

FEDERAL UNIVERSITY BIRNIN-KEBBI, BILL, 2019

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A BILL

FOR

AN ACT TO ESTABLISH FEDERAL UNIVERSITY BIRNIN-KEBBI, KEBBI STATE TO ENSURE EQUITY AND ACCESS TO TERTIARY EDUCATION IN THE COUNTRY. THE UNIVERSITY IS A CONVENTIONAL UNIVERSITY WITH RESTRICTED PROGRAMMES AND LIMITED AND FOCUSED FACULTIES AND FOR RELATED MATTERS

Sponsored by Senator Muhammad Adamu Aliero

Commencement

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

PART I- ESTABLISHMENT OF FEDERAL UNIVERSITY BIRNIN-KEBBI, KEBBI STATE AND ITS GOVERNING COUNCIL

1.-(1) There shall be established, a body to be known as the Federal University, Birnin-Kebbi, Kebbi State (in this Bill referred to as "the University").

Establishment of Federal University Birnin-Kebbi, Kebbi State

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

(3) The University may acquire, hold and dispose of movable and immovable property for the purpose of its functions.

2. The objects of the University shall be to-

Objectives of the University

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

(b) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those courses self-sufficient;

(c) Encourage and promote scholarship and conduct research in restricted fields of learning and human endeavor;

1 (d) Relate its activities to the social, cultural and economic needs of
2 the people of Nigeria; and

3 (e) Undertake other activities appropriate for the highest standard of
4 an Institute.

Establishment
and Composition
of the Governing
Council

5 3.-(1) There is established a Governing Council for the University (in
6 this Bill referred to as "the Council"), which Council shall consist of;

7 (a) Chancellor;

8 (b) Pro-chancellor;

9 (c) Vice Chancellor;

10 (d) Two Deputy Vice Chancellor;

11 (e) A body to be called Congregation;

12 (f) A body to be called Convocation;

13 (g) The campuses and colleges of the University;

14 (h) The faculties, schools, and other teaching and research units of the
15 University;

16 (i) The persons holding the offices constituted by the First Schedule to
17 this Bill other than those mentioned in paragraphs (a) to (c) of this sub-clause;

18 (j) All graduates and undergraduates;

19 (k) A representative of National Universities Commission, not below
20 directorate grade; and

21 (l) All other persons who are members of the university in accordance
22 with provisions made by Statute in that behalf.

23 (2) The First Schedule to this Act shall have effect with respect to the
24 Principal Officers of the University mentioned (therein).

25 (3) A provision shall be made by a Statute with respect to the
26 constitution of the following bodies-

27 (a) The Council;

28 (b) The Senate;

29 (c) The Congregation; and

30 (d) The Convocation.

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

3 (a) establish such campuses, colleges, faculties, schools,
4 extramural departments and other teaching and research units within the
5 University as may, from time, seem necessary or desirable, subject to the
6 approval of the National Universities Commission;

7 (b) Institute professorships, readership and associate
8 professorships, lectureships and other posts and offices and to make
9 appointments there to;

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

13 (d) provide for the residence, discipline and welfare of members of
14 the University;

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

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

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

24 (h) subject to section 22 of this Act, to acquire, hold, grant, charge
25 or otherwise deal with or dispose of moveable and immovable property
26 wherever situate;

27 (i) accept gifts, legacies and donations, but without obligation to
28 accept the same for a particular purpose, unless it approves the terms and
29 conditions attaching thereto;

30 (j) enter into contract, establish trusts, act as trustee, solely or

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

Chancellor to
take precedence
before other
members

- 29 5.-(1) The Chancellor shall in relation to the University, take
- 30 precedence before all other members of the University, and when he is present

1 shall preside at all meetings of convocation held for conferring degrees.

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

7 6.-(1) there shall be a Council for the University consisting of-

8 (a) The Pro-Chancellor;

9 (b) The Vice-Chancellor;

10 (c) The Deputies Vice Chancellor;

11 (d) One person from the Federal Ministry responsible for
12 education;

13 (e) Four persons representing a variety of interest and broadly
14 representative of the whole Federation to be appointed by the President;

15 (f) Four persons appointed by the Senate from among its members;

16 (g) Two persons appointed by the Congregation from among its
17 members; and

18 (h) One person appointed to the Council shall be persons of proven
19 integrity, knowledgeable and familiar with the affairs and tradition of the
20 University.

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

24 7.-(1) Subject to the provisions of this Act relating to the Visitor;
25 the Council shall be the governing body of the University and shall be
26 charged with the general control and superintendence of the policy, finances
27 and property of the University, including its public relations.

28 (2) There shall be a committee of the Council to be known as the
29 Finance and General Purposes Committee, which shall, subject to the
30 directions of the Council, exercise control over the property and expenditure

Establishment
and membership
of the Council

Council and other
Committee of the
University

1 of the Council as the Council from time to time delegate to it.

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

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

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

14 (6) Rules made under subsection (5) of this section by the Finance and
15 General Purpose Committee shall not come into force unless approved by the
16 Council, and where any rules so made by the Committee conflicts with any
17 direction given by the Council (whether before or after the coming into force of
18 the rules in question), the direction of the Council shall prevail.

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

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

25 (9) if required in writing by five members of the Council, the
26 Chairman shall within, 28 days after the receipt of such request, call a meeting
27 of the Council, provided that if after 28 days of the receipt or delivering to him
28 of such request, the chairman fails or neglect to call a meeting, the Registrar
29 shall within 14 days thereof, cause a meeting of the Council to be convened for
30 that purpose and the request shall specify the business to be considered at the

1 meeting and no business not so specified shall be transacted at the
2 meeting.

3 8.-(1) Subject to Clause 5 of this Bill and sub-clauses (3) and (4) of
4 this Clause and to the provisions of this Bill relating to the Visitor, it shall be
5 the general function of the Senate to organize and control teaching in
6 the University, admission to Post-graduate courses and other admission
7 of students the discipline of students and to promote research in the
8 University.

Function of the
Senate

9 (2) Without prejudice to the generality of the provisions of
10 subsection (1) of this section, it shall in particular be the function of the
11 Senate to make provision for the-

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

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

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

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

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

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

28 (g) Granting of fellowships, scholarships, prize and similar
29 awards in so far as the awards are within the control of the University;
30 and

1 (h) Determination of what description or dress shall be academic
2 dress for the purposes of the University, and regulating the use of academic
3 dress.

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

8 (4) Subject to this Act and the Statutes, the Senate may make
9 regulations for the purpose of exercising any function conferred on it either by
10 the provisions of this section or for the purpose of providing for any matter for
11 which provision by regulation is authorized or required by this Act or by
12 Statute.

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

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

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

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

Vice Chancellor
take precedence
in the absence
of Chancellor

1 the exclusion of any other person or authority, be the chief executive and
 2 academic officer of the University and ex-officio Chairman of the Senate.
 3 The Vice chancellor to take Precedence in the absence of Chancellor.

4 PART II - STATUTES OF UNIVERSITY

5 10.-(1) Subject to this Bill, the University may make Statutes for
 6 any of the following purposes-

Statutes of the
 University

7 (a) making provision with respect to the composition constitution
 8 of any authority of the University;

9 (b) specifying and regulating the powers and duties of any
 10 authority of the University, and regulating any other matter connected with
 11 the University or any of its authorities;

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

14 (d) determining whether any particular matter is to be treated as an
 15 academic or non-academic matter for the purposes of this Bill and of any
 16 Statute, regulation or other instrument made there-under; and

17 (e) making provision for other matters for which provision by
 18 Statute is authorized or required by this Bill.

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

22 (3) The Statute contained in the Third Schedule to this Bill shall be
 23 deemed to have come into force on the commencement of this Bill and shall
 24 be deemed to have been made under this section by the University.

25 (4) The power to make Statute conferred by this section shall not be
 26 prejudiced or limited in any way by reason of the inclusion or omission of
 27 any matter in or from the Statute contained in the Second Schedule to this
 28 Bill.

Second Schedule

29 11.-(1) The power of the University to make Statutes shall be
 30 exercised in accordance with the provisions of this section.

Power to make
 and approve
 Statutes

1 (2) A proposed Statute shall not have the force of law until it has been
2 approved at a meeting of the-

3 (a) Senate, by the votes of not less than two thirds of the members
4 present and voting; and

5 (b) Council by the votes of not less than two third of the members
6 Present and voting.

7 (3) A proposed Statute may originate either in the Senate or Council,
8 and may be approved us required by subsection (2) of this section by both
9 bodies in no particular order.

10 (4) A Statute which-

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

13 (b) Provides for the establishment of a new campus or college or the
14 améndment or revocation of any Statute whereby a campus or college is
15 established, shall not come into operation unless it has been approved by the
16 Visitor.

17 (5) For the purpose of section 2(2) of the Interpretation Act, Statute
18 shall be treated as being made on the date on which it is approved by the
19 Council end the Senate in accordance with Subsection (3) of this section or in
20 the case of a Statute falling within subsection (4) of this section, on the date on
21 which it is approved by the President.

Proof of Statue
in Court

22 12. A Statute may be proved in any court by the production of a copy
23 thereof bearing or having affixed to it a certificate signed by the vice
24 Chancellor or the Registrar to the effect that the copy is a true copy of a Statute
25 of the Institute.

Visitor's decision
in case of dispute

26 13 -(1) In the event of any doubt or dispute arising any time as to the
27 meaning of any provision of a Statute, the matter may be referred to the Visitor,
28 who shall take such advice and make such decision there on as he deems fit.

29 (2) The decision of the Visitor on any matter referred to him under this
30 section shall be binding upon the authorities, staff and students of the

1 University and where any question as to the meaning of any provision of a
2 Statute has been decided by the Visitor under this section no question as to
3 the meaning of that provision shall be entertained by any other authority
4 in Nigeria, provided that nothing in this subsection shall affect the power of
5 court of competent jurisdiction to determine whether any provision of a
6 Statute is wholly or partly void as being ultra vires or as being inconsistent
7 with the Constitution.

8 (3) The provisions of this section shall apply in relation to any
9 doubt or dispute as to whether any matter is, for the purposes of this Bill, an
10 academic or non-academic matter as they apply in relation to any such doubt
11 or dispute as is mentioned subsection (1) of this section, and accordingly
12 the reference in subsection (2) of this section to any question as to the
13 meaning of any provision of the Statute shall include references to any
14 question as to whether any matter is for the said purposes an academic or
15 non-academic matter.

17 PART III - SUPERVISION AND DISCIPLINE

18 14-(1) The President shall be the visitor of the University.

Supervision and
discipline

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

23 (3) The bodies and persons comprising the University shall-

24 (a) make available to the visitor, and to any other persons
25 conducting a visitation in pursuance of this section, such facilities and
26 assistance as he or they may reasonably require for the purpose of the
27 visitation; and

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

Removal of
Member

1 15 -(1) If it appears to the Council that a member (other than Pro-
2 Chancellor or the Vice Chancellor) should be removed from office on grounds
3 of misconduct or inability to perform the functions of his office, the Council
4 shall make a recommendation to that effect through the Minister to the Federal
5 Executive Council and if the Federal Executive Council, after making such
6 enquires (if any) as may be considered necessary, approves the
7 recommendation, it may direct the removal of the member from office.

8 (2) The Minister shall use his best endeavors to cause a copy other
9 instrument embodying a direction under subsection (1) of this section to be
10 served as soon as reasonably practicable on the person to whom it relates.

Grounds and
removal procedure
for members

11 16 -(1) If it appears to the Council that there are reasons for believing
12 that any person employed as a member of the academic, administrative or
13 professional staff of the University, either than the Vice Chancellor should be
14 removed from office or on grounds of misconduct or inability to perform the
15 functions of his office Council shall-

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

17 (b) afford such person an opportunity of making representation on the
18 matter to the Council, and

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

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

23 (a) a Joint committee of the Council and the Senate to review the
24 matter and to report it to the Council;

25 (b) the person in question to be afforded an opportunity to appear
26 before and be heard by an investigating committee with respect to the matter;
27 and if the Council after considering the report of the investigating council may
28 satisfied that the person in question should be removed, the Council may so

29 remove him by an instrument in writing signed on the directions of the Council

30 (3) The Vice Chancellor may, in a case of gross misconduct by a

1 member of staff which in the opinion of the Vice Chancellor is prejudicial to
2 the interest the University; suspend such member and any such suspension
3 shall immediately be reported to the Council.

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

7 (a) conviction for any offence which the Council considers to be
8 such as to render the person concerned unfit for the discharge of the
9 functions of his office;

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

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

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

19 (5) Any person suspended under subsection (3) of this section shall
20 be on half pay and the Council shall, before the expiration of a period of three
21 months from the date of such suspension, consider the case against that person
22 and come to a decision as to whether to:-

23 (a) continue such person's suspension and if so on what terms
24 (including the proportion of his emolument to be paid to him);

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

27 (c) terminate the appointment of the person concerned in which case
28 such a person will not be entitled to the proportion of his emoluments
29 withheld during the period of suspension; and

30 (d) take such lesser disciplinary action against such person (including

1 the restoration of such proportion of his emoluments that might have been
2 withheld) as the Council may determine.

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

8 (7) The person, by whom an instrument of removal is signed in
9 pursuance of subsection (1) of this section shall use his best endeavors' to cause
10 a copy of the instrument to be served soon as reasonably practicable on the
11 person to whom it relates.

12 (8) Nothing in this section shall prevent the Council from making
13 regulations for the discipline of staff and workers of the university as may be
14 appropriate.

Removal of
examiner

15 17.-(1) if, on the recommendation of the Vice Chancellor or it
16 Examiner appears to the Senate that a person appointed as examiner for any
17 examination of the University ought to be removed from his office or
18 appointment, then, the Senate may, after affording the examiner opportunity
19 of making presentations in person on the matter, direct the Vice Chancellor to
20 remove the examiner by an instrument in writing signed by the registrar.

21 (2) Subject to the provisions, of any regulation made under this Bill,
22 the Vice Chancellor may, on the recommendation of Senate, appoint an
23 appropriate person as examiner in the place of the examiner removed.

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

Disciplinary
action on students

27 18.-(1) Subject to the provisions of this section, where it appears to
28 the Vice Chancellor that any student is guilty of misconduct, the Vice
29 Chancellor may, without prejudice to any other disciplinary powers conferred
30 on him by Statute or regulations, direct that the-

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

4 (b) activities of the student shall, during such period as may be
5 specified in the direction, be restricted in such manner as may be so
6 specified.

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

9 (d) Student be expelled from the University.

10 (2) Where a direction is given under subsection (1) of this section
11 in respect of any student, the student may within the prescribed period and in
12 the prescribed manner, appeal against the direction to the Senate.

13 (3) Where an appeal is brought under subsection (2) of this section,
14 the Senate shall, after causing such an inquiring to be made in the matter as
15 the Senate considers just, either confirm or set aside the direction or modify
16 it in such manner as the Senate think fit.

17 (4) The fact that an appeal from a direction is brought under
18 subsection (2) of this section shall not affect the operation of the direction
19 while the appeal is pending.

20 (5) The Vice Chancellor may delegate his powers under this
21 section to a disciplinary board consisting of such members of the university
22 as he may nominate.

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

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

29 PART IV - MISCELLANEOUS AND GENERAL PROVISIONS.

30 19-(1) No person shall be required to satisfy requirements as to Discrimination

1 race (including ethnic grouping) sex, place of birth, family origin, religious or
2 political persuasion, as a condition for becoming or continuing to be a-

- 3 (a) student in the University;
- 4 (b) holder of any degree, appointment employment in the University;
- 5 (c) Member of anybody established by virtue of this Bill.

6 (2) No person shall be subjected to any disadvantage or accorded any
7 advantage in relation to the University by reference to any of the matters
8 referred to in subsection (1) of this section.

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

Application of
Land Use Act
Cap. L5 LFN,
2004

16 20.-(1) For the purpose of the Land Use Act, which provides for the
17 compulsory acquisition of land for public purposes, any purpose of the
18 University, shall be the same as that of the Federation.

19 (2) Where an estate or interest in land is acquired by the Government
20 pursuant to this section, the government may, by a certificate under the hand and
21 seal of the Chief Federal Lands Officer or any other person authorized in that
22 behalf transfer it to the University.

Consent of
Visitor in Land
deals
Cap. L5 LFN,
2004

23 21. Without prejudice to the provisions of the Land Use Act, the
24 University shall not dispose of or charge any land or an interest in any Land,
25 including any land transferred to the University by this Act, except with the
26 prior written consent, either general or special, of the visitor; provided that
27 such consent shall not be required in the case of any lease or tenancy at rack rent
28 for a term not exceeding 21 years of any lease or tenancy to a member of the
29 University for residential purpose.

Quorum

30 22. Except as may be otherwise provided by Statute or by regulation,

1 the quorum and procedure of anybody or persons established by this Act
2 shall be such as may be determined by that body.

3 23.-(1) Anybody of person established by this Act shall, without Committees
4 prejudice to the generality of the powers of that body, have power to appoint
5 committees, which need not consist exclusively of members of that body
6 and authorized a committee established by it to-

7 (a) exercise on its behalf, such its functions as it may determine,
8 and

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

11 (2) Any two or more of such bodies may arrange for holding of
12 joint meetings of those bodies, for the appointment of Committees
13 consisting of members of those bodies for the purpose of considering any
14 matter within the competence of those bodies or any of them and either
15 dealing with it or of reporting on it to those bodies or any of them.

16 (3) Except as may be otherwise provided by a Statutes or regulation,
17 the quorum and procedure of a committee established or meeting held
18 pursuant to this section shall be such as may be determined by the body or
19 bodies which have decided to establish the committee or hold the meeting.

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

26 (5) Nothing in this section shall be constructed as enabling-

27 (a) Statutes to be made otherwise than in accordance with section 11
28 or this Bill; or

29 (b) The Senate to empower any other body to make regulations to
30 award degree or other qualifications.

Seal of the
University

1 **24.**-(1) The seal of the University shall be such as may be determined
2 by the Council and approved by the Chancellor and the affixing of the seal
3 shall-

4 (a) In the case of certificates issued by the University, be
5 authenticated by the Vice Chancellor and the Registrar; and

6 (b) in the case of any other document, be authenticated by any
7 member of Council, the Vice Chancellor and the Registrar or any other person
8 authorized by Statute.

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

12 (3) Any contract or instrument which, if made or executed by a
13 person not being a body corporate, would not be required to be under seal.
14 may be made or executed on behalf of the University by any person
15 generally or specially authorized to do so by the Council without seal

16 (4) The validity of the proceedings of anybody established pursuant
17 to this Bill shall not be affected by-

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

19 (b) any defect with appointment of a member of the body;

20 (c) by reason that any person not entitled to do so took part in the
21 proceedings.

22 (5) Any member of any such body who has a personal interest in any
23 matter opposed to be considered by that body shall disclose his interest to the
24 body and shall not vote on any question relating to the that matter.

Cap. 1123, 2004

25 (6) Nothing in section 12 of the interpretation Act, which provides for
26 the application, in relation to subordinate legislation, of certain incidental
27 provisions, shall apply to Statutes or Regulations made under this Bill.

28 (7) The power conferred by this Bill on anybody to make Statutes
29 Regulations shall include power to revoke or vary any-

30 (a) Statute, including the Statute contained in the Second Schedule to

1 this Bill or

2 (b) Regulation by a subsequent Statute or Regulation as the case
3 may be provided that the Statutes and Regulations may have different
4 provisions in relation to different circumstances.

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

8 (9) Any notice or other instrument authorized to be served by virtue
9 of this Bill may, without prejudice to any other mode of service, be served by
10 post.

11 25. Where in any provisions of this Bill, it is laid down that
12 proposals and are to be submitted or a recommendation is to be made by one
13 authority to another through one or more intermediate authorities, every
14 such intermediate authority shall forward any proposal or recommendation
15 received by it pursuant to that provision to the appropriate authority: but any
16 such intermediate authority may, if it thinks fit, forward therewith its own
17 Comment thereon.

Proposal and
recommendation

18 26. A person who has a cause of action against the University
19 shall-

Pre-action notice

20 (a) give the University three months' notice, in writing, of intention
21 to commence an action, disclosing the cause of action and served the
22 processes to the principal office of the University; and

23 (b) Commence the legal action within two years from the date the
24 cause of action arose.

25 27.-(1) All assets, rights, liabilities, interests, and obligation vested
26 in the Federal University, Birnin-Kebbi, before the commencement of this
27 Bill, shall after commencement of this Bill be vested in the Federal
28 University, Birnin-Kebbi

Savings and
transitional
provisions

29 (2) All staff of Federal University Birnin-kebbi existing before the
30 commencement of this Bill shall after commencement of this Bill continue

1 to be staff of Federal University Birnin-kebbi, Kebbi State in accordance with
 2 new terms of appointment.

Interpretation

3 28. In this Bill-

4 "Appropriate authority" means any person, body or authority, authorized by
 5 law to act in a specific or general capacity in relation to a subject matter;

6 "Campus" means any campus which may be established by the University;

7 "College" means any college which may be established by the University;

8 "Constitution" means the Constitution of the Federal Republic of Nigeria;

9 "Government" means the Federal Government of Nigeria;

10 "Graduate" means a person on whom a degree, other than an honorary degree,
 11 has been conferred by the University to him/her;

12 "Gross misconduct" means any act of misconduct and improper behavior that
 13 may be designated as gross misconduct by any Statute or regulation made,
 14 under this Bill;

15 "Minister" means the Minister charged with responsibility for education;

16 "Misconduct" means any conduct which is prejudicial to the good name of the
 17 University and or discipline and the proper administration of the business of
 18 the University;

19 "Officer" does not include the Visitor;

20 "Prescribed" means prescribed by Statute or regulation made under this Bill;

21 "Professor" means a person designated as a professor of the University in
 22 accordance with provisions made in that behalf by Statute or regulations;

23 "Property" includes rights, liabilities and obligations;

24 "Regulations" means regulations made by the Senate or Council;

25 "Senate" means the Senate of the University established by this Bill;

26 "Statute" means a Statute made by the University under section 11 of this Bill;

27 "The provisional Council" means the provisional Council appointed for the
 28 University by the President;

29 "Teacher" means a person holding a full time appointment as a member of the
 30 teaching or research staff of the University; and

1 "The University" means the Federal University Birnin-kebbi, Kebbi
2 State.

3 29. This Bill may be cited as the Federal University Birnin-Kebbi, Short title
4 Bill, 2019.

5 FIRST SCHEDULE:

6 PRINCIPAL OFFICERS OF THE UNIVERSITY

7 *The Chancellor*

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

10 *The Pro-Chancellor*

11 2. The Pro-Chancellor shall be appointed or removed from office
12 by the President.

13 *The Vice Chancellor*

14 3. The procedure for the appointment and removal of the Vice
15 Chancellor shall be in accordance with the provision of the
16 Universities(Miscellaneous Provisions)Act 1993 as amended.

17 4.-(1) There shall be for the University, two Deputy Vice
18 Chancellors or such number of Deputy Vice Chancellors as the Council may,
19 from time to time, deem necessary for the proper administration of the
20 University.

21 (2) The procedure for the appointment and removal of a Deputy
22 Vice Chancellor shall be in accordance with the provision of the
23 Universities. (Miscellaneous Provisions)Act 1993 as amended.

24 (3) A Deputy Vice Chancellor shall-

25 (a) assist the Vice Chancellor in the performance of his functions
26 under Section 3(2) (b), act in place of the Vice Chancellor when the post of
27 the Vice Chancellor is vacant or if the Vice Chancellor is, for any reason
28 absent or unable to perform his functions as Vice Chancellor; and

29 (b) Perform such other functions as the Vice Chancellor or the
30 Council may, from time to time, assign to him.

1 *Office of the Registrar; Bursar and Institute Librarian*

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

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

9 (3) The Registrar shall hold office for such period and on such terms
10 and conditions as to emoluments as may be specified in his letter of
11 appointment.

12 6.-(1) There shall be for the University, the following Principal
13 Officers in addition to the Registrar-

14 (a) the Bursar; and

15 (b) the University Librarian.

16 (2) The Bursar shall be the Chief Financial Officer of the University
17 and shall be responsible to the Vice Chancellor for the day-to-day
18 administration and control of the financial affairs of the University.

19 (3) The University Librarian shall be responsible to the Vice
20 Chancellor for the administration of the University Library and the co-
21 ordination of all library services in the University and its campuses, colleges,
22 faculties, schools, departments and institutes and other teaching or research
23 units.

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

27 7. There shall be for the University, a Director of Works, who shall
28 be responsible to the Vice Chancellor for the administration of the Works
29 Department, and shall be responsible for all works, services and maintenance
30 of institute facilities.

1 *The Council*

2 1.-(1) Any member of Council holding office pursuant to section 6(e)
3 (f) (g) or (h) of this Bill may, by notice to the Council resign his office.

4 (2) A member of Council holding office pursuant to section 6(e) (f) (g)
5 or (h) of this Bill shall, unless he previously vacates it, vacate that office on the
6 expiration of a period of four years starting.

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

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

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

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

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

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

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

1 not apply to the University.

2 *The Finance and General Purpose Committee*

3 2.-(1) The Finance and General Purpose Committee to the
4 Council shall consist of-

5 (a) the Pro-Chancellor, who shall be the Chairman of the
6 Committee at any meeting at which he is present;

7 (b) the Vice Chancellor and a Deputy Vice Chancellor;

8 (c) six other members of the Council appointed by the Council two
9 of whom shall be selected from among the four members of the Council
10 appointed by the Senate and one of whom shall be selected from among
11 members of the Council appointed by the congregation; and

12 (d) the Permanent Secretary, Federal Ministry or, in Education in
13 his absence, such member of his Ministry as he may designate to represent
14 him.

15 (2) The quorum of the Committee shall be six.

16 (3) Subject to any direction given by the Council, the Committee
17 may regulate its own procedure.

18 *The Senate*

19 3.-(1) There shall be a Senate for the University consisting of-

20 (a) the Vice Chancellor;

21 (b) the Deputy Vice Chancellors;

22 (c) all Professors of the University;

23 (d) all Deans, Provosts and Directors of Academic Units of the
24 University;

25 (e) all Heads of Academic Department, Units and Research
26 institutes of the University;

27 (f) the University Librarian; and

28 (g) Academic members of the Congregation who are not
29 Professors as specified in the Laws of the University.

30 (2) The Vice Chancellor shall be the Chairman at all meetings of

1 the Senate when he is present and, in his absence, one of the Deputy Vice
2 Chancellors appointed by him shall be the Chairman at the meeting.

3 (3) The quorum of the Senate shall be one quarter, or the nearest
4 whole number less than one quarter, and subject to paragraph (2), the Senate
5 may regulate its own procedure.

6 (4) If so requested in writing by any ten (10) members of the Senate.
7 the Vice Chancellor, or, in his absence a person duly appointed by him
8 shall convene a meeting of the Senate to be held not later tenth day
9 following that on which the request was received.

10 *Congregation*

11 4.-(1) The Congregation shall consist of-

12 (a) the Vice Chancellor and the Deputy Vice Chancellors;

13 (b) the full time members of the academic staff;

14 (c) the Registrar;

15 (d) the Bursar; and

16 (e) every member of the administrative and technical staff who holds
17 a degree of any Institute recognized for the purpose of this Statute by the Vice
18 Chancellor, not being an honorary degree.

19 (2) Subject to section 5 of this Bill, the Vice Chancellor shall be the
20 Chairman at all meetings of Congregation when he is present, and, in his
21 absence, one of the Deputy Vice Chancellors appointed by him shall be the
22 Chairman at the meeting.

23 (3) The quorum of Congregation shall be one-third, or the nearest
24 whole number to one-third, of the total number of members of Congregation or
25 fifty, whichever is less.

26 (4) A certificate signed by the Vice Chancellor specifying:-

27 (a) the total number of members of the Congregation for the purposes
28 of any particular meeting or meetings of the Congregation, or

29 (b) the names of the persons who are members of Congregation
30 during a particular period, shall be conclusive evidence of the number or as the

1 case maybe of the names of those persons.

2 (5) Subject to the provisions of this Schedule, the Congregation
3 may regulate its own procedure.

4 (6) The Congregation shall be entitled to express by, resolution or
5 otherwise, its opinion on all matters effecting the interest and welfare of the
6 University and shall have such other functions in addition to the function of
7 electing a member of the Council, as may be provided by Statute or
8 regulations.

9 *The convocation*

10 5-(1) The Convocation shall consist of-

11 (a) The Officers of the University mentioned in the First Schedule
12 to this Bill;

13 (b) All teachers within the meaning of this Bill and

14 (c) All other person whose names and registered in accordance
15 with sub- paragraph (2) of this paragraph.

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

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

20 (b) Applies for the registration of his name in the prescribed
21 manner as pays the prescribed fee.

22 (3) Regulations shall provide for the establishment and
23 maintenance of a register for the purpose of this paragraph and subject to
24 sub-paragraph (3), may provide for the payment from time to time of further
25 fees by persons whose names are on the register and for the removal from the
26 register of the name of any person who fails to pay those fees.

27 (4) The person responsible for maintaining the register shall,
28 without the payment of any fee, ensure that the names of all persons who are
29 for the time being members of the Convocation by virtue of sub-paragraph
30 (1)(a) or (b) of this paragraph are entered and retained in the register.

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

5 (6) The register shall, unless the contrary is proved, be sufficient
6 evidence that any person named therein is, and that any person not named
7 therein is not, a member of the convocation; but for the purpose of ascertaining
8 whether a particular person was such a member on a particular date, any entry
9 in, and deletion from, the register made on or after that date shall be
10 disregarded.

11 (7) The quorum of the Convocation shall be fifty or one-third, or the
12 whole number nearest to one-third, or the total number of members of the
13 Convocation whichever is less.

14 (8) Subject to section 5 of this Bill, the Chancellor shall be Chairman
15 at all meetings of the Convocation when he is present, and in his absence, the
16 Vice Chancellor shall be the Chairman at the meeting.

17 (9) The Convocation shall have such function in addition to the
18 function of appointing a member of the Council, as may be provided by
19 Statute.

20 *Organization of Faculties and Branches Thereof*

21 (6) Each Faculty shall be divided into such number of branches as
22 may be prescribed.

23 7.-(1) There shall be established in respect of each Faculty, a Faculty
24 Board, which, subject to the provisions of this Bill, and subject to the directions
25 of the Vice Chancellor shall-

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

28 (b) deal with other matters assigned to it by Statute the Vice
29 Chancellor or the Senate; and

30 (c) advise the Vice Chancellor or Senate any matter referred to it by

1 the vice Chancellor or Senate.

2 (2) Each Faculty Board shall consists of-

3 (a) the Vice Chancellor;

4 (b) the persons severally in charge of the branches of the faculty

5 (c) such number of the teachers assigned to the faculty and having
6 the prescribed qualifications as the Board may determine; and

7 (d) such persons whether or not members of the University as the
8 Board may determine with the general or special approval of Senate.

9 (3) The quorum of the Board shall be 8 members or one-quarter of
10 the members of the Board for the time being, whichever is greater.

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

13 *The Dean a/the Faculty*

14 8-(1) The Dean of a faculty shall be a professor elected by the
15 Faculty Board and such Dean shall hold office for a term of two years and
16 may be eligible for re-election for another term of two years after which he
17 may not be elected again until two years have elapsed.

18 (2) If there is no professor in a faculty, the Vice Chancellor shall
19 appoint an acting Dean who shall not be below the rank of Senior Lecturer
20 for the faculty, who shall act for a period of one year in the first instance,
21 renewable for another one year only.

22 (3) In the absence of the Vice Chancellor, the Dean shall be the
23 Chairman at all meetings of the Faculty Board when he is present and he
24 shall be a member of all committees and other boards appointed by the
25 faculty.

26 (4) The Dean of a faculty shall exercise general superintendence
27 over the academic and administrative affairs of the faculty and shall present
28 to the Convocation for the conferment of Degrees, persons who have
29 qualified for the Degrees of the University at examinations held in the
30 branches of learning for which responsibility is allocated to that faculty.

1 (5) There shall be a committee to be known as the Committee of
2 Deans which shall consist of all the Deans or the several faculties and that
3 committee shall advise the Vice Chancellor on all academic matters and on
4 particular matters referred to the Committee by the Senate.

5 (6) The Dean of a faculty may be removed from office for a good
6 cause by the Faculty Board after a vote would have been taken at a meeting of
7 the Board, and in the event of a vacancy occurring following the removal of the
8 Dean, an Acting Dean may be appointed by the Vice Chancellor provided that
9 at the next faculty board meeting an election shall be held for a new Dean.

10 (7) In this article, "good cause" has the same meaning as in section 17
11 of this Bill.

12 *Selection of certain Principal and other key officers.*

13 9 -(1) When a vacancy occurs in the Office of the Registrar, Bursar,
14 the University Librarian, Director of Works or Director of Health Services, a
15 Selection Board shall be constituted by the Council and shall consist of-

16 (a) the Pro-Chancellor;

17 (b) the Vice Chancellor;

18 (c) two members appointed by the Council, not being members of
19 Senate; and

20 (d) Two members appointed by the Senate not being members of
21 Council.

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

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

29 *Creation of Academic Post*

30 10. Recommendation for the creation of posts other than those

1 mentioned in paragraph 9 of this Schedule shall be made by the Senate to the
2 Council through the Finance and General Purposes Committee.

3 *Appointment of Academic Staff*

4 11. Subject to this Bill and the Statute made under it, the filling
5 of vacancies in academic posts, including newly created ones, shall
6 be as prescribed from time to time by Statute.

7 *Appointment of Technical/ Staff Administrative and Technical Staff*

8 12.-(1) The administrative and technical staff of the University,
9 other than those mentioned in paragraph 9 of this Schedule, shall be
10 appointed by the Council on its behalf by the Vice Chancellor or the
11 Registrar in accordance with any delegation of powers made by the Council
12 in that behalf

13 (2) In the case of administrative or technical staff that has close and
14 important contacts with the academic staff, there shall be Senate
15 participation in the process of selection.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Federal University Birnin-Kebbi, Kebbi State to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.

