

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL INSTITUTE OF VISION AND OPTICAL RESEARCH, EREMA, OGBA-EGBEMA-NDONI L.G.A, RIVERS STATE, TO PROVIDE FOR SCIENTIFIC RESEARCH, DEVELOPMENT OF NEW TECHNOLOGIES AND PRODUCTS IN VISION AND OPTICAL HEALTH, AND FOR RELATED MATTERS

*Sponsored by Hon. Victor Obuzor Chukwuemele*

[ ] Commencement

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

1           1.-(1) There is hereby established, the Federal Institute of Vision  
2 and Optical Research (in this Bill referred to as "Institute") which shall have  
3 such powers and exercise such functions as are conferred on it by this Bill.

Establishment  
of Federal Institute  
of Vision and  
Optical Research

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

8           2.-(1) The governance of the Institute and the direction of its affairs  
9 shall vest in the Governing Council of the institute (in this Bill referred to as  
10 "the Council");

Governing Council  
of the Institute

11           (a) Without prejudice to the generality of subsection (1) of this  
12 section, it shall be the responsibility of the Council to consider and approve -  
13 e plan of activities of the Institute;

14           (b) The programme of studies, courses and research to be  
15 undertaken by the Institute;

16           (c) The annual estimates of the Institute; and

17           (d) The investment plan of the Institute;

Membership of the Council of the Institute	1	<b>3.</b> -(1) The Council of the College Institute shall consist of a Chairman
	2	and the following other members, to be appointed by the President-
	3	(a) A representative of the Federal Ministry of Health;
	4	(b) A representative of the Federal Ministry of Education;
	5	(c) Two representatives of the Academic Board of the Institute;
	6	(d) Two representatives of the Nigeria Optometrist Association
	7	(e) Two persons appointed by the Ministers of Health and Education
	8	respectively who shall have wide experience in the public or private sectors of
	9	Optometry and Education administration;
	10	(f) The Director-General of the Institute;
Tenure of office of members of the Council	11	<b>4.</b> -(1) A member of the Council shall hold office for a term of four
	12	years and subject to the provisions of subsection (2) of this section shall be
	13	eligible for re-appointment for a further period of four years;
	14	(2) The office of a member appointed under sections 3(1)(e) of this
	15	Bill shall become vacant if-
	16	(a) The member resigns his office by notice in writing under his hand,
	17	addressed to each of the Minister; or
	18	(b) The Minister is satisfied that it is not in the interest of the Institute
	19	for the person appointed to continue in office and notifies the member in
	20	writing to that effect;
Functions of the Institute	21	<b>5.</b> -(1) To carry out scientific research to develop new technologies in
	22	vision and optical science.
	23	(2) To provide educational programs and training courses to students
	24	and professionals in the field of vision and optical health.
	25	(3) To Collaborate with Non-Governmental Organizations and
	26	Government Agencies to develop new technologies and products related to
	27	vision and optical health.
	28	(4) Engage in activities to raise public awareness of vision and optical
	29	health.

1 (5) To develop effective methods to prevent vision anomalies and  
2 eye diseases.

3 (6) To engage in development of rehabilitation programs for  
4 individuals with visual impairments to improve their quality of life.

5 (7) To advocate for policies and regulations that promote eye  
6 health and access to vision and optical services.

7 (8) To Collect and analyze data on eye diseases and vision trends in  
8 Nigeria to guide healthcare planning and interventions.

9 **6.-(1)** For the carrying out of the functions of the Institute, the Powers of the  
Council  
10 Council shall have power to -

11 (a) Hold educative lectures and innovative research for  
12 individuals/persons to develop new ideas/knowledge for advancement and  
13 improved technology for the visual and optical system in collaboration with  
14 the Federal Ministry of Health;

15 (b) Demand and receive from any student or any other person  
16 attending the Institute for the purpose of instruction such fees as the Council  
17 may, with the prior approval of the Minister, from time to time determine;

18 (c) Hold public lectures and undertake printing, publishing and  
19 bookselling;

20 (a) Make gifts for any charitable purpose;

21 (b) Provide amenities for and make such other provisions for the  
22 welfare of the staff of the Institute;

23 (c) Invest the funds of the Institute in securities specified by the law  
24 or in such other securities in Nigeria as may be approved by the Minister of  
25 Health;

26 (d) Borrow money within Nigeria in such manner and upon such  
27 security as the Minister of Health may from time to time authorize;

28 (e) Enter into such contracts as may be necessary or expedient for  
29 carrying into effect the objectives of the Institute;

30 (f) Recruit staff of the right caliber and determine the career

1 structure of such staff;

2 (g) Institute and award fellowships, medals, prizes and other titles;

3 (h) Mount exhibitions and displays designed to foster an appreciation  
4 of trends in and the scope and requirement of vision and optical science and  
5 related professions;

6 (i) Erect, provide, equip and maintain such research, educational,  
7 recreational and residential facilities as the Institute may require;

8 (j) Create research and other academic posts and offices and to make  
9 appointments thereto;

10 (k) Encourage and make provisions for research in the Institute; and

11 (l) Do such other things whether or not incidental to the foregoing  
12 powers as may advance the objectives of the institute and profession;

Visitation

13 **7.**-(1) The Minister of Health shall be the Visitor of the Institute.

14 (2) The Visitor shall, not less than once in every five years, conduct a  
15 visitation of the Institute or appoint a visitation panel consisting of not less than  
16 five experts to conduct the visitation-

17 (a) For the purpose of evaluating the academic and administrative  
18 performance of the Institute; or

19 (b) For such other purpose or in respect of any other affairs of the  
20 Institute as the Visitor may deem fit;

The Management  
Board and its  
functions

21 **8.**-(1) There shall be established for the Institute a board to be known  
22 as the Management Board which shall consist of the following members-

23 (a) The Director-General of the Institute who shall be the Chairman;

24 (b) The Heads of Departments;

25 (c) The Institute Librarian; and

26 (d) Not more than two members of staff to be appointed by the  
27 Council;

28 (2) The Management Board shall be responsible for-

29 (a) The direction and management of administrative affairs of the  
30 Institute including the regulation of research, the award for innovations, prizes

1 and other research distinctions;

2 (b) Make periodic reports on such administrative and professional  
3 matters to the Council as the Council may from time to time direct;

4 (c) Discharging any other functions which the Council may from  
5 time-to-time delegate to it;

6 **9.** Subject to the provisions of this Act, the Minister may give to  
7 the Council direction of a general character or relating generally to matters  
8 of policy with regard to the exercise by the Council of its functions under  
9 this Bill and it shall be the duty of the Council to comply with such  
10 directions;

Power of the  
Minister to give  
direction to the  
Council

11 **10.**-(1) There shall be a Director-General of the Institute (in this  
12 Bill referred to as "the Director-General") who shall be appointed by the  
13 President, in accordance with the provisions of this section;

The Director-  
General of the  
Institute

14 (2) Where a vacancy occurs in the post of Director-General, the  
15 Council shall-

16 (a) Advertise the vacancy in a reputable journal or widely read  
17 newspaper in Nigeria specifying-

18 (i) The qualities of the person who may apply for the post;

19 (ii) The terms and conditions of service applicable to the post;

20 And thereafter draw up a short list of suitable candidates for consideration;

21 (b) Constitute a search team consisting of-

22 (i) A member of the Council not being a member of the  
23 Management and Professional Board, as Chairman;

24 (ii) Two members of the Management Board not below the rank of  
25 Assistant Director;

26 (iii) Two members of staff of the Institute not below the rank of  
27 Assistant director to be selected by the Council;

28 To identify and draw up a short list of suitable persons who are not likely to  
29 apply for the post for any reason whatsoever;

30 (3) A joint Council and Management Board consisting of-

1 (a) the chairman of the Council;

2 (b) two members of the Council not being members of the  
3 Management Board;

4 (c) two members of the Management Board not below the rank of  
5 Assistant Director, who were not members of the search team, shall consider  
6 the candidates and persons on the short lists drawn up under subsection (2) of  
7 this section through an examination of their curriculum vitae and interaction  
8 with them and recommend through the Council to the President, three  
9 candidates for his consideration.

10 (4) The President shall appoint as Director-General one of the  
11 candidates recommended to him under the provisions of subsection (3) of this  
12 section.

13 (5) subject to this Bill and the general control of the Council, the  
14 Director-General shall be the chief executive of the Institute and shall be  
15 charged with general responsibility for matters relating to the day - to - day  
16 management and operations of the Institute;

17 (6) The Director-General-

18 (a) shall hold office for a period of four years beginning with the  
19 effective date of his appointment and on such terms and conditions as may be  
20 specified in his letter of appointment; and

21 (b) may be re-appointed for one further period of four years and no  
22 more;

Other employees  
of the Institute

23 **11.**-(1) The Council may appoint such other persons to be employees  
24 of the Institute as the Council may determine to assist the Director General of  
25 the Institute in the performance of his functions under this Bill;

26 (2) subject to the provisions of this Bill, the remuneration, tenure of office and  
27 conditions of service of the employees of the Council shall be determined by  
28 the Council in consultation with the Federal Civil Service Commission;

Pensions

29 **12.**-(1) It is hereby declared that service in the Institute shall be  
30 approved service for the purposes of the Pension Act and accordingly, officers

1 and other persons employed in the Institute shall in respect of their service in  
2 the Institute be entitled to pensions, gratuities and other retirement benefits  
3 as are prescribed thereunder, so nothing in this Bill shall prevent the  
4 appointment of a person to any office on terms which preclude the grant and  
5 gratuity in respect of that office;

6 (2) For the purposes of the applications of the Pension Act, any  
7 power exercisable thereunder by a Minister or any other authority of the  
8 Government of the Federation (other than the power to make regulations  
9 under section 23 thereof) shall be exercisable by the Institute and not by any  
10 other person or authority.

11 PART TWO - FINANCIAL PROVISIONS

12 13.- (1) The Council shall establish and maintain a fund which shall  
13 be applied towards the promotion of the objectives specified in this Bill;

Establishment  
of fund of the  
Institute

14 (2) There shall be paid and credited to the fund established under  
15 section (1) of this section -

16 (a) such sums as may from time to time be granted by the Federal  
17 Government through the Federal Ministry of Finance and/or Health;

18 (b) all monies raised for the purposes of the Institute by the way of  
19 gifts, grants -in-aid or testamentary disposition; and

20 (c) all subscriptions, fees and charges for services rendered by the  
21 Institute and all other sums that may accrue to the Institute from any source;

22 (3) The Council shall submit to the Ministry of Health, not later  
23 than three months before the end of each financial year or at such other time  
24 as the Ministry may direct, an estimate of its revenue and expenditure for the  
25 next succeeding financial year.

26 14.- (1) The Council may accept gifts of land, money or other  
27 property upon such terms and conditions if any as may be specified by the  
28 person making the gift;

Power to accept  
gifts

29 (2) The Council shall not accept any gift if the conditions attached

1 by the person making the gift are inconsistent with the functions of the Council;

Accounts and  
audit t 2 **15.** The Council shall keep proper accounts of its receipt, payments,  
3 assets and liabilities and shall in respect of each year cause the accounts to be  
4 audited;

Annual Reports 5 **16.** The Council shall as soon as may be after the expiration of each  
6 financial year, prepare and submit to the Minister a report of its activities  
7 during the immediately preceding year and shall include in the report a copy of  
8 the audited accounts of the Institute for that year and of the auditor's report on  
9 the accounts.

10 **PART III - MISCELLANEOUS AND SUPPLEMENT**

Offices and  
premises 11 **17.-(1)** For the purpose of providing offices and premises necessary  
12 for the performance of its functions, the Council may-  
13 (a) purchase any interest or take on lease any land; and  
14 (b) build, equip and maintain offices and premises  
15 (2) The Council may, with the approval of the Minister of Health, sell  
16 any interest in or lease any land, offices or premises, held by it and no longer  
17 required for the performance of its functions.

Interpretation 18 **18.** In this Bill, unless the context otherwise requires-  
19 "Chairman" means the chairman of the Council;  
20 "Institute" means the Federal Institute of Vision and Optical Research;  
21 "Council" means the Governing Council of the Institute;  
22 "Functions" includes powers and duties-  
23 "Member" means a member of the Council including the chairman;  
24 "Minister of Health" means the minister charged with the responsibility for  
25 matters relating to health in Nigeria;  
26 "Director-General" means the Director-General of the Federal College of  
27 Optometry Federal Institute of Vision and Optical Research appointed under  
28 section (9) of this Bill;

Short title 29 **19.** This Bill may be cited as the Federal Institute of Vision and  
30 Optical Research, Erema, Rivers State (Establishment) Bill, 2023.

SCHEDULE

1  
2 1. There may be paid to members of the Council or any committee,  
3 such remunerations and allowances as may from time to time be determined  
4 by the President;

5 2. Where a vacancy occurs in respect of the membership specified  
6 in sections 3(1)(d) and 3(2) (d), it shall be filled by the appointment of a  
7 successor to hold office for the remainder of the term of office of his  
8 predecessor in office and such successor shall represent the same interest as  
9 his predecessor;

10 3. The Council may not withstand any vacancy in its membership  
11 or any defect in the appointment of a member or the absence of a member;

12 4.-(1) The Council shall meet for the conduct of business at such  
13 times, places and on such days as the chairman may appoint but shall meet  
14 not less than once every four months;

15 (2) The chairman may at any time and shall, at the request in  
16 writing of not less than six members convene a meeting of the Council'

17 (3) At any meeting of the Council, the chairman shall preside; but  
18 in his absence, members present shall elect one of their number to preside at  
19 the meeting;

20 (4) Where the Council desires to obtain the advice of any person on  
21 any particular matter, the Council may co-opt persons who are not members  
22 of the Council but persons co-opted shall not be entitled to vote at a meeting  
23 of the Council;

24 (5) The quorum of the Council shall be one half of the total  
25 members of the Council, at least one of whom shall be a member appointed  
26 by the President;

27 (6) Decisions of the Council shall be made on approval by a simple  
28 majority of members;

29 *Miscellaneous*

30 5.-(1) The fixing of the seal of the Institute shall be authenticated

1 by the signature of the chairman, Director-General and of some other members  
2 of the Council authorized generally or specially by members of the Council, at  
3 least one of whom shall be a member appointed by the President;

4 (2) any contract or instrument which if made or executed by a person  
5 other than a body corporate would not be required to be under seal may be made  
6 or executed on behalf of the Institute by any person generally or specially  
7 authorized to act for that purpose by the Council'

8 (3) any document purporting to be duly executed under the seal of the  
9 Institute shall be received in evidence and shall, unless the contrary is proved,  
10 be presumed to be executed.

EXPLANATORY NOTE

This Bill seeks to provide for the establishment of a Federal Institute of Vision and Optical Research to serve as centre of excellence and standards for research and innovations in vision and optical science and related fields in Nigeria.