

FEDERAL COLLEGE OF HORTICULTURE, OKIGWE

(ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF CLAUSES

Clauses:

PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE

FEDERAL COLLEGE OF HORTICULTURE, OKIGWE, IMO STATE

- 1. Establishment of the Federal College of Horticulture, Okigwe, Imo State
- 2. Constitution and Principal Officers of the College
- 3. Powers of the College and their exercise
- 4. Composition, Tenure and Powers of the Council of the College
- 5. Functions of the Council and its Finance and General Purposes Committee
- 6. Functions of the Senate of the College
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PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE

COLLEGE AND CONDITION OF SERVICE OF EMPLOYEES

- 8. General Fund of the College
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18. Exclusion of discrimination on account of race, religion, etc.
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20. Quorum and procedure of bodies established by this Bill
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FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF HORTICULTURE, OKIGWE, IMO STATE AND FOR RELATED MATTERS

Sponsored by Hon. Princess Miriam Onuoha

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS FEDERAL

2 COLLEGE OF HORTICULTURE, OKIGWE, IMO STATE

3 1.-(1) There is hereby established the Federal College of
4 Horticulture, Okigwe, Imo State.

Establishment
of the Federal
College of
Horticulture,
Okigwe, Imo
State

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

7 (3) The College shall be a Horticultural training institution for the
8 development of teacher Education in the country.

9 (4) The College shall be supervised by the Federal Ministry of
10 Education through the National Commission for Colleges of Education
11 (NCCE) who shall be responsible for approving and regulating all academic
12 programmes run in the College, to ensure quality compliance and provide
13 funds for academic and research programmes, infrastructures and
14 remunerations of employees.

15 (5) The objects of the College shall be-

16 (a) to encourage the advancement of learning and to hold out to all
17 persons without distinction of race, creed; sex or political conviction;

18 (b) to develop and offer academic and professional programmes
19 leading to the award of certificates, first degrees, post-graduate Horticulture
20 research, diploma and higher degrees with emphasis on Horticulture,
21 planning, developmental and adaptive skills in Education, technology,

- 1 horticulture, agriculture, professional disciplines;
- 2 (c) to produce socially mature Educational men and women with
- 3 capabilities not to only understand Educational need of Nigeria as a nation, but
- 4 also to exploit existing Educational horticultural infrastructure and improve on
- 5 it to develop new ones;
- 6 (d) to act as agents and catalysts for effective Educational system,
- 7 through post graduate training, horticultural research and innovation, for
- 8 effective economic utilization and conservation of the country human
- 9 resources;
- 10 (e) to bring quality change in Education by focusing on teacher
- 11 Education through teaching and learning innovations;
- 12 (f) to collaborate with other national and international institutions
- 13 involved in training, research and development of Education with a view to
- 14 promoting governance, leadership and management skills among Educational
- 15 managers;
- 16 (g) to identify Educational needs of the society with a view to finding
- 17 solutions to them within the context of overall national development;
- 18 (h) to provide and promote sound basic horticultural Education
- 19 training as a foundation for the development of Nigeria, taking into account
- 20 indigenous culture and the need to enhance national unity;
- 21 (i) to provide higher Education and foster a systematic advancement
- 22 of horticulture and act of teacher Education;
- 23 (j) to provide for instruction in such branches of teacher Education as
- 24 it may deem necessary to make provision for horticultural research
- 25 advancement and dissemination of knowledge in such manner as it may
- 26 determine;
- 27 (k) to provide teachers with operational competence for teaching in
- 28 pre-tertiary institutions, basic, senior secondary schools and non-
- 29 formal Education institutions;
- 30 (m) to undertake any other activities that is appropriate for a College

of horticulture of the highest standard.

2.-(1) The College shall consist of:

- (a) a Provost;
- (b) Deputy provost;
- (c) a Provost and a Senate;
- (d) a body to be called Congregation;
- (e) a body to be called Convocation;
- (f) the campuses and colleges of the College;

(g) the colleges, institutes and other teaching and horticultural research units of the College;

(h) the persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs (a) to (c) of this subsection;

(i) all graduates and undergraduates of the College; and

(j) all other persons who are members of the College in accordance with provisions made by statute in that behalf.

(2) The First Schedule to this Bill shall have effect with respect to the principal officers of the College.

(3) Subject to section 5 of this Bill provision shall be made by statute with respect to the constitution of the Council, the Senate, Congregation and Convocation.

3.-(1) For the carrying out of its objects as specified in section of this Bill, Federal; College of Horticulture, Okigwe, Imo State shall have power:

(a) to offer courses of instruction, training and horticultural and agricultural research in Education and allied areas for the production of quality and skilled teachers required to teach at lower, middle and higher levels of technical and specialized Education in Nigeria in particular, and the world at large;

(b) to establish such colleges, campuses, institutes, schools,

Constitution and Principal Officers of the College

Powers of the College and their exercise

1 departments and other teaching and horticultural and agricultural research
2 units within the College as may from time to time be deemed necessary or
3 desirable subject to the approval of National Universities Commission,

4 (c) to institute professorships, readerships or associate
5 professorships, lectureships, and other posts and offices and to make
6 appointments thereto;

7 (d) to institute and award fellowships, scholarships, exhibitions,
8 bursaries, medals, prizes and other titles, distinctions, awards and forms of
9 assistance:

10 (e) to provide for the discipline and welfare of members of the
11 College;

12 (f) to hold examinations and grant degrees, diplomas, certificates and
13 other distinctions to persons who have pursued a course of study approved by
14 the College and have satisfied each other requirements as the College may lay
15 down;

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

17 (h) to demand and receive from any student or any other person
18 attending the College for the purposes of instruction, such fees as the College
19 may from time to time determine subject to the overall directives of the
20 Minister:

21 (i) subject to section 20 of this Bill, to acquire, hold, grant, charge or
22 otherwise deal with or dispose of movable and immovable property wherever it
23 is situate;

24 (j) to accept gifts, legacies and donations, but without obligation to
25 accept the same for a particular purpose unless it approves the terms and
26 conditions attached thereto;

27 (k) to enter into contracts, establish trusts, act as trustee, solely or
28 jointly with any other person, and employ and act through agents;

29 (l) to erect, provide, equip and maintain libraries, laboratories,
30 workshops, lecture halls, halls of residence, refectories, Sports grounds,

1 playing fields and other buildings or things necessary, suitable or convenient
2 for any of the objects of the College:

3 (m) to hold public lectures and to undertake printing, publishing
4 and book selling;

5 (n) subject to any limitations or conditions imposed by statute, to
6 invest any moneys appertaining to the College by way of endowment it, not
7 being immediately required for current expenditure in any investments or
8 securities or in the purchase or improvement of land, with power from time
9 to time, to vary any such investments to deposit any moneys for the lime
10 being not invested with any bank on deposit or current account;

11 (o) to borrow, whether on interest or not and if need be upon the
12 security of any or all of the property, movable or immovable, of the College,
13 such moneys as the Council may from time to time in its discretion find it
14 necessary or expedient to borrow of to guarantee any loan, advances or
15 credit facilities;

16 (p) to make gifts for any charitable purpose:

17 (q) to do anything which it is authorized or required by this Bill or
18 by statute to do; and

19 (r) to do all such acts or things, whether or not incidental to the
20 foregoing powers, as may advance the objects of the College.

21 (2) Subject to the provisions of this Bill and of the statutes and
22 without prejudice to section 7(2) of this Bill, the powers conferred on the
23 College by subsection (1) of this section shall be exercisable on behalf of the
24 College by the Council or by the Senate or in many other manners which
25 may be authorized by the statute.

26 (3) The power of the College to establish further campuses and
27 colleges within the College shall be exercisable by statute and not
28 otherwise.

29 4.-(1) The Council of the College shall consist of:

30 (a) the Provost;

- 1 (b) the Deputy Provost(s);
- 2 (c) one person from the Ministry responsible for Education;
- 3 (d) four persons representing a variety of interests and broadly
4 representative of the whole Federation to be appointed from:
- 5 (i) the Teacher's Registration Council;
- 6 (ii) Tertiary Education Trust Fund; and
- 7 (iii) two other persons, one of whom shall be a representative of the
8 College host community.
- 9 (f) four persons appointed by the Senate from among its members;
- 10 (g) two persons appointed by Congregation from among its members;
- 11 (h) one person appointed by Convocation from among its members.
- 12 (i) two persons representing the community appointed by the
13 President.
- 14 (2) Persons to be appointed to the Council shall be of proven integrity,
15 knowledgeable and familiar with the affairs and tradition of the College.
- 16 (3) The Council so constituted shall have a tenure of four years from
17 the date of its inauguration provided that where a Council is found to be
18 incompetent and corrupt, it shall be dissolved by the Visitor and a new Council
19 shall be immediately constituted for the effective functioning of the College,
- 20 (4) The powers of the Council shall be exercised, as in this Bill and to
21 that extent establishment circulars that are inconsistent with this Bill shall not
22 apply to the College.
- 23 (5) The Council shall be free in the discharge of its functions and
24 exercise of its responsibilities for the good management, growth and
25 development of the College.
- 26 (6) The Council in the discharge of its functions shall ensure that
27 disbursement of funds of the College complies with the approved budgetary
28 ratio for-
- 29 (a) personnel cost,
- 30 (b) overhead cost;

- 1 (c) research and development:
2 (d) library developments; and
3 e) the balance in expenditure between academic vis-à-vis non
4 academic activities.

5 5.-(1) Subject to the provision of this Bill relating to the Visitor
6 council shall be the governing body of the College and shall be charged with
7 the general control and superintendence of the policy, finances and property
8 of the College.

Functions of the
Council and its
Finance and General
Purposes Committee

9 (2) There shall be a committee of the Council, to be known as the
10 Finance, and General Purposes Committee, which shall, subject to the
11 directions of the Council, exercise control over the property and expenditure
12 of the College and perform such other functions of the Council as the
13 Council may from time to time delegate to it.

14 (3) Provision shall be made by statute with respect to the
15 constitution of the Finance and General Purposes Committee,

16 (4) The Council shall ensure that proper accounts of the College are
17 kept and that the accounts of the College are audited annually by an
18 independent firm of auditors approved by the Council and that an annual
19 report is published by the College together with certified copies of the said
20 accounts as audited.

21 (5) subject to this Bill and the statutes, the Council and Finance and
22 General Purposes Committee may each make rules for the purpose of
23 exercising any of their respective functions or of regulating their own
24 procedure.

25 (6) Rules made under sub-section (5) of this section by the Finance
26 and General Purposes Committee shall not come into Force unless approved
27 by the Council; and in so far and to the extent that any rules so made by that
28 Committee conflict with any direction given by the Council, whether before
29 or after the coming into force of the rules in question, the directions of the
30 Council shall prevail.

1 (7) There shall be paid to the members respectively of the Council, the
2 Finance and General Purposes Committee and of any other committee set up
3 by the Council, allowances in respect of travelling and other reasonable
4 expenses, at such rates as from time to time be fixed by the Minister.

5 (8) The Council shall meet as and when necessary for the
6 performance of its functions under this Bill and shall meet at least three times in
7 every year.

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

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

14 6.-(1) Subject to section 5 of this Bill and subsections (3) and (4) of
15 this section and the provisions of this Bill relating to the Visitor, it shall be the
16 general function of the Senate to organize and control the teaching by the
17 College, the admission of student where no other enactment provides to the
18 contrary and the discipline of student to promote horticultural and agricultural
19 research at College.

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

23 (a) the establishment, organization and control of campuses,
24 Colleges, schools, institutes and other teaching and horticultural and
25 agricultural research units of the College and the allocation of responsibility
26 for different branches of learning;

27 (b) the organization and control of horticultural and agricultural
28 courses of study at the College and of the examinations held in conjunction
29 with those courses, including the appointment of examiners, internal and
30 external:

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

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

6 (e) the establishment, organization and control of halls of residence
7 and similar institutions at the College,

8 (f) the supervision of the welfare of students at the College and the
9 regulation of their conduct;

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

12 (h) determining what descriptions of dress shall be academic dress
13 for the purposes of the College, and regulating the use of academic dress.

14 (3) The Senate shall not establish any new campus, college, school,
15 department, institute or other teaching and research units of the College, or
16 any hall of residence or similar institution at the College without the
17 approval of the Council.

18 (4) Subject to this Bill and the statutes, the Senate make regulations
19 for the purpose of exercising any function conferred on it either by the
20 foregoing provisions of this section or otherwise or for the purpose of
21 making provision for any matter for which provision by regulations is
22 authorized or required by this Bill or by statute.

23 (5) Regulations shall provide that at least one of the persons
24 appointed as the examiner at each final or professional examination held in
25 on junction with any course of study at the College is not a teacher at the
26 College but is a teacher of the branch of learning to which the course relates
27 at some other College of high repute or a person engaged in practicing the
28 Profession in a reputable organization or institution.

29 (6) Subject to right of appeal to the Council from a decision of the
30 Senate under this sub-section, the Senate may deprive any person of any

1 degree, diploma or other award of the College which has been conferred upon
2 him if after due enquiry he is found to have been guilty of dishonorable or
3 scandalous conduct in gaining admission into the College or obtaining that
4 award.

Functions of
the Provost

5 7.-(1) The Provost shall, in relation to the College, take precedence
6 before all other members of the College except the Chancellor and subject to
7 section 4 of this Bill except the Pro-Chancellor and any other person for the
8 time being acting as Chairman or the Council,

9 (2) Subject to sections 6, 7 and 14 of this Bill, the Provost shall have
10 the general function, in addition to any other functions conferred on him by this
11 Bill or otherwise of directing the activities of the College and shall be the Chief
12 Executive and Accounting Officer of the College and ex-officio Chairman of
13 the Senate.

14 (3) The Provost shall be the Chairman of the College Tenders' Board,
15 which is saddled with the responsibility of approving the conduct of public
16 procurement of goods, works and services within the approved threshold from
17 time to time.

18 (4) It shall be the responsibility of the Provost to establish and appoint
19 members of the Tenders' Board in line with the extant Public Procurement
20 Rules and Regulations

21 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE COLLEGE

22 AND CONDITION OF SERVICE OF EMPLOYEES

General Fund
of the College

23 8.-(1) There shall be a general fund of the College which shall consist
24 of the following:

25 (a) grants-in-aid;

26 (b) fees;

27 (c) income derived from investments;

28 (d) gifts, legacies, endowments and donations -not accepted for a
29 particular purpose;

30 (e) income derived from the exercise of any functions conferred or

1 imposed on the College by this Bill;

2 (f) any other amounts, charges or dues recoverable by the College;

3 (g) revenue, from time to time, accruing to the College by way of
4 subvention;

5 (h) interests on investments;

6 (i) donations and legacies accruing to the College from any source
7 for the general or special purposes of the College; and

8 (j) Regular TETFUND interventions.

9 (2) The general fund shall be applied for the purposes of the
10 College.

11 9.-(1) College shall, by virtue of this sub-section and without
12 further assurance, vest in the College and be held by it for the purpose of the
13 College.

Transfer of
Property, etc.

14 (2) The provisions of the Second Schedule to this Bill shall have
15 effect with respect to, and to matters arising from, the transfer of property by
16 this section and with respect to the other matters mentioned in that
17 Schedule,

Second Schedule

18 PART III - STATUTES OF THE COLLEGE

19 10.-(1) Subject to this Bill, the College may make statutes for any
20 of the following purposes, that is to say:

Power of the
College to make
Statutes

21 (a) Making provision with respect to the composition and
22 constitution of any authority of the College:

23 (b) Specifying and regulating the powers and duties of any
24 authority of the College, and regulating any other matter connected with the
25 College or any of its authorities;

26 (c) Regulating the admission of students (where no other
27 enactment provides to the contrary), and their discipline and welfare: (d)
28 Determining whether any particular matter is to be treated as an academic or
29 non-academic matter for the purposes of this Bill and of any statute,
30 regulation or other instrument made thereunder; or

1 (e) Making provision for any other matter for which provision by
2 statute is authorized or required by this Bill.

3 (2) Subject to section 25(6) of this Bill, the Interpretation Act shall
4 apply in relation to any statute made under this section as it applies to a
5 subsidiary instrument within the meaning of section 28(I) of that Act.

Third Schedule

6 (3) The statute contained in the Third Schedule to this Bill shall be
7 deemed to have come into force on the commencement of this Bill and shall be
8 deemed to have been made under this section by the College of Horticulture.

9 (4) The power to make statutes conferred by this section shall not be
10 prejudiced or limited in any way by reason of the inclusion or omission of any
11 matter in or from the statute contained in the Third Schedule to this Bill or any
12 subsequent statute.

Mode of exercising
power to make
Statutes

13 11.-(1) The power of the College to make statutes shall be exercised in
14 accordance with the provisions of this section and not otherwise.

15 (2) A proposed statute shall not become law unless it has been
16 approved:

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

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

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

24 (4) A statute which:

25 (a) makes provision for or alters the composition or constitution of
26 (the Council, the Senate or any other authority or the College: or

27 (b) provides for the establishment of a new campus or college or for
28 the amendment or revocation of any statute.

29 (5) For the purpose of section 2(2) of the Interpretation Act, a statute
30 shall be treated as being made on the date on which it is duly approved by the

1 Council after having been duly approved by the Senate, or on the date on
2 which it is duly approved by the Senate after having been duly approved by
3 the Council, as the case may be or, in the case of a statute falling within
4 subsection (4) of this section, on the date on which it is approved by the
5 President,

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

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

8 (b) as to whether any matter is for the purposes of this Bill an
9 academic or non-academic matter as they relate to such doubt, or dispute,
10 the matter may be referred to the Visitor, who shall take such advice and
11 make such decision thereon as he shall think fit.

12 (7) The decision of the Visitor on any matter referred to him under
13 sub-section (6) of this section shall be binding upon the authorities, staff and
14 students of the College and where any question as to the meaning of any
15 provision of a statute has been decided by the Visitor under that sub-section,
16 no question as to the meaning of that provision shall be entertained by any
17 court of law in Nigeria.

18 (8) Nothing in sub-section (7) of this section shall affect any power
19 of a court of competent jurisdiction to determine whether any provision of a
20 statute is wholly or partly void as being ultra vires or as being inconsistent
21 with the Constitution of the Federal Republic of Nigeria, 1999,

22 12. A statute may be proved in any court by the production copy Proof of Statutes
23 thereof bearing or having affixed to it a certificate purporting to be signed by
24 the Provost or the Secretary to the Council to the effect that the copy is a true
25 copy of a statute of the College.

26 PART IV - SUPERVISION AND DISCIPLINE

27 13.-(1) The President shall be the Visitor of the College. The Visitor

28 (2) The Visitor shall cause a visitation to the College when
29 necessary, at least every five years, or direct that such a vis-nation be
30 conducted by such person or persons as the Visitor may deem fit and in

1 respect of any of the affairs of the College.

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

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

Removal of certain
members of the
Council

8 14.-(1) If it appears to the Council that a member of the Council (other
9 than the Pro-Chancellor or the Provost) should be removed from office on the
10 ground of misconduct or inability to perform the functions of his office or
11 employment, the Council shall make a recommendation to that effect through
12 the Minister to the President, and the President, after making such enquiries (if
13 any) as he may consider appropriate approves the recommendation, he may
14 direct the removal of the person in question from office.

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

Removal and
discipline of
academic,
administrative
and professional
staff

19 15.-(1) If it appears to the Council that there are reasons for believing
20 that any person employed as a member of the academic, administrative or
21 professional staff of the College, other than the Provost, should be removed
22 from his office or employment on the ground of misconduct or of professional
23 inability to perform the functions of his office or employment. the council-

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

25 (b) afford him an opportunity of making representations in person on
26 the matter by the Council; and

27 (c) for the person in question to be afforded an opportunity of
28 appearing before and being heard by the investigating committee with respect
29 to the matter, and if the Council, after considering the report of the
30 investigation- committee. is satisfied that the person in question should be

1 removed as aforesaid, the Council may so remove him by an instrument in
2 writing signed on the directions of the council. -

3 (2) the provost may, in case of misconduct a member of the staff
4 which in the opinion of the Provost is prejudicial to the interest of the
5 College, suspend such member and any such suspension shall forthwith be
6 reported to the Council.

7 (3) For good cause, any member of the staff may be suspended
8 from his duties or his appointment may be terminated by the Council, and
9 for the purposes of this subsection "good cause" means:

10 (a) conviction for any offence which the Council considers to be
11 such as to render the person concerned unfit for the discharge of the
12 functions of his office;

13 (b) any physical or mental incapacity which the Council, after
14 obtaining medical advice, considers to be such as to render the person
15 concerned unfit to continue to hold his office;

16 (c) conduct of a scandalous or other disgraceful nature which the
17 Council considers to be such as to render the person concerned unfit to
18 continue to his office:

19 (d) conduct which the Council considers to be such as to constitute
20 failure or inability of the person concerned to discharge the functions of his
21 office or to comply with the terms and conditions of his service; or

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

25 (4) Any person suspended pursuant to subsection (2) or (3) of this
26 section shall be on half pay and the Council shall before the expiration of a
27 period of three months after the date of such suspension consider the case
28 against that person and come to a decision as:

29 (a) whether to continue such person's suspension and if so on what
30 terms (including the proportion of his enrolments to be paid to him;

1 (b) whether to reinstate such person, in which case the Council shall
2 restore his full emoluments to him with effect from the date of suspension;

3 (c) whether to terminate the appointment of the person concerned, in
4 which case such a person shall not be entitled to the proportion of his
5 emoluments withheld during the period of suspension; or

6 (d) whether to take such lesser disciplinary action against such person
7 (including the restoration of such proportion of his emoluments that might
8 have been withheld) as the Council may determine.

9 (5) In any case where the Council, pursuant to this section, decides to
10 continue a person's suspension or decides to take further disciplinary action
11 against a person, the Council shall before the expiration of a period of three
12 months from such decision come to a final determination in respect of the case
13 concerning any such person.

14 (6) It shall be the duty of the person by whom an instrument of
15 removal is signed in pursuance of subsection (1) of this section to use his best
16 endeavors to cause a copy of the instrument to be served as soon as reasonably
17 practicable on the person to whom it relates,

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

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

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

23 16.-(1) If, on the recommendation of the Senate, it appears to the
24 examiners Provost that a person appointed as an examiner for any examination
25 of the College ought to be removed from his office or appointment, then, except
26 in such cases as may be prescribed by the Provost may, after affording the
27 examiner an opportunity of making representations in person on the matter to
28 the Provost, remove the examiner from the appointment by an instrument in
29 writing signed by the Provost.

30 (2) Subject to the provisions of regulations made in pursuance of

1 section 7(5) of this Bill, the Provost may, on the recommendation of the
2 Senate, appoint an appropriate person as examiner in the place of the
3 examiner removed in pursuance of subsection (1) of this section,

4 (3) It shall be the duty of the Provost on signing an instrument of
5 removal pursuance to this section, to use his best endeavors to cause a copy
6 of the instrument to be served as soon as reasonably practicable on the
7 person to whom it is related.

8 17 -(1) The Students shall be:

Participation
and Discipline
of Students

9 (a) represented in the College's Students Welfare Board and other
10 committees that deal with the affairs of students:

11 (b) Participate in various aspects of curriculum development;

12 (c) Participate in the process of assessing academic staff in respect
13 of teaching; and

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

16 (2) Subject to the provisions of this section, where it appears to the
17 Provost that any student of the College has been guilty of misconduct, the
18 Provost may, without prejudice to any other disciplinary powers conferred
19 on him by statute or regulations, direct:

20 (a) that the student shall not, during such period as may be specified
21 in the directions, participate in such activities of the College, or make use of
22 such facilities of the College, as may be so specified;

23 (b) that the activities of the student shall, during such period as may
24 be specified in the direction, be restricted in such manner as may be so
25 specified;

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

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

29 (3) Where a direction is given under subsection (1)(c) or (d) of this
30 section in respect of any student, that student may, within the prescribed

1 period and in the prescribed manner, appeal to the Council; and where such an
2 appeal is brought, the Council shall, after causing such inquiry to be made with
3 section I of this Bill; or

4 (b) enabling the Senate to empower any other body to make
5 regulations of the award degrees or other qualifications.

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

Retiring age of
academic staff

11 18.-(1) Notwithstanding anything to the contrary in the Pension Act,
12 the compulsory retiring age of the following categories of staff shall be as
13 follows:

14 (a) Academic staff of the College in the non-Professorial cadre shall
15 be 65 years;

16 (b) Academic staff of the College in the Professorial Cadre shall be 70
17 years;

18 (c) Non-academic staff of the College shall be 65 years.

19 (2) A law or rule requiring a person to retire from the public service
20 after serving for 35 years shall not apply to an academic staff of the College.

Special provisions
relating to pensions
of Professors

21 19. An academic staff of the College who retires as a Professor in the
22 College shall be entitled to pension at a rate equivalent to his annual salary
23 provided that the Professor has served continuously in the College up to the
24 retirement age.

Seal of the
College

25 20.-(1) The seal of the College shall be such as may be determined by
26 the Council and approved by the Chancellor, and the affixing of the seal shall
27 be authenticated by any member of the Council and by the Provost, Secretary to
28 the Council or any other person authorized by statute.

29 (2) Any document purporting to be a document executed under the
30 seal of the College shall be received in evidence and shall, unless the contrary is

1 proved, be presumed to be so executed.

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

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

11 (5) Any member of any such body who has a personal interest in
12 any matter proposed to be considered by that body shall forthwith disclose
13 his interest to the body and shall vote on any question relating to that matter.

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

18 (7) The power conferred by this Bill on anybody to make statutes or
19 regulations shall include power to revoke or vary any statute (including the
20 statute contained in the Third Schedule of this Bill) or any regulation by a
21 subsequent statute or as the case may be, by a subsequent regulation and
22 statutes and regulations may make different provisions in relation to
23 different circumstances.

24 (8) No stamp or other duty shall be payable in respect of any
25 transfer of property to the College by virtue of section 8 or section 18 of this
26 Bill or the Second Schedule to this Bill.

27 (9) Any notice or other instrument authorized to be served by
28 virtue of this Bill may, without prejudice to any other mode of service, be
29 served by post.

Notice of action 1 21.--(1) Pre-Action Notice:
2 (a) No legal proceeding shall be instituted and/or commenced against
3 the College or any of its agents in the course of their official duties unless a 3
4 months' Pre-Action Notice of such intention is served on the College by an
5 aggrieved party;
6 (b) The Notice shall state the reason and the cause of action intended
7 to be taken against the College, the particulars of the claim, the name and place
8 of abode of the intending plaintiff and the relief which he claims;
9 (c) For the avoidance of doubt, it is hereby declared that no suit shall
10 be commenced against an officer or servant of the College in any case where
11 the College is vicariously liable for any alleged act, neglect or default of the
12 officer or servant in the performance or intended performances of his duties
13 unless three months at least has elapsed after written notice of intention to
14 commence the same shall have been served on the College by the intending
15 plaintiff or his agent;
16 (d) In any suit against this College, no execution or attachment or
17 process in the nature thereof shall be issued against the College, but any sums
18 of money which may be judgment of the court be awarded against the College
19 shall, subject to any direction given by the court where notice of appeal has
20 been given by the College in respect of the said judgment, be paid by the
21 College from its general field.

22 (2) Service of Notices:
23 Service upon the College of any notice, order or other document may be
24 effected by delivering the same or by sending it by registered post addressed to
25 the Registrar and Secretary of the Council.

Interpretation 26 22.--(1) this Bill unless the context otherwise requires-
27 'Campus' means any campus which may be established by the College;
28 "College" means the College established pursuant to section 2 (1) (b) of this Bill
29 for the College;
30 "Council" means the Governing Council of the College established by section

1 5 of this Bill;

2 "Functions" includes powers and duties.

3 23. This Bill may be cited as the Federal College of Horticulture, Short title

4 Okigwe (Establishment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal College of Horticulture, Okigwe, Imo State.

