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FEDERAL COLLEGE OF EDUCATION (SPECIAL),
BIRNIN KUDU (ESTABLISHMENT) ACT, 2021



ARRANGEMENT OF SECTIONS

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SCHEDULE

**FEDERAL COLLEGE OF EDUCATION (SPECIAL),
BIRNIN KUDU (ESTABLISHMENT) ACT, 2021**

ACT No. 12

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION (SPECIAL),
BIRNIN KUDU, JIGAWA STATE, TO PROVIDE FULL-TIME COURSES, TEACHING,
INSTRUCTION AND TRAINING IN TECHNOLOGY, APPLIED SCIENCES, ARTS,
SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT ; AND FOR
RELATED MATTERS

[30th Day of September, 2021]

Commence-
ment.

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

1.—(1) There is established for the Federal College of Education (Special), Birnin Kudu (in this Act referred to as the “College”).

Establishment
of Federal
College of
Education
(Special),
Birnin Kudu,
Jigawa State.

(2) The College shall—

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

(b) have power to acquire and dispose of interest in movable and immovable property.

(3) The College may sue and be sued in its corporate name.

(4) The objectives of the college shall be to—

(a) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction of the opportunity of acquiring higher and liberal education ; and

(b) provide special courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them.

2.—(1) There is established for the College a governing council (in this Act referred to as “the Council”).

Governing
Council of
the College.

(2) The Council shall have the responsibility to consider and approve the—

(a) programme of studies to be undertaken in the College ;

(b) annual estimate of the College ; and

(c) investment plan of the College.

(3) The provision of the Schedule to this Act shall have effect with respect to the Council under this section.

Schedule.

Membership
of the
Council.

3. The Council shall consist of—

- (a) a Chairman and other members to be appointed by the President ;
- (b) a representative of the Federal Ministry of Education ;
- (c) a representative of the University of which the College is affiliated to for the purpose of moderation ;
- (d) two representatives of the Academic Board of the College ;
- (e) a representative of the National Commission for the Colleges of Education ; and
- (f) the provost of the College.

Tenure of
members of
the Council.

4.—(1) A member of the Council, other than the ex-official members, shall hold office for the term of four years and subject to the provision of subsection (2) shall be eligible for re-appointment for a further term of four years and no more.

(2) The office of a member appointed under section 3 of this Act shall become vacant if the—

(a) member resigns his office by notice in writing under his hand addressed to the Minister ; or

(b) Minister is satisfied that it is not in the interest of the College for the person appointed to continue in office and notifies the member in writing to that effect.

Powers of
the
Council.

5. The Council of the College shall have power to—

(a) hold examinations and grant degrees, National Certificates of Education (NCE), Diplomas, professional certificates and other distinction to persons, who have pursued courses of study approved and accredited by the National Commission for Colleges of Education (NCCE) ;

(b) hold examination in education for qualified teachers ;

(c) recruit staff and determine structure of the staff ;

(d) demand and receive from any student or any other person attending the College for the purpose of construction such fees as the Council may, with the prior approval of the Minister, determine ;

(e) hold public lectures and undertake printing, publishing and bookselling ;

(f) award fellowship, medals, prizes and other titles ;

(g) establish and maintain such schools and other teaching units with the College or extra mural department as the Council may determine ;

(h) erect, provide, equip, and maintain such educational recreational and residential facilities as the College may require ;

(i) create lectureship and other academic post and offices and to make appointment thereof;

(j) receive grants and give gifts;

(k) enter into such contracts as may be necessary or expedient for carrying into effect the objectives of the College;

(l) provide amenities for and make other provision for the welfare of the staff and students of the College;

(m) encourage and make provision for research in the College; and

(n) do such acts and things whether or not incidental to the powers under this section as may advance the objectives of the College.

6.—(1) The Minster shall be the visitor of the College—

The visitor.

(2) The visitor shall, not less than once in every five years conduct a visitation to the College or appoint a visitation panel consisting of not less than five experts to conduct the visitation for—

(a) the purpose of evaluating the academic and administrative performance of the college; or

(b) such other purpose as the visitors may deem fit.

7.—(1) There is established for the College a Board (in this Act referred to as “the Academic Board”) which shall consist of—

The
Academic
Board and
its
function.

(a) the Chairman;

(b) all heads of departments;

(c) the College librarian; and

(d) not more than three members of the academic staff other than the heads of department to be appointed by the Council.

(2) The Academic Board shall be responsible for—

(a) the direction and management of academic matters of the College including the regulation of admission of student, the award of certificate, scholarship, prize and other academic distinction; and

(b) discharging other functions which the Council may delegate to it.

8. The Minster may give directions of a general nature or relating generally to matters with regard to the exercise by the council of its functions and it shall be the duty of the Council to comply with such directions.

Power of
the
Minister.

9.—(1) There shall be a provost for the College (in this Act referred to as “the Provost”) who shall be appointed by the President on the recommendation of the Minister.

The Provost
of the
College.

(2) Where a vacancy occurs in the position of the Provost, the Council shall advertise the vacancy in a reputable and widely read newspaper in Nigeria specifying the—

- (a) qualities of the person who may apply for the position ; and
- (b) terms and conditions of the service applicable to the position and thereafter draw up a short list of suitable candidates for consideration of the Minister.

(3) The President shall appoint a provost from one of the candidates recommended by the Minister.

(4) Subject to the general control of the Council the Provost is the Chief Executive of the College and shall be charged with general responsibility for matters relating to the management and operations of the College.

(5) The Provost shall hold offices for a period of five years only and on such terms and conditions as may be specified in his letter of appointment.

Deputy
Provosts.

10.—(1) There shall be for the College two Deputy Provosts—

- (a) Deputy Provost (Academic) ; and
- (b) Deputy Provost (Administration).

(2) The Council shall appoint the Deputy Provost from among the Chief Lecturers in the College in the manner prescribed under this section—

(a) from a list of five candidates in order of preference, submitted by the Provost ;

(b) on the recommendation of the Selection Board constituted for that purpose ; or

(c) on the nomination of the Provost.

(3) The Selection Board under subsection (2) (b) shall consist of—

- (a) the Chairman ;
- (b) the Provost ;
- (c) two members of the Academic Board ; and
- (d) two members of the Council who are not members of the Academic Board.

(4) The Deputy Provost (Academic) shall—

(a) assist the Provost in the performance of his function in academic matters of the College ; and

(b) act as the Provost when the post of the Provost is vacant or if the Provost is, for any reason, absent or unable to perform his function.

(5) The Deputy Provost (Administration) shall perform such functions as the Provost or the Council may assign to him.

(6) Each of the Deputy Provosts shall hold offices for a period of two years and no more.

11.—(1) There shall be a Registrar for the College to be appointed by the Council.

The Registrar and other Staff of the College.

(2) The Registrar shall keep the records and conduct the correspondence of the Council.

(3) The Registrar shall be the Secretary to—

- (a) the Council ;
- (b) the Academic Board ; and
- (c) any committee of the Council.

(4) The Registrar may perform any duty as may be assigned to him by the Council or the Provost.

(5) The Registrar shall hold office for a period of five years and no more.

12.—(1) There is for the College in addition to the Registrar, the—

- (a) Bursar ; and
- (b) College Librarian who shall be appointed by the Council.

Other Principal Officers of the College.

(2) The Bursar is the Chief Financial Officer of the College and shall be responsible to the Provost for the administration and control of the financial affairs of the College.

(3) The College Librarian shall be responsible to the Provost for the administration of the College library and is the coordinator of the library services in the teaching units of the College.

(4) The Bursar and the College Librarian shall each hold office for a period of five years and no more.

13. A Principal Officer of the College may resign his appointment—

- (a) in case of the Provost, by notice to the Visitor ; and
- (b) in any other case, by notice to the Council.

Resignation of Principal Officer.

14.—(1) The Council may appoint other persons to be employees of the College to assist the Provost and the Principal Officers in the performance of their functions.

Other employees of the College.

(5) The Deputy Provost (Administration) shall perform such functions as the Provost or the Council may assign to him.

(6) Each of the Deputy Provosts shall hold offices for a period of two years and no more.

11.—(1) There shall be a Registrar for the College to be appointed by the Council.

The Registrar and other Staff of the College.

(2) The Registrar shall keep the records and conduct the correspondence of the Council.

(3) The Registrar shall be the Secretary to—

(a) the Council ;

(b) the Academic Board ; and

(c) any committee of the Council.

(4) The Registrar may perform any duty as may be assigned to him by the Council or the Provost.

(5) The Registrar shall hold office for a period of five years and no more.

12.—(1) There is for the College in addition to the Registrar, the—

(a) Bursar ; and

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(4) The Bursar and the College Librarian shall each hold office for a period of five years and no more.

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

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

Resignation of Principal Officer.

14.—(1) The Council may appoint other persons to be employees of the College to assist the Provost and the Principal Officers in the performance of their functions.

Other employees of the College.

(2) The remuneration, tenure of office and condition of services of the employees of the College shall be determined by the Council in conjunction with the Federal Civil Service Commission.

Pensions.
Act No. 4,
2014.

15. Service in the College shall be approved services for the purpose of the Pension Reform Act and accordingly, officers and other persons employed in the College shall be entitled to pension, gratuity and other retirement benefits as may be prescribed in their letters of appointment.

Selection
Board.

16.—(1) There shall be a Selection Board for the College which shall consist of—

- (a) the Chairman of the Council ;
- (b) the Provost ;
- (c) four members of the Council not being members of the academics Board ; and
- (d) two members of the Academic Board.

(2) The functions, procedure and other matters relating to the Selection Board constituted under subsection (1) shall be determined by the Council.

Fund of the
College.

17.—(1) The College shall establish and maintain a fund (in this Act referred to as “the Fund”) which shall be applied towards the promotion of the objectives of this Act.

(2) There shall be paid and credited to the Fund—

(a) such sums as may be granted by the Federal Government through the National Commission for Colleges of Education ;

(b) all money raised by the Council by way of gifts, grants-in-aid or testamentary disposition ; and

(c) all subscription fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.

(3) The Council shall submit to the Minister, through the National Commission for Colleges of Education, not later than three months before the end of each financial year or at such other time as he may direct, an estimate of its revenue and expenditure for the next succeeding financial year.

Power to
accept gifts.

18.—(1) The College may accept gifts or loan, money or other property upon such terms and conditions as may be specified by the person making the gifts.

(2) The College shall not accept any gift if the conditions attached to the gift are inconsistent with the functions of the College.

19. The College shall keep proper accounts of its allocations, payments, assets and liabilities and shall in respect of each year cause the account to be audited.

Account and Audit.

20. The Council shall, immediately after the expiration of each Financial year, prepare and submit to the Minister a report of its activities during the immediate proceeding financial year and shall include in the report a copy of the audited accounts of the College for that year and of the auditor's report of the accounts.

Annual reports.

21. In this Act—

Interpretation.

"Chairman" means the Chairman of the Council ;

"College" means the Federal College of Education (Special), Birnin Kudu established under Section (1) of this Act ;

"Council" means the governing Council of the College established under section 2 of this Act ;

"Function" includes powers and duties ;

"Minister" means the minister charged with the responsibility of Education ;

"Member" means a member of the Council including the Chairman ;

"Provost" means the Provost of the College established under section 9 of this Act.

22. This Act may be cited as the Federal College of Education (Special), Birnin Kudu (Establishment) Act, 2021.

Citation.

SCHEDULE

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service

1. There may be paid to the members of the Council or any Committee, other than ex-officio members, such remuneration and allowance as may be determined by the President.

Vacancy

2. Where vacancy occurs in respect of the membership specified in section 3, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and the successor shall represent the same interest as his predecessor.

Council to act

3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or in the absence of a member.

Proceedings

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

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

(3) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt such persons who are not members of the Council but persons so co-opted shall not be entitled to vote at a meeting of the Council.

(4) The Quorum of the Council shall be one of the total members of the Council, at least one of whom shall be a member appointed by the President.

(5) Decision of the Council shall be made on approval by a simple majority of members.

Miscellaneous

5.—(1) The affixing of the seal of the College shall be authenticated by the signatures of the Chairman, Provost and of some other members of the Council authorised generally or specially by the Council to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal may be made executed on behalf of the College by any person generally or specially authorised to act for that purpose by the Council.

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

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

OJO O. A., fnia, fcia
Clerk to the National Assembly
1st Day of September, 2021.

EXPLANATORY MEMORANDUM

This Act establishes the Federal College of Education (Special), Birnin Kudu, Jigawa State, to provide full-time courses, teaching instruction and training in technology, applied sciences, arts, social sciences, humanities and management.

**SCHEDULE TO THE FEDERAL COLLEGE OF EDUCATION (SPECIAL) BIRNIN KUDU
(ESTABLISHMENT) BILL, 2021**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Federal College of Education (Special) Birnin Kudu (Establishment) Bill, 2021.	An Act to establish the Federal College of Education (Special), Birnin Kudu, Jigawa State, to provide full-time Courses, Teaching Instruction and Training in Technology, Applied Sciences, Arts, Social Sciences, Humanities and Management; and for related matters.	This Bill seeks to establish the Federal College of Education (Special), Birnin Kudu, Jigawa State, to provide full-time Courses, Teaching Instruction and Training in Technology, Applied Sciences, Arts, Social Sciences, Humanities and Management; and for related matters.	6th July, 2021.	25th February, 2021.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



OJO O. A., fnia, fcia
Clerk to the National Assembly
1st Day of September, 2021.

MUHAMMADU BUIHARI, GCFR
President of the Federal Republic of Nigeria
30th Day of September, 2021.