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 FACILITIES AND
FOR RELATED MATTERS.

Sponsored by Senator Muhammad Adama Aliero

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").

(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-

(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 of instruction
and facilities available to all persons.

(c) Encourage and promote scholarship and conduct research in
restricted fields of learning and human endeavor;
(d) Relate its activities to the social, cultural and economic needs of the people of Nigeria; and
(e) Undertake other activities appropriate for the highest standard of an Institute.

3.- (1) There is established a Governing Council for the University (in this Bill referred to as "the Council"), which Council shall consist of:
(a) Chancellor;
(b) Pro-chancellor;
(c) Vice Chancellor;
(d) Two Deputy Vice Chancellor;
(e) A body to be called Congregation;
(f) A body to be called Convocation;
(g) The campuses and colleges of the University;
(h) The faculties, schools, and other teaching and research units of the University;
(i) The persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs (a) to (c) of this sub-clause;
(j) All graduates and undergraduates;
(k) A representative of National Universities Commission, not below directorate grade; and
(l) All other persons who are members of the university in accordance with provisions made by Statute in that behalf.
(2) The First Schedule to this Act shall have effect with respect to the Principal Officers of the University mentioned (therein).
(3) A provision shall be made by a Statute with respect to the constitution of the following bodies-
(a) The Council;
(b) The Senate;
(c) The Congregation; and
(d) The Convocation.
4.-(1) For the carrying out of its objects as specified in section 2 of this Act, the University shall have power to—

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

(b) institute professorships, readership and associate professorships, lectureships and other posts and offices and to make appointments thereto;

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

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

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

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

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

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

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

(j) enter into contract, establish trusts, act as trustee, solely or
jointly with any other person, and employ and act through agents;

(k) erect, provide, equip and maintain libraries, laboratories, lecture hall, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University;

(l) hold public lectures and undertake printing, publishing and book selling;

(m) subject to any limitation or condition imposed by statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investment or security or in the purchase or improvement of land, with power from time to time to vary any such investment and to deposit any money for the time being un-invested with any bank on deposit or current account;

(n) borrow, whether on interest or not and if need be, upon the security of any or all of the property movable or immovable of the University, such moneys as the Council may, from time to time in its discretion, find necessary or expedient to borrow or to guarantee any loan advance or credit facility;

(o) make gifts for any charitable purpose;

(p) do anything which it is authorized or required by this Act or by any other State to do; and

(q) Do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.

24 Subject to the provisions of this Act and of the Statutes made there under and without prejudice to Clause 9 (2) of this bill the powers conferred on the University by sub-clause (l) of this Clause shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner which may be authorized by the Bill.

5.- (1) The Chancellor shall in relation to the University, take precedence before all other members of the University, and when he is present...
shall preside at all meetings of convocation held for conferring degrees.

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

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

(a) The Pro-Chancellor;

(b) The Vice-Chancellor;

(c) The Deputies Vice Chancellor;

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

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

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

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

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

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

(2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure
of the Council as the Council from time to time delegate to it.

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

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

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

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

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

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

(9) If required in writing by five members of the Council, the
Chairman shall within, 28 days after the receipt of such request, call a meeting
of the Council, provided that if after 28 days of the receipt or delivering to him
of such request, the chairman fails or neglect to call a meeting, the Registrar
shall within 14 days thereof, cause a meeting of the Council to be convened for
that purpose and the request shall specify the business to be considered at the
meeting and no business not so specified shall be transacted at the meeting.

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

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

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

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

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

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

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

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

(g) Granting of fellowships, scholarships, prize and similar awards in so far as the awards are within the control of the University; and
(h) Determination of what description or dress shall be academic
dress for the purposes of the University, and regulating the use of academic
dress.

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

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

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

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

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

(2) Subject to the provisions of this Bill, the Vice Chancellor shall
have general function, in addition to any other function conferred on him by
this Bill or otherwise, of directing the activities of the University, and shall to
the exclusion of any other person or authority, be the chief executive and
academic officer of the University and ex-officio Chairman of the Senate.
The Vice chancellor to take Precedence in the absence of Chancellor.

PART II - STATUTES OF UNIVERSITY

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

(a) making provision with respect to the composition constitution
of any authority of the University;
(b) specifying and regulating the powers and duties of any
authority of the University, and regulating any other matter connected with
the University or any of its authorities;
(c) regulating the admission of students where it is done by the
University, and their discipline and welfare;
(d) determining whether any particular matter is to be treated as an
academic or non-academic matter for the purposes of this Bill and of any
Statute, regulation or other instrument made there-under; and
(e) making provision for other matters for which provision by
Statute is authorized or required by this Bill.

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

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

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

11.- (1) The power of the University to make Statutes shall be
exercised in accordance with the provisions of this section.
(2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the-
(a) Senate, by the votes of not less than two thirds of the members present and voting; and
(b) Council by the votes of not less than two third of the members present and voting.
(3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by subsection (2) of this section by both bodies in no particular order.
(4) A Statute which-
(a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University; or
(b) Provides for the establishment of a new campus or college or the amendment or revocation of any Statute whereby a campus or college is established, shall not come into operation unless it has been approved by the Visitor.
(5) For the purpose of section 2(2) of the Interpretation Act, Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with Subsection (3) of this section or in the case of a Statute falling within subsection (4) of this section, on the date on which it is approved by the President.

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

13. (1) In the event of any doubt or dispute arising any time as to the meaning of any provision of a Statute, the matter may be referred to the Visitor, who shall take such advice and make such decision there on as he deems fit.
(2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the
University and where any question as to the meaning of any provision of a
Statute has been decided by the Visitor under this section no question as to
the meaning of that provision shall be entertained by any other authority
in Nigeria, provided that nothing in this subsection shall affect the power of
court of competent jurisdiction to determine whether any provision of a
Statute is wholly or partly void as being ultra vires or as being inconsistent
with the Constitution.

(3) The provisions of this section shall apply in relation to any
doubt or dispute as to whether any matter is, for the purposes of this Bill, an
academic or non-academic matter as they apply in relation to any such doubt
or dispute as is mentioned subsection (1) of this section, and accordingly
the reference in subsection (2) of this section to any question as to the
meaning of any provision of the Statute shall include references to any
question as to whether any matter is for the said purposes an academic or
Proof of Statute in court Visitor's decision in case of dispute in academic or
non-academic matter.

PART III - SUPERVISION AND DISCIPLINE

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

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

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

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

(b) give effect to any instruction consistent with the provision of
this Bill which may be given by the Visitor in consequence of the visitation.
15 -(1) If it appears to the Council that a member (other than Pro-
Chancellor or the Vice Chancellor) should be removed from office on grounds
of misconduct or inability to perform the functions of his office, the Council
shall make a recommendation to that effect through the Minister to the Federal
Executive Council and if the Federal Executive Council, after making such
enquires (if any) as may be considered necessary, approves the
recommendation, it may direct the removal of the member from office.

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

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

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

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

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

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

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

(b) the person in question to be afforded an opportunity to appear
before and be heard by an investigating committee with respect to the matter;
and if the Council after considering the report of the investigating council may
satisfied that the person in question should be removed, the Council may so
remove him by an instrument in writing signed on the directions of the Council

(3) The Vice Chancellor may, in a case of gross misconduct by a
member of staff which in the opinion of the Vice Chancellor is prejudicial to
the interest the University; suspend such member and any such suspension
shall immediately be reported to the Council;

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

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

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

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

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

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

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

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

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

(d) take such lesser disciplinary action against such person (including
the restoration of such proportion of his emoluments that might have been withheld as the Council may determine.

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

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

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

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

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

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

18.- (1) Subject to the provisions of this section, where it appears to the Vice Chancellor that any student is guilty of misconduct, the Vice Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the-
(a) student shall not; during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities or the University as may be so specified;

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

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

(d) Student be expelled from the University.

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

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

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

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

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

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

PART IV - MISCELLANEOUS AND GENERAL PROVISIONS.

19-(l) No person shall be required to satisfy requirements as to Discrimination
race (including ethnic grouping) sex, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a-
(a) student in the University;
(b) holder of any degree, appointment employment in the University;
(c) a Member of any body established by virtue of this Bill.
(2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section.
(3) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the persons specified in subsection (1) of this section, where such person willfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all, such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion of the University reasonably justifiable in the national interest.
20.- (1) For the purpose of the Land Use Act, which provides for the compulsory acquisition of land for public purposes, any purpose of the University shall be the same as that of the Federation.
(2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer or any other person authorized in that behalf transfer it to the University.
21. Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land, including any land transferred to the University by this Act, except with the prior written consent, either general or special, of the visitor, provided that such consent shall not be required in the case of any lease or tenancy at rack rent for a term not exceeding 21 years of any lease or tenancy to a member of the University for residential purpose.
22. Except as may be otherwise provided by Statute or by regulation,
the quorum and procedure of anybody or persons established by this Act shall be such as may be determined by that body.

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

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

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

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

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

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

(5) Nothing in this section shall be construed as enabling—

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

(b) The Senate to empower any other body to make regulations to award degree or other qualifications.
24.- (1) The seal of the University shall be such as may be determined
by the Council and approved by the Chancellor and the affixing of the seal
shall-

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

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

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

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

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

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

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

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

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

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

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

(a) Statute, including the Statute contained in the Second Schedule to
this Bill or

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

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

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

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

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

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

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

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

(2) All staff of Federal University Birnin-kebbi existing before the commencement of this Bill shall after commencement of this Bill continue
to be staff of Federal University Birnin-Kebbi, Kebbi State in accordance with
new terms of appointment.

28. In this Bill-

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

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

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

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

"Government" means the Federal Government of Nigeria;

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

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

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

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

"Officer" does not include the Visitor;

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

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

"Property" includes rights, liabilities and obligations;

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

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

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

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

"Teacher" means a person holding a full time appointment as a member of the
teaching or research staff of the University; and
"The University" means the Federal University Birnin-kebbi, Kebbi State.

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

FIRST SCHEDULE:

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

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

The Pro-Chancellor

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

The Vice Chancellor

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

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

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

(3) A Deputy Vice Chancellor shall-

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

(b) Perform such other functions as the Vice Chancellor or the Council may, from time to time, assign to him.
Office of the Registrar; Bursar and Institute Librarian

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

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

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

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

(a) the Bursar; and

(b) the University Librarian.

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

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

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

7. There shall be for the University, a Director of Works, who shall be responsible to the Vice Chancellor for the administration of the Works Department, and shall be responsible for all works, services and maintenance of institute facilities.
8. There shall be for the University, a Director of Health Services who shall be responsible to the Vice Chancellor for the administration of the Health Centre and he shall be the Chief Medical Officer of the University and shall coordinate all matters relating to the health of all staff and students.

9. (1) Any officer mentioned in this Schedule may resign his office in-

(a) The case of the Chancellors or Pro-Chancellor, by notice to the Visitor;
(b) in the case of the Vice Chancellor, by notice to the Council which shall immediately notify the Minister.

(2) A person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

SECOND SCHEDULE

FEDERAL UNIVERSITY BIRNIN-KEBBI, KEBBI STATE

STATUTE NO.1

Articles:

1. The Council
2. Finance and General Purpose Committee
3. The Senate
4. The Congregation
5. The Convocation
6. Organization of Faculties an the Branches thereof
7. Faculty Board
8. The Dean of the Faculty
9. Selection of certain Principal and other key officers
10. Creation of Academic Post
11. Appointment of Academic Staff
12. Appointment of Administrative and Technical Staff
The Council

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

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

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

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

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

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

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

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

(9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes or the University shall
The Finance and General Purpose Committee

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

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

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

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

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

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

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

The Senate

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

(a) the Vice Chancellor;

(b) the Deputy Vice Chancellors;

(c) all Professors of the University;

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

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

(f) the University Librarian; and

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

(2) The Vice Chancellor shall be the Chairman at all meetings of
the Senate when he is present and, in his absence, one of the Deputy Vice Chancellors appointed by him shall be the Chairman at the meeting.

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

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

Congregation

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

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

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

(c) the Registrar;

(d) the Bursar; and

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

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

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

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

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

(b) the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of the number or as the
case maybe of the names of those persons.

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

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

The convocation

5-(1) The Convocation shall consist of-

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

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

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

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

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

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

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

(4) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of the Convocation by virtue of sub-paragraph (1)(a) or (b) of this paragraph are entered and retained in the register.
(5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.

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

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

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

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

Organization of Faculties and Branches Thereof

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

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

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

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

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

(2) Each Faculty Board shall consists of-

(a) the Vice Chancellor;

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

(c) such number of the teachers assigned to the faculty and having

the prescribed qualifications as the Board may determine; and

(d) such persons whether or not members of the University as the

Board may determine with the general or special approval of Senate.

(3) The quorum of the Board shall be 8 members or one-quarter of

the members of the Board for the time being, whichever is greater.

(4) Subject to the provisions of this Statute and any provision made

by regulations in that behalf, the Board may regulate its own procedure.

The Dean of the Faculty

8-(1) The Dean of a faculty shall be a professor elected by the

Faculty Board and such Dean shall hold office for a term of two years and

may be eligible for re-election for another term of two years after which he

may not be elected again until two years have elapsed.

(2) If there is no professor in a faculty, the Vice Chancellor shall

appoint an acting Dean who shall not be below the rank of Senior Lecturer

for the faculty, who shall act for a period of one year in the first instance,

renewable for another one year only.

(3) In the absence of the Vice Chancellor, the Dean shall be the

Chairman at all meetings of the Faculty Board when he is present and he

shall be a member of all committees and other boards appointed by the

faculty.

(4) The Dean of a faculty shall exercise general superintendence

over the academic and administrative affairs of the faculty and shall present

to the Convocation for the conferment of Degrees, persons who have

qualified for the Degrees of the University at examinations held in the

branches of learning for which responsibility is allocated to that faculty.
(5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans or the several faculties and that committee shall advise the Vice Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

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

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

Selection of certain Principal and other key officers.

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

(a) the Pro-Chancellor;

(b) the Vice Chancellor;

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

(d) Two members appointed by the Senate net being members of Council.

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

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

Creation of Academic Post

10. Recommendation for the creation of posts other than those
mentioned in paragraph 9 of this Schedule shall be made by the Senate to the
Council through the Finance and General Purposes Committee.

Appointment of Academic Staff

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

Appointment of Technical/Staff Administrative and Technical Staff

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

(2) In the case of administrative or technical staff that has close and important contacts with the academic staff, there shall be Senate 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.