

FEDERAL CAPITAL TERRITORY COLLEGE OF AGRICULTURE BILL, 2015

ARRANGEMENT OF SECTIONS

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# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY COLLEGE OF AGRICULTURE, AND OTHER MATTERS CONNECTED THEREWITH

*Sponsored by Hon. Iorwase Herman Hembe*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART I - ESTABLISHMENT OF FEDERAL CAPITAL TERRITORY

2 COLLEGE OF AGRICULTURE

3 1.-(1) There is hereby established for the Federal Capital Territory  
4 a College of Agriculture in this Bill (referred to as the "College") which shall  
5 have such powers and exercise such functions as are conferred on it by this  
6 Bill.

Establishment of the Federal Capital Territory College of Agriculture

7 (2) The College shall be a body corporate with perpetual  
8 succession and a common seal and may sue and be sued in its corporate  
9 name.

10 2.-(1) There is hereby established for the College a Governing  
11 Council (in this Bill referred to as "the Council") which shall be Council  
12 responsible for the consideration and approval of:

Governing Council of the College

- 13 (a) the plan of activities of the College;
- 14 (b) the programme of studies, courses, and research to be  
15 undertaken by the College;
- 16 (c) the annual budget estimates of the College; and
- 17 (d) the investment plans of the College.

18 (2) The provisions of the Schedule to this Bill shall have effect  
19 with respect to the Council as specified therein.

20 3. The Council shall consist of a Chairman and the following other  
21 members, to be appointed by the Minister:

Membership of the Council of the College

1 (a) the person responsible for Agriculture in the Federal Capital  
2 Territory;

3 (b) a representative of a University who in the case of a degree  
4 awarding College, shall come from the University to which the College is  
5 affiliated for the purpose of moderation;

6 (c) a representative of the alumni association of the College;

7 (d) three persons appointed on individual merit on a nationwide basis  
8 who should have wide experience of service in the public or private sector;

9 (e) two representatives of the Academic Board of the College;

10 (f) one representative of the National Board for Technical Education

11 and

12 (g) the Rector of the College.

Tenure of Office  
of Members of  
the Council

13 4.-(1) A member of the Council (other than an ex-officio member)  
14 shall hold office for a term of three years and be eligible for reappointment for a  
15 further period of three years.

16 (2) The office of a member appointed under section 3 of this Bill shall  
17 become vacant if:

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

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

Functions of  
the College

23 5. The functions of the College shall be:

24 (a) to provide full-time courses in Agricultural Science and  
25 Technology:

26 (i) in General Agriculture, Crop Science, Fisheries, Mechanization,  
27 Home Economics and Management.

28 (ii) in such other fields of applied learning relevant to the needs of the  
29 development of Nigeria.

30 (iii) research in the development and adaptation of techniques as the

1 Council may from time to time determine;

2 (b) to conduct courses in agriculture for qualified agriculture  
3 Extension Officers;

4 (c) to arrange conferences, seminars and workshops in relevant  
5 fields of learning; and

6 (d) to perform such other functions as in file opinion of the Council  
7 may promote the objectives of the College.

8 6.-(1) The Council shall have powers to:

Powers of the  
Council

9 (a) hold examination and grant diploma, professional certificates  
10 and other distinctions to persons who have pursued a course of study  
11 approved and accredited by the National Board for Technical Education;

12 (b) demand and receive from any student or any other person  
13 attending the College for the purpose of instruction such fees as the Council  
14 may, with the prior approval of the Minister, from time to time determine;

15 (c) hold public lectures and undertake printing, publishing and  
16 selling;

17 (d) make gifts for any charitable purpose;

18 (e) hold examinations in agriculture for qualified Agriculture  
19 Extension Officers;

20 (f) provide amenities for the welfare of the staff of the College;

21 (g) invest the surplus funds of the College in securities specified by  
22 law as may be approved by the Minister;

23 (h) borrow money in such manner and upon such security as the  
24 Minister may from time to time authorise;

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

27 (j) recruit staff of the right calibre and determine the career  
28 structure of such staff;

29 (k) establish and maintain such schools and other units within the

1 College or extramural departments as the Council may, from time to time,  
2 decide;

3 (l) institute and award fellowships, medals, prizes and other titles;

4 (m) mount exhibitions and displays designed to foster an appreciation  
5 of trends in and the scope and requirements of agricultural science and  
6 technology;

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

9 (o) create lectureships and other academic posts and offices and to  
10 make appointments thereto;

11 (p) encourage and make provision for research in the college and;

12 (q) do such things incidental to the foregoing powers as may advance  
13 the objects of the College.

Visitation

14 7.-(1) The Minister of the Federal Capital Territory shall be the Visitor  
15 of the College.

16 (2) The Visitor shall, not less than once in every five years, conduct a  
17 visitation of the College or appoint a visitation panel consisting of not less than  
18 five experts to conduct the visitation:

19 (a) for the purpose of evaluating the academic and administrative  
20 performance of the College; or

21 (b) for such other purpose the Visitor may deem fit.

The Academy  
Board and its  
functions

22 8.-(1) There shall be established for the College a board to be known  
23 as the Academic Board which shall consist of the following members:

24 (a) the Rector of the College who shall be the Chairman;

25 (b) the Deputy Rector, Deans of Schools, Professors/Readers/Chief-  
26 Lecturers and the Registrar who shall be the Secretary;

27 (c) the College Librarian; and

28 (d) not more than two members of the academic staff other than heads  
29 of departments to be elected by the Congregation.

30 (2) The Academic Board shall be responsible for:

1 (a) the direction and management of academic matters of the  
2 College including the regulation of admission of students, the award of  
3 certificates, scholarships, prizes and other academic distinctions;

4 (b) making periodic reports on such academic matters to the  
5 Council as the Council may from time to time direct;

6 (c) discharging any other functions which the Council may from  
7 time to time delegate to it.

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

Power of Minister  
to give Direction  
to the Council

13 10.-(1) There shall be a Rector of the College (in this Bill referred  
14 to as "the Rector") who shall be appointed by the Minister in charge of the  
15 Federal Capital Territory, in accordance with the provisions of this section.

The Rector of  
the College

16 (2) Where a vacancy exists in the post of Rector, the Council shall:

17 (a) advertise the vacancy in a reputable journal or a widely read  
18 newspaper in Nigeria specifying:

19 (i) the qualities of the person who may apply for the post,

20 (ii) the terms and conditions of service applicable to the post, and  
21 thereafter draw up a short list of suitable candidates for consideration;

22 (b) constitute a search team consisting of:

23 (i) a member of the Council not being a member of the Academic  
24 Board, as Chairman,

25 (ii) two members of the Academic Board not below the rank of  
26 Chief Lecturer,

27 (iii) two members of the academic community of the College not  
28 below the rank of Chief Lecturer to be selected by the Council, to identify  
29 and draw up a short list of suitable persons who are not likely to apply for the  
30 post for any reason whatsoever.

1 (3) A joint selection Board of Council and Academic Board consisting  
2 of:

3 (a) the Chairman of the Council;

4 (b) two members of the Council not being members of the Academic  
5 Board, one of whom shall be the member appointed by the Minister;

6 (c) two members of the Academic Board not below the rank of a Chief  
7 Lecturer, who were not members of the Search team shall consider the  
8 candidates and persons on the short lists drawn up under subsection (2) of this  
9 section through the examination of their curriculum vitae and interaction with  
10 them and recommend through the Council to the Minister three candidates for  
11 his consideration.

12 (4) The Minister in charge of the Federal Capital Territory shall if  
13 satisfied appoint as Rector one of the candidates recommended to him under  
14 the provisions of subsection (3) of this section

15 (5) Subject to this Bill and the general control of the Council, the  
16 Rector shall be the chief executive of the College and shall be charged with  
17 general responsibility for matters relating to the day to day management  
18 operations of the College.

19 (6) The Rector:

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

23 (b) may be reappointed for one further period of four years and no  
24 more.

Deputy Rector

25 11.-(1) There shall be for the College a Deputy Rector.

26 (2) The Council shall appoint the Deputy Rector from among the  
27 Chief Lecturers in the College in one of the following ways, that is:

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

30 (b) on the recommendation of a selection Board constituted under this

1 section for that purpose; or

2 (c) on the nomination of the Rector.

3 (3) The selection Board referred to in subsection (2) of this section

4 shall:

5 (a) consist of:

6 (i) the Chairman of the Council,

7 (ii) the Rector,

8 (iii) two members of the Council not being members of the

9 Academic Board, one of whom shall be the member appointed by the

10 Minister

11 (iv) two members of the Academic Board; and

12 (b) make such inquiries as it deems fit before making the

13 recommendation required under that subsection.

14 (4) The Deputy Rector shall:

15 (a) be in charge of academic activities and assist the Rector in the  
16 performance of his functions;

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

19 (c) perform such other functions as the Rector or the Council may  
20 assign to him.

21 (5) The Deputy Rector:

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

25 (b) may be reappointed for one further period of two years and no  
26 more.

27 **12.-(1)** The Council of the College shall appoint a Registrar to the  
28 College (hereinafter referred to as "the Registrar") who shall keep the  
29 records and conduct the correspondence of the Council and shall perform  
30 such other duties as the Council and subject thereto as the Rector may from

The Registrar and  
Other staff of the  
College

1 time to time direct.

2 (2) The Registrar shall, in addition to other duties conferred on him by  
3 or under this Bill, be the secretary to the Council, the Academic Board and any  
4 committee of the Council and in his absence, the Councilor any such  
5 committee may appoint some other person to act as secretary, and he shall not  
6 vote on any question before the Councilor count towards a quorum.

7 (3) A Registrar:

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

11 (b) may be reappointed for one further period of five years and no  
12 more.

13 (4) Where on the commencement of this section a Registrar appointed  
14 before the commencement of this section has held office:

15 (a) for five years or less he shall be deemed to be serving his first term  
16 of office and may be reappointed for a further term of five years;

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

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

Other Principal  
Officers of the  
College

23 **13.-(1)** There shall be for the College the following principal officers  
24 in addition to the Registrar, that is:

25 (a) the Bursar; and

26 (b) the College Librarian, who shall be appointed by the Council on  
27 the recommendation of the Selection Board constituted under section 10 of this  
28 Bill.

29 (2) The Bursar shall be the chief financial officer of the College and be  
30 responsible to the Rector for the day-to-day administration and control of the

1 financial affairs of the College.

2 (3) The College Librarian shall be responsible to the Rector for the  
3 administration of the College Library and the coordination of the Library  
4 services in the teaching units of the College.

5 (4) A Bursar or Librarian:

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

9 (b) may be reappointed for one further period of five years and no  
10 more.

11 (5) Where on the commencement of this section a Bursar or  
12 Librarian has held office:

13 (a) for five years or less he shall be deemed to be serving his first  
14 term of office and may be reappointed for a further term of five years;

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

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

21 **14. A principal officer may resign his appointment:**

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

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

Resignation of  
Appointment of  
Principal Officers

24 **15.-(1)** The Council may appoint such other persons to be  
25 employees of the College as the Council may determine to assist the Rector  
26 and the Principal Officers of the College in the performance of their  
27 functions under this Bill.

Other Employees  
of the College

28 (2) Subject to the provisions of this Bill the remuneration, tenure of  
29 office and conditions of service of the employees of the Council shall be  
30 determined by the Council in consultation with the Federal Civil Service

	1	Commission.
Selection Board for other Principal Officers	2	• <b>16.</b> -(1) There shall be for the college, a selection Board which shall
	3	consist of:
	4	(a) the Chairman of the Council;
	5	(b) the Rector;
	6	(c) four members of the Council not being members of the Academic
	7	Board; and
	8	(d) two members of the Academic Board.
	9	(2) The functions, procedure and other matters relating to the
	10	selection Board constituted under subsection (1) of this section shall be as the
	11	Council may, from time to time, determine.
Pensions	12	<b>17.</b> -(1) It is hereby declared that service in the College shall be
	13	approved service for the purposes of the Pension Reform Act 2004 and
	14	accordingly, officers and other persons employed in the College shall in respect
	15	of their service in the College be entitled to pension, gratuities and other
	16	retirement benefits as are prescribed thereunder, so however that nothing in
	17	this Bill shall prevent the appointment of a person to any office on terms which
	18	preclude the grant of a pension and gratuity in respect of that office.
	19	(2) For the purposes of the application of the provisions of the Pension
	20	Reform Act, any power exercisable thereunder by a Minister or other authority
	21	of the Government of the Federation (other than the power to make
	22	regulations) shall be exercisable by the College and not by any other person or
	23	authority.
	24	PART II - FINANCIAL PROVISIONS
Establishment of Fund of the College	25	<b>18.</b> -(1) The Council shall establish and maintain a fund which shall be
	26	applied towards the promotion of the objectives specified in this Bill.
	27	(2) There shall be paid and credited to the fund established under
	28	subsection (1) of this section:
	29	(a) such sums as may from time to time be granted to the Council by
	30	the Minister in charge of the Federal Capital Territory.

1 (b) all moneys raised for the purposes of the Council by way of  
2 gifts, grants in aid or testamentary disposition; and

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

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

9 **19.** The Council may accept gifts of land, money or other property Power to accept  
Gifts  
10 upon such terms and conditions if any, as may be specified by the person  
11 making the gift.

12 **20.** The Council shall keep proper accounts of its receipts, Accounts and  
Audit  
13 payments, assets and liabilities and shall in respect of each year cause the  
14 accounts to be audited.

15 **21.** The Council shall as soon as may be after the expiration of each Annual Reports  
16 financial year prepare and submit to the Minister a report of its activities  
17 during the immediately preceding financial year and shall include in the  
18 report a copy of the audited accounts of the college for that year and of the  
19 auditors report on the accounts.

20 **22.-(1)** For the purposes of providing offices and premises Offices and  
Premises  
21 necessary for the performance of its functions, the Council may:

22 (a) purchase any interest in or take on lease any land; and

23 (b) build, equip and maintain offices and premises.

24 (2) The Council may with the approval of the Minister sell any  
25 interest in or lease any land, offices or premises held by it and no longer  
26 required for the performance of its function.

27 **23.-(1)** The Council may make rules providing for the Rector to Discipline of  
Students  
28 conduct enquiries into alleged breaches of discipline (including lack of  
29 diligence) by students and such rules may make different provisions for  
30 different circumstances.

1 (2) The rules shall provide for the procedure and rules of evidence to  
2 be followed at enquiries under this section

3 (3) Subject to the provisions of subsection (1) of this section, where it  
4 is proved during the enquiry that any student of the College has been guilty of  
5 misconduct, the Rector may, without prejudice to any other disciplinary  
6 powers conferred on him by this Bill or any regulations made thereunder  
7 direct:

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

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

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

15 (d) that the student be expelled from the College.

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

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

27 (6) The fact that an appeal from a direction is brought in pursuance of  
28 subsection (5) of this section shall not affect the operation of the direction while  
29 the appeal is pending.

30 (7) The Rector may delegate his powers under this section to a

1 disciplinary committee consisting of such members of the College as he may  
2 nominate.

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

6 (9) It is hereby declared that the direction under subsection (3) (a)  
7 of this section may be combined with a direction under subsection (3) (b) of  
8 this section.

9 (10) In all cases under this section, the decision of the Council shall  
10 be final unless reversed by the Minister on appeal by the student.

11 **24.** In this Bill, unless the context otherwise requires:

Interpretation

12 "Chairman" means the Chairman of the Council;

13 "College" means the Federal Capital Territory College of Agriculture  
14 established by section 1 of this Bill and "Colleges" shall be construed  
15 accordingly;

16 "Council" means the Governing Council of the College established by  
17 section 2 of this Bill;

18 "Congregation" means academic and non academic staff of the college with  
19 first degree either B.A or B.Sc.

20 "Functions" includes powers and duties;

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

22 "Minister" means the Minister charged with responsibility for matters  
23 relating to the Federal Capital Territory;

24 "Rector" means the Rector of the College appointed under section 9 of this  
25 Bill;

26 "The person responsible for Agriculture in the FCT" means the person  
27 appointed by the Minister to oversee the Agricultural sector in the FCT.

28 **25.** This Bill may be cited as the Federal Capital Territory College  
29 of Agriculture (Establishment, etc.) Bill, 2015.

Short Title

## 1 SCHEDULE

2 *Section 2 (2)*

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

4 *Terms of Service*

5 1. There may be paid to the members of the council or any committee,  
6 other than ex-officio members, such remuneration and allowances as may from  
7 time to time be determined by the Minister.

8 2. Where a vacancy occurs in respect of the membership specified in  
9 section 3 (1) (d), it shall be filled by the appointment of a successor to hold  
10 office for the remainder of the term of office of his predecessor in office and  
11 such successor shall represent the same interest as his predecessor.

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

15 *Proceedings*

16 4.-(1) The Council shall meet for the conduct of business at such  
17 times, places and on such days as the Chairman may appoint but shall meet not  
18 less than once every four months.

19 (2) The Chairman may at any time at the request in writing of not less  
20 than 6 members, convene a meeting of the Council.

21 (3) At any meeting of the Council the Chairman shall preside; but in  
22 his absence, members present shall elect one of their number to preside at the  
23 meeting.

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

28 (5) The quorum of the Council shall be one half of the total members  
29 of the Council at least one of whom shall be a member appointed by the  
30 Minister.

1                   (6) Decisions of the Council shall be made on approval by a simple  
2 majority of members.

3   *Miscellaneous*

4                   5.-(1) The fixing of the seal of the College shall be authenticated by  
5 the signature of the Chairman, Rector and of some other members of the  
6 Council authorized generally or specially by the Council to act for that  
7 purpose.

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Capital Territory College of  
Agriculture, and other matters connected therewith.