

## **Abubakar Tafawa Balewa University, Bauchi Act**

[Commencement.]

[1st January, 1988]

### **1. Incorporation and objects of the Abubakar Tafawa Balewa University, Bauchi**

(1) There is hereby established a University of Technology to be known as the Abubakar Tafawa Balewa University, Bauchi (in this Act referred to as "the University").

(2) The University shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

(3) The objects of the University shall be—

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

(b) to develop and offer academic and professional programmes leading to the award of diplomas, first degrees, postgraduate research and higher degrees which emphasise planning, adaptive, technical, maintenance, developmental and productive skills in the engineering, scientific, agricultural, medical and allied professional disciplines with the aim of producing socially matured men and women with capability not only to understand, use and adapt existing technology but also to improve on it and develop new ones;

(c) to act as agents and catalysts, through post-graduate training, research and innovation for the effective and economic utilisation, exploitation and conservation of Nigeria's natural, economic and human resources;

(d) to offer to the general population as a form of public service, the results of training and research and to foster the practical applications of those results;

(e) to establish appropriate relationships with other national institutions involved in training, research and development of technologies;

(f) to identify the technology problems and needs of the society and to find solutions to them within the context of overall national development;

(g) to provide and promote sound basic scientific training as a foundation for the development of technology and applied sciences, taking into account indigenous culture and the need to enhance national unity; and

(h) to undertake any other activities appropriate for a university of technology of the highest standard.

### **2. Constitution and principal officers of the University**

(1) The University shall consist of—

(a) a Chancellor;

(b) a Pro-Chancellor and a Council;

(c) a Vice-Chancellor and a Senate;

(d) a body to be called Congregation;

- (e) a body to be called Convocation;
- (f) the campuses and colleges of the University;
- (g) the Schools, Institutes and other teaching and research units of the University;
- (h) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraphs (a) to (c) of this subsection;

[First Schedule.]

- (i) all graduates and undergraduates of the University; and
- (j) all other persons who are members of the University in accordance with provisions made by Statute in that behalf.

(2) The First Schedule to this Act shall have effect with respect to the principal officers of the University therein mentioned.

[First Schedule.]

(3) Provisions shall be made by Statute with respect to the constitution of the Council, the Senate, Congregation and Convocation.

### 3. Powers of the University and its exercise

(1) For the carrying out of its objects as specified in section 1 of this Act, the University shall have power-

(a) to establish such campuses, colleges, institutes, schools, extra-mural departments and other teaching and research units within the University as may, from time to time, be deemed necessary or desirable subject to the approval of the National Universities Commission;

(b) to institute professorships, readerships or associate professorships, lectureships and other posts and offices and to make appointments thereto;

(c) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance;

(d) to provide for the discipline and welfare of members of the University;

(e) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;

(f) to grant honorary degrees, fellowships or academic titles;

(g) to demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may from time to time, determine subject to the overall directives of the Minister;

(h) subject to section 22 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situated;

- (i) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
- (j) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (k) to erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary or suitable or convenient for any of the objects of the University;
- (l) to hold public lectures and to undertake printing, publishing and book-selling;
- (m) subject to any limitations or conditions imposed by Statute, to invest any moneys appertaining to the University by way of endowment and moneys, not being immediately required for current expenditure, in any investments or securities or the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any money for the time being not invested with any bank on deposit or current account;
- (n) to borrow, whether on interest or not if need be upon the security of any or all of the property movable or immovable of the University, such moneys as the Council may, from time to time, in its discretion find it necessary or expedient to borrow or to guarantee any loan, advance or credit facilities;
- (o) to make gifts for any charitable purpose;
- (p) to do anything which it is authorised or required by this Act or by Statute to do; and
- (q) to do all such acts or things, incidental to the foregoing powers, as may advance the objects of the University.

(2) Subject to the provisions of this Act and of the Statutes and without prejudice to section 8 (2) of this Act, the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner which may be authorised by Statute.

(3) The power of the University to establish further campuses and colleges within the University shall be exercisable by Statute and not otherwise.

#### **4. Functions of the Chancellor**

(1) The Chancellor shall, in relation to the University, take precedence before all other members of the University and when he is present shall preside at all meetings of Convocation held for conferring degrees.

(2) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.

(3) The Chancellor shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Act or by Statute.

#### **5. Functions of the Pro-Chancellor**

The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University, except the Chancellor and except the Vice-Chancellor when acting as Chairman of the Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council.

## **6. Composition of the Council**

The Council of the University shall consist 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) nine persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the President;
- (f) four persons appointed by the Senate from among its members;
- (g) two persons appointed by Congregation from among its members;
- (h) one person appointed by Convocation from among its members.

## **7. Functions of the Council and its Finance and General Purposes Committee**

- (1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University.
- (2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the University and perform such other functions of the Council as the Council may, from time to time, delegate to it.
- (3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure that proper accounts of the University are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council and that an annual report is published by the University together with certified copies of the said account as audited.
- (5) Subject to this Act and the Statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.
- (6) Rules made under subsection (5) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that Committee conflict with any directions given by the Council, whether before or after the coming into force of the rules in question, the directions of the Council shall prevail.
- (7) There shall be paid to the members respectively of the Council, the Finance and General Purposes Committee and of any other committee set up by the Council allowances in respect of travelling and other reasonable expenses, at such rates as may, from time to time, be fixed by the Minister.
- (8) The Council shall meet as and when necessary for the performance of its functions under this Act and shall meet at least three times in every year.

(9) If requested in writing by any five members of the Council, the Chairman shall within 28 days after the receipt of such request call a meeting of the Council.

(10) Any request made under subsection (9) of this section, shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting.

## **8. Functions of the Senate**

(1) Subject to section 7 of this Act and subsections (3) and (4) of this section and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organise and control the teaching by the University, the admission of students where no other enactment provides to the contrary and the discipline of students; and to promote research at the University.

(2) Without prejudice to the generality of subsection (1) of this section and subject as therein mentioned, it shall in particular be the function of the Senate to make provision for-

(a) the establishment, organisation and control of campuses, colleges, schools, institutes and other teaching and research units of the University and the allocation of responsibility for different branches of learning;

(b) the organisation and control of courses of study at the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;

(c) the award of degrees, and such other qualifications as may be prescribed, in connection with examinations held as aforesaid;

(d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;

(e) the establishment, organisation and control of halls of residence and similar institutions at the University;

(f) the supervision of the welfare of students at the University and the regulation of their conduct;

(g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and

(h) determining what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

(3) The Senate shall not establish any new campus, college, school, department, institute or other teaching and research units of the University without the approval of the Council.

(4) Subject to this Act and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this section or otherwise or for the purpose of making provisions for any matter for which provisions by regulations is authorised or required by this Act or by Statute.

(5) Regulations shall provide that at least one of the persons appointed as the examiner at each final or professional examination held in conjunction with any course of study at the University, as may be prescribed by the Senate from time to time, is not a teacher at the university but is a teacher of the



(d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Act and of any Statute, regulation or other instrument made thereunder;

(e) making provision for any other matter for which provision by Statute is authorised or required by this Act.

(2) Subject to section 27 (6) of this Act, the provisions of the Interpretation Act shall apply in relation to any Statute made under this section and as it applies to a subsidiary instrument within the meaning of section 37 (1) of that Act.

[Cap. 123.]

(3) The Statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section by the University.

[Third Schedule.]

(4) The power to make Statutes conferred by this section shall not be invalidated or limited in any way by reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent Statute.

## **12. Mode of exercising power to make Statutes**

(1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section and not otherwise.

(2) A proposed Statute shall not become law unless it has been approved-

(a) at a meeting of the Senate, by the votes of not less than two-thirds of the members present and voting; and

(b) at a meeting of the Council, by the votes of not less than two-thirds of the members present and voting.

(3) A proposed Statute may originate either in the Senate or in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies before the other.

(4) A Statute which-

(a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University; or

(b) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established,

shall not come into operation unless it has been approved by the President

(5) For the purposes of section 1 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is duly approved by the Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council as the case may be or, in the case of a Statute falling within subsection (4) of this section, on the date on which it is approved by the President of the Federal Republic of Nigeria.

[Cap. 123.]

(6) In the event of any doubt or dispute arising at any time-

(a) as to the meaning of any provision of a Statute; or

(b) as to whether any matter is for the purpose of this Act an academic or non-academic matter as they relate to such doubt or dispute,

the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he shall think fit.

(7) The decision of the Visitor on any matter referred to him under subsection (6) of this section shall be final and binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a Statute has been decided by the Visitor under that subsection, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.

(8) Nothing in subsection (7) of this section shall affect any power of a court of competent jurisdiction to determine whether any provision of a Statute is wholly or partly void as being *ultra vires* or as being inconsistent with the Constitution of the Federal Republic of Nigeria, 1999.

[Cap. C23.]

### **13. Proof of Statutes**

A Statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Vice-Chancellor or the Registrar to the effect that the copy is a true copy of a Statute of the University.

### **14. Visitor**

(1) The President shall be the Visitor of the University.

(2) The Visitor shall as often as the circumstances may require, not being less than once every five years, conduct a visitation of the University or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the University.

(3) It shall be the duty of the bodies and persons comprising the University to make available to the Visitor and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.

### **15. Removal of certain members of Council**

(1) If it appears to the Council that a member of the Council (other than the Pro-Chancellor or the Vice-Chancellor) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect through the Minister to the President and if the President after making such enquiries if any, as he may consider appropriate, approves the recommendation, he may direct the removal of the person in question from office.

(2) It shall be the duty of the Minister to use his best endeavours to cause a copy of the instrument embodying a direction under subsection (1) of this section to be served as soon as reasonably practicable on the person to whom it relates.

## 16. Removal and discipline of academic, administrative and professional 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 professional staff of the University, other than the Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall-

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

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

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

1. for a joint committee of the Council and the Senate to investigate the matter and to report on it to the Council
2. and 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 Vice-Chancellor may, in a case of misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interests of the University, 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 his duties or his appointment may be terminated by the Council; and for the purpose of this subsection "**good cause**" means-

(a) conviction for any offence which the Council 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; or

(e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.

(4) Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay and the Council shall before the expiration of a 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 his emoluments to be paid to him); or

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

(c) whether to terminate the appointment of the person concerned, in which case such person shall 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.

(5) 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.

(6) 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 endeavour to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(7) Nothing in the foregoing provisions of this section shall-

(a) apply to any directive given by the Visitor in consequence of any visitation; or

(b) prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed.

#### *Procedure for Staff Discipline*

### **17. Procedure for staff discipline**

(1) Where it is alleged that a member of staff is guilty of misconduct or should for any other reason be disciplined, the Vice-Chancellor or Senate shall set up an Investigation Panel to determine whether or not a *prima facie* case has been established against the staff.

(2) The Investigation Panel shall be composed to ensure that the membership includes the President or Chairman of the union to which the staff being investigated belongs.

(3) There shall be a Staff Disciplinary Committee which shall be composed by the Vice-Chancellor.

(4) The Staff Disciplinary Committee shall consider the report of the investigating Panel.

(5) The report and recommendation of the Staff Disciplinary Committee shall be forwarded to the Council for consideration and decision.

### **18. Appointment of external examiners**

(1) There shall be for the University such number of external examiners as may be prescribed by the Senate.

(2) The external examiners shall be appointed for such examinations and on such terms and conditions as the University may deem fit.

### **19. Removal of examiners**

(1) If, on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then except in such cases as may be prescribed, the Vice-Chancellor may, after affording the examiner an opportunity of making representations in person on the matter to the Vice-Chancellor, remove the examiner from the office or appointment by an instrument in writing signed by the Vice-Chancellor.

(2) Subject to the provisions of Regulations made in pursuance of section 8 (5) of this Act, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in place of the examiner removed in pursuance of subsection (1) of this section.

(3) It shall be the duty of the Vice-Chancellor on signing an instrument of removal in pursuance 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.

### **20. Discipline of students**

(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, in consultation with the Senate and, without prejudice to any other disciplinary power conferred on him by Statute or Regulations, direct-

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

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

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

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

(2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal 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 thinks fit.

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

(4) The Vice-Chancellor may delegate his powers under this section to a Disciplinary Board consisting of such members of the University as he may nominate.

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

(6) Without prejudice to the provisions of subsection (1) of this section, nothing shall prevent the Vice-Chancellor from taking an immediate disciplinary action against a student in a serious or emergency situation where he deems fit and report later to the Senate.

(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) No staff or student shall resort to a law court without proof of having exhausted the internal avenues for settling disputes or grievances or for seeking redress.

(9) Nothing in this section shall affect any power of a court of competent jurisdiction to enforce the fundamental right of any aggrieved citizen as enshrined in the Constitution of the Federal Republic of Nigeria, 1999.

[Cap. C23.]

### *Miscellaneous and General*

#### **21. Exclusion of discrimination on account of race, religion, etc.**

(1) No person shall be required to satisfy the requirements as to any of the following matters, that is to say, race (including ethnic grounding), sex, place of birth or family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University 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 University, by reference to any of those matters.

(2) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the aforementioned persons where such 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, and which duty, having regard to its nature and the special circumstance pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

#### **22 .. Restriction on disposal of land by the University**

Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land (including any land transferred to the University by this Act) except with the prior written consent either general or special, of the President:

[Cap. L5.]

Provided that, such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding twenty-one years or any lease or tenancy to a member of the University for residential purposes.

#### **23. Quorum and procedure of bodies established by this Act**

Except as may be otherwise provided by Statute or by Regulations, the quorum and procedure of any body of persons established by this Act shall be as determined by that body.

#### **24. Appointment of committees, etc.**

(1) Any body of persons established by this Act shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body, and to authorise a committee established by it-

(a) to exercise, on its behalf, such of its functions as it may determine;

(b) to co-opt members,

and may direct whether or not co-opted members (if any) shall be entitled to vote in that committee.

(2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies or for the appointment of committees consisting of members of those bodies for the purpose of considering any matter within the competence of those bodies or any of them and either of dealing with it or of reporting on it to those bodies or any of them.

(3) Except as may be otherwise provided by Statute or by Regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.

(4) Nothing in the foregoing provisions of this section shall be construed as-

(a) enabling Statutes to be made otherwise than in accordance with section 11 of this Act; or

(b) enabling the Senate to empower any other body to make Regulations or to award degrees or other qualifications.

(5) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of the officer in question); and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

## **25. Retiring age of academic staff of the University**

(1) Notwithstanding anything to the contrary in the Pensions Act, the compulsory retiring age of an academic staff of the University shall be sixty-five years.

[Cap. P4.]

(2) A law or rule requiring a person to retire from the public service after serving for thirty-five years shall not apply to an academic staff of the University.

## **26. Special provisions relating to pension of professors**

A person who retires as a professor having served-

(a) a minimum period of fifteen years as a professor in the University or continuously in the service of a University in Nigeria up to the retiring age; and

(b) who during the period of service was absent from the University only on approved National or University assignments,

shall be entitled to pension at a rate equivalent to his last annual salary and such allowances as the Council may, from time to time, determine as qualifying for pension and gratuity, in addition to any other retirement benefits to which he may be entitled.

## 24. Miscellaneous administrative provisions

(1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, Registrar or any other person authorised by Statute.

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

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specifically authorised to do so by the Council.

(4) The validity of any proceedings of any body established in pursuance of this Act shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the proceedings.

(5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall not vote on any question relating to that matter.

(6) Nothing in section 12 of the Interpretation Act (which provides for the application in relation to subordinate legislation of certain incidental provisions) shall apply to Statutes or regulations made in pursuance of this Act.

[Cap. 123.]

(7) The power conferred by this Act on any body to make Statutes or Regulations shall include power to revoke or vary any Statute (including the Statute contained in the Third Schedule to this Act) or any Regulation by a subsequent Statute, or, as the case may be, by a subsequent Regulation and the Statute and Regulations may make different provisions in reaction to different circumstances.

[Third Schedule.]

(8) No stamp duty or other duty shall be payable in respect of any transfer of property to the University by virtue of section 10 of this Act.

(9) Any notice or other instrument authorised to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

## 25. Interpretation

(1) In this Act, unless the context otherwise requires-

**“campus”** means any campus which may be established by the University;

**“college”** means any college which may be established by the University;

**“Council”** means the Council established pursuant to section 2 (1) (b) of this Act for the University;

**“graduate”** means a person on whom a degree, other than an honorary degree, has been conferred by the University;

**“Minister”** means the Minister charged with responsibility for matters relating to higher education;

**“notice”** means notice in writing;

“office” does not include the Visitor;

“prescribed” means prescribed by Statutes or regulations;

“President” means the President of the Federal Republic of Nigeria;

“professor” means a person designated as a professor of the University in accordance with provisions made in that behalf by Statute or by regulations;

“property” includes rights, liabilities and obligations;

“regulations” means regulations made by the Senate or the Council;

“Senate” means the Senate of the University established pursuant to section 2 (1) (c) of this Act;

“school” means a unit of closely related academic programmes;

“Statute” means a Statute made by the University under section 11 of this Act and in accordance with the provisions of section 12 of this Act, and “the Statutes” means all such Statutes as are in force from time to time;

“teacher” means a person holding a full-time appointment as a member of the teaching or research staff of the University;

“undergraduate” means a person in *statu pupillari* at the University other than-

(a) a graduate; or

(b) a person of such description as may be prescribed for the purposes of the definition;

“University” means the Abubakar Tafawa Balewa University, Bauchi established under section 1 of this Act.

(2) It is hereby declared that where in any provision of this Act it is laid down that proposals are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposal or recommendation received by it in pursuance of that provision to the appropriate authority; but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon.

## **26. Short title**

This Act may be cited as the Abubakar Tafawa Balewa University, Bauchi Act.

## **SCHEDULES**

### **FIRST**

### **SCHEDULE**

[Section 2 (2).]

#### *Principal Officers of the University*

##### **1. The Chancellor**

The Chancellor shall be appointed by and hold office at the pleasure of the President of the Federal Republic of Nigeria.

## **2. The Pro-Chancellor**

(1) The Pro-Chancellor shall be appointed or removed from office by the President of the Federal Republic of Nigeria.

(2) Subject to the provisions of this Act, the Pro-Chancellor shall hold office for a period of four years beginning with the date of his appointment.

## **3. The Vice-Chancellor**

(1) There shall be a Vice-Chancellor of the university who shall be appointed by the President in accordance with the provisions of this paragraph.

(2) Where a vacancy occurs in the post of a Vice-chancellor, the Council shall—

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

(i) the qualities of the persons 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 the post for consideration;

(b) constitute a Search Team consisting of—

(i) a member of the council, who is not a member of the Senate, as Chairman;

(ii) two members of the Senate who are not members of the Council, one of whom shall be a professor;

(iii) two members of Congregation who are not members of the council, one of whom shall be a professor,

to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they feel that it is not proper to do so.

(3) A joint Council and Senate Selection Board consisting of—

(a) the Pro-Chancellor as Chairman;

(b) two members of the Council, not being members of the Senate;

(c) two members of the Senate who are professors,

but who were not members of the Search Team, shall consider the candidates and persons on the short list drawn up under subparagraph (2) of this paragraph through an examination of their *curriculum vitae* and interaction with them, and recommend to the Council suitable candidates for further considerations.

(4) The Council shall select three candidates from among the candidates recommended to it under subparagraph (3) of this paragraph and may indicate its order of preference stating the reasons therefore and forward the names to the President.

(5) The President may appoint as Vice-Chancellor, any one of the candidates recommended to him in accordance with the provisions of subparagraph (4) of this paragraph.

(6) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.

(7) For the avoidance of doubt, the provisions of subparagraph (6) of this paragraph shall-

(i) only be applicable to those appointed to the office of Vice-chancellor after 1 January 1993;

(ii) not confer on a person serving a first term of office as Vice-chancellor before 1 January 1993 any right to renewal of the appointment for a further term of four years.

(8) The Vice-Chancellor may be removed from office after consultation with the Council and the Senate acting through the Minister of Education.

#### **4. Deputy Vice-Chancellors**

(1) There shall be for the University such number of Deputy Vice-Chancellors as the Council may, from time to time, deem necessary for the proper administration of the University.

(2) Where a vacancy occurs in the post of Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.

(3) The Senate shall select for each vacant post one candidate from each list forwarded to it under subparagraph (2) of this paragraph and forward his name to the Council for confirmation.

(4) A Deputy Vice-Chancellor shall-

(a) assist the Vice-Chancellor in the performance of his functions;

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

(c) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.

(5) A Deputy Vice-Chancellor-

(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.

#### **5. Office of the Registrar**

(1) There shall be a Registrar, who shall be the Chief Administrative Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administrative work of the University except as regards matters for which the bursar is responsible in accordance with paragraph 6 (2) of this Schedule.

(2) The person holding the office of the Registrar shall by virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.

#### **6. Other principal officers of the University**

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

(a) the bursar; and

(b) the University librarian,

who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 7 of this Schedule.

(2) The bursar shall be the Chief Financial Officer of the University and be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University.

(3) The University librarian shall be responsible to the Vice-Chancellor for the administration of the University library and the co-ordination of the library services in the University and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.

(4) The appointment of the Registrar, the bursar and librarian shall continue to be career posts to sustain continuity and stability in the university system.

(5) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

#### **7. Selection Board for other principal officers**

(1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of –

(a) the Pro-Chancellor, as Chairman;

(b) the Vice-Chancellor;

(c) four members of the Council not being members of the Senate; and

(d) two members of the Senate.

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

#### **8. Resignation and re-appointment**

(1) Any officer mentioned in the foregoing provisions of this Schedule may resign his office-

(a) in case of the Chancellor or Pro-Chancellor, by notice to the President of the Federal Republic of Nigeria;