

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL POLYTECHNICS REGULATORY COMMISSION AND FOR RELATED MATTERS

Sponsored by Hon. Frederick Y. Agbedi

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL POLYTECHNICS

2 REGULATORY COMMISSION

3 1.-(1) There is established a Commission to be known as the Establishment of
4 National Polytechnics Regulatory Commission (in this Bill referred to as the Commission
5 "the Commission"). and location of
its headquarters

6 (2) The Commission:

7 (a) shall be a body corporate with perpetual succession and
8 common seal;

9 (b) may sue and be sued in its corporate name; and

10 (c) may acquire, hold or dispose of any moveable or immoveable
11 property for the purpose of its functions under this Bill.

12 (3) The headquarters of the Commission shall be located in the
13 Federal Capital Territory, Abuja.

14 2.-(1) There is established for the Commission a Governing Establishment of
15 Council (hereinafter referred to as "the Council") which shall be responsible the Commission's
Council
16 for running the affairs of the Commission.

17 (2) The Council shall consist of:

18 (a) a Chairman;

19 (b) a representative each from the following Federal Ministries not
20 below the rank of a Director:

21 (i) Education;

- 1 (ii) Youth and Sports Development;
- 2 (iii) Health and Human Services;
- 3 (iv) Finance;
- 4 (v) National Planning;
- 5 (vi) Science and Technology; and
- 6 (vii) Information and Communication;
- 7 (c) one representative of the Office of Head of Service of the
- 8 Federation not below the rank of a Director;
- 9 (d) one person not below the rank of a Director to represent each of the
- 10 geo-political zones of the Federation drawn from the State Ministries of
- 11 Education in rotation;
- 12 (e) one representative of the Academic Staff Union of Polytechnics;
- 13 (f) one representative of the Non-Academic Staff Union of
- 14 Polytechnics;
- 15 (g) six persons to represent Rectors of Polytechnics one drawn from
- 16 each of the geo-political zones of the Federation;
- 17 (h) one person to represent each of the following broad academic
- 18 disciplines drawn from different Polytechnics and from different geo-political
- 19 zones of the Federation:
- 20 (i) Engineering;
- 21 (ii) Urban and Regional Planning;
- 22 (iii) Science and Technology;
- 23 (iv) Communications;
- 24 (v) Business Studies; and
- 25 (vi) Transportation;
- 26 (i) one representative of the National Commission for Women;
- 27 (j) one person with a wide knowledge in private or public sector
- 28 interest drawn from each of the geo-political zones of the Federation;
- 29 (k) the Executive Secretary of the Commission who shall also be the
- 30 Secretary of the Council.

1 (3) The Chairman and other members of the Commission other
2 than ex-officio members shall be:

3 (a) persons of proven integrity, honour and ability; and

4 (b) appointed by the President subject to confirmation by the
5 Senate.

6 3. The Executive Secretary shall:

The Executive
Secretary

7 (a) possess such qualifications and experience as determined by
8 the President;

9 (b) hold office for a term of five years and may be re-appointed for
10 a further term of five years and no more; and

11 (c) be paid such remuneration as may be prescribed in the letter of
12 appointment.

13 4.-(1) The Chairman and other members of the Council, other than
14 the Executive Secretary and ex-officio members shall hold office:

Tenure of office,
etc.

15 (a) for a term of four years and may be re-appointed for a further
16 term of four years and no more; and

17 (b) on such terms and conditions as may be specified in their letter
18 of appointment.

19 5.-(1) Notwithstanding the provisions of sections 3 and 4 of this
20 Bill, a member of the Council may, at any time, be removed from office by
21 the President on the occurrence of any of the following:

Vacation of
office

22 (a) if he or she becomes bankrupt;

23 (b) if he or she is convicted for a felony or any offence involving
24 fraud or dishonesty;

25 (c) where he or she becomes of unsound mind or is incapable of
26 carrying out his duties;

27 (d) if he or she is guilty of a serious misconduct in relation to his or
28 her duties; or

29 (e) in case of a person who has a professional qualification, the
30 basis of which he or she was appointed, he or she is disqualified or

1 suspended, other than at his or her own request, from practicing the profession
2 in any part of the world by an order of a competent authority made in respect of
3 that member.

4 (2) A member of the Council may be removed by the President if the
5 President is satisfied that it is not in the interest of the Commission or that of the
6 public that the member should continue in office.

7 (3) A member of the Council may resign his appointment by a notice
8 in writing by him addressed to the President and that member shall, on the date
9 of the receipt of that letter by the President, cease to be a member of the
10 Council.

11 (4) Where a member of the Council ceases to hold office for any
12 reason whatsoever before the expiration of the term for which he was
13 appointed, another person to represent the same interest as that member shall
14 be appointed to the Council for the unexpired term.

Emoluments

15 6. Members of the Council shall be paid such allowances and benefits
16 as the Revenue Mobilization Allocation and Fiscal Commission shall direct
17 from time to time.

Powers of the
Council

18 7.-(1) The Council shall have power to:

19 (a) formulate the general policies and guidelines relating to the
20 functions of the Commission;

21 (b) manage and superintend the affairs of the Commission;

22 (c) subject to the provisions of this Bill, make, alter and revoke rules
23 and regulations for carrying on the functions of the Commission;

24 (d) in accordance with the extant provisions for the Civil Service of
25 the Federation, fix terms and conditions of service, including remuneration, of
26 the employees of the Commission;

27 (e) in accordance with the provisions of this Bill, do such other things
28 which, in the opinion of the Council, are necessary to ensure efficient
29 performance of the functions of the Commission.

Schedule

30 (2) The supplementary provisions set out in the Schedule to this Bill

1 shall have effect with respect to the proceedings of the Council and the other
2 matters contained in the Schedule.

3 PART II - FUNCTIONS OF THE COMMISSION

4 8.-(1) The Commission shall have the following functions:

Functions of the
Commission

5 (a) advise the President and Governors of the States, through the
6 Minister, on the creation of new polytechnics in Nigeria;

7 (b) prepare, after consultation with all the State Governments, the
8 Polytechnics, the National Manpower Board and such other bodies as it
9 considers appropriate, periodic master plans for the balanced and
10 coordinated development of all polytechnics in Nigeria and such plans shall
11 include:

12 (i) the general programmes to be pursued by the polytechnics, in
13 order to ensure that they are fully adequate to meet national needs and
14 objectives;

15 (ii) recommendations for the establishment and location of new
16 polytechnics as when considered necessary, and in accordance with the
17 Commission's approved guidelines; and

18 (iii) recommendations for the establishment of new academic units
19 in existing polytechnics or the approval or disapproval of proposals to
20 establish such academic units;

21 (c) make such inquiries and investigations relating to polytechnic
22 education as the Commission may consider necessary in the national
23 interest;

24 (d) make such other recommendations to the Federal and State
25 Governments, relating to polytechnics as the Commission may consider to
26 be in the national interest;

27 (e) inquire into and advise the Federal Government on the financial
28 needs, both recurrent and capital, of polytechnic education in Nigeria and, in
29 particular, investigate and study the financial needs of polytechnic research
30 and ensure that adequate provision is made for this in the polytechnics;

1 (f) receive block grants from the Federal Government and allocate
2 them to polytechnics in accordance with such terms and formula as may be laid
3 down by the Federal Government;

4 (g) take into account, in advising the Federal and Governments on
5 polytechnic finances, such grants as may be made to the polytechnics by State
6 Governments and by persons and institutions in and outside Nigeria;

7 (h) collate, analyse and publish information relating to polytechnic
8 education in Nigeria and obtain information from other sources, where such
9 information is relevant to the discharge of its functions under this Bill;

10 (i) undertake periodic reviews of the terms and conditions of service
11 of personnel engaged in the polytechnics and to make recommendations to the
12 Federal Government, where appropriate;

13 (j) recommend to the visitor of a polytechnic that a visitation be made
14 to such polytechnic as and when it considers such visit necessary;

15 (k) act as the agency for channeling all external aid to the polytechnics
16 in Nigeria;

17 (l) examine departmental syllabuses in polytechnics and approve or
18 disapprove such programmes as the case may be in each of the polytechnics in
19 Nigeria; and

20 (m) in accordance with the provisions of this Bill, carry out such other
21 activities as are conducive to the discharge of its functions under this Bill.

22 (2) The Minister may give the Commission directives of a general
23 character or relating generally to particular matters, with regard to the exercise
24 by the Commission of its functions under this Bill, and it is the duty of the
25 Commission to comply with such directives.

26 PART III - STAFF OF THE COMMISSION

27 9.-(1) The Council shall appoint for the Commission a Deputy
28 Executive Secretary and such other persons to be employees of the
29 Commission, to assist the Executive Secretary in the exercise of his/her
30 functions.

Appointment
of Deputy Executive
Secretary and
other employees
of the Commission

1 (2) Notwithstanding the provisions of subsection (1) of this
 2 section, the Deputy Executive Secretary or any of the other employees of the
 3 Commission may be appointed by the Council by way of transfer or
 4 secondment from any of the public services in the Federation.

5 10. The remuneration and tenure of office of the Deputy Executive Secretary and other employees of the Commission shall be determined by
 6 the Commission after consultation with and approval of the Federal Civil
 7 Service Commission and the Office of Head of Service of the Federation.
 8

Remuneration of
 the Deputy
 Executive Secretary
 and other Officers

9 11.-(1) The Commission may, subject to the provisions of this Bill
 10 and approval of the Head of Service of the Federation, make staff
 11 regulations relating generally to the conditions of service of the employee;
 12 of the Commission.

Staff Regulations

13 (2) Without prejudice to the generality of the provisions of
 14 subsection (1) of this section, the regulations may provide for:

15 (a) the appointment, promotion and disciplinary control (including;
 16 dismissal) of employees of the Commission; and

17 (b) appeals by such employees against dismissal or other
 18 disciplinary measures.

19 (3) Until the regulations are made, any instrument relating to the
 20 conditions of service of officers in the civil service of the Federation shall be
 21 applicable.

22 (4) Staff regulations made under this section shall not have effect
 23 until approved by the Commission, and when so approved, the regulation;
 24 may not be published in the official gazette, but the Commission shall cause
 25 them to be brought to the notice of all persons to be affected in such a manner
 26 as it may, from time to time, determine.

27 12.-(1) Service in the Commission shall be approved service for
 28 the purposes of the Pension Act and accordingly, employees of the
 29 Commission shall be entitled to pension, gratuities and other retirement
 30 benefits as are prescribed in the Pensions Act.

Pension Act
 Cap P4 LFN,
 2010

1 (2) Notwithstanding the provisions of subsection (1) of this section,
2 nothing in this Bill shall prevent the appointment of a person to any office on
3 terms which preclude the grant of pension, gratuity or any other retirement
4 benefit in respect of that office.

5 PART IV - FUNDS OF THE COMMISSION

Funds of the
Commission

6 13.-(1) There is established by the Commission, a fund to be known as
7 the National Polytechnics Regulatory Commission Fund.

8 (2) There shall be paid into the fund established by subsection (1) of
9 this section:

10 (a) such sums as may be available to the Commission for the purpose
11 of making grants to the polytechnics in accordance with section 8(f) of this
12 Bill; and

13 (b) such sums as may, from time to time, be credited to the fund by
14 way of payment of the principal and interest or and other charges in respect of
15 any loan made out of the fund, and also interest from investments made from
16 the fund.

17 (3)(a) Disbursements from the fund shall be made in accordance with
18 the Finance (Control and Management) Act;

19 (b) Without prejudice to the provisions of paragraph (a) of this
20 subsection, the Public Funds of the Federation (Disbursement) Rules, shall
21 continue in force and have effects as if made under this subsection.

Maintenance of
a separate fund
by the Commission

22 14.-(1) The Commission shall establish and maintain a separate
23 account from which there shall be defrayed all expenditure incurred by the
24 Commission, except such expenditure as may be incurred by it pursuant to
25 section 9 of this Bill.

26 (2) There shall be paid and credited to the fund established by
27 subsection (1) of this section, such payments as may be made to it by the
28 Federal Government, for the running expenses of the Commission and all other
29 assets from time to time accruing to the Commission otherwise than in
30 pursuance of section 8(f) of this Bill.

- 1 15. The Commission may, from time to time, apply its funds: Application of
2 (a) to defraying the cost of its administration; the funds of the
3 (b) to paying the emoluments allowances and benefits of member ; Commission
4 of the Council;
5 (c) to reimbursing members of the Council or of any committee ;
6 setup by the Council for such expenses as may be expressly authorized by
7 the Council;
8 (d) to paying the salaries, fees or other remunerations or
9 allowances, gratuities, pensions and other benefits payable to the officers
10 and other employees of the Commission, provided that no payment of any/
11 kind under this paragraph (except such as may be expressly authorised by/
12 the Council) shall be made to any person who is in receipt of emoluments
13 from the Federal or a State Government;
14 (e) for the development or maintenance of any property vested in or
15 owned by the Commission; and
16 (f) for and in connection with all or any of its functions under thi ;
17 Bill.
- 18 16.--(1) The Commission shall, not later than 31st August in each Annual estimates
19 year, submit to the President, an estimate of its expenditure and income and accounts
20 (including payments to the Commission) for the next succeeding year.
- 21 (2) The Commission shall keep proper accounts in respect of each
22 year and proper records in relation to those accounts and shall cause the
23 accounts to be audited within three months after the end of each year by
24 auditors appointed from the list and in accordance with the guidelines issued
25 by the Auditor-General for the Federation.
- 26 17.--(1) The Auditor-General for the Federation shall: Audit
27 (a) periodically audit the accounts and records of the financial
28 transactions of the Commission;
29 (b) inspect records relating to assets of the Commission;
30 (c) draw the attention of the President to any irregularity which

1 may bed is closed; and

2 (d) forward a copy his audit report to the National Assembly.

3 (2) The Auditor-General for the Federation or an officer authorized by
4 him is entitled, at all reasonable times, to a full and free access to all accounts,
5 records, documents and papers of the Commission relating directly or
6 indirectly to the receipt or payment of money by the Commission or to the
7 acquisition, receipt, custody or disposal of assets by the Commission.

Annual reports

8 18.-(1) The Commission shall prepare and submit to the National
9 Assembly through the President, not later than six (6) months after the end of
10 each financial year, a report of the activities of the Commission during the
11 immediate preceding year.

12 (2) A copy of the audited accounts of the Commission and the
13 auditor's report on it shall be included in the report to be submitted in
14 accordance with subsection (1) of this section.

Power to accept
gifts

15 19. The Commission may accept any gift of land, money or other
16 property on such terms and conditions, if any, as may be specified by the person
17 or organization making the gift; provided that the Commission shall not accept
18 any gift if the conditions attached to it are inconsistent with the functions of the
19 Commission or the provisions of any existing laws.

Power to borrow

20 20.-(1) The Commission may, from time to time, borrow such sums as
21 it may require for the performance of its functions under this Bill.

22 (2) The Commission shall not without the approval of the President,
23 borrow money which exceeds, at any time, the amount earlier set by the
24 President.

25 (3) Notwithstanding subsection (1) of this section, where the sum to
26 be borrowed is in foreign currency, the Commission shall not borrow any sum
27 in foreign currency without the prior approval of the President.

Investment
Cap. T22 LFN,
2010

28 21. The Commission may, subject to the provisions of this Bill and
29 the conditions of any trust created in respect of any property, invest all or any of
30 its funds in any Government security or in such other security as may, from

1 time to time, be approved by the Board.

2 22. The Commission shall not be exempted from the payment of Np exemption
3 income tax on any income accruing from investments made by the Board or from payment
4 other monies made through investments. of Income Tax

5 23. The Commission may, subject to the Land Use Act, acquire Power to acquire
6 any land for the efficient discharge of its functions. land. Cap. L5
LFN, 2010

7 PART V - LEGAL PROCEEDINGS

8 24. Subject to the provisions of this Bill, the provisions of the Limitation of
9 Public Officers Protection Act shall apply in relation to any suit instituted suit against the
10 against a member of the Council, an officer or employee of the Commission Commission, etc.
Cap. P41 LFN,
2010

11 25.-(1) No suit shall lie against the Commission for any act done Suit against the
12 unless it is filed within 12 months of the occurrence of any such act. Commission

13 (2) No suit is to be commenced against the Commission before the
14 expiration of a period of one month after written notice of intention to
15 commence the suit shall have been served on the Commission by the
16 intending Plaintiff or his agent and the notice shall clearly and explicitly
17 state:

18 (a) the cause of action;

19 (b) the name and place of abode of the intending plaintiff; and

20 (c) the relief claimed.

21 (3) For the purpose of this Bill, "suit" means civil proceeding;
22 commenced by writ of summons or such other manner as may be prescribed
23 by rules of Court and include an action but not criminal proceedings.

24 (4) The notice referred to in sub-section (2) of this section and any
25 summons, notices or other documents required or authorized to be served on
26 the Commission in connection with a suit by or against the Commission
27 may be served by:

28 (a) delivering it to any of the principal officers of the Commission;

29 (b) sending it by registered post addressed to the Chairman or
30 Secretary-General at the headquarters of the Commission.

1 (5) A person connected with the direct workings of the Commission
 2 shall not be removed under arrest when his immediate removal from duty
 3 might result in danger to life or goods, whether in execution of a warrant or
 4 otherwise, while actually engaged in the performance of his duties until the
 5 person has been given an opportunity of providing a substitute by:

6 (a) the head of the department in which he is employed; or

7 (b) the officer in immediate charge of the work in which the person is
 8 engaged.

9 (6) In any suit pending before a Court, the Commission may be
 10 represented in Court at any stage of the proceedings by any staff of the
 11 Commission who shall satisfy the Court that he is duly authorized by the
 12 Commission in that behalf.

Indemnity of
Officers

13 26.-(1) A member of the Council, the Deputy Executive Secretary,
 14 any officer or employee of the Commission shall be indemnified out of the
 15 assets of the Commission against any liability incurred by him in defending
 16 any proceeding, whether civil or criminal, in which judgment is given in his
 17 favour or in which he is acquitted, if any such proceeding is brought against
 18 him in his capacity as a member of the Council, the Deputy Executive
 19 Secretary, officer or employee of the Commission.

Secrecy

20 27. A member of the Council, the Deputy Executive Secretary, any
 21 other officer or employees of the Commission shall-

22 (a) for his personal gain, not make use of any information which has
 23 come to his knowledge in the exercise of his powers or is obtained by him in the
 24 ordinary course of his business as a member of the Council, the Deputy
 25 Executive Secretary, officer or employee of the Commission;

26 (b) treat as confidential any information which has come to his
 27 knowledge in the exercise of his powers or is obtained by him in the
 28 performance of his duties under this Bill;

29 (c) not disclose any information referred to under paragraph (b) of this
 30 subsection, except where required to do so by a court or in such other

1 circumstances as may from time to time be prescribed by the Council.

2 (2) Any person who contravenes any of the provisions of
3 subsection (1) of this section commits an offence and is liable, on
4 conviction, to a fine of not less than N200,000 or imprisonment for a term
5 not exceeding two years or to both such fine and imprisonment.

6 PART VI - MISCELLANEOUS PROVISIONS

7 28. The Minister may, with the approval of the President, give the
8 Council such directives as are necessary or expedient for giving full effect to
9 the provisions of this Bill and for the due administration of its provisions,
10 and the Council shall comply with such directives.

Power of Minister
to give directives
to the Commission

11 29. The Council may, with the approval of the Minister, make
12 regulations for the purpose of carrying out or giving full effect to the
13 provisions of this Bill.

Regulations

14 30. In this Bill, unless the context otherwise requires:

Interpretation

15 "Commission" means the National Polytechnics Regulatory Commission
16 established by this Bill;

17 "Council" means the Governing Council of the Commission;

18 "Function" includes power and duty;

19 "Member" means a member of the Council and includes the Chairman and
20 the Executive Secretary;

21 "Minister" means the Minister in charge of Education;

22 "Polytechnics" covers polytechnics, bi-technics, mono-technics, colleges of
23 agriculture, schools of accountancy and other similar institutions offering
24 educational courses; and

25 "President" means the President of the Federal Republic of Nigeria.

26 31. This Bill may be cited as the National Polytechnics Regulatory
27 Commission (Establishment) Bill, 2019.

Short title

1 SCHEDULE

2 *Section 6(2)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

4 *Proceedings of the Council*

5 1. Subject to the provisions of this Bill and the Interpretation Act, the
6 Council shall have power to regulate its proceedings and may make standing
7 orders with respect to the holding of its meetings, and those of its committees,
8 notices to be given, the keeping of minutes of its proceedings, the custody and
9 production for inspection of such minutes and such other matters as the
10 Council may, from time to time, determine.

11 2.-(1) There shall be at least four ordinary meetings of the Council in
12 every calendar year and subject thereto, the Council shall meet whenever it is
13 convened by the Chairman, and if the Chairman is requested to do so by notice
14 given to him by not less than three other members, he shall convene a meeting
15 of the Council to be held within 14 days from the date on which the notice was
16 given..

17 (2) Every meeting of the Council shall be presided over by the
18 Chairman and if the Chairman is unable to attend a particular meeting, the
19 members present at the meeting shall elect one of their member to preside at the
20 meeting.

21 3. The quorum of any meeting of the Council shall consist of the
22 Chairman (or in an appropriate case, the person presiding at the meeting
23 pursuant to paragraph 2(2) of this Schedule) and ten other members.

24 4. The Council shall meet for the conduct of its business at such
25 places and on such days as the Chairman may appoint.

26 5. A question put before the Council at a meeting shall be decided by
27 consensus and where this is not possible, by a majority of the votes of the
28 members present and voting.

29 6. The Chairman shall, in the case of an equality of votes, have a
30 casting vote in addition to his deliberative vote.

1 7. Where the Council seeks the advice of any person on a
2 particular matter, the Council may invite that person to attend for such
3 period as it thinks fit, but a person who is invited by virtue of this paragraph
4 shall not be entitled to vote at any meeting of the Council and shall not count
5 towards the quorum.

6 *Committees*

7 8. The Commission may appoint one or more committees to carry
8 out on behalf of the Commission such of its functions as the Council may
9 determine and report on any matter with which the Commission is
10 concerned.

11 9. A committee appointed under paragraph 8 of this Schedule shall
12 be presided over by a member of the Council and consist of such number of
13 persons (not necessarily all members of the Commission) as may be
14 determined by the Commission, and a person other than a member of the
15 Council shall hold office in the committee in accordance with the terms of
16 his appointment.

17 10. A decision of a committee of the Commission shall be of no
18 effect until it is confirmed by the Council.

19 *Miscellaneous*

20 11. The fixing of the seal of the Commission shall be authenticated
21 by the signature of the Chairman and the Executive Secretary or the
22 Executive Secretary and such other person authorised by the Commission to
23 act for that purpose.

24 12. A contract or an instrument which, if made or executed by any
25 person not being a body corporate, would not be required to be under seal,
26 maybe made or executed on behalf of the Commission by the Chairman or
27 the Executive Secretary or by any person generally or specifically
28 authorised to act for that purpose by the Commission.

29 13. A document purporting to be a contract, an instrument or other
30 document signed or sealed on behalf of the Commission shall be received in

1 evidence and, unless the contrary is proved, be presumed without further proof,
2 to have been properly signed or sealed.

3 14. The validity of any proceedings of the Commission or its
4 committees shall not be affected by:

5 (a) any vacancy in the membership of the Commission or its
6 committees;

7 (b) reason that a person not entitled to do so took part in the
8 proceedings; or

9 (c) any defect in the appointment of a member.

10 15. Any member of the Commission or any committee of the
11 Commission who has a personal interest in any contract or arrangement
12 entered into or proposed to be considered by the Commission or any of its
13 committee:

14 (a) shall forthwith disclose his interest to the Commission or
15 committee; and

16 (b) shall not vote on any question relating to the contract or
17 arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Polytechnics Commission as a body corporate charged with the responsibility of advising the federal and state governments on all aspects of polytechnics education and the general development of polytechnics in Nigeria.