
	15	(2) The Council may acquire and hold such movable or immovable
	16	property as may be necessary or expedient for carrying into effect the
	17	provisions of this Act, and for the same purpose may sell, lease, mortgage or
	18	otherwise alienate or dispose of any property so acquired.
	19	(3) The Council may enter into such contracts as may be necessary or
	20	expedient for carrying into effect the provisions of this Act.
	21	(4) The Minister may give to the Council directions of a general
	22	character or relating generally to particular matters (but not any individual
	23	person or case) with regard to the exercise by the Council of its functions and it
	24	shall be the duty of the Council to comply with the directions.
The Rector of the Polytechnic	25	<b>8.</b> -(1) There shall be a Rector for the Polytechnic ("the Rector") who
	26	shall be appointed by the President, Commander-in-Chief of the Armed Forces
	27	in accordance with the provision of this section.
	28	(2) Where a vacancy occurs in the post of the Rector, the Council
	29	shall:
	30	(a) advertise the vacancy not later than six (6) months to the

1 expiration of the term of the sitting Rector in not less than two national  
2 newspapers in Nigeria, specifying:

3 (i) the qualifications of the persons who may apply for the post,  
4 who shall be a Chief Lecturer in the Polytechnic sector with at least five  
5 years of experience on that position among other criteria ; and

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

8 (b) constitute a Search Team consisting of:

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

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

13 (iii) two members of Academic Staff not below the rank of Chief  
14 Lecturers to be elected from among its members.

15 (3) A Joint Council, Academic Board and Congregation Selection  
16 Board consisting of:

17 (a) the Chairman of the Council;

18 (b) two members of the Council not being members of the  
19 Academic Board;

20 (c) two members of the Academic Board not below the rank of  
21 Chief Lecturer, who were not members of the Search Team elected among  
22 its members; and

23 (d) two members of the Congregation not below the rank of Chief  
24 Lecturer who were not members of the Search Team elected among its  
25 members, shall consider the candidates on the short list drawn up under  
26 subsection (2) of this section through an examination of their curriculum  
27 vitae and interaction with them and recommend in order of performance  
28 ranking through the Council, to the President and Commander-in-Chief of  
29 the Armed Forces, three candidates for his consideration.

30 (4) The President shall appoint, as Rector, one of the candidates

1 recommended to him under the provisions of subsection (3) of this section.

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

6 (6) The Rector shall:

7 (a)(i) hold office for a single term of five years beginning with the  
8 effective date of his appointment and on such terms and conditions as may be  
9 specified in his letter of appointment;

10 (ii) where a Rector was appointed on four-year tenure on the  
11 commencement of this Act, his tenure shall be extended for a period of one year  
12 to complete the single-tenure of five years in line with subsection (6) (a) above;

13 (iii) where a Rector is serving second tenure of four years on the  
14 commencement of this Act, he shall be deemed to have been serving his final  
15 term of office.

16 (b) have power to exercise general authority over staff and be  
17 responsible for discipline in the Polytechnic; and

18 (c) his remuneration shall be determined by the National Salaries and  
19 Wages Commission.

Deputy Rectors

20 **9.-(1)** There shall be for the Polytechnic such number of Deputy  
21 Rectors as the Council may, from time to time, deem necessary for the proper  
22 administration of the Polytechnic.

23 (2) Where a vacancy occurs in the post of Deputy Rector, the Rector  
24 shall forward to the Academic Board a list of two candidates for each post of  
25 Deputy Rector that is vacant.

26 (3) The Academic Board shall elect for each vacant post one candidate  
27 from each list forwarded to it under subsection (2) of this section and forward  
28 his name to the Council for confirmation.

29 (4) Where-

30 (a) the Academic Board rejects the two candidates forwarded to it by

1 the Rector under subsection (2) of this section, the Rector shall submit  
2 another list.

3 (b) the Council rejects the name sent to it under subsection (3) of  
4 this section, the Academic Board shall send the name of the other candidate  
5 on the list forwarded to it by the Rector under subsection (2) of this section.

6 (5) The Deputy Rector(s) shall:

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

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

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

13 (6) The Deputy Rectors:

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

17 (b) where a Deputy Rector was appointed on a two year tenure on  
18 the commencement of this Act, his tenure shall be extended for a period of  
19 two years to complete the single-tenure of four years in line with subsection  
20 (6) (a) above;

21 (c) where a Deputy Rector is serving second tenure of two years on  
22 the commencement of this Act, he shall be deemed to have been serving his  
23 final term of office.

24 **10.-(1)** There shall be for the polytechnic the following other  
25 principal officers in addition to the Deputy Rector(s):

Other Principal  
officers of the  
Polytechnic

26 (a) the Registrar;

27 (b) the Bursar; and

28 (c) the Polytechnic Librarian,

29 who shall be appointed by the Council on the recommendation of the  
30 Selection Board constituted under section 12 of this Act.

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

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

7 (4) The Bursar or Librarian-

8 (a) shall hold office for a single tenure of five years beginning from  
9 the effective date of his appointment and on such terms and conditions as may  
10 be specified in his letter of appointment;

11 (b) where a Bursar or Librarian has held office for five years or less on  
12 the commencement of this Act, he shall be deemed to have been serving his  
13 final term of office.

Resignation of  
appointment of  
Principal Officers

14 **11.** A Principal Officer may resign his appointment:

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

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

Selection Board  
for other  
Principal Officers

17 **12.-(1)** There shall be, for the Polytechnic a Selection Board which  
18 shall consist of:

19 (a) the Chairman of the Council;

20 (b) the Rector;

21 (c) four members of the Council not being members of the Academic  
22 Board;

23 (d) two members of the Academic Board not being members of  
24 Council and not below the rank of Chief Lecturer elected from among its  
25 members; and

26 (e) three members of the Congregation not below the rank of Principal  
27 Lecturer or its equivalent elected from among its members in which one shall  
28 be a non-teaching staff.

29 (2) The functions and procedure and other matters relating to the  
30 Selection Board constituted under subsection (1) of this section shall be as the



1 Council may, from time to time, determine.

2 13.-(1) The Council may appoint such other persons to be Other employees  
3 employees of the Polytechnic as the Council may determine to assist the of the Polytechnic  
4 Rector and the Principal Officers of the Polytechnic in the performance of  
5 their functions under this Act.

6 (2) The power to appoint all other employees of the polytechnic  
7 shall be exercised:

8 (a) in the case of senior employees, by the Council on the  
9 recommendation of Appointment and Promotions Committee set up under  
10 the provisions of paragraph 3(2)(a) of the First Schedule to this Act;

11 (b) in the case of junior employees, by the Rector on the  
12 recommendation of the Junior Staff Appointment and Promotions  
13 Committee constituted under paragraph 3(2)(b) of the First Schedule to this  
14 Act.

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

19 14.-(1) The Federal Civil Service Commission may by order Application of  
20 published in the Federal Gazette declare the office of the Rector or any other the Pensions Act  
21 person employed by the Council to be a pensionable office for the purposes  
22 of the Pensions Act.

23 *[Cap. P4]*

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

27 (3) A law or rule requiring a person to retire from the Public Service  
28 after serving for thirty five (35) years or having attained the age of 60 years  
29 in service, shall not apply to staff of Polytechnic.

30 (4) Notwithstanding anything to the contrary contained in the

1 Pensions Reform Act, the compulsory retirement age of staff of Polytechnic  
2 shall be sixty-five (65) years.

Establishment  
of the Academic  
Board

3 **15.**-(1) There shall be established for the Polytechnic a Board to be  
4 known as the Academic Board which shall consist of the following members:

5 (a) the Rector of the Polytechnic, as the Chairman;

6 (b) the Deputy Rector(s) of the Polytechnic;

7 (c) all Heads of academic Departments and units;

8 (d) the Polytechnic Librarian;

9 (e) not more than two members of the academic staff who are not  
10 members of the Academic Board and not below the rank of Senior Lecturer  
11 elected from among its members, such members shall serve for non-renewable  
12 term of three (3) years;

13 (f) all Deans and Academic Directors; and

14 (g) all Chief Lecturers.

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

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

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

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

24 *Tenure of Office*

Removal from  
office of members  
of the Council  
and the Rector

25 **16.**-(1) Where it appears to the Governing Council that a member of  
26 the Council other than an ex-officio member or the Rector should be removed  
27 from office on the ground of misconduct or inability to perform the functions of  
28 his office, the Council shall make a recommendation through the Minister to  
29 the Federal Executive Council approves of it, the Minister shall declare the  
30 office of such member or Rector vacant.

1 (2) The Minister may recommend the removal of any member of  
2 the Governing Council or Rector to the Federal Executive Council, if he is  
3 satisfied that it is not in the interest of the Public or of the Polytechnic that  
4 such a person should continue as a member of the Council.

5 (3) In case of vacancy in the office of the Rector, the Council shall  
6 appoint an Acting Rector who shall not be in office for more than 6 months.

7 (4) There shall be no sole administration in any Polytechnic in  
8 Nigeria.

9 17.-(1) If it appears to the Council that there are reasons for  
10 believing that any person employed as a member of the academic,  
11 administrative or technical staff of the polytechnic, other than the Rector,  
12 should be removed from office on the ground of misconduct or inability to  
13 perform the functions of his office, the Council shall:

Removal and  
discipline of  
Academic,  
Administrative  
and Technical  
Staff

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

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

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

20 (i) if he is an academic staff, for a Joint Committee of the Council  
21 and the Academic Board to investigate the matter and to report on it to the  
22 Council;

23 (ii) for a Committee of the Council to investigate the matter, where  
24 it relates to any other member of the staff of the Polytechnic and to report on  
25 it to the Council; and

26 (iii) for the person in question to be afforded an opportunity of  
27 appearing before and being heard by the Investigating Committee with  
28 respect to the matter, and if the Council, after considering the report of the  
29 Investigating Committee, is satisfied that the person in question should be  
30 removed as aforesaid, the Council may so remove him by an instrument in

1 writing signed on the directions of the Council.

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

6 (3) For good cause, any member of staff may be suspended from  
7 office or his appointment may be terminated by the Council and for the purpose  
8 of this subsection, "good cause" means:

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

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

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

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

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

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

27 (b) whether to reinstate such person, in which case the Council shall  
28 restore his full emoluments to him with effect from the date of suspension;

29 (c) whether to terminate the appointment of the person in question, in  
30 which case such a person, will not be entitled to the proportion of his

1 emoluments withheld during the period of suspension;

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

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

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

17 **18.**-(1) Subject to the provisions of this section, where it appears to  
18 the Rector that any student of the Polytechnic has been guilty of misconduct,  
19 the Rector may, without prejudice to any other disciplinary powers  
20 conferred on him by this Act or regulations made hereunder direct:

Discipline of  
students

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

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

27 (c) that the student be suspended for such period as may be  
28 specified in the directions; and

29 (d) that the student be expelled from the Polytechnic.

30 (2) Where there is temporarily no Rector or where the Rector

1 refuses to apply any disciplinary measures, the Council, either directly or  
2 through some other staff, may apply such disciplinary actions as are specified  
3 in subsection (1) of this section to any student of the Polytechnic who is guilty  
4 of misconduct.

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

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

15 (5) The Rector may delegate his power under this section to a  
16 Disciplinary Committee consisting of such members of the Polytechnic as he  
17 may nominate.

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

21 (7) It is hereby declared that a direction under subsection (1)(a) of this  
22 section may be combined with a direction under subsection (1)(b) of this  
23 section.

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

Discipline of  
Junior staff

26 **19.-(1)** If any junior staff is accused of misconduct or inefficiency, the  
27 Rector may suspend him for not more than three months and shall forthwith  
28 direct the Junior Staff Appointments and Promotions Committee:

29 (a) to consider the case; and

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

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

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

9 (4) Any person aggrieved by the Rector's decision under  
10 subsection (3) of this section, may within a period of 21 days from the date of  
11 the letter communicating the decision to him, address a petition to the  
12 Council to consider his case and the Council's decision thereon shall be  
13 final.

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

Audit of Accounts

18 **20.**-(1) The Council shall keep proper accounts and proper records  
19 in relation thereto and shall cause to be prepared, not later than 1st October in  
20 each financial year, an estimate of its revenue and expenditure for the  
21 ensuing financial year and when prepared, the estimate shall be submitted to  
22 the National Board for Technical Education for approval.

23 (2) At the end of each financial year but not later than 30th June the  
24 Council shall cause to be prepared a statement of its income and expenditure  
25 during the previous financial year.

26 (3) The statement of accounts referred to in subsection (2) of this  
27 section shall, when certified by the Rector, be audited by a firm of auditors  
28 appointed from the list and in accordance with the guidelines supplied by the  
29 Auditor General of the Federation and shall be published in the annual report  
30 of the Polytechnic.

Funds of the Council	1	<b>21.</b> The funds of the Council shall include-
	2	(a) fees charged by and payable to the Council in respect of students;
	3	(b) any other amounts due to or recoverable by the Council;
	4	(c) revenue from time to time accruing to the Council from the
	5	Federal Government by way of subvention, grant-in-aid, endowment or
	6	otherwise howsoever; and
	7	(d) donations and legacies accruing to the Council from any source
	8	for the special purpose of the Council.
Donation for particular purposes	9	<b>22.</b> -(1) Donations of money to be applied to any particular purpose
	10	shall be placed to the credit of a special reserve account approved by the
	11	Council until such time as they may be expended in fulfillment of such
	12	purpose.
	13	(2) No Council shall be obliged to accept a donation for a particular
	14	purpose unless it approves of the terms and conditions attached to such
	15	donation.
Payment into bank	16	<b>23.</b> All sums of money received on account of the Council shall be
	17	paid into such bank for the credit of the Council as may be approved by the
	18	Council.
Annual Report	19	<b>24.</b> The Council shall on or before 31st December in each year
	20	prepare and submit to the President through the Minister, a report of the
	21	activities during the preceding financial year and shall include in the report, the
	22	audited accounts of the polytechnic in respect of that financial year and the
	23	auditor's comments on the account.
	24	<i>Miscellaneous and Supplemental</i>
Power to make bye-laws	25	<b>25.</b> -(1) The Council may make bye-laws relating to any matter within
	26	its competence under this Act other than matters for which provision is to be
	27	made by standing orders pursuant to paragraph 7 of the Schedule to this Act.
	28	(2) All such bye-laws shall be in writing and shall come into force
	29	when sealed with the seal of the Council unless some other date for their
	30	commencement is prescribed therein.



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

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

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

14 Provided that, nothing in this section shall be construed as preventing the  
15 polytechnic from imposing any disability or restriction on any of the  
16 aforementioned persons where such a person willfully refuses or fails on  
17 grounds of religious belief to undertake any duty, having regard to its nature  
18 and the special circumstances pertaining thereto is, in the opinion of the  
19 Polytechnic, reasonably justifiable in the national interest.

20 **27.** Subject to the provisions of paragraph 6(2) of the First  
21 Schedule to this Act and any standing orders or bye-law made under this Ac,  
22 the quorum and procedure of any body of persons established by this Act  
23 shall be such as may be determined by that body.

Quorum and  
procedure of  
bodies established  
under this Act

24 **28.** In this Act, unless the context otherwise requires:  
25 "the Academic Board" means the board establish under section 10 of this  
26 Act;  
27 "the Appointments and Promotions Committee" means a body by that name  
28 established under paragraph 3(2)(a) of the Schedule to this Act;  
29 "polytechnic" means the respective Polytechnic set up under this section 1  
30 of this Act;

Interpretation

1 "the Junior Staff Appointments and Promotion Committee" means a body by  
2 that name set up under paragraph 3(2)(b) of the Schedule to this Act;  
3 "the Minister" means the Minister charged with responsibility for matters  
4 relating to technical education;  
5 "the Registrar" means the Registrar of the Polytechnic appointed under section  
6 4(1) of this Act.

Short title

7 **29.** This Bill may be cited as the Federal Polytechnic Aba, Abia State,  
8 2019.

## FIRST SCHEDULE

[Section 7]

## PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT

## SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

*Terms of office of members*

14 1.-(1) A member of the Council other than an ex-officio member shall  
15 hold office for a period of three years beginning with the date on which he was  
16 appointed and shall be eligible for re-appointment for a further term of three  
17 years and thereafter he shall no longer be eligible for re-appointment.

18 (2) Members of the Council holding office as specified in paragraph  
19 1(1) of this Schedule, shall be paid remuneration or allowance in accordance  
20 with rates specified from time to time by the National Council of Ministers.

21 (3) A member of the Council holding office as specified in paragraph  
22 1(1) of this Schedule may by notice in writing to the Minister resign his office.

23 2.-(1) Where a vacancy occurs in the membership of the Council, that  
24 vacancy shall be filled by the appointment of a successor to hold office for the  
25 remainder of the term of office of his predecessor, so however that the  
26 successor shall represent the same interest as his predecessor.

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

1 *Committees*

2 3.-(1) The Council may appoint one or more committees to which it  
3 may delegate any of its functions.

4 (2) Without prejudice to the generality of sub-paragraph (1) of this  
5 Schedule, the Council shall appoint the following committees, that is:

6 (a) the Appointments and Promotions Committees which shall:

7 (i) consist of Rector as the chairman and four other members who  
8 shall be appointed by the Council;

9 (ii) be charged with the responsibility for making  
10 recommendations to the Council on the appointment and promotion of the  
11 academic and senior non-teaching staff of the Polytechnic and have a  
12 quorum of three members.

13 (b) the Junior Staff Appointments and Promotions Committee  
14 which shall consist of a Deputy Rector as Chairman and four other members  
15 to be appointed by the Rector and shall have the powers set out in section  
16 13(2)(b) and section 19 of this Act;

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

19 (i) a Deputy Rector as chairman;

20 (ii) one member of the Council;

21 (iii) Dean of Students Affairs;

22 (iv) two members of the academic staff not below the rank of  
23 Senior Lecturer; and

24 (d) two representatives of the Students Union of the Polytechnic;  
25 and a committee on students affairs shall be charged with the duty of:

26 (i) considering any matter which relates to the welfare of students;

27 (ii) any other matter referred to it by either the Council or  
28 management of the Polytechnic;

29 (iii) any matter which the students wish to refer to the Council shall  
30 be referred to the management in the first instance which may in turn refer

1 the matter to the Committee on Students' Affairs.

2 (3) No decision of a Committee of the Council shall have effect unless  
3 it is confirmed by the Council.

4 *Proceedings of the Council*

5 4.-(1) The Council shall meet for the conduct of business once in a  
6 quarter except for emergency.

7 (2) The Chairman of the Council may at any time and shall at the  
8 request in writing of not less than five members of the Council summon a  
9 meeting of the Council.

10 (3) Particulars of the business to be transacted shall be circulated to  
11 members with the notice of the meeting at least two weeks before the date of the  
12 meeting.

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

18 6.-(1) Every question put before the Council at a meeting shall be  
19 decided by a simple majority of the members present and voting.

20 (2) Two third of members shall form a quorum at any meeting of the  
21 Council.

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

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

28 8. If the Chairman of the Council is absent from a meeting of the  
29 Council, the members present shall elect one of their number to act as chairman  
30 for the purposes of the meeting.

1 *Miscellaneous*

2 9. Composition and Functions of Management Committee,  
3 School and Departmental Boards:

4 (a)(i) There shall be a Management Committee made up of all the  
5 Principal Officers of the Polytechnic, all Deans and Directors in the  
6 Polytechnic;

7 (ii) the Rector shall be the Chairman of the Management  
8 Committee; and

9 (iii) the Management Committee shall meet at least once in a  
10 month to discuss and take decisions on matters of general interest to the  
11 Polytechnic.

12 (b) (i) There shall be a School Board for each school in the  
13 Polytechnic made up of all the Academic Staff in that School;

14 (ii) The School Board deal with academic matters and any other  
15 matter of interest to the School or any matter assigned to it by the Council,  
16 the Rector or the Academic Board;

17 (iii) The Dean shall be the Chairman of the School Board;

18 (iv) The Dean shall be elected from among the Academic Staff not  
19 below the rank of Chief Lecturer in that School for a tenure of three years  
20 and not immediately renewable.

21 (c) (i) There shall be a Departmental Board for each Department in  
22 the Polytechnic made up of all the Academic Staff in that department;

23 (ii) The Departmental Board shall deal with academic matters and  
24 any other matter of interest to the Department;

25 (iii) The Head of Department shall be chairman of the  
26 Departmental Board;

27 (iv) The Head of Department shall be elected from among the  
28 Academic staff not below the rank of Senior Lecturer in that department for  
29 a tenure of three years and not immediately renewable.

30 (d) Where there is no qualified candidate for the position of Dean

1 or Head of Department, the Rector shall appoint an Acting Dean not below the  
2 rank of Senior Lecturer or Acting Head of Department not below the rank of  
3 Lecturer I for a period of one year in the first instance and renewable once and  
4 no more.

5 (e) Nothing in this Act shall prevent the Management Committee and  
6 Boards from making supplementary rules to guide their proceedings provided  
7 such rules are not inconsistent with the provisions of this Act.

8 *Establishment of the Congregation*

9 10.-(a) There shall be for the Polytechnic, a Congregation made of  
10 both Academic and Senior Non-Teaching staff, who holds at least a first degree  
11 or its equivalent;

12 (b) The Rector shall be the Chairman of the Congregation;

13 (c) The Congregation shall meet at least once in a year.

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

18 12.-(1) The common seal of the Council shall not be used or affixed to  
19 any document except in pursuance of a resolution duly passed at a properly  
20 constituted meeting of the Council and recorded in the minutes of such  
21 meeting.

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

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

28 13. Any member of the Council or a committee thereof who has a  
29 personal interest in any contract or arrangement entered into or proposed to be  
30 considered by the Council or a committee thereof, shall forthwith disclose his

- 1 interest to the Council and shall not vote on any question relating to such  
2 contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal Polytechnic, Aba, Abia State; and to provide full-time and part-time courses of instruction and training to produce middle and high level manpower.