

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL COMMISSION FOR COLLEGES OF AGRICULTURE TO, AMONGST OTHER THINGS, ADVISE THE FEDERAL GOVERNMENT ON ALL ASPECTS OF AGRICULTURAL EDUCATION FALLING OUTSIDE THE UNIVERSITIES AND POLYTECHNICS AND FOR RELATED MATTERS

Sponsored by Hon. Linus Okorie

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as Follows:

1 PART I - ESTABLISHMENT OF NATIONAL COMMISSION FOR
2 COLLEGES OF AGRICULTURE

3 1.-(1) There is hereby established a body to be known as the
4 National Commission for Colleges of Agriculture (hereinafter in this Act
5 referred to as "the Commission") which shall be a body corporate with
6 perpetual succession and a common seal and may sue and be sued in its
7 corporate name.

Establishment
of the National
Commission
for Colleges of
Agriculture

8 (2) The supplementary provisions contained in the Schedule to this
9 Act shall have effect with respect to the proceedings of the Commission and
10 the other matters mentioned therein.

11 2.-(1) There shall be for the Commission, a Governing Board (in
12 this Act referred to as "the Board") which shall comprise of:

Governing Board
of the Commission

13 (a) a Chairman who shall be appointed by the President on the
14 recommendation of the Minister; and who by his ability, training,
15 experience or specialized knowledge of agriculture or professional
16 attainment, is capable of making outstanding contributions to the work of
17 the Commission;

1 (b) one person to represent the Federal Ministry responsible for
2 Agriculture;

3 (c) one person to represent the Federal Ministry responsible for
4 Labour and Productivity;

5 (d) one person to represent the Federal Ministry responsible for
6 Education;

7 (e) one person to represent the Federal Ministry responsible for
8 Science and Technology;

9 (f) one person to represent the Committee of Heads of Federal
10 Colleges of Agriculture (NAHCARD);

11 (g) one person to represent the State Colleges of Agriculture;

12 (h) one person to represent the Industrial Training Fund (ITF);

13 (i) two persons to be appointed on individual merit, on a nationwide
14 basis, who should have wide experience on services in the public or private
15 sector; and

16 (j) The Executive Secretary of the Commission who shall be the
17 Secretary of the Governing Board.

18 (2) Members of the Board, other than those appointed under
19 paragraphs (a), (b), (c) and (d) of Subsection (1) of this section, shall be
20 appointed by the President on the recommendation of the Minister.

Tenure of Office

21 3.-(1) Subject to the provision of this Act, a person appointed to be a
22 member of the Commission, not being a public officer under paragraph (a)-(d)
23 of Section 2 (i) of the Act, shall hold office for a period of four (4) years from
24 the date of his appointment and shall not be eligible for reappointment.

25 (2) Any member, not being a public officer, may resign his
26 appointment by a notice in writing under his hand, addressed to the Minister.

27 (3) Members of the Board, not being public officers, shall be paid
28 such remuneration and allowance as the Federal Executive Council may
29 determine.

1 4. The Minister may, at any time remove any member of the Board
2 from office if the Minister is satisfied that it is not in the interest of the
3 Commission for the member to continue in office, in which case, the
4 Minister shall notify the member in writing to that effect; stating the reason
5 for the removal.

Removal from
office of member
of the Board

6 5. The functions of the Commission shall be:

Functions of the
Commission

7 (a) to advise the Federal Government through the Minister and to
8 coordinate all aspects of agricultural education programmes below degree
9 level;

10 (b) to make recommendations on the national policy necessary for
11 the full development of agricultural education and the training of
12 agricultural technicians and technologists;

13 (c) to set minimum standards for all programmes of colleges of
14 agriculture and accredit their certificates and other academic awards after
15 obtaining prior approval of the Minister;

16 (d) to determine, after consultation with the National Manpower
17 Board, the Industrial Training Fund and such other bodies, as it may
18 consider appropriate, the technical manpower needs of the country in the
19 industrial, commercial and other relevant fields for the purpose of planning
20 for training facilities and, in particular, to prepare periodic master plans for
21 the balanced and coordinated development of Colleges of Agriculture in
22 Nigeria.

23 Such plans shall include:

24 (i) the general progress to be pursued by Colleges of Agriculture to
25 maximize the use of available facilities and avoid unnecessary duplication
26 while ensuring that they are adequate to the manpower needs of the country,
27 and

28 (ii) recommendation, to the Minister, for the establishment and
29 location of new Colleges of Agriculture, as and, when it is considered
30 necessary;

1 (e) to inquire into and advise the Federal Government on the financial
2 needs, both recurrent and capital, of Colleges of Agriculture to enable them
3 meet the objective of producing the trained manpower needs of the country;

4 (f) to receive block grants from the Federal Government and allocate
5 them to Colleges of Agriculture in accordance with such formula as may be laid
6 down by the Federal Executive Council;

7 (g) to act as the agency for channelling all external aid to Colleges of
8 Agriculture in Nigeria;

9 (h) to advise on, the steps to harmonize entry requirements and
10 duration of courses at Colleges of Agriculture and other similar institutions;

11 (i) to lay down standards to be attained and continually review such
12 standards;

13 (j) to develop and review curricula of Colleges of Agriculture and
14 Related institutions;

15 (k) to collate, analyse and publish any information relating to
16 agricultural education in Nigeria;

17 (l) to review methods of assessment of students and trainees and
18 develop a scheme of national certification for the various products of colleges
19 of agriculture;

20 (m) to undertake periodic review of the terms and conditions of
21 service of personnel in Colleges of Agriculture and make recommendations
22 thereon, through the Minister, to the Federal Government;

23 (n) to recommend to the visitor of a College of Agriculture that a
24 visitation be made to the College as and when it considers it necessary;

25 (o) to consider any matter pertaining to Agricultural education as may
26 be referred to it from time to time by the Minister; and

27 (p) to carry out such other activities as are conducive to the discharge
28 of its functions under this Bill.

29 6. In its role of advising on all aspects of agricultural education, the
30 Commission shall make recommendation as to how best to:

1 (i) stimulate and encourage interest and appreciation of agriculture
2 as a business;

3 (ii) advise on and take measures to improve the immediate and
4 long-term prospects of agriculture and agricultural teachers with respect to
5 status and remunerations;

6 (iii) expand the facilities for the training of agricultural teachers
7 and ensure that these teachers are exposed, both during and after training, to
8 practical experience;

9 (iv) involve experts both in government and industry, in the design
10 of courses relevant for practical and pre-vocational needs of the country; and

11 (v) provide encouragement for women and youths to enter a wide
12 range of pre-vocational and entrepreneurial courses in agricultural
13 education.

14 7.-(1) There shall be appointed by the President, on the
15 recommendation of the Minister, an Executive Secretary to the
16 Commission, who shall have appropriate qualification and experience in
17 agricultural education.

Executive
Secretary of the
Commission

18 (2) The Executive Secretary shall be the Chief Executive Officer of
19 the Commission and shall be responsible for the execution of the policies of
20 the Commission and the day-to-day running of the affairs of the
21 Commission.

22 (3) The Executive Secretary shall hold office for a period of five
23 years and shall be eligible for reappointment for another term of five years
24 and no more.

25 (4) Subject to this section, the Executive Secretary shall hold office
26 on such terms as to emolument and otherwise, as may be specified in his
27 letter of appointment, as may be approved by the President.

28 8.-(1) The Commission may appoint other employees of the
29 Commission to assist the Executive Secretary in the exercise of his
30 functions.

Staff of the
Commission

1 (2) The remuneration and tenure of officer of the other employees of
2 the Commission shall be determined by the Commission after consultation
3 with the Minister.

4 (3) Notwithstanding the provisions of sub-section (1) of this section,
5 employees of the Commission may be appointed by the Commission by way of
6 transfer or secondment from any of the public services in the Federation.

Application of
Pensions Reform
Act, 2004

7 9.-(1) it is hereby declared that services in the Commission shall be
8 pensionable under the Pensions Act, and accordingly, employees of the
9 Commission shall, in respect of their services in the Commission, be entitled to
10 pensions, gratuities and other retirement benefits, as are prescribed thereunder.

11 (2) Notwithstanding the provisions of sub-section (1) of this section,
12 nothing in this Bill shall prevent the appointment of a person to any office on
13 terms which preclude the grant of a pension and gratuity in respect of that
14 office.

15 (3) For the purposes of the application of the Pensions Act, any power
16 exercisable thereunder by the Minister or authority of the Federal Government
17 (not being the power to make regulations under section 23 thereof) is hereby
18 vested in and shall be exercisable by the Commission and not any other person
19 or authority.

20 (4) Subject to sub-section (2) of this section, the Pensions Act shall in
21 its application by virtues of the sub-section (3) of this section to any office,
22 have effect as if the office were in the civil service of the Federation, within the
23 meaning of the Constitution of the Federal Republic of Nigeria 1999 (as
24 amended).

25 PART II - FINANCE

Establishment
of the National
Commission
for Colleges of
Agriculture Fund

26 10.-(1) There shall be established by the Commission a fund to be
27 known as the National Commission for Colleges of Agriculture Fund.

28 (2) There shall be paid and credited to the fund established in
29 pursuance of Subsection (1) above:

30 (a) such sums as may be made available to the Commission for

1 allocation to Colleges of Agriculture in pursuance of sub-section (e) of
2 Section 5 of this Act; and

3 (b) such other sums as, may from time to time, be credited to the
4 fund by way of payment of the principal and interest on and other charges in
5 respect of any loan made out of the fund, and also any interest from
6 investments made from the fund.

7 (3) The fund shall be managed in accordance with rules made by
8 the Minister of Finance, and without prejudice to the generality of the power
9 to make rules under this subsection, the rules shall, in particular, contain
10 provisions:

11 (a) specifying the manner in which the assets of the fund are to be
12 held, and regulating the making of payments into and out of the fund;

13 (b) requiring the keeping of the proper accounts and records, for
14 the purpose of the fund, in such form as may be specified in the rules;

15 (c) requiring copies of the accounts to be audited periodically by
16 the Auditor-General of the Federation; and

17 (d) requiring copies of the accounts and of the auditor's report on
18 them to be furnished to the President, through the Minister.

19 11.-(1) The Commission shall establish and maintain a separate
20 fund from which shall be defrayed all expenditure incurred by the
21 Commission except such expenditure as may be incurred pursuant to
22 Section 10 above.

Maintenance of
separate fund for
the Commission

23 (2) There shall be paid and credited to the fund established in
24 pursuance of sub-section (1) above, such payments as may be made to it by
25 the Federal Ministry of Agriculture for the running expense of the
26 Commission and all other payments or monies, from time to time accruing
27 to the Board or Commission, otherwise than pursuant to Section 10 of this
28 Bill.

29 12.-(1) The Commission may, from time to time apply the proceeds
30 of the fund established in pursuance of Section 11 (1) of this Bill:

Expenditure of
the Commission

1 (a) to the cost of administration of the Commission;

2 (b) to the payment of the salaries, fees or other remuneration or
3 allowances and pensions, superannuating allowances and pensions,
4 superannuation, allowances and gratuities payable to members or employees
5 of the Commission, so however that no payment of any kind under this
6 paragraph shall be made to any person who is in receipt of emoluments from
7 the Government of the Federation or the State;

8 (c) for the maintenance of any property vested in the Commission;
9 and

10 (d) for, an in connection with, any of its functions under this Act.

Annual Estimates
and Accounts

11 13.-(1) The Commission shall submit to the Minister not later than 30
12 September in each year, an estimate of its income and expenditure during the
13 next succeeding financial year.

14 (2) The Board shall keep proper accounts in respect of each year (and
15 proper record in relation thereto) and shall cause the account to be audited by an
16 auditor appointed from the list and in accordance with the guidelines supplied
17 by the Auditor-General for the Federation.

Annual Reports
and Audit

18 14. The Board shall prepare and submit to the President through the
19 Minister, not later than 30 June in each year, a report in such form as he may
20 direct on the activities of the Commission, on or during the immediate
21 preceding year, and shall include in such report a copy of the audited accounts
22 of the Commission for the year and the Auditor-General's report thereon.

Power to obtain
information

23 15.-(1) For the purposes of carrying out the functions conferred on the
24 Commission under this Bill, the Executive Secretary or any other officer
25 authorised in that behalf:

26 (a) shall have a right of access to all records of any institution to which
27 this section applies; and

28 (b) may by notice in writing served on any person in charge of any
29 such institution, require the person to furnish information on such matters as
30 may be specified in that notice.

1 (2) It shall be the duty of any person required to furnish information
2 pursuant to sub-section (1) of this section, to comply with the notice within a
3 reasonable period of time.

4 (3) In this section, the reference to an institution to which this
5 section applies, is a reference to any College of Agriculture, College of Land
6 Resources, Co-operative College or similar institutions.

7 16. Subject to the provisions of this Act, the Minister may give to
8 the Commission directions of a general character or relating generally to
9 matters of policy with regard to the exercise by the Commission of its
10 functions and it shall be the duty of the Commission to comply with such
11 directions.

Power of Minister
to give directives
to the Commission

12 17. In this Bill:

Interpretation

13 "Chairman" means the chairman of the Board of the Commission;

14 "College of Agriculture" means any college of agriculture and includes all
15 colleges of land resources and co-operative colleges;

16 "Commission" means the National Commission for Colleges of Agriculture
17 established under section 1 of this Act;

18 "Member" means member of the Board of the Commission and includes the
19 Chairman;

20 "Minister" means the Minister charged with responsibility for Agriculture.

21 18. This Bill may be cited as the National Commission for Colleges
22 of Agriculture Bill, 2017.

Short Title

23 SCHEDULES

24 FIRST SCHEDULE

25 SUPPLEMENTARY PROVISION RELATING TO THE BOARD, ETC,

26 *Proceedings*

27 *Cap.92 LFN.*

28 1. Subject to this Act and Section 26 of the Interpretation Act
29 (which provides for decisions of a statutory body to be taken by the majority
30 of its members and the Chairman to have a second or casting vote), the

1 Governing Board may make standing orders regulating the proceeding of the
2 Commission or any committee thereof.

3 2. Every meeting of the Governing Board shall be presided over by
4 the Chairman and if the Chairman is unable to attend a particular meeting, the
5 members present at the meeting shall elect one of their members to preside at
6 the meeting.

7 3. The quorum at a meeting of the Governing Board shall consist of
8 the Chairman (or, in an appropriate case, the person presiding at the meeting
9 pursuant to paragraph 2 above) and six other members.

10 4. Where upon any special occasion the Governing Board desires to
11 obtain the advice of any person on any particular matter, the Commission may
12 co-opt that person to be a member for as many meetings as may be necessary,
13 and that person while so co-opted shall have all the rights and privileges of a
14 member except that he shall not be entitled to vote.

15 *Committees*

16 5.-(1) Subject to its standing orders, the Commission may appoint
17 such number of Standing and Ad-hoc Committees as it thinks fit to consider
18 and report on any matter with which the Commission is concerned.

19 (2) Every Committee appointed under the foregoing provisions of
20 this paragraph shall be presided over by a member of the Commission and shall
21 be made up of such number of persons, not necessarily members of the
22 Commission, as the Commission may determined in each case.

23 (3) The quorum of any Committee set up by the Commission shall be
24 as may be determined by the Committee.

25 6. Where standing orders made pursuant to paragraph 1 above
26 provided for a committee of the Commission to consist of or co-opt persons
27 who are not members of the Commission, the committee may advice the
28 Commission on any matter referred to it by the Commission.

29 7. The fixing of the seal of the Commission shall be authenticated by

1 the signature of the Chairman or of the Executive Secretary of the
2 Commission.

3 8. Any contract or instrument which is made by a person not being
4 a body corporate, would not be required to be under seal may be made or
5 executed on behalf of the Commission by the Executive Secretary or by any
6 other person generally or specifically authorised to act for the person by the
7 Commission.

8 9. Any document purporting to be a contract, instrument or other
9 document duly signed or sealed on behalf of the Commission shall be
10 received in evidence and, unless the contrary is provided, be presumed
11 without further proof to have been so signed or sealed.

12 10. The validity of any proceedings of the Commission or
13 Committee thereof shall not be affected:

14 (a) By any vacancy in the membership of the Commission or
15 Committee, or

16 (b) By any defect in the appointment of a member of the
17 Commission or Committee.

18 11. Any member of the Commission or a Committee thereof who
19 has a personal interest in any contract or arrangement entered into or
20 proposed to be considered by the Commission or Committee shall forthwith
21 disclose his interest to the Commission or Committee and shall vote on any a
22 question relating to the contract or arrangement.

23 SECOND SCHEDULE

24 1. The institutions to be supervised by National Commission for
25 Colleges of Agriculture are as follows:

26 (1) Federal and State Colleges of Agriculture, Land Resources and
27 Co-operatives;

28 (2) Private Colleges of Agriculture, Land Resources and Co-
29 operatives; and

30 (3) Other institutions offering National Diploma, Higher National

- 1 Diploma and equivalent/other certificates in agriculture related courses.

EXPLANATORY NOTE

(This note does not form part of the above Act but is intended to explain its purpose)

The Act set up the National Commission for Colleges of Agriculture as a body corporate and charges it with responsibility for advising the Federal Government on all aspects of Technical Education falling outside the universities, polytechnics and colleges of education; including the general development of Colleges of Agriculture, and other related institutions, and the establishment and location of new ones.