

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF AGRICULTURE UMUAJULKE, RIVERS STATE, TO PROVIDE FULL-TIME COURSES, TEACHING INSTRUCTIONS AND TRAINING IN AGRICULTURE AND CARRY OUT ITS DUE ADMINISTRATION AND MANAGEMENT AND FOR RELATED MATTERS

Sponsored by Hon. Ephraim Nwuzi

[] Commencement

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

1 1.-(1) There is hereby established a College to be known as the
2 Federal College of Agriculture, Umuajulke, Rivers State (in this Act
3 referred to as "the College") which shall have such powers and exercise such
4 functions as are conferred on it by this Act.

Establishment
and Objects of the
Federal College
of Agriculture

5 (2) The College shall be a body corporate with perpetual
6 succession and a common seal and shall have power to acquire and dispose
7 of interests in movable and immovable properties and may sue and be sued
8 in its corporate name.

9 (3) The objects of the College shall be:

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

13 (b) to develop and offer academic and professional programmes
14 leading to the award of Professional certificates, Ordinary National
15 Diplomas and Higher National Diplomas which emphasise planning,
16 adaptive, technical, maintenance, developmental and productive skills in
17 agriculture, and to contribute to the scientific transformation of agriculture
18 in Nigeria;

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

(d) to identify the agricultural problems and needs of Nigeria and to find solutions to them within the context of overall national development;

(e) to provide and promote sound basic scientific training as a foundation for the development of agriculture and allied disciplines, taking into account indigenous culture, the need to enhance national unity, the need to vastly increase the practical content of student training, and adequate preparation of graduates for self-employment in agriculture and allied professions;

(f) to promote and emphasise teaching, research and extension of agricultural knowledge, including agriculture extension services and outreach programmes, in-service training, continuing education, and on-farm adaptive research;

(g) to organise research relevant to training in agriculture with emphasis on small-scale farming;

(h) to organise extension services and out-reach programmes for technology transfer;

(i) to establish institutional linkages in order to foster collaboration and integration of training, research, and extension activities; and

(j) to undertake any other activity appropriate for Colleges of Agriculture.

Governing
Council of the
College

2.-(1) The governance of the College and the direction of its affairs shall vest in the Governing Council of the College (in this Act referred to as "the Council").

(2) Without prejudice to the generality of sub-section (1) of this section, it shall be the responsibility of the Council to consider and approve:

(a) the plan of activities of the College;

(b) the programme of studies, courses, and research to be undertaken by the College;

(c) the annual estimates of the College; and

(d) the investment plans of the College.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the Council as specified therein.

3.-(1) The Council shall consist of a chairman and the following other members, to be appointed by the Minister of education:

Membership of
the Council

(a) a representative of the Federal Ministry responsible for education;

(b) a representative of the Federal Ministry responsible for Agriculture;

(c) a representative of the National Board for Technical Education (NBTE);

(d) a representative of the alumni association of the College;

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

(f) two representatives of the Academic Board of the College;

(g) the Provost of the College.

4.-(1) A member of the Council (other than an ex-officio member) shall hold office for a term of three years and shall be eligible for re-appointment for a further period of three years and no more.

Tenure of office
of Members of
the Council

(2) Any member of the Council other than an ex-officio member may by notice to the Council resign his appointment.

(3) Any vacancy occurring in the membership of the Council shall be filled by the appointment of a successor who shall represent the same interest as his predecessor for the remainder of the term of the predecessor.

5.-(1) For the carrying out of its objects as specified in section 1 of this Act, the Council shall have power to:

Powers of the
Council

1 (a) hold examinations and grant diplomas, professional certificates
2 and other distinctions to persons who have pursued a course of study approved
3 and accredited by the National Board for Technical Education(NBTE) and
4 have satisfied such other requirements as the Council may lay down;

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

8 (c) establish agricultural and rural extension services in various parts
9 of Nigeria;

10 (d) hold public lectures and undertake printing, publishing and
11 bookselling;

12 (e) provide amenities for and make such other provision for the
13 welfare of the staff of the College;

14 (f) invest the funds of the College in securities specified by law or in
15 such other securities in Nigeria as may be approved by the Minister;

16 (g) borrow money within Nigeria in such manner and upon such
17 security as the Minister may from time to time authorise;

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

20 (i) recruit staff of the right calibre and determine the career structure
21 of such staff;

22 (j) establish and maintain such schools, institutes, extramural
23 departments and other teaching and research units within the College as the
24 Council may, from time to time, deem necessary;

25 (k) institute and award fellowships, scholarships, medals, prizes and
26 other titles;

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

29 (m) accept gifts, legacies and donations, but without obligation to
30 accept the same for a particular purpose unless it approves the terms and

1 conditions attaching thereto;

2 (n) enter into contracts, establish trusts, act as trustee, solely or
3 jointly with any other person, and employ, and act through agents; and

4 (o) do such acts and things whether or not incidental to the
5 foregoing powers as may advance the objects of the College.

6 6.-(1) The Minister shall be the Visitor of the College.

Visitation

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

10 (a) for the purpose of evaluating the academic and administrative
11 performance of the College; or

12 (b) for such other purpose or in respect of any other affairs of the
13 College as the Visitor may deem fit.

14 7. Subject to the provisions of this Act, the Minister may give to
15 the Council directions of a general character or relating generally to matters
16 of policy with regard to the exercise by the Council of its functions under
17 this Act and it shall be the duty of the Council to comply with such
18 directions.

Power of Minister
to give directions
to the Council

19 8.-(1) There shall be established for the College a board to be
20 known as the Academic Board which shall consist of the following
21 members:

The Academic
Board and its
functions

22 (a) the Provost of the College who shall be the chairman;

23 (b) all heads of departments;

24 (c) the College Librarian; and

25 (d) not more than two members of the academic staff other than
26 heads of departments to be appointed by the Council.

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

28 (a) the direction and management of academic matters of the
29 College including the regulation of admission of students, the award of
30 certificates, scholarships, prizes and other academic distinctions;

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

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

The Provost of
the College

5 9.-(1) There shall be a Provost of the College (in this Act referred to as
6 "the Provost") who shall be appointed by the Minister, in accordance with the
7 provisions of this section.

8 (2) Where a vacancy occurs in the post of Provost, the Council shall:

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

11 (i) the qualities of the person who may apply for the post;

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

14 (b) constitute a search team consisting of:

15 (i) a member of the Council not being a member of the Academic
16 Board, as chairman;

17 (ii) two members of the academic Board not below the rank of chief
18 lecturer;

19 (iii) two members of the academic community of the College not
20 below the rank of chief lecturer to be selected by the Council, to identify and
21 draw up a short list of suitable persons who are not likely to apply for the post
22 for any reason whatsoever.

23 (3) A Joint Council and Academic Selection Board consisting of:

24 (a) the chairman of the Council;

25 (b) two members of the Council not being members of the Academic
26 Board;

27 (c) two members of the Academic Board not below the rank of chief
28 lecturer, who were not members of the search team, shall consider the
29 candidates and persons on the short lists drawn up under subsection (2) of this
30 section through an examination of their curriculum vitae and interaction with

1 them and recommend through the Council to the Minister, three candidates
2 for his consideration.

3 (4) The Minister shall appoint as Provost one of the candidates
4 recommended to him under the provisions of subsection (3) of this section.

5 (5) Subject to this Act and the general control of the Council, the
6 Provost shall be the chief executive of the College and shall be charged with
7 general responsibility for matters relating to the day-to-day management
8 operations of the College.

9 (6) The Provost:

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

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

15 10.-(1) There shall be for the college a Deputy Provost.

Deputy Provosts

16 (2) The Council shall appoint the Deputy Provost from among the
17 chief lecturers in the College in one of the following ways, that is:

18 (a) from a list of three candidates in order of preference, submitted
19 by the Provost; or

20 (b) on the recommendation of a Selection Board constituted under
21 this section for that purpose; or

22 (c) on the nomination of the Provost.

23 (3) The Selection Board referred to in subsection (2) of this section
24 shall:

25 (a) consist of:

26 (i) the chairman of the Council;

27 (ii) the Provost;

28 (iii) two members of the Council not being members of the
29 Academic Board;

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

1 (b) make such inquiries as it deems fit before making the
2 recommendation required under that subsection.

3 (4) The Deputy Provost shall:

4 (a) assist the Provost in the performance of his functions;

5 (b) act in the place of the Provost when the post of Provost is vacant or
6 if the Provost is, for any reason, absent or unable to perform his functions as
7 Provost; and

8 (c) perform such other functions as the Provost or the Council may,
9 from time to time, assign to him.

10 (5) The Deputy Provost:

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

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

The Registrar
and other staff
of the College

16 11.-(1) The Council shall appoint a Registrar to the College
17 (hereinafter referred to as "the Registrar") who shall keep the records and
18 conduct the correspondence of the Council and shall perform such other duties
19 as the Council and subject thereto as the Provost may from time to time direct.

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

25 (3) The Registrar:

26 (a) shall hold office for a period of four years beginning from the
27 effective date of his appointment and on such terms and conditions as may be
28 specified in his letter of appointment; and

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

1 12.-(1) There shall be for the College the following principal
2 officers in addition to the Registrar, that is:

Other principal
officers of the
College

3 (a) the Bursar; and

4 (b) the College Librarian, who shall be appointed by the Council on
5 the recommendation of the Selection Board constituted under section 10(3)
6 of this Act.

7 (2) The Bursar shall be the chief financial officer of the College and
8 be responsible to the Provost for the day-to-day administration and control
9 of the financial affairs of the College.

10 (3) The College Librarian shall be responsible to the Provost for the
11 administration of the College Library and the coordination of the library
12 services in the teaching units of the College.

13 (4) The Bursar or Librarian:

14 (a) shall hold office for a period of four years beginning from the
15 effective date of his appointment and on such terms and conditions as may
16 be specified in his letter of appointment; and

17 (b) may be reappointed for a further period of four years and no
18 more.

19 13.-(1) A principal officer may resign his appointment:

Resignation of
appointment of
principal officers

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

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

22 14.-(1) The Council may appoint such other persons to be
23 employees of the College as the Council may determine to assist the Provost
24 and the principal officers of the College in the performance of their
25 functions under this Act.

Other employees
of the College

26 (2) Subject to the provisions of this Act, the remuneration, tenure of
27 office and conditions of service of the employees of the Council shall be
28 determined by the Council.

29 15.-(1) There shall be, for each College, a selection Board which
30 shall consist of:

Selection Board
for other principal
officers

- 1 (a) the chairman of the Council;
2 (b) the Provost;
3 (c) four members of the Council not being members of the Academic
4 Board; and
5 (d) two members of the Academic Board.

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

Pensions

9 16.-(1) It is hereby declared that service in the College shall be
10 approved service for the purposes of the Pensions Reform Act and,
11 accordingly, officers and other persons employed in the College shall in respect
12 of their service in the College be entitled to pensions, gratuities and other
13 retirement benefits as are prescribed there under, so however that nothing in
14 this Act shall prevent the appointment of a person to any office on terms which
15 preclude the grant of a pension and gratuity in respect of that office.

16 (2) For the purposes of the application of the provisions of the
17 Pensions Reform Act, any power exercisable there under by a Minister or other
18 authority of the Government of the Federation (other than the power to make
19 regulations) shall be exercisable by the College and not by any other person or
20 authority.

21 PART II - FINANCIAL PROVISIONS

Establishment
of fund of the
College

22 17.-(1) The Council shall establish and maintain a fund which shall be
23 applied towards the promotion of the objectives specified in this Act.

24 (2) There shall be paid and credited to the fund established under
25 subsection (1) of this section:

26 (a) such sums as may from time to time be granted to the Council by
27 the Federal Government through the National Board for Technical Education
28 (NBTE);

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

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

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

8 18. The Council shall keep proper accounts of its receipts, Accounts and
9 payments, assets and liabilities and shall in respect of each year cause the Audit
10 accounts to be audited.

11 19. The Council shall as soon as may be after the expiration of Annual reports
12 each financial year, prepare and submit to the Minister a report of its
13 activities during the immediately preceding financial year and shall include
14 in the report a copy of the audited accounts of the College for that year and of
15 the auditor's report on the accounts.

16 PART III - MISCELLANEOUS AND SUPPLEMENTARY

17 20.-(1) For the purpose of providing offices and premises Offices and
18 necessary for the performance of its functions, the Council may: Premises

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

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

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

24 21.-(1) The Council may make rules providing for the Provost to Discipline of
25 conduct enquiries into alleged breaches of discipline (including lack of students
26 diligence) by students and such rules may make different provisions for
27 different circumstances.

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

30 (3) Subject to the provisions of subsection (1) of this section, where

1 it is proved during the enquiry that any student of the College has been guilty of
2 misconduct, the Provost may, without prejudice to any other disciplinary
3 powers conferred on him by this Act or any regulations made there under,
4 direct:

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

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

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

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

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

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

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

28 (7) The Provost may delegate his powers under this section to a
29 disciplinary committee consisting of such members of the College as he may
30 nominate.

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

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

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

22. In this Act, unless the context otherwise requires:

Interpretation

"Chairman" means the chairman of the Council;

"Council" means the Governing Council of the College established by or pursuant to section 2 of this Act;

"Provost" means the Provost of the College appointed under section 9 of this Act;

"Powers" includes functions and duties;

"Minister" means the Minister charged with responsibility for matters relating to education;

"Member" means a member of the Council including the chairman.

23. This Bill may be cited as the Federal College of Agriculture, Umuajulke (Establishment) Bill, 2020.

Short title

1 SCHEDULE

2 [Section 2 (3).]

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

11 *Proceedings*

12 3.-(1) The Council shall meet for the conduct of business at such
13 times, place and on such days as the chairman may appoint but shall meet not
14 less than once every four months.

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

17 (3) At any meeting of the Council the chairman shall preside; but in
18 his absence, members present shall elect one of their members to preside at the
19 meeting.

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

24 (5) The quorum of the Council shall be one half of the total members
25 of the Council, at least one of whom shall be a member appointed by the
26 Minister.

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

29 *Miscellaneous*

30 4.-(1) The fixing of the seal of the College shall be authenticated by

1 the signature of the chairman, Provost and of some other members of the
2 Council authorised generally or specially by the Council to act for that
3 purpose.

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Agriculture Umuajulke, Rivers State, to provide full-time courses, teaching instructions and training in Agriculture and carry out its due Administration and Management.

