

**THE UNIVERSITIES (MISCELLANEOUS PROVISIONS)**

**(AMENDMENT) ACT 2003**

**EXPLANATORY MEMORANDUM**

*This Act provides for the amendment of the Universities (Miscellaneous Provisions) Act No 11 1993 and makes new provisions, among other things, for the autonomy, management and re-organization of the Universities in Nigeria.*

**THE UNIVERSITIES (MISCELLANEOUS PROVISIONS)**

**(AMENDMENT) ACT 2003**

**ARRANGEMENT OF SECTIONS**

**SECTION:**

1. Amendment of No 11 of 1993
2. Amendment of section 2
3. Insertion of new sections 2A, 2AA and 2AAA
4. Amendment of section 3
5. Insertion of subsections (9) - (14)
6. Amendment of section 4
7. Insertion of sections 7A, 7AA and 7AAA
8. Citation.

**THE UNIVERSITIES (MISCELLANEOUS PROVISIONS)**

**(AMENDMENT) ACT 2003**

**A BILL**

FOR

AN ACT TO AMEND THE UNIVERSITIES (MISCELLANEOUS PROVISIONS) ACT NO 11 OF 1993 AND PROVIDE FOR THE AUTONOMY OF UNIVERSITIES; AND OTHER RELATED MATTERS.

[ ] *Commencement*

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

Amendment of 1. The Universities (Miscellaneous Provisions) Act 1993 (in this Act No 11 of 1993 referred to as "the Principal Act") as amended is further amended as set out in this Act.

Amendment of 2. Substitute section 2 of the Principal Act for a new section  
Section 2

"Composition 2 (1) There shall be a council for each of the Universities of the Council consisting of-

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellors;
- (d) one person from the Federal Ministry responsible for Education;

(e) four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the National Council of Ministers;

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

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

(h) one person appointed by Convocation from among its members.

proven integrity, knowledgeable and familiar with the affairs and tradition of the University”.

Insertion of new sections 2A, 2AA and 2AAA

3. Insert immediately after section 2 of the Principal Act sections-

"Tenure of Council  
Powers of the Council and Statutes of each University  
Independence of the Council  
in exercise of its functions of the university.

2A. The Council so constituted shall have a tenure of four years from the date of its inauguration provided that where a Council is found to be incompetent and corrupt it shall be dissolved by the Visitor and a new Council shall be immediately constituted for the effective functioning of the University.

2AA. The powers of the Council shall be exercised, as in the Law the Council and Statutes of each University and to that extent establishment circulars that are inconsistent with the Laws and Statutes of the University shall not apply to the Universities.

2AAA. (1) The Governing Council of a university shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development

(2) The Council of a university in the discharge of its

functions shall ensure that disbursement of funds of the University complies with the approved budgetary, ratio for-

(a) personnel cost:

(b) overhead cost;

(c) research and development;

(d) library developments; and

(e) the balance in expenditure between academic *vis-à-vis* non academic activities".

Amendment of 4. Section 3 of the Principal Act is amended as follows-

section 3

(a) in sub-section (I) by substituting for the words-

"who shall be appointed by the President, Commander-in-Chief of the Armed Forces",

appearing in lines 2 and 3 the following words-

"who shall be appointed by the Governing Council"

(b) in subsection (4) by substituting for the words-

"The Council shall select one candidate from among the three candidates recommended to it under subsection (3) of this section and forward his name to the President, Commander-in-Chief of the Armed Forces,"

the following words-

"The Council shall select and appoint as the Vice-Chancellor one candidate from among the three candidates recommended to it under subsection (3) of this section and thereafter inform the Visitor,"

(c) in subsection (8) by substituting for the words-

"The Vice-Chancellor may be removed from office by the Visitor after due consultation with the Council and the Senate acting through the Minister of Education," with the following words-

"The Vice-Chancellor may be removed from office by the Governing Council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process".

Insertion of (14) 5. section 3 (8) of the Principal Act-

"(9) When the proposal for the removal of the Vice-Chancellor is made, the Council shall constitute a joint committee of Council and Senate consisting of-

(i) three members of the Council one of whom shall be the Chairman of the committee, and

(ii) two members of the Senate,

provided that where the ground for removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion.

(10) The Committee shall conduct investigation into the allegations made against the Vice-Chancellor and shall report its findings to the Council.

(11) The Council may where the allegations are proved remove

the Vice-Chancellor or apply any other disciplinary action it may deem fit and notify the Visitor accordingly provided that a Vice-Chancellor who is removed shall have right of appeal to the Visitor.

(12) There shall be no sole administration in any Nigerian University.

(13) In any case of a vacancy in the office of the Vice-Chancellor, the Council shall appoint an acting Vice-Chancellor on recommendation of the Senate.

(14) An acting Vice-Chancellor in all circumstances shall not be in office for more than 6 months".

Amendment of 4 6. Section 4 of the Principal Act is amended by inserting the following section subsections -

"(6) A Deputy Vice-Chancellor may be removed from office for good cause by the Council acting on the recommendations of the Vice-Chancellor and Senate;

(7) "Good cause" for the purpose of this section means gross misconduct or inability to discharge the functions of his office arising from infirmity of body or mind".

Insertion of section 7A, 7AA and &AAA 7. Insert immediately after section 6 (5) (c) of the Principal Act, the following sections-

"Composition 7A (1) There shall be a senate for each of the

and powers Universities consisting of-

of a University (a) the Vice-Chancellor;

Senate (b) the Deputy Vice-Chancellor;

(c) all professors of the University;

(d) all deans, provosts and directors of

academic units of the University,

(e) all heads of academic departments,

units and research institutes of the University;

(f) the University Librarian; and

(g) academic members of the

Congregation who are not

professors as specified in the Laws

of each University.

(2) The Senate shall have powers in all academic matters including the organization and control of -

(a) teaching and research;

(b) admission of students;

(c) award of degrees including *Honoris Causa*, Certificates and Diplomas;

(d) promotion of research; and

(f) the exercise of other functions in accordance

with the Laws and Statutes of its University.

Visitor and visitation

7 AA (1) There shall be a visitor for each of the Universities.

(2) The Visitor shall cause a visitation to each University when necessary at least every five years.

(3) The Visitor shall make the report of such visitations and white paper thereon available to the Council which shall implement same.

Students

7AAA. Students shall -

Participation

(a) be represented in the University's Students Welfare Board and other committees that deal with the affairs of students;

(b) participate in various aspects of curriculum development;

(c) participate in the process of assessing academics

staff in respect of teaching; and

(d) be encouraged to be more self-assured as part of the national development process'.

Citation.

8. This Act may be cited as the Universities (Miscellaneous Provisions) (Amendment) Act, 2003.

**I CERTIFY, IN ACCORDANCE WITH SECTION 2(1) OF THE ACTS AUTHENTICATION ACT, CAP. 4, LAWS OF THE FEDERATION OF NIGERIA 1990, THAT THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.**

IBRAHIM SALIM, CON


CLERK TO THE NATIONAL ASSEMBLY

3<sup>rd</sup> DAY OF JULY, 2003

**SCHEDULE TO THE UNIVERSITIES (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL, 2003**

(1) SHORT TITLE OF THE BILL	(2) LONG TITLE OF THE BILL	(3) SUMMARY OF THE CONTENTS OF THE BILL	(4) DATE PASSED BY SENATE	(5) DATE PASSED HOUSE OF REPRESENTATIVES
<b>The Universities (Miscellaneous Provisions) (Amendment) Bill 2003.</b>	<b>An Act to amend the Universities (Miscellaneous Provisions) Act No 11 of 1993 and provide for the autonomy of Universities; and other related matters</b>	<b>This Bill seeks to amend the Universities (Miscellaneous Provisions) Act No 11 of 1993 and make new provisions, among other things, for the autonomy, management and re-organization of the Universities in Nigeria.</b>	<b>28<sup>th</sup> May, 2002</b>	<b>2<sup>nd</sup> June, 2003</b>

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. 4, Laws of the Federation of Nigeria 1990.


  
 IBRAHIM SALIM, CON  
 Clerk to the National Assembly  
 3<sup>rd</sup> Day of July, 2003

**I ASSENT**


  
 CHIEF OLUSEGUN OBASANJO, CFR  
 President of the Federal Republic of Nigeria  
 10<sup>th</sup> Day of July, 2003