

FEDERAL POLYTECHNICS ACT

ARRANGEMENT OF SECTIONS

Establishment of Federal Polytechnics

SECTION

1. Establishment of Federal Polytechnics.
2. Functions of each Polytechnic.
3. Establishment and constitution of each Council, etc.
4. Visitation.
5. Registrar of each Polytechnic.
6. Tenure of office of the Registrar.
7. General Functions of each Council.

Staff

8. The Rector of each Polytechnic.
9. Deputy Rectors.
10. Other principal officers of each polytechnic.
11. Resignation of appointment of principal officers.
12. Selection Board for other principal officers.
13. Other employees of the polytechnic.
14. Application of the Pensions Act.

Establishment of the Academic Board

15. The Academic Board.

Tenure of Office

16. Removal from office of members of the Council and the Rector.
17. Removal and discipline of academic, administrative and technical staff.

Discipline

18. Discipline of students.
19. Discipline of junior staff.

Financial Provisions

20. Audit of accounts.
21. Funds of each Council.
22. Donations for particular purposes.
23. Payment into bank.
24. Annual report.

Miscellaneous and Supplemental

25. Power to make bye-laws.
26. Exclusion of discrimination on account of race, religion, etc.
27. Quorum and Procedure of bodies established under this Act.
28. Repeal of 1969 No. 23.
29. Vesting of the assets and liabilities of the dissolved Yaba College of Technology.
30. Vesting of property of Kaduna Polytechnic.

31. Interpretation.

32. Short title.

SCHEDULE

FIRST SCHEDULE

Polytechnics

SECOND SCHEDULE

Supplementary Provisions relating to the Council

FEDERAL POLYTECHNICS ACT

An Act to establish polytechnics in various parts of the country to provide full-time courses in technology, applied science management and other fields of studies and to make provisions for the general administration of such polytechnics.

[1979 No. 33.]

[25th July, 1979]

[Commencement.]

Establishment of Federal Polytechnics

1. Establishment of Federal Polytechnics

There are hereby established the Federal Polytechnics specified in the First Schedule to this Act (in this Act severally referred to as "the polytechnic") which shall have such powers and exercise such functions as are specified in this Act.

[1987 No. 28. First Schedule.]

2. Functions of each Polytechnic

(1) The functions of each polytechnic shall be-

(a) to provide full-time or part-time courses of instruction and training-

(i) in technology, applied science, commerce and management; and

(ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the area of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may from time to time determine;

(b) to arrange conferences, seminars and study groups relative to the fields of learning specified in paragraph (a) of this subsection (1);

(c) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the polytechnic.

(2) Nothing in this section shall preclude the government of a State or any of its agencies from setting up a polytechnic similar to any polytechnic established under this Act.

3. Establishment and constitution of each Council, etc.

(1) There shall be established for each polytechnic a Council (hereafter in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The Council shall consist of a Chairman and the following other members, that is-

(a) one person to represent the universities;

(b) one person to represent the Manufacturers' Association of Nigeria;

(c) one person to represent professional bodies whose disciplines are taught at the polytechnic;

(d) one person selected from a Federal or State public utility statutory corporation;

(e) one person of standing in the community where the polytechnic is situate;

(f) the Rector of the polytechnic;

(g) one representative of the Minister charged with responsibility for matters relating to polytechnics;

(h) one representative of the Permanent Secretary of the Ministry charged with responsibility for matters relating to industries;

(i) one representative of the academic board of the polytechnic;

(j) one representative of the State Commissioner of Education; and

(k) five other persons, at least one of whom shall be a woman, to be selected each on his personal merit based on his contribution to either the development of industry, technology or commerce or special interest in technical education.

(3) The Chairman and members of the Council other than ex-officio members shall be appointed by the President.

(4) The provisions set out in the Second Schedule to this Act shall apply in relation to the constitution of the Council and the other matters therein specified.

[Second Schedule.]

4. Visitation

(1) The Minister of Education shall be the Visitor to each Polytechnic.

[1993 No.5.]

(2) The Visitor shall, not less than once in every five years, conduct a visitation of the college or appoint a Visitation Panel, consisting of not less than five experts. To conduct the visitation-

(a) for the purpose of evaluating the academic and administrative performance of the polytechnic;

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

[1993 No.5.]

5. Registrar of each polytechnic

(1) There shall be a Registrar to each polytechnic who shall be responsible to the Rector for the day- to-day administration of the polytechnic and shall perform such other duties as the Councilor, as the case may be, the Rector may from time to time require him to do.

(2) The Registrar shall be the secretary to the Council, the Academic Board and any committee of the Council and shall attend all the meetings of those bodies unless excused for good reason by the chairman of the Council.

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

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

6. Tenure of office of the Registrar

(1) A Registrar-

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

(b) may be re-appointed for one further period of five years and no more.

[1993 No.5.]

(2) Where on the commencement of this section, a Registrar has held office-

(a) for five years or less, he shall be deemed to be serving his first term of office and may be re-appointed for a further term of five years;

(b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the polytechnic;

(c) for ten years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the polytechnic.

[1993 No.5.]

7. General functions of each Council

(1) Subject to provision of this Act, each Council shall be the governing body of the polytechnic concerned and shall have the general management of the affairs of the polytechnic, and in particular, the control of the property and finances of the polytechnic; and shall also have power to do anything which in its opinion is calculated to facilitate the carrying out of the activities of the polytechnic and promote its best interests.

(2) The Council may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Act, and for the same purpose may sell, lease, mortgage or otherwise alienate or dispose of any property so acquired.

(3) The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Act.

(4) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.

Staff

8. The Rector of each polytechnic

(1) There shall be a Rector of each polytechnic ("the Rector") who shall be appointed by the President in accordance with the provisions of this section.

[1993 No.5.]

(2) Where a vacancy occurs in the post of Rector, the Council shall-

(a) advertise the vacancy in a reputable journal or widely read newspaper in Nigeria, specifying-

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

(ii) the terms and conditions of service applicable to the post,

and thereafter, draw up a short list of suitable candidates for consideration;

(b) constitute a Search Team consisting of-

(i) a member of the Council, not being a member of the Academic Board, as Chairman; (ii) two members of the Academic Board, not below the rank of Chief Lecturer;

(iii) two members of the Academic Community of the college not below the rank of Chief Lecturer, to be selected by Council,

to identify and draw up a short list of persons who are not likely to apply on their own volition because they feel that it is not proper to do so.

[1993 No.5.]

(3) A Joint Council and Academic Board Selection Board consisting of-

(a) the Chairman of the Council;

(b) two members of the Council not being members of the Academic Board;

(c) two members of the Academic Board not below the rank of Chief Lecturer, who were not members of the Search Team, shall consider the candidates on the short list drawn up under subsection (2) of this section through an examination of their curriculum vitae and interaction with them and recommend, through the Council, to the President, three candidates for his consideration.

[1993 No.5.]

(4) The President shall appoint, as Rector, one of the candidates recommended to him under the provisions of subsection (3) of this section.

[1993 No.5.]

(5) Subject to this Act and the general control of the Council, the Rector shall be the Chief Executive of the polytechnic and shall be charged with responsibility for matters relating to the day-to-day management operations of the polytechnic.

[1993 No.5.]

(6) The Rector-

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

(b) may be re-appointed for a further period of four years and no more.

[1993 No.5.]

9. Deputy Rectors

(1) There shall be for each polytechnic a Deputy Rector.

[1993 No.5.]

(2) The Council shall appoint the Deputy Rector from among the chief lecturers in the polytechnic in one of the following ways-

(a) from a list of three candidates, in order of preference, submitted by the Rector; or

(b) on the recommendation of a Selection Board constituted under this section for that purpose; or

(c) on the nomination of the Rector.

[1993 No.5.]

(3) The Selection Board referred to in subsection (2) of this section shall-

(a) consist of-

(i) the Chairman of the Council;

(ii) the Rector;

(iii) two members of the Council not being members of the Academic Board;

(iv) two members of the Academic Board; and

(b) make such inquiries as it deems fit before making the commendation required under that subsection.

[1993 No.5.]

(4) The Deputy Rector-

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

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

(c) perform such other functions as the Rector may, from time to time, assign to him.

[1993 No.5.]

(5) The Deputy Rector-

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

(b) may be re-appointed for one further period of two years and no more.

[1993 No.5.]

10. Other principal officers of each polytechnic

(1) There shall be for each polytechnic the following other principal officers in addition to the Registrar, that is-

- (a) the Bursar; and
- (b) the polytechnic Librarian,

who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 9 (b) of this Act.

[1993 No.5.]

(2) The Bursar shall be the Chief Financial Officer of the polytechnic and be responsible to the Rector for the day to day administration and control of the financial affairs of the polytechnic.

[1993 No.5.]

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

[1993 No.5.]

(4) The Bursar or Librarian-

- (a) shall hold office for a period of five years in the first instance and on such terms and conditions as may be specified in his letter of appointment;
- (b) may be re-appointed for a further period of five years and no more.

[1993 No.5.]

(5) Where on the commencement of this section, a Bursar or Librarian has held office-

- (a) for five years or less, he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
- (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the polytechnic;

(c) for ten years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the polytechnic.

[1993 No.5.]

11. Resignation of appointment of principal officers

A principal officer may resign his appointment-

- (a) in the case of the Rector, by notice to the Visitor;
- (b) in any other case,

by notice to the Council.

[1993 No.5.]

12. Selection Board for other principal officers

(1) There shall be, for each college, a Selection Board which shall consist of-

- (a) the chairman of the Council;
- (b) the Rector;
- (c) four members of the Council not being members of the Academic Board;
- (d) two members of the Academic Board.

[1993 No.5.]

(2) The functions and procedure and other matters relating to the Selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.

[1993 No.5.]

13. Other employees of the polytechnic

(1) The Council may appoint such other persons to be employees of the polytechnic as the Council may determine to assist the Rector and the principal officers of the polytechnic in the performance of their functions under this Act.

[1993 No.5.]

(2) The power to appoint all other employees of the polytechnic shall be exercised-

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

(b) in the case of junior employees, by the Rector on the recommendation of the Junior Staff Appointments and Promotions Committee constituted under paragraph 3 (2) (b) of the Second schedule to this Act.

[1993 No.5.]

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

[1993 No.5.]

14. Application of the Pensions Act

(1) The Federal Civil Service Commission may by order published in the Federal Gazette declare the office of the Rector or any other person employed by the Council to be a pensionable office for the purposes of the Pensions Act.

[Cap. P4.]

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

Establishment of the Academic Board

15. The Academic Board

(1) There shall be established for each polytechnic a board to be known as the Academic Board which shall consist of the following members-

(a) the Rector of the polytechnic, as the Chairman;

(b) the Deputy-Rector of the polytechnic;

(c) all Heads of Departments;

- (d) the polytechnic Librarian; and
- (e) not more than two members of the academic staff, other than heads of departments, who may be appointed by the Academic Board.

(2) The Academic Board shall be responsible for-

- (a) the direction and management of academic matters of the polytechnic including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes and other academic distinctions;
- (b) the making to the Council of such periodic reports on such academic matter as the Academic Board may think fit or as the Council may from time to time direct; and
- (c) the discharge of any other functions which the Council may delegate to it.

Tenure of Office

16. Removal from office of members of the Council and the Rector

(1) If it appears to the Council that a member of the Council (other than an ex-officio member) or the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the President, and if the President, after making such inquiries as he considers necessary, approves the recommendation, the President, shall, in writing, declare the office of such member vacant.

[1989 No. 28.]

(2) The President may remove any member of the Council if he is satisfied that it is not in the public interest or in the interest of the polytechnic that such member should continue as a member of the Council.

17. Removal and discipline of academic, administrative and technical staff

(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 technical staff of the polytechnic, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall-

- (a) give notice of those reasons to the person in question;
- (b) afford him an opportunity of making representations in person on the matter to the Council; and

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

(i) if he is an academic staff, for a joint committee of the Council and the Academic Board to investigate the matter and to report on it to the Council; or

(ii) for a committee of the Council to investigate the matter, where it relates to any other member of the staff of the polytechnic and to report on it to the Council; and

(iii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter,

and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(2) The Rector may, in a case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interests of the polytechnic, suspend such member and any such suspension shall forthwith be reported to the Council.

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

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

(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 his office; or

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

(4) Any person suspended pursuant to subsection (2) or (3) of this section, shall be placed on half pay and the Council shall before the expiration of the period of three months after the date of such suspension consider the case against that person and come to a decision as to-

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

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

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

(d) whether to 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,

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

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

(6) Nothing in the foregoing provisions of this section shall prevent the Council from making such regulations for the discipline of other categories of staff and workers of the polytechnic as it may think fit.

Discipline

18. Discipline of students

(1) Subject to the provisions of this section, where it appears to the Rector that any student of the polytechnic has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Act or regulations made hereunder direct-

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

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

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

(d) that the student be expelled from the polytechnic.

(2) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measures, the Council, either directly or through some other staff, may apply such disciplinary actions as are specified in subsection (1) of this section to any student of the polytechnic who is guilty of misconduct.

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

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

(5) The Rector may delegate his power under this section to a disciplinary committee consisting of such members of the polytechnic 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 polytechnic otherwise than on the ground of misconduct.

(7) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.

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

19. Discipline of junior staff

(1) If any junior staff is accused of misconduct or inefficiency, the Rector may suspend him for not more than three months and forthwith shall direct the Junior Staff Appointments and Promotions Committee-

(a) to consider the case; and

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

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

(3) The Rector may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or down-grade the officer concerned.

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

(5) In any case of gross misconduct on the part of a junior staff, the Rector shall forthwith suspend him and thereafter refer the matter to the Junior Staff Appointments and Promotions Committee to be dealt with according to the foregoing provision of this section.

Financial Provisions

20.

Audits of accounts

(1) Each Council shall keep proper accounts and proper records in relation thereto and shall cause to be prepared, not later than 1 October in each financial year, an estimate of its revenue and expenditure for the ensuing financial year and when prepared, the estimate shall be submitted to the National Board for Technical Education for approval.

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

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

21. Funds of each Council

The funds of the Council shall include-

- (a) fees charged by and payable to the Council in respect of students;
- (b) any other amounts due to or recoverable by the Council;
- (c) revenue from time to time accruing to the Council from the Federal Government by way of subvention, grant-in-aid, endowment or otherwise howsoever;
- (d) donations and legacies accruing to the Council from any source for the special purpose of the Council.

22. Donations for particular purposes

(1) Donations of money to be applied to any particular purpose shall be placed to the credit of a special reserve account approved by the Council until such time as they may be expended in fulfilment of such purpose.

(2) No Council shall be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

23. Payment into bank

All sums of money received on account of each Council shall be paid into such bank for the credit of the Council as may be approved by the Council.

24. Annual report

Each Council shall on or before 31 December in each year prepare and submit to the President through the Minister, a report of the activities during the preceding financial year and shall include in the report, the audited accounts of the polytechnic in respect of that financial year and the auditors' comments on the account.

Miscellaneous and Supplemental

25. Power to make bye-laws

(1) Each Council may make bye-laws relating to any matter within its competence under this Act other than matters for which provision is to be made by standing orders pursuant to paragraph 7 of the Schedule to this Act.

(2) All such bye-laws shall be in writing and shall come into force when sealed with the seal of the Council unless some other date for their commencement is prescribed therein.

(3) Nothing in subsection (2) of this section, shall make it obligatory for the Council to publish any of the said bye-laws in the Federal Gazette but the Council shall bring such bye-laws to the notice of all affected thereby.

26. Exclusion of discrimination on account of race, religion, etc.

No person shall be required to satisfy requirements as to any of the following matters, that is to say race (including ethnic grouping), sex, place of birth or of the family origin or religious or political persuasion or as a condition of becoming or continuing to be a student at the polytechnic or as a holder of any certificate of the polytechnic, or of any appointment or employment at the polytechnic, or a member of any body established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the polytechnic by reference to any of those matters:

Provided that, nothing in this section shall be construed as preventing the polytechnic from imposing any disability or restriction on any of the aforementioned persons where such a person wilfully refuses or fails 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 pertaining thereto is, in the opinion of the polytechnic, reasonably justifiable in the national interest.

27. Quorum and procedure of bodies established under this Act

Subject to the provisions of paragraph 6 (2) of the Second Schedule to this Act and any standing orders or bye-law made under this Act, the quorum and procedure of any body of persons established by this Act shall be such as may be determined by that body.

28. Repeal of 1969 No. 23

(1) The Yaba College of Technology Act 1969, is hereby repealed.

(2) Accordingly, the body known as the Yaba College of Technology is hereby dissolved.

29. Vesting of all the assets and liabilities of the dissolved Yaba College of Technology

(1) By virtue of this Act, all property (movable and immovable) held by or on behalf of the Yaba College of Technology (hereafter in this section referred to as "the College") shall, as from the commencement of this Act, vest in the Federal Polytechnic, Yaba (hereafter in this section referred to as "the polytechnic").

(2) Upon the commencement of this Act-

(a) the rights, interests, obligations and liabilities of the College existing immediately before the commencement of this Act under any contract or instrument, or at law or in equity, apart from any contract or instrument, shall, by virtue of this Act, be assigned to and vested in the polytechnic;

(b) any such contract or instrument as is mentioned in sub-paragraph (a) of this subsection, shall be of the same force and effect against or in favour of the polytechnic and shall be enforced fully and effectively as if, instead of the College, the polytechnic had been named therein or had been a party thereto; and

(c) the polytechnic shall be subject to all the obligations and liabilities to which the College was subject immediately before the commencement of this Act and all other persons shall, as from the commencement of this Act, have the same rights, power and remedies against the polytechnic as they had against the College immediately before the said commencement.

(3) If immediately before the commencement of this Act a person was a member or an employee of the College, that person shall by virtue of this Act become a member or an employee of the polytechnic.

(4) Any proceeding or cause of action pending or existing before the commencement of this Act by or against the College may be commenced, continued or enforced by or against the polytechnic as it might have been against the College if this Act had not been made.

30. Vesting of property of Kaduna Polytechnic

By virtue of this Act, all property (movable and immovable) held by or on behalf of the Kaduna Polytechnic by the Kaduna Polytechnic Board of Governors or any State, shall vest in the Federal Polytechnic, Kaduna with effect from 27 August 1991.

[1991 No. 40.]

31. Interpretation

In this Act, unless the context otherwise requires-

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

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

"polytechnic" means the respective polytechnics set up under section 1 of this Act;

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

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

"the Registrar" means the Registrar of each polytechnic appointed under section 4 (1) of this Act.

32. Short title

This Act may be cited as the Federal Polytechnics Act.

FIRST SCHEDULE

Polytechnics

[Section 1.]

The polytechnics referred to in section 1 of this Act are as follows-

- (a) the Federal Polytechnic, Ado-Ekiti;
- (b) the Federal Polytechnic, Bauchi;

- (c) the Federal Polytechnic, Bida;
- (d) the Federal Polytechnic, Idah;
- (e) the Federal Polytechnic, Ilara;
- (f) the Federal Polytechnic, Kaura Mamoda;
- (g) the Yaba College of Technology, Yaba;
- (h) the Federal Polytechnic, Mubi;
- (i) the Federal Polytechnic, Nasarawa;
- (j) the Federal Polytechnic, Unwana-Afikpo;
- (k) the Federal Polytechnic, Kaduna;

[1991 No. 40.]

(l) Federal Polytechnic, Ede;

(m) Federal Polytechnic, Offa;

- (n) Federal Polytechnic, Damaturu;
- (o) Federal Polytechnic, Okoh;
- (p) Federal Polytechnic, Nekede.

SECOND SCHEDULE

[Section 7.]

PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Terms of office of members

1. (1) A member of the Council other than an ex-officio member shall hold office for a period of three years beginning with the date on which he was appointed and shall be eligible for re-appointment for a further term of three years and thereafter he shall no longer be eligible for re-appointment.

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

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

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

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

Committees

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

(2) Without prejudice to the generality to sub-paragraph (1) of this Schedule, the Council shall appoint the following committees, that is-

(a) the Appointments and Promotions Committee which shall without prejudice to section 7 (4) of this Act-

(i) consist of a chairman to be appointed by the Rector from members of the senior staff of the polytechnic and four other members who shall be appointed by the Council;

(ii) be charged with the responsibility for making recommendations to the Council on the appointment and promotion of the academic and senior staff of the polytechnic and have a quorum of three members;

(b) the Junior Staff Appointments and Promotions Committee which shall consist of a chairman and four other members to be appointed by the Council and shall have the powers set out in sections 7 (5) and 14 of this Act;

(c) the Committee on Students' Affairs which shall consist of the following members-

(i) a chairman who shall be appointed by the Rector from among the senior employees of the polytechnic;

(ii) one member of the Council;

(iii) two members of the academic staff of the polytechnic; and

(iv) four students of the polytechnic,

and the Committee on Students' Affairs shall be charged with the duty of-

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

(ii) any other matter referred to it by either the Council or students of the polytechnic;

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

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

Proceedings of the Council

4. (1) The Council shall meet for the conduct of business at such times as the chairman of the Council may appoint but shall meet not less than twice in a year.

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

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

5. Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting whether or not expressly convened for the purpose of considering the particular matter but no co-opted member shall be entitled to vote or shall count towards quorum.

6. (1) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.

(2) Seven members shall form a quorum at any meeting of the Council.

(3) The Chairman shall, at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.

7. Subject as aforesaid, the Council may make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

8. If the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one of their number to act as chairman for the purposes of that meeting.

Miscellaneous

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

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

(2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorised generally or specifically by the Council to act for that purpose.

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

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

FEDERAL POLYTECHNICS ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
