

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF FISHERIES AND AQUACULTURE, TUOMO, DELTA STATE CHARGED WITH RESPONSIBILITY TO PROVIDE FULL-TIME COURSES IN FISHERIES, AQUACULTURAL STUDIES; AND FOR RELATED MATTERS.

Sponsored by Hon. Julius Pondi

[] Commencement

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

1 PART 1 - ESTABLISHMENT AND OBJECTS THE FEDERAL COLLEGE OF
2 FISHERIES AND AQUACULTURE, TUOMO

3 1.-(1) There is established Federal College of Fisheries and
4 Aquaculture, Tuomo, Delta State (in the Bill referred to as "the college").

Establishment
of the Federal
College of Fisheries
and Aquaculture

5 (2) The college shall be a body corporate with-

6 (a) perpetual succession;

7 (b) a common seal;

8 (c) may sue and be sued in its corporate name; and

9 (d) may hold, acquire and dispose of any movable and immovable
10 property

11 2. The Objects of the College shall be-

Objects

12 (a) to encourage the advancement of learning and to hold out all
13 persons, the opportunity of acquiring a higher education in fisheries and
14 aquaculture;

15 (b) to act as agent and catalyst, through training, research and
16 innovation for the effective and economic utilization, and conservation of
17 Nigeria's natural and human resources;

18 (c) to develop and offer academic and professional programmes
19 leading to the award of diplomas, higher national diplomas, and other

1 deserving certificates in fisheries, aquacultures and related fields of study in
2 fisheries, etc;

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

5 (e) to offer academic programs in relation to the training of
6 manpower in fisheries, Aquaculture, etc in Nigeria;

7 (f) to organize research relevant to training in fisheries and
8 aquaculture with emphasis on small-scale farming;

9 (g) to organize extension services and out-reach programs for
10 technology transfer;

11 (h) to establish institutions linkages in order to foster collaboration
12 and integration of training, research and extension activities; and

13 (i) to do such things as may be appropriate to achieving the objects of
14 the College.

Constituents
of the College

15 3.-(1) The college shall consist of-

16 (a) Chairman of the governing council;

17 (b) Provost;

18 (c) Deputy provost;

19 (d) Schools, departments and other teaching and research units;

20 (e) Persons holding the office constituted by the schedule to this Bill
21 other than those maintained in paragraphs (a) - (d) of this sub-clause;

22 (f) all students of the College; and

23 (g) all other persons who are members of the College in accordance
24 with provisions made by regulation in that behalf.

25 (2) The Schedule to this Bill shall have effect with respect to the
26 principal officers of the College mentioned herein.

27 (3) Subject to Clause 6 of the Bill, provision shall be made by
28 regulation with respect to the constitution of the following bodies, namely the
29 Council, Congregation and Convocation.

1 4.-(1) for the carrying out of its objects as specified in clause 2 of
2 this Bill, the College shall have power to:

Powers of the
College and their
exercises

3 (a) establish such campus, college, schools, extra-moral
4 departments and other teaching and research units within the College as
5 may, from time to time, be deemed necessary or desirable, subject to the
6 approval of the appropriate body;

7 (b) To hold examinations and grant National Diploma, Higher
8 National Diploma and other certificates to persons who have pursued as
9 course of study approved by the College and have satisfied such other
10 requirements as the College may lay down; that is :

11 (i) Animal Biology;

12 (ii) Global Marine systems;

13 (iii) Bio statistics;

14 (iv) Plants science;

15 (v) Cell and molecular Biology;

16 (vi) Chemistry and Molecular Architecture;

17 (vii) Earth and Ocean science;

18 (viii) Ecology and Conservation of Diversity;

19 (ix) Acquacultural studies;

20 (x) Fisheries Ecology;

21 (xi) Fisheries and Aquatic Habitats;

22 (xii) Ecology, conservation and fish species management;

23 (xiii) Fisheries law and policy;

24 (xiv) Ichthyology course;

25 (xv) Fish adaptation, evolution and reproduction;

26 (xvi) Morphology behavior and genetics;

27 (xvii) Fish physidogy and management;

28 (c) institute readerships, exhibitions, bursaries, medal prizes and
29 other titles, distinctions, awards and other forms of assistance;

1 (d) provide for the discipline and welfare of Students of the College;

2 (e) demand and receive from any student or any other person
3 attending the College for the purpose of instruction such fee as the College
4 may, from time to time, determine subject to the overall direction of the
5 council;

6 (f) acquire, hold, grant, charge or otherwise deal with or dispose of
7 movable or immovable property wherever situate;

8 (g) accept gifts, donations, legacies but without obligation to accept
9 the same for a particular purpose unless it approves the terms and condition
10 attaching thereto;

11 (h) enter into contracts, establish trust, act as trustee, solely or jointly
12 with any other person, and employ and act through agents;

13 (i) erect, provide, equip and maintain libraries, laboratories, lecture
14 halls, hall of residence, sports grounds, playing fields and other buildings or
15 things necessary or suitable or convenient for any of the objects of the College.

16 (j) hold public lectures and to undertake printing, publishing and book
17 selling;

18 (k) subject to any limitations or conditions imposed by regulations, to
19 invest any money appertaining to the College by way of endowment, not being
20 immediately required for expenditure in any investment or securities or the
21 purchase or improvement of land, with power from time to time to vary any
22 such investment and to deposit any money for the time being not invested with
23 any bank on deposit or current account;

24 (l) do anything which it is authorized or required by this Bill or by
25 regulation to do; and

26 (m) do all such acts or things incidental to the foregoing powers, as
27 may advance the objects of the College.

28 (2) Subject to the provisions of this Bill and of the regulations, the
29 power conferred on the College shall be exercisable on behalf of the College

1 by the governing council or in any other manner, which may be authorized
2 by regulation.

3 5.-(1) There is established for the College, a governing council
4 (herein after referred to as "the Council").

Establishment
of the Governing
Council

5 (2) The Council shall consist of:

6 (a) the Chairman;

7 (b) the Provost;

8 (c) the Deputy Provost;

9 (d) the person not below the rank of Director to represent the
10 Federal Ministry of Agriculture and Rural Development;

11 (e) two persons appointed by the Academic Board from among
12 its members;

13 (f) two persons appointed by congregation from among its
14 members;

15 (g) one person appointed by convocation from among its
16 members;

17 (h) the Provost and Deputy provost shall be Chairman and
18 secretary respectively.

19 6.-(1) The chairman shall, in relation to the College, take
20 precedence before all other members of the college and when he is present
21 shall preside at all meetings of convocation held for conferring National
22 Diploma and Higher National Diplomas

Functions of the
Chairman of the
Government
Council

23 (2) The Chairman shall exercise such other powers and perform
24 such other duties as may be conferred or imposed on him by this Bill or the
25 regulation.

26 7.-(1) Subject to the provisions of this Bill relating to the visitor,
27 the council shall be the governing body of the College, and shall be charged
28 with the general control and superintendence of the policy, finance and
29 property of the College.

Functions of the
Council

30 (2) The Council shall ensure that proper accounts of the college are

1 kept and that the accounts are audited annually by an independent firm of
2 auditors approved by the council.

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

6 (4) If request in writing by any five members of the council, the
7 Chairman shall within 28 days after the receipt of such request call a meeting of
8 the Council.

9 (5) Any request made under sub clause (4) of this clause shall specify
10 the business to be considered at the meeting and a business not so specified
11 shall not be transacted at the meeting.

12 (6) The council may make rules for regulating its own procedure.

Finance and
General Purpose
Committee

13 8.-(1) There shall be a committee of the council to be known as the
14 Finance and General purpose committee, which shall, subject to the directions
15 of the council, exercise control over the property and expenditure of the
16 College, and perform such other functions of the council as the council may,
17 from time to time, delegate to it.

18 (2) The committee may make rules for regulating its own procedure

Functions of the
Academic Boards

19 9.-(1) There shall be for the college Academic Board whose general
20 function shall be to organize and control the teaching by the College, the
21 admission and the discipline of students; and to promote research at the
22 College.

23 (2) Without prejudice to the generality of sub clause (1) of this clause,
24 it shall particularly be the functions of the council to make provision for:

25 (a) the establishment, organization and control of Campuses, Schools
26 and other teaching and research units of the College and allocation of
27 responsibility for different branches of learning.

28 (b) the award of National Diplomas, Higher National Diplomas and
29 such other qualifications as may be prescribed, in connection with
30 examinations hold as aforesaid;

1 (c) the making of recommendations to the council with respect
2 to the award to any person of an honorary fellowship;

3 (d) To establishment, organization and control of halls of residence
4 and similar institutions at the college;

5 (e) the granting of fellowships, scholarship, prizes and similar
6 awards in so far as the awards are within the control of the College; and

7 (f) determining what description of dress shall be academic dress
8 for the purpose of the College, and regulating the use of academic dress.

9 (2) The Board shall not establish any new campus, college, school,
10 department, institute or other teaching and research units of the College
11 without the approval of the Council.

12 (3) Subject to this Bill, the Academic Board may make regulations
13 for the purpose of exercising any function conferred on it either by the
14 foregoing provisions of this clause or otherwise or for the purpose of making
15 provisions for any matter for which provision by regulations is authorised or
16 required by this Bill.

17 (4) Subject to a right of appeal to the Council from a decision of the
18 Academic Board under this sub-clause, the Council may deprive any person
19 of any National Diploma, Higher National Diploma or other award of the
20 College which has been conferred upon him if after due enquiry he is shown
21 to have been guilty of dishonourable or scandalous conduct in gaining
22 admission into the College or obtaining that award.

23 10.-(1) The Provost shall, in relation to the College, take
24 precedence before all other members of the College, and any other person
25 for the time being acting as chairman of the Council.

Functions of the
Provost

26 (2) Subject to clauses 8, 9, and 15 of this Bill, the Provost shall have
27 the general function, in addition to any other functions conferred on him by
28 this Bill or otherwise, of directing the activities of the College and shall be
29 the chief executive and academic officer of the College and chairman of the
30 Academic Board.

1 (4) The power to make regulations conferred by this clause shall not
2 be prejudiced or limited in any way by reason of the inclusion or omission of
3 any matter in or from the Bill or any subsequent enactment.

Mode of exercising
power to make
Regulations

4 11.-(1) The power of the College to make regulations shall be
5 exercised in accordance with the provisions of this clause and not otherwise.

6 (2) A proposed regulations shall not become effective and enforceable
7 unless it has been approved-

8 (a) at a meeting of the Academic Board, by the votes of not less than
9 two thirds of the members present and voting; and

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

12 (3) A proposed regulation may originate either in the Academic
13 Board, and may be approved as required by sub-clause (2) of this clause by
14 either one of those bodies.

15 (4) A regulation which makes provision for or alters the composition
16 or constitution of the Council, the Academic Board or any other authority of the
17 Colleges shall not come into operation unless it has been approved by the
18 Council.

19 (5) For the purposes of clause 1 (2) of the Interpretation Act, a
20 regulation shall be treated as being made on the date on which it is duly
21 approved by the Council after having been approved by the Academic Board,
22 as the case may be or, in the case of a regulation falling within sub-clause (4) of
23 this clause, on the date on which it is approved by the President.

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

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

26 (b) as to whether any matter is for the purpose of this Bill an academic
27 matter as they relate to such doubt or dispute, the matter may be referred to the
28 Visitor, who shall take such advice and make such decision therein as he shall
29 think fit.

30 (7) The decision of the Visitor on any matter referred to him under

1 sub-clause (6) of this clause shall be final and binding upon the authorities,
2 staff and students of the College and where any question as to the meaning of
3 any provision of a regulation has been decided by the Visitor under that sub-
4 clause, the question as to the meaning of that provision shall not be
5 entertained by any court of law in Nigeria.

6 (8) Nothing in sub-clause (7) of this clause shall affect any power
7 of a court of competent jurisdiction to determine whether any provision of a
8 regulation is wholly or partially void as being ultra vires or as being
9 inconsistent with the Constitution of the Federal Republic of Nigeria, 1999.

10 (9) Proof of regulations:

11 A regulation may be proved in any court by the production of a copy thereto
12 bearing affixed to it a certificate purporting to be signed by the Provost or the
13 secretary to the Council to the effect that the copy is a true copy of a
14 regulation of the College.

15 *Supervision and discipline*

16 12.-(1) The President shall be the Visitor of the College.

The Visitor

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

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

25 13-(1) If it appears to the Council that a member of the Council
26 (other than the Visitor or the Provost) should be removed from office on the
27 ground of misconduct or inability to perform the functions of his office or
28 employment, the Council shall make a recommendation to that effect
29 through the Minister to the President after making such enquiry, if any, as
30 may be considered appropriate, and if the President approves the

Removal of certain
members of Council

1 (6) It shall be the duty of the person by whom an instrument of
2 removal is signed in pursuance of sub (1) of this clause to use his best
3 endeavour to cause a copy of the instrument to be served as soon as reasonably
4 practicable on the person to whom it relates.

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

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

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

Procedures for
staff discipline

10 15.-(1) The Provost or Academic Board shall constitute an
11 Investigation Panel to determine whether or not a prima facie case has been
12 established against any member of staff.

13 (2) The Investigation Panel shall include the President or the
14 chairman of the union to which the staff being investigated belongs.

15 (3) The Provost shall constitute a Staff Disciplinary Committee which
16 shall consist of such members of the Academic Board as he may determine, to
17 consider the report of the Investigating Panel.

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

Appointment of
external examiners

20 16. External examiners shall be appointed by the Academic Board.

Removal of
examiners

21 17.-(1) If on the recommendation of the Academic Board, it appears
22 to the Provost that a person appointed as an examiner for any examination of
23 the College ought to be removed from his office or appointment, then except
24 in such cases as may be prescribed, the Provost may, after affording the
25 examiner an opportunity of making representations in person on the matter,
26 remove the examiner from the office or appointment by an instrument in
27 writing signed by the Provost.

28 (2) Subject to the provisions of regulations made in pursuance of
29 clause 9 (5) of this Bill, the Provost may, on the recommendation of the
30 Academic Board, appoint an appropriate person as examiner in place of the

1 examiner removed in pursuance of sub-clause (1) of this clause.

2 (3) It shall be duty of the Provost to sign an instrument of removal
3 in pursuance of this clause, to use his best endeavour to cause a copy of this
4 instrument to be served as soon as is reasonably practicable on the person to
5 whom it relates.

6 18.-(1) Subject to the provisions of this clause, where it appears to
7 the Provost that any student of the College has been guilty of misconduct,
8 the Provost may, in consultation with the Academic Board and, without
9 prejudice to any other disciplinary power conferred on him by regulation or
10 regulations, direct that-

Discipline of
students

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

14 (b) the activities of the student shall, during such period as may be
15 specified in the direction, be restricted in such manner as may be so
16 specified; or

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

19 (d) the student be expelled from the College.

20 (2) Where a direction is given under subclause (1) (c) or (d) of this
21 clause in respect of any student, that student may, within the prescribed
22 period and in the prescribed manner, appeal to the Council; and where such
23 an appeal is brought, the Council shall after causing such inquiry to be made
24 in the matter as the Council considers just, confirm or set aside the direction
25 or modify it in such manner as the Council thinks fit.

26 (3) The fact that an appeal from a direction is brought in pursuance
27 of subclause (2) of this clause shall not affect the operation of the direction
28 while the appeal is pending.

29 (4) The Provost may delegate his powers under this clause to a

1 Disciplinary Committee consisting of such members of the College as he may
2 nominate.

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

6 (6) Without prejudice to the provision of subclause (1) of this clause,
7 nothing shall prevent the Provost from taking an immediate disciplinary action
8 against a student where he deems fit, and report thereafter to the Academic
9 Board.

10 (7) It is hereby declared that a direction under subclause (1)(a) of this
11 clause may be combined with a direction under subclause (1)(b) of this clause.

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

15 (9) The Visitor shall be the final arbiter on staff and student discipline,
16 and his decision shall not be contestable in any court of law in Nigeria.

17 (10) Nothing in this subclause shall affect any power of a court of
18 competent jurisdiction to enforce the fundamental right of any aggrieved
19 citizen as enshrined in the Constitution of the Federal Republic of Nigeria
20 1999.

21 *Miscellaneous and general*

22 19.-(1) No person shall be required to satisfy the requirements as to
23 any of the following matters, that is to say, race (including ethnic grounding),
24 sex, place of birth or family origin, or religious or political persuasion, as a
25 condition of becoming or continuing to be a student at the College, the holder
26 of any certificate of the College or of any appointment or employment at the
27 College or a member of anybody established by virtue of this Bill; and no
28 person shall be subjected to any disadvantage or accorded any advantage in
29 relation to the College, by reference to any of those matters.

30 (2) Nothing in sub-clause (1) of this clause shall be construed as

Exclusion of
discrimination
on account of
race, religion, etc.

1 (b) the names of the persons who are members of Congregation
2 during a particular period, shall be conclusive evidence of that number or as
3 the case may be, of the names of those persons,

4 (5) The Congregation may regulate its own procedure.

5 (6) Congregation shall be entitled to express by resolution or
6 otherwise its opinion on all matters affecting the interest and welfare of the
7 College and shall have such other functions in addition to the function of
8 electing a member of the Council, as may be provided by regulation or
9 regulations.

10 *Convocation*

11 5.-(1) Convocation shall consist of-

12 (a) the officers of the College mentioned in the Schedule to the Bill;

13 (b) all teachers within the meaning of the Bill;

14 (c) all other persons whose names are registered in accordance with
15 paragraph (2) of this article.

16 (2) A person shall be entitled to have his name registered as a
17 member of Convocation if-

18 (a) he is either a graduate of the College or a person satisfying such
19 requirements as may be prescribed for the purposes of this paragraph; and

20 (b) he applies for the registration of his name in the prescribed
21 manner and pays the prescribed fees.

22 (3) Regulations shall provide for the establishment and
23 maintenance of a register for the purposes of this paragraph and subject to
24 paragraph (4) of this article may provide for the payment from time to time
25 of fees by persons whose names are on the register and for any person who
26 fails to pay those fees.

27 (4) The person responsible for maintaining the register shall,
28 without the payment of any fees, ensure that the names of all persons who
29 are for the time being members of Convocation by virtue of paragraph (1) (a)
30 or (b) of this article are entered and retained on the register.

1 (5) A person who reasonably claims that he is entitled to have his
2 name on the register shall be entitled on demand to inspect the register or a copy
3 of the register at the principal offices of the College at all reasonable times.

4 (6) The register shall, unless the contrary is proved, be sufficient
5 evidence that any persons named therein is, and that any person not named
6 therein is not, a member of Convocation; but for the purpose of ascertaining
7 whether a particular person was such a member on a particular date, any entries
8 in and deletions from the register made on or after that date shall be
9 disregarded.

10 (7) The quorum of Convocation shall be fifty or one third (or the
11 whole number nearest to one third) of the total number of members of
12 Convocation, whichever is less.

13 (8) Subject to clause 5 of this Act, the Chairman shall be the chairman
14 at all meetings of Convocation when he is present, and in his absence the
15 Provost shall be the chairman at the meeting.

16 (9) Convocation shall have such other functions, in addition to the
17 functions of appointing a member of the Council, as may be provided by
18 regulation or regulations.

19 *Appointments and Promotions Committee*

20 11.-(1) There shall be an Appointments and Promotions Committee of
21 the Council which shall ultimately be responsible for all appointments,
22 promotions and discipline of all categories of senior staff in the College, under
23 the chairmanship of the Provost.

24 (2) The Committee shall operate where necessary through the
25 Academic Board or Selection Board or ad-hoc Committees and its
26 recommendations shall be subject to the approval of the Council.

27 *Head of Department:*

28 12.-(1) The Head of a department shall be appointed by the Provost
29 and such Head shall hold office for a period of three years and shall be eligible
30 for re-appointment for another term of three years after which he may not be

1 appointed again until two years have elapsed.

2 (2) The Head of a department shall exercise general
3 superintendence over the academic and administrative affairs of the
4 department.

5 *Creation of academic posts*

6 13. Recommendations for the creation of posts other than those
7 mentioned in article 10 of this regulation shall be made by Academic Board
8 to the Council through the Finance and General Purposes Committee.

9 *Appointment of Academic Staff:*

10 14. Subject to this Act and regulations deriving therefrom, the
11 filling of vacancies in academic posts (including newly created ones) shall
12 be the responsibility of the Appointments and Promotions Committee,
13 notwithstanding the fact that the Provost shall have the power to make
14 temporary appointments to academic and non-academic positions for a
15 period not exceeding twelve calendar months.

16 *Funding of the College*

17 Notwithstanding the provisions of the National Universities Commissions
18 Act, the College shall receive funds directly from the Federal Ministry of
19 Agriculture and Rural Development and from other national and
20 international agencies.

EXPLANATORY MEMORANDUM.

This Bill seeks to establish the Federal College of Fisheries and
Aquaculture, Tuomo, Delta State charged with responsibility to provide
full-time courses in Fisheries, Aquacultural Studies.

