

A BILL

FOR

AN ACT TO ESTABLISH FEDERAL INSTITUTE OF MINING TECHNOLOGY ADIKPO, BENUE STATE, TO PROVIDE FULL-TIME AND PART-TIME COURSES OF INSTRUCTION IN MINING, GEOLOGICAL STUDIES AND ENVIRONMENTAL ENGINEERING AND OTHER FIELDS OF STUDY; AND FOR RELATED MATTERS

Sponsored by Hon. Terseer Ugbor

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 1.-(1) There is hereby established the Federal Institute of Mining
2 Technology Adikpo, Benue State (in this Bill referred to as "the Institute")
3 which shall have such powers and exercise such functions as conferred on it
4 by this Bill.

Establishment
of the Federal
Institute of Mining
Technology Adikpo,
Beneue State

5 (2) The Institute shall be a body corporate with perpetual
6 succession and a common seal, and may sue and be sued in its corporate
7 name.

8 (3) The Institute may acquire and dispose of interest in movable
9 and immovable property.

10 2. The function of the Institute shall be:

Functions of the
Institute

11 (a) to provide full-time and part-time courses in mining, geological
12 Studies and environmental engineering;

13 (b) to serve as a home for research activities in all fields of
14 geological, survey and exploration, and in such other fields of applied
15 learning relevant to the needs of the development of Nigeria;

16 (c) research in the development of adaptation techniques and
17 sustainability standards as the council may from time to time determine;

18 (d) to train manpower for mineral exploration, mining or extraction

1 and processing industries;

2 (e) to conduct courses in mining, geological Studies and
3 environmental engineering for miners;

4 (f) to organize conferences, seminars and workshops in relevant
5 fields of learning; and

6 (g) to perform such other functions as in the opinion of the Council
7 may serve to promote the objectives of the Institute.

8 (5) Nothing in this section shall preclude the government of a state or
9 any of its agencies from setting up any Institute similar to any established under
10 this Act.

Establishment
of the Governing
Council

11 3.-(1) There is hereby established for the Institute a Governing
12 Council (in this Bill referred to as "the Council") which shall be responsible for
13 the consideration and approval of the:

Powers of the
Council

14 4. The Council shall have powers to:

15 (a) make policies, rules and regulations pertaining to the
16 administration and operational standards and strategies of the Institute,

17 (b) plan the activities of the Institute as well as programmes of studies,
18 courses and research to be undertaken by the Institute;

19 (c) organize and hold examinations, and grant diploma, professional
20 qualifying certificates and other distinctions to persons who have pursued and
21 completed a course of study approved and accredited by the National Board for
22 Technical Education;

23 (d) ensure the financial health of the Institute, as well as the annual
24 budgeting and proper allocation of funds, fundraising efforts and investment
25 decisions of the Institute,

26 (e) make demand for and receive from any student or other person
27 attending the Institute for the purpose of instruction, such fees as the Council
28 may with the prior approval of the Minister, from time to time determine;

29 (f) hold public lectures and undertake printing, publishing and selling
30 of educational materials products;

1 (g) provide amenities for the welfare of the students and staff of the
2 Institute;

3 (h) invest the surplus funds of the Institute on programmes that by
4 law, as may be approved by the Council may enter into such contracts as may
5 be necessary or expedient for carrying into effect the objectives of the
6 Institute;

7 (i) recruit staff of the right caliber and determine the' career
8 structure of such staff, including conducting performance evaluations and,
9 where necessary, making decisions regarding leadership changes.

10 (j) establish and maintain such schools and other units within the
11 school or extra-mural departments as the Council may, from time to time
12 decide;

13 (k) and award fellowships, medals, prizes and other titles;

14 (l) organize exhibitions and display designs or mining samples to
15 foster appreciation of techniques and technology;

16 (m) erect, provide, equip and maintain such educational,
17 recreational and residential facilities as the Institute may require;

18 (n) create lectureships and other academic posts and offices to
19 make appointments thereto; and

20 (o) encourage and make provision for research in the Institute and;
21 do such things incidental to actualizing and advancing the objects of the
22 Institute.

23 (2) The provisions of the Schedule to this Bill shall have effect with
24 respect to the Council as specified therein.

25 **5.-(1) The Council shall consist of a chairman:**

26 (a) four persons representing a variety of interests and broadly
27 representatives of the whole federation, at least one of whom shall be a
28 woman;

29 (b) one person to represent the alumni association of the Institute;

Constitution of
the Council

- 1 (c) a representative of the community where the Institute is situated;
2 (d) the Rector;
3 (e) the Deputy Rectors;
4 (f) one person representing the Federal Ministry of Education or
5 regulatory agency;
6 (g) two persons not below the rank of Chief Lecturer elected by the
7 Academic Board from among its members;
8 (h) three persons not below the rank of Senior Lecturer or its
9 equivalent elected by the Congregation from among its members in which one
10 shall be a non-teaching staff.

11 (2) The Chairman and members of the Council other than ex-officio
12 members shall be:

- 13 (i) appointed by the President;
14 (j) persons of proven integrity, knowledgeable and acquainted with
15 the working and tradition of the technical and vocational education.

16 (4) Any member of the Council other than an ex-officio member:

- 17 (a) shall hold office for three years at the first instance; and
18 (b) may be eligible for re-appointment for another three years and no
19 more.

20 (5) The governing structure of the Institute shall consist of:

- 21 (a) Governing Council;
22 (b) Academic Board;
23 (c) Management Committee;
24 (d) School Board; and
25 (e) Departmental Board.

Schedule t

26 (6) The supplementary provisions out in the Schedule to this Act, shall
27 apply in relation to governing structure and other matters specified in the
28 Schedule.

Visitation

29 6.-(1) The President shall be the Visitor to the Institute.

30 (2) The Visitor shall, at least once in every five years, conduct a

1 visitation of the Institute or appoint a Visitation Panel, consisting of at least
2 five experts, to conduct the visitation:

3 (a) for the purpose of evaluating the academic and administrative
4 performance of the Institute; and

5 (b) for such other purpose or in respect of any other affairs of the
6 Institute as the Visitor may deem fit.

7 **7.-(1)** There shall be a Registrar to the Institute who shall:

Registrar of the
Institute

8 (a) be responsible to the Rector for the administration of the
9 Institute; and

10 (b) shall perform such other duties as the Council or the Rector may
11 require him to do.

12 (2) The Registrar shall:

13 (a) be the Secretary to the Council, the Academic Board and any
14 committee of the Council; and

15 (b) attend all the meetings of those bodies unless excused for good
16 reason by the Chairman of the Council.

17 (3) In the absence of the Registrar, the Chairman of the Council
18 may, after consultation with the Rector, appoint a suitable person to act as
19 secretary for any particular meeting of the Council.

20 (4) The Secretary to the Council or a person appointed to act under
21 subsection (3), shall not vote on any question before the Council or count
22 towards a quorum unless he is so entitled as a member of the Council.

23 **8.-(1)** A Registrar shall hold office:

Tenure of office
of the Registrar

24 (a) for a single term of five years beginning from the effective date
25 of his appointment; and

26 (b) on such terms and conditions as may be specified in the letter of
27 his appointment.

28 (2) Where a Registrar has held office for five years or less on the
29 commencement of this Act, he is deemed to have been serving his final term
30 of office.

General functions
of the Council

- 1 **9.**-(1) Subject to the provisions of this Act, the Council:
2 (a) shall be the governing body of the Institute concerned;
3 (b) shall have powers and control over the general management of the
4 affairs of the Institute, and in particular, the property and finances of the
5 Institute; and
6 (c) may do anything which in its opinion is calculated to facilitate the
7 carrying out of the activities of the Institute and promote its best interests.
8 (2) The Council may acquire and hold such movable or immovable
9 property as may be necessary or expedient for carrying into effect the
10 provisions of this Act, and for the same purpose may sell, lease, mortgage or
11 otherwise alienate or dispose of any property so acquired.
12 (3) The Council may enter into such contracts as may be necessary or
13 expedient for carrying into effect the provisions of this Act.
14 (4) The Minister may, give to the Council directions of a general
15 character relating to particular matters, but not to any individual person or case,
16 with regard to the exercise by the Council of its functions and it shall be the
17 duty of the Council to comply with the directions.

The Rector of
the Institute

- 18 **10.**-(1) There shall be a Rector of the Institute (in this Act referred to as
19 "the Rector") who shall be appointed by the President in accordance with the
20 provision of this section.
21 (2) Where a vacancy occurs in the post of the Rector, the Council
22 shall:
23 (a) advertise the vacancy, not later than six months to the expiration of
24 the term of the sitting Rector in at least two national newspapers in Nigeria,
25 specifying the:
26 (i) qualifications of the persons who may apply for the post, which
27 shall be a Chief Lecturer in the Institute sector with at least five years of
28 experience on that position among other criteria, and
29 (ii) the terms and conditions of service applicable to the post, and
30 thereafter, draw up a short list of suitable candidates for consideration;

- 1 (b) constitute a Search Team consisting of:
- 2 (i) a member of the Council, not being a member of the Academic
- 3 Board, as Chairman,
- 4 (ii) two members of the Academic Board, not below the rank of
- 5 Chief Lecturer,
- 6 (iii) two members of Academic Staff not below the rank of Chief
- 7 Lecturer to be elected from among its members.
- 8 (3) A Joint Council, Academic Board and Congregation Selection
- 9 Board consisting of:
- 10 (a) the Chairman of the Council;
- 11 (b) two members of the Council not being members of the
- 12 Academic Board;
- 13 (c) two members of the Academic Board not below the rank of
- 14 Chief Lecturer, who were not members of the Search Team elected among
- 15 its members; and
- 16 (d) two members of the Congregation not below the rank of Chief
- 17 Lecturer who were not members of the Search Team elected among its
- 18 members, shall consider the candidates on the short list drawn up under
- 19 subsection (2) through an examination of their curriculum vitae and
- 20 interaction with them and recommend in order of performance ranking
- 21 through the Council, to the President, three candidates for his consideration.
- 22 (4) The President shall appoint, as Rector, one of the candidates
- 23 recommended to him under subsection (3).
- 24 (5) Subject to this Act and the general control of the Council, the
- 25 Rector is the Chief Executive of the Institute and is charged with general
- 26 responsibility for matters relating to the management operations of the
- 27 Institute.
- 28 (6) The Rector shall hold office:
- 29 (a) for a single term of five years beginning with the effective date
- 30 of his appointment; and

1 (b) on such terms and conditions as may be specified in his letter of
2 appointment.

3 (7) Where a Rector:

4 (a) was appointed on a four year term on the commencement of this
5 Act, his term of office shall be extended for one year to complete the single-
6 tenure of five years in line with subsection (6); and

7 (b) is serving second term four years on the commencement of this
8 Act, he shall be deemed to have been serving his final term of office.

9 (8) The Rector shall:

10 (a) have power to exercise general authority over staff;

11 (b) be responsible for discipline in the Institute; and

12 (c) have his remuneration determined by the National Salaries and
13 Wages Commission.

Deputy Rectors

14 **11.**-(1) There shall be for the Institute such number of Deputy Rectors
15 as the Council may deem necessary for the proper administration of the
16 Institute.

17 (2) Where a vacancy occurs in the post of Deputy Rector, the Rector
18 shall forward to the Academic Board a list of two candidates for each post of
19 Deputy Rector that is vacant.

20 (3) The Academic Board shall elect for each vacant post one candidate
21 from each list forwarded to it under subsection (2) and forward his

22 (4) name to the Council for confirmation.

23 (5) Where:

24 (a) the Academic Board rejects the two candidates forwarded to it by
25 the Rector under subsection (2), the Rector shall submit another list;

26 (b) the Council rejects the name sent to it under subsection (3), the
27 Academic Board shall send the name of the other candidate on the list
28 forwarded to it by the Rector under subsection (2).

29 (6) The Deputy Rectors shall:

30 (a) assist the Rector in the performance of his functions;

1 (b) act in the place of the Rector when the post of Rector is vacant
2 or if the Rector is for any reason absent or unable to perform his functions as
3 Rector; and

4 (c) perform such other functions as the Rector or the Council may
5 assign to them.

6 (7) The Deputy Rectors shall hold office:

7 (a) for a single term of four years beginning from the effective date
8 of their appointment; and

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

11 (8) Where a Deputy Rector:

12 (a) was appointed on two year term on the commencement of this
13 Act, his term shall be extended for a period of two years to complete the
14 single term of four years in line with subsection (6); and

15 (b) is serving second term of two years on the commencement of
16 this Act, he shall be deemed to have been serving his final term of office.

17 12.-(1) There shall be for the Institute the following other principal
18 officers in addition to the Deputy Rectors:

Other principal
officers of the
Institute

19 (a) the Registrar,

20 (b) the Bursar, and

21 (c) the Librarian,

22 who shall all be appointed by the Council on the recommendation of the
23 Selection Board constituted under section 12 of this Act.

24 (2) The Bursar shall be the Chief Financial Officer of the Institute
25 and be responsible to the Rector for the administration and control of the
26 financial affairs of the Institute.

27 (3) The Librarian shall be responsible to the Rector for the
28 administration of the Institute library and the co-ordination of the library
29 services in the teaching units of the Institute.

30 (4) The Bursar or Librarian shall hold office:

1 (a) for a single term of five years beginning from the effective date of
2 his appointment; and

3 (b) on such terms and conditions as may be specified in his letter of
4 appointment; and

5 (5) Where a Bursar or Librarian has held office for five years or less on
6 the commencement of this Act, he is deemed to have been serving his final term
7 of office.

Resignation of
appointment of
principal officers

8 **13.** A principal officer may resign his appointment:

9 (a) in the case of the Rector, by notice to the Visitor; and

10 (b) in any other case, by notice to the Council.

Selection board
for other
principal officers

11 **14.-(1)** There shall be for the Institute, a Selection Board which shall
12 consist of:

13 (a) the Chairman of the Council;

14 (b) the Rector;

15 (c) four members of the Council not being members of the Academic
16 Board;

17 (d) two members of the Academic Board not being members of
18 Council and not below the rank of Chief Lecturer elected from among its
19 members; and

20 (e) three members of the congregation not below the rank of Principal
21 Lecturer or its equivalent elected from among its members in which one shall
22 be a non- teaching staff.

23 (2) The functions, procedure and other matters relating to the
24 Selection Board shall be as the Council may determine.

Other employees
of the Institute

25 **15.-(1)** The Council may appoint such other persons to be employees
26 of the Institute as the Council may determine to assist the Rector and principal
27 officers of the Institute in the performance of their functions under this Act.

28 (2) The power to appoint all other employees of the Institute shall be
29 exercised:

1 (a) in the case of senior employees, by the Council on the Schedule
2 recommendation of Appointment and Promotions Committee set up under
3 the provisions of paragraph 3 (2) (a) of the Schedule to this Act;

4 (b) in the case of junior employees, by the Rector on the
5 recommendation of the Junior Staff appointment and promotions committee
6 constituted under paragraph 3 (2) (b) of the Schedule to this Act.

7 (3) Subject to the provisions of this Act, the remuneration, tenure of
8 office and conditions of service of the employees of the Council shall be
9 determined by the Council in consultation with the Federal Civil Service
10 Commission.

11 16.-(1) The Federal Civil Service Commission may by order Application of
12 published in the Federal Government Gazette declare the office of the the Pension Reform
13 Rector or any other person employed by the Council to be a pensionable Act
14 office for the purposes of the Pension Reforms Act. Act No. 4, 2014

15 (2) Nothing in the provisions of subsection (1) shall prevent the
16 appointment of any person to any office on terms which preclude the grant
17 of a pension or gratuity in respect of service in that office.

18 (3) A law or rule requiring a person to retire from the Public Service
19 after serving for 35 years or having attained the age of 60 years in service,
20 shall not apply to staff of the Institute.

21 (4) Notwithstanding anything to the contrary contained in the Act No. 4, 2014
22 Pension Reforms Act, the compulsory retirement age of staff of the Institute
23 shall be 65 years.

24 17.-(1) There is established for the Institute (in this Act referred to Establishment
25 as "the Academic Board") which shall consist of: of the Academic
Board

26 (a) the Rector of the Institute, as Chairman;

27 (b) the Deputy Rectors of the Institute;

28 (c) all heads of Institute departments and units;

29 (d) the Institute Librarian;

30 (e) not more than two members of the academic staff who are not

1 members of the Academic Board and not below the rank of Senior Lecturer
2 elected from among its members, such members shall serve for non-renewable
3 term of three years;

4 (f) all Deans and academic Directors; and

5 (g) all Chief Lecturers.

6 (2) The Academic Board shall be responsible for:

7 (a) the direction and management of academic matters of the Institute
8 including the regulation of admission of students, the award of certificates and
9 diplomas, scholarships, prizes and other academic distinctions;

10 (b) the making to the Council of such periodic reports on such
11 academic matters as the Academic Board may deem fit or as the Council may
12 direct; and

13 (c) the discharge of any other function which the Council may
14 delegate to it.

Removal from
office of members
of the Council and
the Rector

15 **18.**-(1) Where it appears to the Council that a member of the Council,
16 other than an ex- officio member or the Rector, should be removed from office
17 on the ground of misconduct or inability to perform the functions of his office,
18 the Council shall make a recommendation through the Minister to the Federal
19 Executive Council for approval and the Minister shall declare the office of such
20 member or Rector vacant.

21 (2) The Minister may recommend the removal of any member of the
22 Council or Rector to the Federal Executive Council, if he is satisfied that it is
23 not in the interest of the Public or of the Institute that such a person shall
24 continue as a member of the Council.

25 (3) In case of vacancy in the office of the Rector, the Council shall
26 appoint an acting Rector who shall not be in office for more than six months.

27 (4) There shall be no sole administration in the Institute.

Removal and
discipline of
academic,
administrative and
technical staff

28 **19.**-(1) If it appears to the Council that there are reasons for believing
29 that a person employed as a member of the academic, administrative or
30 technical staff of the Institute, other than the Rector, should be removed from

1 office on the ground of misconduct or inability to perform the functions of
2 his office, the Council shall:

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

4 (b) afford him an opportunity of making representations in person
5 on the matter to the Council; and

6 (c) if he or any three members of the Council so request within the
7 period of one month beginning with the date of the notice, make
8 arrangements for:

9 (i) a joint committee of the Council and the Academic Board to
10 investigate the matter where it relates to an academic staff and to report on it
11 to the Council,

12 (ii) a committee of the Council to investigate the matter, where it
13 relates to any other member of the staff of the Institute and to report on it to
14 the Council, and

15 (iii) the person in question to be afforded an opportunity of
16 appearing before and being heard by the investigating committee with
17 respect to the matter, and if the Council, after considering the report of the
18 investigating committee, is satisfied that the person in question should be
19 removed as aforesaid, the Council may so remove him by an instrument in
20 writing signed on the directions of the Council.

21 (2) The Rector may, in a case of misconduct by a member of the
22 staff which in the opinion of the Rector is prejudicial to the interest of the
23 Institute, suspend such member and any such suspension shall immediately
24 be reported to the Council.

25 (3) For good cause, any member of staff may be suspended from
26 office or his appointment may be terminated by the Council and for the
27 purpose of this subsection, "good cause" means:

28 (a) any physical or mental incapacity which the Council, after
29 obtaining medical advice, considers to be such as to render the person
30 concerned unfit for the performance of the functions of his office;

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

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

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

10 (4) Any person suspended under subsection (2) or (3), shall be placed
11 on half pay and the Council shall before the expiration of the period of three
12 months after the date of such suspension consider the case against that person
13 and come to a decision as to whether to:

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

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

18 (c) terminate the appointment of the person in question, in which case
19 such a person, will not be entitled to the proportion of his emoluments withheld
20 during the period of suspension; or

21 (d) take such lesser disciplinary action against such person, including
22 the restoration of such proportion of his emoluments that might have been
23 withheld, as the Council may determine, and in any case where the Council,
24 pursuant to this section, decides to continue a person's suspension or decides to
25 take further disciplinary action against a person, the Council shall before the
26 expiration of a period of three months from such decision come to a final
27 determination in respect of the case concerning any such person.

28 (5) It is the duty of the person by whom an instrument of removal is
29 signed under subsection (1), to use his best endeavours to cause a copy of the

1 instrument to be served as soon as reasonably practicable on the person to
2 whom it relates.

3 (6) Nothing in this section shall prevent the Council from making
4 such regulations for the discipline of other categories of staff and workers of
5 the Institute as it may deem fit.

6 **20.**-(1) Subject to the provisions of this section, where it appears to
7 the Rector that any student of the Institute has been guilty of misconduct, the
8 Rector may, without prejudice to any other disciplinary powers conferred on
9 him by this Act or regulations made, direct that:

Discipline of
students

10 (a) the student shall not, during such period as may be specified in
11 the direction, participate in such activities of the Institute, or make use of
12 such facilities of the Institute, as he may specify;

13 (b) the activities of the student shall, during such period as may be
14 specified in the directions, be restricted in such manner as may be so
15 specified;

16 (c) the student be suspended for such period as may be specified in
17 the directions; or

18 (d) the student be expelled from the Institute.

19 (2) Where there is temporarily no Rector or where the Rector
20 refuses to apply any disciplinary measure, the Council, either directly or
21 through some other staff, may apply such disciplinary actions as are
22 specified in subsection (1) to any student of the Institute who is guilty of
23 misconduct.

24 (3) Where a direction is given under subsection (1) (c) or (d) in
25 respect of any student, the student may, within 21 days from the date of the
26 letter communicating the , decision to him, appeal against the direction to
27 the Council, and where such an appeal is brought, the Council shall, after
28 causing such inquiry to be made in the matter as the Council considers just,
29 either confirm or set aside the direction or modify it in such manner as the
30 Council may deem fit.

1 (4) The fact that an appeal from a direction is brought in pursuance of
2 subsection (3) does not affect the operation of the direction while the appeal is
3 pending.

4 (5) The Rector may delegate his power under this section to a
5 disciplinary committee consisting of such members of the Institute as he may
6 nominate.

7 (6) Nothing in this section shall be construed as preventing the
8 restriction or termination of a student's activities at the Institute otherwise than
9 on the ground of misconduct.

10 (7) A direction under subsection (1) (a) may be combined with a
11 direction under subsection (1) (b).

12 (8) In all cases under this section, the decision of the Council is final.

Discipline of
junior staff

13 **21.**-(1) If any junior staff is accused of misconduct or inefficiency, the
14 Rector may suspend him for not more than three months and shall direct the
15 Junior Staff Appointments and Promotions Committee to:

16 (a) consider the case; and

17 (b) make recommendations as to the appropriate action to be taken by
18 the Rector.

19 (2) In all cases under this section, the officer shall be informed of the
20 charge against him and shall be given reasonable opportunity to defend
21 himself.

22 (3) The Rector may, after considering the recommendation made
23 under subsection (1) (b), dismiss, terminate, retire or down-grade the officer
24 concerned.

25 (4) Any person aggrieved by the Rector's decision under subsection
26 (3) may, within 21 days from the date of the letter communicating the decision
27 to him, address a petition to the Council to consider his case and the Council's
28 decision thereon shall be final.

29 (5) In any case of gross misconduct on the part of a junior staff, the
30 Rector shall immediately suspend him and thereafter refer the matter to the

1 Junior Staff Appointments and Promotions Committee to be dealt with
2 according to the provisions of this section.

3 **22.**-(1) The Council shall keep proper accounts and proper records Audit of accounts
4 in relation thereto and shall cause to be prepared, not later than 31 October in
5 each financial year, an estimate of its revenue and expenditure for the
6 ensuing financial year and when prepared, the estimate shall be submitted to
7 the National Board for Technical Education for approval.

8 (2) At the end of each financial year but not later than 30 June, the
9 Council shall cause to be prepared a statement of its income and expenditure
10 during the previous financial year.

11 (3) The statement of accounts referred to in subsection (2) shall,
12 when certified by the Rector, be audited by a firm of auditors appointed from
13 the list and in accordance with the guidelines supplied by the Auditor-
14 General for the Federation and shall be published in the annual report of the
15 Institute.

16 **23.**-(1) There is established for the Institute a fund (in this Act Funds of the
Council
17 referred to as the Fund")

18 (2) The Fund shall consist:

19 (a) fees charged by and payable to the Council in respect of
20 students;

21 (b) any other amounts due to or recoverable by the Council;

22 (c) revenue from time to time accruing to the Council from the
23 Federal Government by way of subvention, grant-in- aid, endowment or
24 otherwise; and

25 (d) donations and legacies accruing to the Council from any source
26 for the special purpose of the Council.

27 **24.**-(1) Donations of money to be applied to any particular purpose Donations for
particular purposes
28 shall be placed to the credit of a special reserve account approved by the
29 Council until such time as they may be expended in fulfillment of such
30 purpose.

	1	(2) The Council is not obliged to accept a donation for a particular
	2	purpose unless it approves the terms and conditions attached to such donation.
Payment into bank	3	25. All sums of money received on account of the Council shall be
	4	paid into such bank for the credit of the Council as may be approved by the
	5	Council.
Annual report	6	26. The Council shall, on or before 31 December in each year, prepare
	7	and submit to the President through the Minister, a report of the activities
	8	during the preceding financial year and shall include in the report, the audited
	9	accounts of the Institute in respect of that financial year and the auditor's
	10	comments on the account.
Power to make bye-laws	11	27.-(1) The Council may make bye-laws relating to any matter within
Schedule	12	its competence under this Act other than matters for which provision is to be
	13	made by standing orders under paragraph 7 of the Schedule to this Act.
	14	(2) All such bye-laws shall be in writing and shall come into effect
	15	when sealed with the seal of the Council unless some other date for their
	16	commencement is prescribed therein.
	17	(3) Nothing in subsection (2), shall make it obligatory for the Council
	18	to publish any of the bye-laws in the Federal Government Gazette but the
	19	Council shall bring such bye-laws to the notice of all those affected by it.
Exclusion of discrimination on account of race, religion, etc.	20	28. A person shall not be required to satisfy requirements as to race
	21	(including ethnic grouping), sex, place of birth or of family origin or religious
	22	or political persuasion or as a condition of becoming or continuing to be a
	23	student at the Institute or as a holder of any certificate of the Institute, or of any
	24	appointment or employment at the Institute, or a member of any body
	25	established by virtue of this Act, and no person shall be subjected to any
	26	disadvantage or accorded any advantage in relation to the Institute by reference
	27	to any of those matters:
	28	Provided that, nothing in this section shall be construed as preventing
	29	the Institute from imposing any disability or restriction on any of these persons
	30	where such persons willfully refuse or fail on grounds of religious belief to

1 undertake any duty, having regard to its nature and the special circumstances
2 pertaining thereto is, in the opinion of the Institute, reasonably justifiable in
3 the national interest.

4 **29.** Subject to paragraph 6 (2) of the Schedule to this Act and any
5 standing order or bye-law made under this Act, the quorum and procedure of
6 anybody of persons established by this Act shall be such as may be
7 determined by that body.

Quorum and
procedure of bodies
established under
this Bill

8 **30.** In this Bill:

Interpretation

9 "Academic Board" means the Academic Board established under section 15
10 of this Act;

11 "Appointments and Promotions Committee" means a body by that name
12 established under paragraph 3 (2) (a) of the Schedule to this Act;

13 "Institute" means the Institute set up under section 1 (1) of this Act;

14 "Junior Staff Appointments and Promotion Committee" means a body by
15 that name set up under paragraph 3 (2) (b) of the Schedule to this Act;

16 "Minister" means the Minister charged with responsibility for matters
17 relating to technical education;

18 "President" means the President of the Federal Republic of Nigeria;

19 "Registrar" means the Registrar of the Institute appointed under section 10
20 (1) (a) of this
21 Act.

22 **31.** This Bill may be cited as the Federal Institute of Mining
23 Technology Adikpo, Benue State (Establishment) Bill, 2024.

Citation

1 SCHEDULE

2 *Sections 3 (6),13 (1) (a) (b)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE STRUCTURE

4 AND PROCEDURE OF THE COUNCIL

5 *Terms of office of members*

6 1.-(1) A member of the Council, other than an ex-officio member shall
7 hold office for three years beginning with the date on which he is appointed and
8 may be eligible for re-appointment for another three years and no more.

9 (2) Members of the Council holding office as specified In paragraph
10 1(1) of this Schedule, shall be paid remuneration or allowances in accordance
11 with rates specified from time to time by the National Council of Ministers.

12 (3) A member of the Council holding office as specified in paragraph I
13 (1) of this Schedule may, by notice in writing to the Minister resign his office.

14 2.-(1) Where a vacancy occurs in the membership of the Council, that
15 vacancy shall be filled by the appointment of a successor to hold office for the
16 reminder of the term of office of his predecessor, so however that the successor
17 shall represent the same interest as his predecessor.

18 (2) The Council may act notwithstanding any vacancy in its
19 membership or the absence of any member or that a person not entitled to do so
20 took part in its proceedings.

21 *Committees*

22 3.-(1) The Council may appoint one or more committees to which it
23 may delegate any of its functions.

24 (2) Without prejudice to the generality of subparagraph (1) of this
25 Schedule, the Council shall appoint the following committees:

26 (a) the Appointments and Promotions Committees which shall:

27 (i) be charged with the responsibility for making recommendations to
28 the Council on the appointment and promotion of the academic and senior non
29 teaching staff of the Institute and have a quorum of three members;

30 (ii) consist of Rector as the chairman and four other members who

1 shall be appointed by the Council;

2 (b) the Junior Staff Appointments and Promotions Committee
3 which shall consist of a Deputy Rector as chairman and four other members
4 to be appointed by the Rector and shall have the powers set out in section 13

5 (2)(b) and section 19 of this Act;

6 (c) the Committee on Students' Affairs which shall consist of:

7 (i) a Deputy Rector as chairman;

8 (ii) one member of the Council;

9 (iii) Dean of Students Affairs;

10 (iv) two members of the academic staff not below the rank of
11 Senior Lecturer; and

12 (d) two representatives of the Students Union of the Institute and a
13 Committee on Students Affairs shall be charged with the duty of:

14 (i) considering any matter which relates to the welfare of students,

15 (ii) any other matter referred to it by either the Council or
16 management of the Institute,

17 (iii) any matter which the students wish to refer to the Council shall
18 be referred to the management in the first instance which may in turn refer
19 the matter to the Committee on Students' Affairs.

20 (3) No decision of a committee of the Council shall have effect
21 unless it is confirmed by the Council.

22 *Proceedings of the Council*

23 4.-(1) The Council shall meet for the conduct of business once in a
24 quarter of a year except for emergency.

25 (2) The chairman of the Council may at any time and shall at the
26 request in writing of not less than five members of the Council summon a
27 meeting of the Council.

28 (3) Particulars of the business to be transacted shall be circulated to
29 members with the notice of the meeting at least two weeks before the date of
30 the meeting.

1 matter of interest to the School or any matter assigned to it by the Council,
2 the Rector or the Academic Board;

3 (b) Dean shall:

4 (i) be the chairman of the School Board, and

5 (ii) be elected from among the Academic Staff not below the rank
6 of Chief Lecturer in that School for a term of three years and not
7 immediately renewable.

8 (3) There shall be a Departmental Board for each Department in the
9 Institute consisting of all the Academic Staff in that department and the:

10 (a) Departmental Board shall deal with academic matters and any
11 other matter of interest to the Department;

12 (b) Head of Department shall:

13 (i) be chairman of the Departmental Board,

14 (ii) be elected from among the Academic staff not below the rank of
15 Senior Lecturer in that department for a term of three years and not
16 immediately renewable.

17 (4) Where there is no qualified candidate for the position of Dean
18 or Head of Department, the Rector shall appoint an Acting Dean not below
19 the rank of Senior Lecturer or Acting Head of Department not below the
20 rank of Lecturer I for a period of one year in the first instance and renewable
21 once and no more.

22 (5) Nothing in this Act shall prevent the management Committee
23 and Boards from making supplementary rules to guide their proceedings
24 provided such rules are not inconsistent with the provisions of this Act.

25 *Establishment of the Congregation*

26 10. There shall be for the Institute, a Congregation consisting of
27 both Academic and Senior Non-Teaching staff, who holds at least a first
28 degree or its equivalent the:

29 (a) Rector shall be the Chairman of the Congregation; and

30 (b) Congregation shall meet at least once in a year.

1 11. Any contract or instrument which if entered into by a person not
2 being a body corporate would not be required to be under seal, may in like
3 manner be entered into or executed on behalf of the Council by any person
4 generally or specifically authorized by
5 it for that purpose.

6 12.-(1) The common seal of the Council shall not be used or affixed to
7 any document except in pursuance of a resolution duly passed at a properly
8 constituted meeting of the Council and recorded in the minutes of such
9 meeting.

10 (2) The fixing of the seal of the Council shall be authenticated by the
11 signature of the Chairman of the Council and some other members authorized
12 generally or specifically by the Council to act for that purpose.

13 (3) Any document purporting to be a document duly executed under
14 the seal of the Council shall be received in evidence and shall, unless the
15 contrary is proved, be deemed to be so executed.

16 13. Any member of the Council or a committee thereof who has a
17 personal interest in any contract or arrangement entered into or proposed to be
18 considered by the Council or a committee thereof, shall forthwith disclose his
19 interest to the Council and shall not vote on any question relating to such
20 contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Institute of Mining Technology Adikpo, Benue State to provide full and part-time courses of instruction in different fields of studies.