A BILL

FOR

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

Sponsored by Hon. Frederick Y. Agbedi

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

PART 1 - ESTABLISHMENT OF THE NATIONAL POLYTECHNICS REGULATORY COMMISSION

1.-(1) There is established a Commission to be known as the National Polytechnics Regulatory Commission (in this Bill referred to as "the Commission").

(2) The Commission:

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

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

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

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

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

(2) The Council shall consist of:

(a) a Chairman;

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

(i) Education;
(ii) Youth and Sports Development;
(iii) Health and Human Services;
(iv) Finance;
(v) National Planning;
(vi) Science and Technology; and
(vii) Information and Communication;
(c) one representative of the Office of Head of Service of the Federation not below the rank of a Director;
(d) one person not below the rank of a Director to represent each of the geo-political zones of the Federation drawn from the State Ministries of Education in rotation;
(e) one representative of the Academic Staff Union of Polytechnics;
(f) one representative of the Non-Academic Staff Union of Polytechnics;
(g) six persons to represent Rectors of Polytechnics one drawn from each of the geo-political zones of the Federation;
(h) one person to represent each of the following broad academic disciplines drawn from different Polytechnics and from different geo-political zones of the Federation:
(i) Engineering;
(ii) Urban and Regional Planning;
(iii) Science and Technology;
(iv) Communications;
(v) Business Studies; and
(vi) Transportation;
(i) one representative of the National Commission for Women;
(j) one person with a wide knowledge in private or public sector interest drawn from each of the geo-political zones of the Federation;
(k) the Executive Secretary of the Commission who shall also be the Secretary of the Council.
(3) The Chairman and other members of the Commission other than ex-officio members shall be:

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

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

3. The Executive Secretary shall:

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

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

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

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

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

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

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

(a) if he or she becomes bankrupt;

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

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

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

(e) in case of a person who has a professional qualification, the basis of which he or she was appointed, he or she is disqualified or
suspended, other than at his or her own request, from practicing the profession in any part of the world by an order of a competent authority made in respect of that member.

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

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

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

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

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

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

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

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

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

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

(2) The supplementary provisions set out in the Schedule to this Bill
shall have effect with respect to the proceedings of the Council and the other matters contained in the Schedule.

**PART II - FUNCTIONS OF THE COMMISSION**

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

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

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

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

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

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

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

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

(e) inquire into and advise the Federal Government on the financial needs, both recurrent and capital, of polytechnic education in Nigeria and, in particular, investigate and study the financial needs of polytechnic research and ensure that adequate provision is made for this in the polytechnics;
(f) receive block grants from the Federal Government and allocate
them to polytechnics in accordance with such terms and formula as may be laid
down by the Federal Government;

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

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

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

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

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

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

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

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

PART III - STAFF OF THE COMMISSION

9.--(1) The Council shall appoint for the Commission a Deputy
Executive Secretary and such other persons to be employees of the
Commission, to assist the Executive Secretary in the exercise of his/her
functions.
(2) Notwithstanding the provisions of subsection (1) of this section, the Deputy Executive Secretary or any of the other employees of the Commission may be appointed by the Council by way of transfer or secondment from any of the public services in the Federation.

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

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

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

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

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

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

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

12.- (1) Service in the Commission shall be approved service for the purposes of the Pension Act and accordingly, employees of the Commission shall be entitled to pension, gratuities and other retirement benefits as are prescribed in the Pensions Act.
(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of pension, gratuity or any other retirement benefit in respect of that office.

PART IV - FUNDS OF THE COMMISSION

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

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

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

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

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

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

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

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

(a) to defraying the cost of its administration;

(b) to paying the emoluments allowances and benefits of members of the Council;

(c) to reimbursing members of the Council of any committee setup by the Council for such expenses as may be expressly authorized by the Council;

(d) to paying the salaries, fees or other remunerations or allowances, gratuities, pensions and other benefits payable to the officers and other employees of the Commission, provided that no payment of any kind under this paragraph (except such as may be expressly authorised by the Council) shall be made to any person who is in receipt of emoluments from the Federal or a State Government;

(e) for the development or maintenance of any property vested in or owned by the Commission; and

(f) for and in connection with all or any of its functions under this Bill.

16.- (1) The Commission shall, not later than 31st August in each year, submit to the President, an estimate of its expenditure and income (including payments to the Commission) for the next succeeding year.

(2) The Commission shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause the accounts to be audited within three months after the end of each year by auditors appointed from the list and in accordance with the guidelines issued by the Auditor-General for the Federation.

17.- (1) The Auditor-General for the Federation shall:

(a) periodically audit the accounts and records of the financial transactions of the Commission;

(b) inspect records relating to assets of the Commission;

(c) draw the attention of the President to any irregularity which
may be closed; and

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

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

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

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

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

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

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

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

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

22. The Commission shall not be exempted from the payment of income tax on any income accruing from investments made by the Board or other monies made through investments.

23. The Commission may, subject to the Land Use Act, acquire any land for the efficient discharge of its functions.

PART V - LEGAL PROCEEDINGS

24. Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against a member of the Council, an officer or employee of the Commission.

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

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

(a) the cause of action;

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

(c) the relief claimed.

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

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

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

(b) sending it by registered post addressed to the Chairman or Secretary-General at the headquarters of the Commission.
(5) A person connected with the direct workings of the Commission shall not be removed under arrest when his immediate removal from duty might result in danger to life or goods, whether in execution of a warrant or otherwise, while actually engaged in the performance of his duties until the person has been given an opportunity of providing a substitute by:

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

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

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

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

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

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

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

(c) not disclose any information referred to under paragraph (b) of this subsection, except where required to do so by a court or in such other
circumstances as may from time to time be prescribed by the Council.

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

PART VI - MISCELLANEOUS PROVISIONS

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

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

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

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

"Council" means the Governing Council of the Commission;

"Function" includes power and duty;

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

"Minister" means the Minister in charge of Education;

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

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

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

Section 6(2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

Proceedings of the Council

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

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

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

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

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

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

6. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.
7. Where the Council seeks the advice of any person on a particular matter, the Council may invite that person to attend for such period as it thinks fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.

Committees

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

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

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

Miscellaneous

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

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

13. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Commission shall be received in
evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.

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

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

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

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

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

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

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