

FEDERAL UNIVERSITY OF AGRICULTURE AND TECHNOLOGY OREROKPE
(ESTABLISHMENT) BILL, 2020
ARRANGEMENT OF SECTIONS

Section

*Establishment, constitution and functions of the University of
Agriculture and Technology*

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SCHEDULES

FIRST SCHEDULE

Principal officers of University

SECOND SCHEDULE

Federal University of Agriculture and Technology Orerokpe Bill

1 leading to the award of diplomas, first degrees, postgraduate research and
2 higher degrees which emphasise planning, adaptive, technical, maintenance,
3 developmental and productive skills in agriculture, engineering, scientific,
4 medical and allied professional disciplines with the aim of producing socially
5 mature persons with capability not only to understand, use and adapt existing
6 agricultural knowledge and technologies, but also to improve on it and develop
7 new ones;

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

12 (d) to offer to the general population, as a form of public service, the
13 results of training and research in agriculture, science, technology and allied
14 disciplines and to foster the practical application of those results;

15 (e) to establish appropriate relationships with other national
16 institutions involved in training, research and development of agriculture,
17 science and technologies;

18 (f) to identify the agricultural and technological problems and needs
19 of Nigeria and to find solutions to them within the context of overall national
20 development;

21 (g) to provide and promote sound basic scientific training as a
22 foundation for the development of agriculture, technology, industrial and
23 applied sciences and allied disciplines, taking into account indigenous culture,
24 the need to enhance national unity, the need to vastly increase the practical
25 content of student training, and adequate preparation of graduates for self-
26 employment in agriculture, technology and allied professions;

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

1 (i) to offer academic programmes in relation to the training of
2 manpower for agriculture in Nigeria;

3 (j) to organise research relevant to training of agriculture with
4 emphasis on small scale farming;

5 (k) to organise extension services and outreach programmes for
6 technology transfer;

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

9 (m) to undertake any other activities appropriate for the several
10 courses of study pursued in the University.

11 2.-(1) The University shall consist of-

12 (a) a Chancellor;

13 (b) a Pro-Chancellor and a Council;

14 (c) a Vice-Chancellor and a Senate;

15 (d) a Deputy Vice-Chancellor;

16 (e) a body to be called Congregation;

17 (f) a body to be called Convocation;

18 (g) schools, institutes and other teaching and research units;

19 (h) persons holding the offices constituted by the First Schedule to
20 this Act other than those mentioned in paragraph (a) to (d) of this subsection;

21 (i) all graduates and undergraduates of the University; and

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

24 *[First Schedule.]*

25 (2) The First Schedule to this Act shall have effect with respect to
26 the principal officers of the University.

27 (3) Subject to section 5 of this Act, provision shall be made by
28 statute with respect to the constitution of the following bodies, namely the
29 Council, the Senate, Congregation and Convocation.

Constitution and
principal officers
of University

Powers of
University and
their exercise

- 1 3.-(1) For the carrying out of its objects as specified in section 1 of this
2 Act, the University shall have power:
- 3 (a) to establish such campuses, colleges, faculties, institutes, schools,
4 extra-mural departments and other teaching and research units within the
5 University as may, from time to time, be deemed necessary or desirable,
6 subject to the approval of the National Universities Commission;
- 7 (b) to establish agricultural and rural extension services in various
8 parts of Nigeria; as the ministry of agriculture may approve;
- 9 (c) to institute professorships, readerships or associate
10 professorships, and other posts and offices and to make appointments thereto;
- 11 (d) to institute and award fellowships, scholarships, exhibitions,
12 bursaries, medals, prizes and other titles, distinctions, awards and other forms
13 of assistance;
- 14 (e) to provide for the discipline and welfare of members of the
15 University;
- 16 (f) to hold examinations and grant degrees, diplomas, certificates and
17 other distinctions to persons who have pursued a course of study approved by
18 the University and have satisfied such other requirements as the University
19 may lay down;
- 20 (g) to grant honorary degrees, fellowships or academic titles;
- 21 (h) to demand and receive from any student or any other person
22 attending the University for the purpose of instruction such fees as the
23 University may, from time to time, determine subject to the overall directives
24 of the appropriate authority;
- 25 (i) subject to section 21 of this Act, to acquire, hold, grant, charge or
26 otherwise deal with or dispose of movable and immovable property wherever
27 situate; and to apply the proceeds of such property to the purposes and objects
28 set forth in this Act;
- 29 (j) to receive or accept real and personal property by gift, devise or
30 bequest, legacies and donations, but without obligation to accept the same for a

1 particular purpose unless it approves the terms and conditions attaching
2 thereto;

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

5 (l) to erect, provide, equip and maintain libraries, laboratories;
6 workshops, research facilities, lecture halls, halls of residence, refectories,
7 sports grounds, playing fields and other buildings or things necessary or
8 suitable or convenient for any of the objects of the University;

9 (m) to hold public lectures and to undertake printing, publishing
10 and book-selling;

11 (n) to design, fashion, produce, manufacture machines, tools and
12 implements for the advancement and enhancement of agriculture,
13 technology, engineering and commerce.

14 (o) to conduct specialised research in soil science, management
15 toxicology, hydrology and water management to enhance agricultural
16 practices;

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

23 (q) to borrow, whether on interest or not if need be upon the
24 security of any or all of the property, movable or immovable, of the
25 University, such moneys as the Council may, from time to time, in its
26 discretion find it necessary or expedient to borrow or to guarantee any loan,
27 advances or credit facilities;

28 (r) to do anything which it is authorised or required by this Act or by
29 statute to do;

30 (s) to do all such acts or things, incidental to the foregoing powers,

1 as may advance the objects of the University; and

2 (t) to do design and production of agriculture machinery.

3 (2) Subject to the provisions of this Act and of the statutes and without
4 prejudice to section 8 (2) of this Act, the powers conferred on the University by
5 subsection (1) of this section shall be exercisable on behalf of the University by
6 the Council or by the Senate or in any other manner, which may be authorised
7 by statute.

8 (3) The power of the University to establish further campuses and
9 colleges within the University shall be exercisable by statute and not
10 otherwise.

Functions of
the Chancellor

11 4.-(1) The Chancellor shall, in relation to the University, take
12 precedence before all other members of the University and when he is present
13 shall preside at all meetings of Congregation held for conferring degrees and at
14 all Convocation.

15 (2) Every proposal to confer an honorary degree shall be subject to the
16 confirmation of the Chancellor.

17 (3) The Chancellor shall exercise such other powers and perform such
18 other duties as may be conferred or imposed on him by this Act or the statutes.

Functions of
the Pro-Chancellor

19 5.-(1) The Pro-Chancellor shall, in relation to the University, take
20 precedence before all other members of the University, except the Chancellor
21 and except the Vice-Chancellor when acting as chairman of Congregation or
22 Convocation and except the Deputy Vice-Chancellor when so acting; and the
23 Pro-Chancellor shall, when he is present, be the chairman at all meetings of the
24 Council.

25 (2) Subject to the provisions of this Act, the Pro-Chancellor shall hold
26 office for a period of five years beginning with the date of his appointment.

Composition
of the Council

27 6. The Council of the University shall consist of:

28 (a) the Pro-Chancellor;

29 (b) the Vice-Chancellor;

30 (c) the Deputy Vice-Chancellor;

1 (d) one person from the Ministry responsible for education;

2 (e) nine persons representing a variety of interests and broadly
3 representative of the whole Federation to be appointed by the President;

4 (f) four persons appointed by the Senate from among its members;

5 (g) two persons appointed by Congregation from among its
6 members;

7 (h) one person appointed by Convocation from among its
8 members.

9 7.-(1) Subject to the provisions of this Act relating to the Visitor,
10 the Council shall be the governing body of the University and shall be
11 charged with the general control and superintendence of the policy, finance
12 and property of the University.

Functions of the
Council and its
Finance and
General Purposes
Committee

13 (2) There shall be a committee of the Council to be known as the
14 Finance and General Purposes Committee, which shall, subject to the
15 directions of the Council, exercise control over the property and expenditure
16 of the University and perform such other functions of the Council as the
17 Council may, from time to time, delegate to it.

18 (3) Provision shall be made by statute with respect to the
19 constitution of the Finance and General Purposes Committee.

20 (4) The Council shall ensure that proper accounts of the University
21 are kept and that the accounts of the University are audited annually by an
22 independent firm of auditors approved by the Council and that an annual
23 report shall be published by the University together with certified copies of
24 the said accounts as audited.

25 (5) Subject to this Act and the statutes, the Council and the Finance
26 and General Purposes Committee may make rules for regulating their own
27 procedure.

28 (6) Rules made under subsection (5) of this section by the Finance
29 and General Purposes Committee shall not come into force unless approved
30 by the Council; and in so far and to the extent that any rules so made by that

1 Committee conflict with any directions given by the Council (whether before
2 or after the coming into force of the rules in question), the direction of the
3 Council shall prevail.

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

8 (8) The Council shall meet as and when necessary for the
9 performance of its functions under this Act and shall meet at least three times in
10 every year.

11 (9) If requested in writing by any five members of the Council, the
12 chairman shall within 28 days after the receipt of such request call a meeting of
13 the Council.

14 (10) Any request made under subsection (9) of this section shall
15 specify the business to be considered at the meeting and a business not so
16 specified shall not be transacted at the meeting.

Functions of
the Senate

17 8.-(1) Subject to section 7 of this Act and subsections (3) and (4) of
18 this section and to the provisions of this Act relating to the Visitor, it shall be the
19 general function of the Senate to organise and control the teaching by the
20 University, the admission (where no other enactment provides to the contrary),
21 of students and the discipline of students; and to promote research at the
22 University.

23 (2) Without prejudice to the generality of subsection (1) of this section
24 and subject as there mentioned, it shall in particular be the function of the
25 Senate to make provision for:

26 (a) the establishment and organisation and control of campuses,
27 colleges, schools, institutes and other teaching and research units of the
28 University and allocation of responsibility for different branches of learning;

29 (b) the organisation and control of courses of study in the University
30 and of the examinations held in conjunction with those courses, including the

1 appointment of examiners, both internal and external;

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

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

7 (e) the establishment, organisation and control of halls of residence
8 and similar institutions at the University;

9 (f) the supervision of the welfare of students at the University and
10 the regulation of their conduct;

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

13 (h) determining what description of dress shall be academic dress
14 for the purposes of the University, and regulating the use of academic dress.

15 (3) The Senate shall not establish any new campus, college, school,
16 department, instituted or other teaching and research units of the University
17 without the approval of the Council.

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

23 (5) Regulations shall provide that at least one of the persons
24 appointed as the examiners at the final or professional examination held in
25 conjunction with any course of study at the University, as may be prescribed
26 by the Senate from time to time, is not a teacher at the University but is a
27 teacher of the branch of learning to which the course relates at some other
28 university of high repute or a person engaged in practising the profession in
29 a reputable organisation or institution.

30 (6) Subject to a right of appeal to the Council from a decision of the

1 Senate under this subsection, the Senate may deprive any person of any degree,
2 diploma or other award of the University which has been conferred upon him if
3 after due enquiry he is shown to have been guilty of dishonourable or
4 scandalous conduct in gaining admission into the University or obtaining that
5 award.

Functions of
the Vice-Chancellor

6 9.-(1) The Vice-Chancellor shall, in relation to the University, take
7 precedence before all other members of the University, except the Chancellor,
8 and, subject to section 5(1) of this Act; except the Pro-Chancellor and any other
9 person for the time being acting as chairman of the Council.

10 (2) Subject to sections 7, 8, and 13 of this Act, the Vice-Chancellor
11 shall have the general function, in addition to any other functions conferred on
12 him by this Act or otherwise, of directing the activities of the University and
13 shall be the chief executive and academic officer of the University and ex-
14 officio chairman of the Senate.

Powers of
University to
make statutes

15 10.-(1) Subject to this Act, the University may make statutes for any
16 of the following purposes, that is to say-

17 (a) making provision with respect to the composition and constitution
18 of any authority of the University;

19 (b) specifying and regulating the powers and duties of any authority
20 of the University and regulating any other matter connected with the
21 University or any of its authorities;

22 (c) regulating the admission of students (where no other enactment
23 provides to the contrary), and their discipline and welfare;

24 (d) determining whether any particular matter is to be treated as an
25 academic or non-academic matter for the purposes of this Act and of any
26 statute, regulation or other instrument made thereunder;

27 (e) making provision for any other matter for which provision by
28 statute is authorised or required by this Act.

29 (2) Subject to section 28 (6) of this Act, the Interpretation Act shall
30 apply in relation to any statute made under this section as it applies to a

1 subsidiary instrument within the meaning of section 29 (1) of that Act.

2 (3) The statute contained in the Second Schedule to this Act shall
3 be deemed to have come into force on the commencement of this section of
4 this Act and shall be deemed to have been made under this section by the
5 University.

6 *[Second Schedule.]*

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

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

Mode of
exercising power
to make statutes

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

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

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

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

23 (4) A statute which makes provision for or alters the composition or
24 constitution of the Council, the Senate or any other authority of the
25 University shall not come into operation unless it has been approved by the
26 President.

27 (5) For the purposes of section 1 (2) of the Interpretation Act a
28 statute shall be treated as being made on the date on which it is duly
29 approved by the Council after having been approved by the Senate, as the
30 case may be or, in the case of a statute falling within subsection (4) of this

1 section, on the date on which it is approved by the President.

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

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

4 (b) as to whether any matter is for the purpose of this Act an academic

5 matter as they relate to such doubt or dispute, the matter may be referred to the

6 Visitor, who shall take such advice and make such decision therein as he shall

7 think fit.

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

9 subsection (6) of this section shall be final and binding upon the authorities,

10 staff and students of the University and where any question as to the meaning of

11 any provision of a statute has been decided by the Visitor under that subsection,

12 the question as to the meaning of that provision shall not be entertained by any

13 court of law in Nigeria.

14 (8) Nothing in subsection (7) of this section shall affect any power of a

15 court of competent jurisdiction to determine whether any provision of a statute

16 is wholly or partially void as being ultra vires or as being inconsistent with the

17 Constitution of the Federal Republic of Nigeria 1999.

Proof of statutes

18 12. A statute may be proved in any court by the production of a copy

19 thereto bearing affixed to it a certificate purporting to be signed by the Vice-

20 Chancellor or the secretary to the Council to the effect that the copy is a true

21 copy of a statute of the University.

Funding of the
University

22 13.-(1) The University shall be entitled to annual grant of monies by

23 the corporations, organizations, bodies or sources as set forth and defined in

24 this Act, to be applied by it under and for the purpose of this Act.

25 (2) The corporations, organisations, bodies or sources referred to in

26 subsection (1) of this section are as follows:

27 (i) Thirteen Percent Derivation Fund accruable to Delta State from the

28 Federation Account;

29 (ii) Agricultural Intervention Fund of the Federal Government;

• 30 (iii) major oil and gas companies (including oil servicing companies),

1 operating in Delta State;

2 (iv) Niger Delta Development Commission (NDDC);

3 (v) any other source of funding as may be determined by the
4 Federal Ministry of Education, National University Commission (NUC) or
5 the Federal Government.

6 (3) From the commencement of this Act it shall be mandatory for
7 the corporations, organisations, bodies or sources mentioned in
8 subsection(2) of this section to make the required grant mentioned in
9 subsection (1) of this section to the University in the manner provided
10 hereunder:

11 (a) in respect of paragraph (i), five percent of the thirteen per cent
12 Derivation Fund accruable to Delta State annually (subject to ratification by
13 the state government), which shall be open to first line charge and directly
14 payable to the university;

15 (b)with regard to paragraph (ii), five per cent of the total annual
16 fund;

17 (c)in respect of paragraph (iii)two per cent of their annual net
18 profits;

19 (d) in respect of paragraph (iv), five percent of the total money
20 released to the Commission or its equivalent budgeted for projects in Delta
21 State by the Commission.

22 (4) The grant referred to in subsection (1) of this section shall be
23 paid to the University account not later than the first quarter of each budget
24 circle (year):

25 PROVIDED that any accrued fund due to the University but
26 unremitted for two quarters shall be recoverable as a liquidated debt by the
27 management of the University or on behalf of the University by any body of
28 persons having interest in the University through an action filed in the
29 Federal High Court.

The Visitor

1 **14.-(1)** The President shall be the Visitor of the University.

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

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

Removal of
certain members
of Council

10 **15.-(1)** If it appears to the Council that a member of the Council
11 (other than the Pro-Chancellor or the Vice-Chancellor) should be removed
12 from office on the ground of misconduct or inability to perform the functions of
13 his office or employment, the Council shall make a recommendation to that
14 effect through the Minister to the President after making such enquiry, if any, as
15 may be considered appropriate, and if the President approves the
16 recommendation he may direct the removal of the person in question from
17 office.

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

Removal and
discipline of
academic,
administrative
and professional
staff

22 **16.-(1)** If it appears to the Council that there are reasons for believing
23 that any person employed as a member of the academic, administrative or
24 professional staff of the University, other than Vice-Chancellor, should be
25 removed from his office or employment on the ground of misconduct or of
26 inability to perform the functions of his office or employment, the Council
27 shall:

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

29 (b) afford him an opportunity of making representations in person on
30 the matter;

1 (c) appoint a Staff Disciplinary Committee,
2 and if the Council, after considering the report of the Staff Disciplinary
3 Committee, is satisfied that the person in question should be removed as
4 aforesaid, the Council may so remove him by an instrument in writing
5 signed on the directions of the Council.

6 (2) The Vice-Chancellor may, in case of misconduct by a member
7 of staff which in the opinion of the Vice-Chancellor is prejudicial to the
8 interests of the University, suspend such member and any such suspension
9 shall forthwith be reported to the Council.

10 (3) For good cause, any member of staff may be suspended from
11 his duties or his appointment may be terminated by the Council; and for the
12 purposes of this subsection "good cause" means-

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

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

19 (c) conduct of a scandalous or other disgraceful nature which the
20 Council considers to be such as to render the person concerned unfit to
21 continue to hold his office;

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

25 (e) conduct which the Council considers to be generally of such
26 nature as to render the continued appointment or service of the person
27 concerned prejudicial or detrimental to the interest of the University.

28 (4) Any person suspended pursuant to subsection (2) or (3) of this
29 section shall be on half pay and the Council shall before the expiration of a
30 period of three months after the date of such suspension consider the case

1 against that person and come to a decision as to:

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

4 (b) whether to re-instate such person in which case the Council shall
5 restore his full emoluments with effect from the date of suspension;

6 (c) whether to terminate the appointment of the person concerned in
7 which case such person shall not be entitled to the proportion of his
8 emoluments withheld during the period of suspension; or

9 (e) whether to take such lesser disciplinary action against such person
10 (including the restoration of such proportion of his emoluments as might have
11 been withheld) as the Council may determine.

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

17 (6) It shall be the duty of the person by whom an instrument of
18 removal is signed in pursuance of subsection (1) of this section to use his best
19 endeavour to cause a copy of the instrument to be served as soon as reasonably
20 practicable on the person to whom it relates.

21 (7) Nothing in the foregoing provisions of this section shall-

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

24 (b) prevent the Council from making regulations for the discipline of
25 other categories of workers of the University as may be prescribed.

26 17.-(1) In addition to any other provisions of statutes or criteria or the
27 appointment in federal universities in Nigeria of persons referred to in section
28 6(b) and 6(c) of this Act; a person to be appointed to the office in subsection (b)
29 of section 6 shall be someone who is the holder of a doctoral degree and a
30 Professor in any of the following disciplines: agricultural engineering,

1 Agricultural research and statistics, Food sciences and technologies, plant
2 or soil science or any other related discipline, with or without cognate
3 working experience in a reputable national or international agricultural
4 research institute, and a fellow of the Nigerian Institution of Agricultural
5 Engineers or a fellow of any other similar national or international
6 agricultural institutions.

7 (2) A person to be appointed into the office mentioned in
8 subsection (c) of section 6 shall be a Professor in any agriculture,
9 technological or engineering discipline with cognate working experience in
10 the academia or a reputable national or international research institute

11 18.-(1) The Vice-Chancellor or Senate shall constitute an
12 Investigation Panel to determine whether or not a prima facie case has been
13 established against any member of staff.

Procedures for
staff discipline

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

16 (3) The Vice-Chancellor shall constitute a Staff Disciplinary
17 Committee which shall consist of such members of the Senate as he may
18 determine, to consider the report of the Investigating Panel.

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

21 19. External examiners shall be appointed by the Senate.

Appointment
of external
examiners
Removal of
examiners

22 20.-(1) If on the recommendation of the Senate, it appears to the
23 Vice-Chancellor that a person appointed as an examiner for any
24 examination of the University ought to be removed from his office or
25 appointment, then except in such cases as may be prescribed, the Vice-
26 Chancellor may, after affording the examiner an opportunity of making
27 representations in person on the matter to the Vice-Chancellor, remove the
28 examiner from the office or appointment by an instrument in writing signed
29 by the Vice-Chancellor.

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

1 section 9 (5) of this Act, the Vice-Chancellor may, on the recommendation of
2 the Senate, appoint an appropriate person as examiner in place of the examiner
3 removed in pursuance of subsection (1) of this section.

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

Discipline of
students

8 21.-(1) Subject to the provisions of this section, where it appears to
9 the Vice-Chancellor that any student of the University has been guilty of
10 misconduct, the Vice-Chancellor may, in consultation with the Senate and,
11 without prejudice to any other disciplinary power conferred on him by statute
12 or regulations, direct that-

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

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

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

20 (d) the student be expelled from the University.

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

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

30 (4) The Vice-Chancellor may delegate his powers under this section

1 to a Disciplinary Committee consisting of such members of the University
2 as he may nominate.

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

6 (6) Without prejudice to the provision of subsection (1) of this
7 section, nothing shall prevent the Vice-Chancellor from taking an
8 immediate disciplinary action against a student where he deems fit, and
9 report thereafter to the Senate.

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

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

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

19 (10) Nothing in this subsection shall affect any power of a court of
20 competent jurisdiction to enforce the fundamental right of any aggrieved
21 citizen as enshrined in the Constitution of the Federal Republic of Nigeria
22 1999.

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

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

1 those matters.

2 (2) Nothing in subsection (1) of this section shall be construed as
3 preventing the University from imposing any disability or restriction on any of
4 the aforementioned persons where such person willfully refuses or fails on
5 grounds of religious belief to undertake any duty generally and uniformly
6 imposed on all such persons or any group of them which duty, having regard to
7 its nature and the special circumstance pertaining thereto, is in the opinion of
8 the University reasonably justifiable in the national interest.

Restriction on
disposal of land
by University

9 23. Without prejudice to the provisions of the Land Use Act, the
10 University shall not dispose of or charge any land or an interest in any land
11 (including any land transferred to the University by this Act) except either with
12 the prior written consent either general or special, of the President:

13 Provided that such consent shall not be required in the case of any
14 lease or tenancy at a rack-rent for a term not exceeding 21 years or lease or
15 tenancy to a member of the University for residential purposes.

Quorum and
procedure of
bodies established
by this Act

16 24. Except as may be otherwise provided by statute or by regulations,
17 the quorum and procedure of any body of persons established by this Act shall
18 be as determined by that body.

Appointment of
committees, etc.

19 25.-(1) Anybody of persons established by this Act shall, without
20 prejudice to the generality of the powers of that body, have power to appoint
21 committees, which need not consist exclusively of members of that body and to
22 authorise a committee established by it-

- 23 (a) to exercise, on its behalf, such of its functions as it may determine;
24 (b) to co-opt members, and may direct whether or not co-opted
25 members (if any) shall be entitled to vote in that committee.

26 (2) Any two or more such bodies may arrange for the holding of joint
27 meetings of those bodies or for the appointment of committees consisting of
28 members of those bodies or any of them and either of dealing with it or of
29 reporting on it to those bodies or any of them.

30 (3) Except as may be otherwise provided by statute or by regulations,

1 the quorum and procedure of a committee established or meeting held in
2 pursuance of this section shall be such as may be determined by the body or
3 bodies which have decided to establish the committee or hold the meeting.

4 (4) Nothing in the foregoing provisions of this section shall be
5 construed as-

6 (a) enabling statutes to be made otherwise than in accordance with
7 section 13 of this Act; or

8 (b) enabling the Senate to empower any other body to make
9 regulations or to award degrees or other qualifications.

10 (5) The Pro-Chancellor and the Vice-Chancellor shall be members
11 of every committee of which the members are wholly or partly appointed by
12 the Council (other than a committee appointed to inquire into the conduct of
13 any officer in question); and the Vice-Chancellor shall be a member of the
14 Council and the Vice-Chancellor shall be a member of every committee of
15 which the members are wholly or partly appointed by the Senate.

16 26.-(1) Notwithstanding anything to the contrary in the Pensions
17 Act, the compulsory retiring age of an academic staff of a University shall be
18 65 years.

Retiring age of
academic staff
of the University

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
21 University.

22 27. A person who retires as a professor having served [1993 No.
23 11.];

Special provisions
relating to pension
of professors.

24 (a) a minimum period of fifteen years as a professor in the
25 University or continuously in the service of a university in Nigeria up to the
26 retiring age; and

27 (b) who during the period of service was absent from the
28 University only on approved national or University assignments, shall be
29 entitled to pension at a rate equivalent to his last annual salary and such
30 allowances as the Council may, from time to time, determine as qualifying

1 for pension and gratuity, in addition to any other retirement benefits to which
2 he may be entitled.

Miscellaneous
administrative
provisions

3 28.-(1) The seal of the University shall be such as may be determined
4 by the Council and approved by the Chancellor, and the affixing of the seal
5 shall be authenticated by any member of the Council and by the Vice-
6 Chancellor, secretary to the Council or any other person authorised by statute.

7 (2) Any document purporting to be a document executed under the
8 seal of the University shall be received in evidence and shall, unless the
9 contrary is proved, be presumed to be so executed.

10 (3) Any contract or instrument which if made or executed by a person
11 not being a body corporate would not be required to be under seal, may be made
12 or executed on behalf of the University by any person generally or specifically
13 authorised to do so by the Council.

14 (4) The validity of any proceedings of anybody established in
15 pursuance of this Act shall not be affected by any vacancy in the membership of
16 the body, or by any defect in the appointment of a member of the body or by
17 reason that any person not entitled to do so took part in the proceedings.

18 (5) Any member of any such body who has a personal interest in any
19 matter proposed to be considered by that body shall forthwith disclose his
20 interest to the body and shall not vote on any question relating to that matter.

21 (6) Nothing in section 12 of the Interpretation Act (which provides for
22 the application in relation to subordinate legislation of certain incidental
23 provisions) shall apply to statutes or regulations made in pursuance of this Act.

24 *[Second Schedule.]*

25 (7) The power conferred by this Act on any body to make statutes or
26 regulations shall include power to revoke or vary any statute (including the
27 statute contained in the Second Schedule of this Act) or any regulation by a
28 subsequent statute, or, as the case may be, by a subsequent regulation and
29 statute and regulations may make different provisions in reaction to different
30 circumstances.

1 (8) No stamp duty or other duty shall be payable in respect of any
2 transfer of property to the University by virtue of any provision of this Act.

3 (9) Any notice or other instrument authorised to be served by virtue
4 of this Act may, without prejudice to any other mode of service, be served by
5 post.

6 29.-(1) In this Act, unless the context otherwise requires-

Interpretation

7 "campus" means any campus which may be established by the University;

8 "college" means any college which may be established by the University;

9 "Council" means the Council established by this Act for the University;

10 "graduate" means a person on whom a degree, (other than an honorary
11 degree) has been conferred by the University;

12 "Major oil and gas companies" include the following; Shell Petroleum
13 Development Company of Nigeria(SPDC); The Shell Nigeria Exploration
14 and Production Company (SNEPco); Shell Nigeria Gas (SNG); Chevron
15 Nigerian Limited; Texaco Nigeria Limited; Mobil Oil Producing Nigeria
16 Unlimited; MÓbil Oil Nigeria Plc; Forte Oil Plc; Conoil; MRS Oil Nigeria
17 Plc; Oando; Seplat Petroleum Development Company; Saipem Nigeria;
18 Pillar Oil Nigeria Limited; Midwestern Oil and Gas;

19 "Minister" means the Minister charged with responsibility for agriculture;

20 "notice" means notice in writing;

21 "office" does not include the Visitor;

22 "prescribed" means prescribed by statutes or regulations;

23 "professor" means a person designated as a professor of the University in
24 accordance with provisions made in that behalf by statute or regulations;

25 "property" includes rights, liabilities and obligations;

26 "regulations" means regulations made by the Senate or the Council;

27 "Senate" means the Senate of the University established pursuant to section
28 3(1)(c) of this Act;

29 "statute" means a statute made by the University under section 12 of this Act
30 and in accordance with the provisions of section 13 of this Act, and "the

1 statutes" means all such statutes as are in force from time to time;
2 "teacher" means a person holding a full-time appointment as a member of the
3 teaching or research staff of the University;
4 "undergraduate" means a person in statu pupillari at the University other than:
5 (a) a graduate; and
6 (b) a person of such description as may be prescribed for the purposes
7 of this definition;
8 "University" means any of the Universities of Agriculture established under
9 section 2 of this Act.

10 (2) It is hereby declared that where in any provisions of this Act it is
11 laid down that proposals are to be submitted or a recommendation is to be made
12 by one authority to another through one or more intermediate authorities, it
13 shall be the duty of every such intermediate authority to forward any proposals
14 or recommendations received by it in pursuance of that provision to the
15 appropriate authority, but any such intermediate authority may, if it thinks fit,
16 forward therewith its own comments thereon.

17 30. This Bill may be cited as the Federal University of Agriculture and
18 Technology Orerokpe (Establishment) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Federal University of Agriculture and Technology Orerokpe and to identify the agricultural and technological problems and needs of Nigeria and to find solutions to them within the context of overall national development.

Short title