

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF AGRICULTURE, BUKUYUYUM WHOSE FUNCTION AMONG OTHER THINGS SHALL BE TO PROVIDE FULL-TIME COURSES OF INSTRUCTION AND TRAINING IN AGRICULTURAL SCIENCES AND OTHER ALLIED AREAS; AND ALSO MAKE PROVISION FOR THE APPOINTMENT OF A PROVOST AND THE OFFICIALS OF THE COLLEGE TO CARRY OUT THE ADMINISTRATION OF PROVISIONS OF THE BILL AND THE DISCIPLINE OF STUDENTS OF THE COLLEGE AND FOR RELATED MATTERS

*Sponsored by Hon. Sulaiman Abubakar Gumi*

[ ] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE FEDERAL COLLEGE OF AGRICULTURE,  
2 BUKUYUYUM, ETC

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

Establishment  
of Federal College  
of Agriculture,  
Bukuyyum

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

11 2.-(1) The governance of the College and the direction of its affairs  
12 shall vest in the Governing Council of the College (in this Bill referred to as  
13 "the Council").

Governing  
Council

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

- 1 (a) the plan of activities of the College;
- 2 (b) the programme of studies, courses, and research to be undertaken
- 3 by the College;
- 4 (c) the annual estimates of the College; and
- 5 (d) the investment plans of the College.

6 (3) The provisions of the Schedule to this Bill shall have effect with

7 respect to the Council as specified therein.

Membership of  
the Council of  
the College

8 **3.**-(1) The Council of the College shall consist of a chairman and the

9 following other members, to be appointed by the President-

10 (a) a representative of the Federal Ministry responsible for agriculture

11 not below the rank of a Deputy Director;

12 (b) a representative of the University, to which the Colleges are

13 affiliated for the purpose of moderation;

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

15 (d) three persons including a woman appointed on individual merit on

16 a nationwide basis who should have wide experience of service in the public or

17 private sector;

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

19 (f) a representative of the relevant professional bodies;

20 (g) a representative of the Ministry responsible for Agriculture in

21 Zamfara state not below the rank of a Deputy Director;

22 (h) a representative of the National Commission for Colleges of

23 Education; and

24 (i) the Provost of the College.

Tenure of office  
of members of  
the Council

25 **4.**-(1) A member of the Council {other than an ex-officio member(s)}

26 shall hold office for a term of three years and subject to the provisions of sub-

27 clause (2) of this Clause, shall be eligible for reappointment for a further period

28 of three years.

29 (2) The office of a member appointed under clause 3 {1} {d} of this Bill

30 shall become vacant if-

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

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

6 **5.** The functions of the College shall be -

Functions of the  
College

7 (a) to provide full-time courses of instruction and training in-

8 (i) agricultural sciences, natural resources, and land management.;

9 and

10 (ii) in such other fields of applied learning relevant to agricultural  
11 needs and for research in the development and adaptation of techniques as  
12 the Council may from time to time determine;

13 (c) to arrange conferences, seminars and workshops relative to the  
14 fields of learning specified in paragraph (a) of this clause; and

15 (d) to perform such other functions as in the opinion of the Council  
16 may serve to promote the objectives of the College.

17 **6.-(1)** In carrying out of the functions of the College, the Council  
18 shall have power to-

Powers of the  
Council

19 (a) hold examinations and grant diplomas, professional certificates  
20 and other distinctions to persons who have pursued a course of study  
21 approved and accredited by the National Commission for Colleges of  
22 Education;

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

26 (c) hold public lectures and undertake printing, publishing and  
27 bookselling;

28 (d) make gifts for any charitable purpose;

29 (e) hold examinations in education for qualified teachers;

30 (f) provide amenities for and make such other provision for the

- 1 welfare of the staff of the College;
- 2 (g) invest the funds of the College in securities specified by law or in  
3 such other securities in Nigeria as may be approved by the Minister;
- 4 (h) borrow money within Nigeria in such manner and upon such  
5 security as the Minister may from time to time authorise;
- 6 (i) enter into such contracts as may be necessary or expedient for  
7 carrying into effect the objectives of the College;
- 8 (j) recruit staff of the right caliber and determine the career structure  
9 of such staff;
- 10 (k) establish and maintain such schools and other teaching units  
11 within the College or extramural departments as the Council may, from time to  
12 time, decide;
- 13 (l) institute and award fellowships, medals, prizes and other titles;
- 14 (m) mount exhibitions and displays designed to foster an appreciation  
15 of trends in and the scope and requirements of education;
- 16 (n) erect, provide, equip and maintain such educational, recreational  
17 and residential facilities as the College may require;
- 18 (o) create lectureships and other academic posts and offices and to  
19 make appointments thereto;
- 20 (p) encourage and make provision for research in the College; and
- 21 (q) do such acts and things whether or not incidental to the foregoing  
22 powers as may advance the objects of the College.
- 23 (2) The power of the Council to establish further schools within the  
24 College shall be exercisable by order and not otherwise.
- 25 **7.-(1)** The Minister of Education shall be the Visitor of the College.
- 26 (2) The Visitor shall, not less than once in every five years, conduct a  
27 visitation of the College or appoint a visitation panel consisting of not less than  
28 five experts to conduct the visitation-
- 29 (a) for the purpose of evaluating the academic and administrative  
30 performance of the College; or

Visitation

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

3 **8.**-(1) There shall be established for the College a board to be  
4 known as the Academic Board which shall consist of the following  
5 members-

The Academic  
Board and its  
functions

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

7 (b) all heads of departments;

8 (c) the College Librarian; and

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

11 (2) The Academic Board shall be responsible for-

12 (a) the direction and management of academic matters of the  
13 College including the regulation of admission of students, the award of  
14 certificates, scholarships, prizes and other academic distinctions;

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

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

19 **9.** Subject to the provisions of this Bill, the Minister may give to  
20 the Council directions of a general character or relating generally to matters  
21 of policy with regard to the exercise by the Council of its functions under  
22 this Bill and it shall be the duty of the Council to comply with such  
23 directions.

Power of Minister  
to give directions  
to the Council

24 **10.**-(1) There shall be a Provost of the College (in this Bill referred  
25 to as "the Provost") who shall be appointed by the President, in accordance  
26 with the provisions of this clause.

The Provost of  
the College

27 (2) Where a vacancy occurs in the post of Provost, the Council  
28 shall-

29 (a) advertise the vacancy in a reputable journal or a widely read  
30 newspaper in Nigeria specifying-

- 1 (i) the qualities of the person who may apply for the post;
- 2 (ii) the terms and conditions of service applicable to the post; and
- 3 thereafter draw up a short list of suitable candidates for consideration;
- 4 (b) constitute a search team consisting of-
- 5 (i) a member of the Council not being a member of the Academic
- 6 Board, as chairman;
- 7 (ii) two members of the academic Board not below the rank of chief
- 8 lecturer;
- 9 (iii) two members of the academic community of the College not
- 10 below the rank of chief lecturer to be selected by the Council, to identify and
- 11 draw up a short list of suitable persons who are not likely to apply for the post
- 12 for any reason whatsoever.
- 13 (3) A Joint Council and Academic Selection Board consisting of-
- 14 (a) the chairman of the Council;
- 15 (b) two members of the Council not being members of the Academic
- 16 Board consisting of-
- 17 (a) the chairman of the Council;
- 18 (b) two members of the Council not being members of the Academic
- 19 Board;
- 20 (c) two members of the Academic Board not below the rank of chief
- 21 lecturer, who were not members of the search team, shall consider the
- 22 candidates and persons on the short lists drawn up under sub-clause (2) of this
- 23 clause through an examination of their curriculum vitae and interaction with
- 24 them and recommend through the Council to the President, three candidates for
- 25 his consideration.
- 26 (4) The President shall appoint as Provost one of the candidates
- 27 recommended to him under the provisions of sub-clause (3) of this clause.
- 28 (5) Subject to the provisions made under this Bill and the general
- 29 control of the Council, the Provost shall be the chief executive of the College
- 30 and shall be charged with general responsibility for matters relating to the day-

1 to-day management operations of the College.

2 (6) The Provost-

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

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

8 **11.**-(1) There shall be for the college a Deputy Provost.

Deputy Provosts

9 (2) The Council shall appoint the Deputy Provost from among the  
10 chief lecturers in the College in one of the following ways, that is-

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

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

15 (c) on the nomination of the Provost.

16 (3) The Selection Board referred to in sub-clause (2) of this clause  
17 shall

18 (a) consist of-

19 (i) the chairman of the Council;

20 (ii) the Provost;

21 (iii) two members of the Council not being members of the  
22 Academic Board;

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

24 (b) make such inquiries as it deems fit before making the  
25 recommendation required under that sub-clause.

26 (4) The Deputy Provost shall-

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

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

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

3 (5) The Deputy Provost-

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

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

The Registrar  
and other staff  
of the College

9 **12.**-(1) The Council of the College shall appoint a Registrar to the  
10 College (hereinafter referred to as the Registrar") who shall keep the records  
11 and conduct the correspondence of the Council and shall perform such other  
12 duties as the Council and subject thereto as the Provost may from time to time  
13 direct.

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

19 (3) A Registrar-

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

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

Other principal  
officers of the  
College

25 **13.**-(1) There shall be for the College the following principal officers  
26 in addition to the Registrar, that is-

27 (a) the Bursar; and

28 (b) the College Librarian, who shall be appointed by the Council on  
29 the recommendation of the Selection Board constituted under clause 11 (3) of  
30 this Bill.



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

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

7 (4) A Bursar or Librarian-

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

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

13 **14.** A principal officer may resign his appointment-

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

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

Resignation of  
 appointment of  
 principal officers

16 **15.**-(1) The Council may appoint such other persons to be  
 17 employees of the College as the Council may determine to assist the Provost  
 18 and the principal officers of the College in the performance of their  
 19 functions under this Act.

Other employees  
 of the College

20 (2) Subject to the provisions of this Bill, the remuneration, tenure  
 21 of office and conditions of service of the employees of the Council shall be  
 22 determined by the Council in consultation with the Federal Civil Service  
 23 Commission.

24 **16.**-(1) There shall be, for the College, a selection Board which  
 25 shall consist of-

Selection Board  
 for other principal  
 officers

26 (a) the chairman of the Council;

27 (b) the Provost;

28 (c) four members of the Council not being members of the  
 29 Academic Board; and

30 (d) two members of the Academic Board.

1 (2) The functions, procedure and other matters relating to the  
2 Selection Board constituted under sub-clause (1) of this clause shall be as the  
3 Council may, from time to time, determine.

Pensions

4 17.-(1) Service in the College shall be approved service for the  
5 purposes of the Pensions Act and, accordingly, officers and other persons  
6 employed in the College shall in respect of their service in the College be  
7 entitled to pensions, gratuities and other retirement benefits as are prescribed  
8 there under, so however that nothing in this Bill shall prevent the appointment  
9 of a person to any office on terms which preclude the grant of a pension and  
10 gratuity in respect of that office.

11 (2) For the purposes of the application of the provisions of the  
12 Pensions Act, any power exercisable there under by a Minister or other  
13 authority of the Government of the Federation (other than the power to make  
14 regulations under section 23 thereof) shall be exercisable by the College and  
15 not by any other person or authority.

16 PART II - FINANCIAL PROVISIONS

Establishment  
of fund of the  
College

17 18.-(1) The Council shall establish and maintain a fund which shall be  
18 applied towards the promotion of the objectives specified under this Bill.

19 (2) There shall be paid and credited to the fund established under sub-  
20 clause (1) of this clause-

21 (a) such sums as may from time to time be granted to the Council by  
22 the Federal Government;

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

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

27 (3) The Council shall submit to the Minister, through the National  
28 Commission for Colleges of Education, not later than three months before the  
29 end of each financial year or at such other time as he may direct, an estimate of  
30 its revenue and expenditure for the next succeeding financial year.

1	<b>19.</b>	(1) The Council may accept gifts of land, money or other	Power to accept gifts
2		property upon such terms and conditions if any, as may be specified by the	
3		person making the gift.	
4		(2) The Council shall not accept any gift if the conditions attached	
5		by the person making the gift are inconsistent with the functions of the	
6		Council.	
7		<b>20.</b> The Council shall keep proper accounts of its receipts,	Accounts and audit
8		payments, assets and liabilities and shall in respect of each year cause the	
9		accounts to be audited.	
10		<b>21.</b> The Council shall as soon as may be after the expiration of each	Annual reports
11		financial year, prepare and submit to the Minister a report of its activities	
12		during the immediately preceding financial year and shall include in the	
13		report a copy of the audited accounts of the College for that year and of the	
14		auditor's report on the accounts.	
15		PART III - MISCELLANEOUS AND SUPPLEMENT	
16		<b>22.</b> (1) For the purpose of providing offices and premises	Offices and premises
17		necessary for the performance of its functions, the Council may-	
18		(a) purchase any interest in or take on lease any land; and	
19		(b) build, equip and maintain offices and premises.	
20		(2) The Council may, with the approval of the Minister, sell any	
21		interest in or lease any land, offices or premises held by it and no longer	
22		required for the performance of its functions.	
23		<b>23.</b> (1) The Council may make rules providing for the Provost to	Discipline of students
24		conduct enquiries into alleged breaches of discipline (including lack of	
25		diligence) by students and such rules may make different provisions for	
26		different circumstances.	
27		(2) The rules shall provide for the procedure and rules of evidence	
28		to be followed at enquiries under this clause.	
29		(3) Subject to the provisions of sub-clause (1) of this clause, where	
30		it is proved during the enquiry that any student of the College has been guilty	

1 of misconduct, the Provost may, without prejudice to any other disciplinary  
2 powers conferred on him by this Bill or any regulations made there under,  
3 direct-

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

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

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

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

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

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

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

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

30 (8) Nothing in this clause shall be construed as preventing the

1 restriction or termination of a student's activities at the College otherwise  
2 than on the ground of misconduct.

3 (9) the direction under sub-clause (3)(a) of this clause may be  
4 combined with a direction under sub-clause (3)(b) of this clause.

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

7 **24.** In this Bill-

Interpretation

8 "Chairman" means the chairman of the Council;

9 "College" means the Federal College of Agriculture Bukuyyum;

10 "Council" means the Governing Council of the College established pursuant  
11 to section 2 of this Bill;

12 "Provost" means the Provost of the College appointed under clause 9 of this  
13 Bill;

14 "Functions" includes powers and duties;

15 "Minister" means the Minister charged with responsibility for Education;

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

17 **25.** This Bill may be cited as the Federal College of Agriculture  
18 (Establishment) Bill, 2020.

Citation

19 SCHEDULE

20 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

21 *[Clause 2 (3).]*

22 *Terms of service*

23 1. There may be paid to the members of the Council or any  
24 committee, other than ex-officio members, such remuneration and  
25 allowances as may from time to time be determined by the President.

26 2. Where a vacancy occurs in respect of the membership specified  
27 in clause 3 (1) (d) it shall be filled by the appointment of a successor to hold  
28 office for the remainder of the term of office of his predecessor in office and  
29 such successor shall represent the same interest as his predecessor.

30 3. The Council may act notwithstanding any vacancy in its

1 membership or any defect in the appointment of a member or the absence of a  
2 member.

3 *Proceedings*

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

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

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

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

16 (5) The quorum of the Council shall be one half of the total members  
17 of the Council, at least one of whom shall be a member appointed by the  
18 President.

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

21 *Miscellaneous*

22 5.-(1) The fixing of the seal of the College shall be authenticated by  
23 the signature of the chairman, Provost and of some other members of the  
24 Council authorized generally or specially by the Council to act for that  
25 purpose.

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

30 (3) Any document purporting to be duly executed under the seal of the

- 1 College shall be received in evidence and shall, unless the contrary is  
2 proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Agriculture, Bukuyyum whose function among other things shall be to provide full-time courses of instruction and training in agricultural sciences and other allied areas; and also make provision for the appointment of a Provost and the officials of the College to carry out the administration of provisions of the Bill and the discipline of students of the College.