

# A BILL

## FOR

AN ACT TO ESTABLISH FEDERAL COLLEGE OF FOOD TECHNOLOGY,  
NDIAGU AMAGU IKWO, EBONYI STATE TO PROVIDE FULL-TIME COURSES  
LEADING TO THE AWARD OF DIPLOMA, HIGHER NATIONAL DIPLOMA IN  
FOOD TECHNOLOGY AND ALLIED DISCIPLINES; AND FOR RELATED  
MATTERS

*Sponsored by Hon. Chinedu Nweke Ogah*

[ ] Commencement

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

1 PART I - ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COLLEGE

2 1.-(1) There is established the Federal College of Food  
3 Technology, Ikwo, Ebonyi State (hereinafter referred to as "the College").

Establishment  
of Federal College  
of Food Technology,  
Ikwo, Ebonyi State

4 (2) The College referred to in sub-section (1) of this Section shall  
5 be a body corporate with perpetual succession and a common seal, and shall  
6 have power to acquire and dispose of interests in movable and immovable  
7 properties and may sue or be sued in its corporate name.

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

9 (a) To encourage the advancement of learning to all persons  
10 without distinction of race, religion, sex or political conviction, the  
11 opportunity of acquiring higher education in Food Technology;

12 (b) To develop and offer academic and professional programmes  
13 leading to the award of Certificates, Ordinary National Diplomas and  
14 Higher National Diplomas, which emphasise planning, adaptive, technical,  
15 maintenance, developmental and productive skills in Food Technology, and  
16 to contribute to scientific transformation of Food Production, indigenous  
17 technologies and food product development in Nigeria.

18 (c) to act as agents and catalysts, through training, research and

1 innovation for the effective and economic utilization, exploitation and  
2 conservation of the country's natural, agricultural, and economic resources;

3 (d) to identify the problems in the agricultural and food sector and  
4 develop new food processing technologies, standardize production for  
5 traditional foods, etc. into to promote overall national technology different  
6 food forms development;

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

13 (f) to promote and emphasise teaching, research and extension of  
14 agricultural products, including food technologies, in-service training,  
15 continuing education, and on-farm adaptive research;

16 (g) to organize such research relevant to training in Food Technology  
17 with emphasis on small and large scale farming;

18 (h) to ensure that developed processing technologies and products  
19 help to promote food security, better nutrition for the country and reduce  
20 drastically the high incidences of post-harvest losses of indigenous crops;

21 (i) to bridge the gap between food production and utilization required  
22 in a growing agrarian economy;

23 (j) to establish institutional collaboration in order to foster integration  
24 of training, research and extension activities; and

25 (k) Undertake any other activities appropriate for Colleges of Food  
26 Technology.

Governing  
Council of the  
College

27 **2.**-(1) There is established for the College a Governing Council (in the  
28 Bill referred to as "the Council").

29 (2) Without prejudice to the generality of subsection (1) of this  
30 section, the Council shall have the responsibility to consider and approve:

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

6 (3) The Provision of the First Schedule to this Bill shall have effect

7 with respect to the Council as specified therein.

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

9 other members, to be appointed by the President through the Minister of

10 Education;

Composition of  
the Council of  
the College

11 (a) a representative of the Federal Ministry responsible for

12 education;

13 (b) a representative of the Federal Ministry responsible for

14 Agriculture;

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

16 (NBTE);

17 (d) a representative of Alumni association of the College;

18 (e) three persons appointed on individual merit on a nationwide

19 basis who should have vast experience of service in the agricultural sector;

20 (f) two representatives of the academic board of the College; and

21 (g) the Provost of the College.

22 **4.-(1)** A member of the Council, other than an ex-officio member,

23 shall hold office for a term of three years and subject to the provision of sub-

24 section (2) of this section, shall be eligible for re-appointment for a further

25 period of three years and no more.

Tenure of Office  
of the Member  
of the Council

26 (2) The office of a member appointed under section 3 of this Bill

27 shall become vacant if:

28 (a) the member resigns in office by notice in writing under his

29 hand, addressed to the President through the Minister; or

30 (b) the President is satisfied that it is not in the interest of the

Functions of  
the College

1 College or of the public for such member to continue in his office and notifies  
2 the member in writing to that effect.

3 **5.** The functions of the College shall be:

4 (a) to provide full-time courses in teaching instruction and training:

5 (i) in Food Technology and allied matters; and

6 (ii) in such other fields of applied learning relevant to the needs of  
7 development of Nigeria;

8 (b) to conduct courses in Food Technology for qualified teachers;

9 (c) to arrange conferences, seminars and workshops relative to the  
10 functions of the College; and

11 (d) to perform such other functions as in the opinion of the Council  
12 may serve to promote the objective of the College.

Powers of the  
Council

13 **6.** The Council of the College shall have power to:

14 (a) hold examinations and grant Diplomas, Professional Certificates  
15 and other distinctions to persons who have pursued a course of study approved  
16 and accredited by the relevant regulatory body and have satisfied such other  
17 requirements as the College may lay down;

18 (b) conduct examinations in Food Technology for qualified teachers;

19 (c) recruit staff of the right caliber and determine the career structure  
20 of such staff;

21 (d) demand and receive from any student or any other person  
22 attending the College for the purpose of study, such fees as the Council may  
23 from time to time determine subject to the overall directives of the Ministry;

24 (e) hold public lectures and undertake printing, publishing and  
25 bookselling;

26 (f) award fellowship, medals, prizes and other titles;

27 (g) establish and maintain such schools and other teaching units with  
28 the College or extra moral departments as the Council may from time to time  
29 determine;

30 (h) erect, provide, equip and maintain such educational recreational

1 and residential facilities as the College may require;

2 (i) Institute professorships, readerships or associate  
3 professorships, lectureships, other posts and offices and make appointments  
4 thereto;

5 (j) receive and make gifts;

6 (k) enter into such contracts as may be necessary or expedient for  
7 carrying into effect the objects of the College;

8 (1) provide for the welfare and discipline of the staff and students  
9 of the College;

10 (m) encourage and make provision for research in the College;

11 (n) do such acts and things whether or not incidental to the  
12 foregoing power as may advance the objects of the College.

13 **7.**-(1) The Minister shall be the Visitor of the College.

Visitation

14 (2) the Visitor shall as often as the circumstances may require, not  
15 being less than once every five years, conduct a visitation to the College or  
16 appoint a visitation panel consisting of not less than five experts to conduct  
17 the visitation for the purposes of evaluating the academic and administrative  
18 performance of the College or for such other purposes in respect of any  
19 affairs of the College, which the Visitor may consider necessary.

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

The Academic  
Board and its  
functions

23 (a) the Provost of the College who shall be the Chairman;

24 (b) all heads of departments;

25 (c) the College Bursar;

26 (d) the College Librarian; and

27 (e) not more than three members of the Academic staff other than  
28 the heads of departments to be appointed by the Council.

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

30 (a) the direction and management of academic matters of the

1 College including the regulation of admission of students, the award of  
2 certificates, scholarships, prizes and other academic distinction;

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

Power of Minister  
to give directions  
to the Council

5 **9.** Subject to the provisions of this Bill, the Minister may give to the  
6 Council directions of the general character or relating generally to matter with  
7 regard to the exercise by the Council of its functions and it shall be the duty of  
8 the Council to comply with such directions.

The Provost of  
the College

9 **10.**-(1) There shall be a Provost of the College (hereinafter referred to  
10 as "the Provost") who shall be appointed by the president on the  
11 recommendation of the Minister.

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

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

16 (i) the qualities and qualifications of the person who may apply for the  
17 post;

18 (ii) the terms and conditions of service applicable to the post, and  
19 thereafter draw up a shortlist of suitable candidates for the post for  
20 consideration.

21 (3) The President shall appoint as Provost one of the candidates  
22 recommended by the Minister.

23 (4) Subject to the general control of the Council, the Provost shall be  
24 the chief executive of the College and shall be charged with general  
25 responsibility for matters relating to the day-to-day management and  
26 operations of the College.

27 (5) The Provost shall hold office for a single term of four years only  
28 beginning from the effective date of his appointment and on such terms and  
29 conditions as may be specified in his letter of appointment and no more.

1                   11.-(1) There shall be for the College two Deputy Provosts namely: Deputy Provost  
2 Deputy Provost (Academic) and the Deputy Provost (Administration).

3                   (2) The Council shall appoint the Deputy Provosts from among the  
4 chief lecturers in the College in any of the following ways, that is:

5                   (a) from a list of five candidates in order of preference, submitted  
6 by the Provost;

7                   (b) on the recommendation of a selection Board constituted [or  
8 their purpose; or

9                   (c) on the nomination of the Provost.

10                  (3) The selection Board referred to in subsection 2 (b) of this  
11 section shall consist of:

12                  (i) the Chairman of the Council;

13                  (ii) the Provost of the College;

14                  (iii) two members of the Academic board; and

15                  (iv) two members of the Council not being members of the  
16 Academic Board.

17                  (4) (a) The Deputy Provost (Academic) shall:

18                  (i) assist the Provost in the performance of his function in  
19 Academic matters of the College;

20                  (ii) act as the Provost when the post of the Provost is vacant or if the  
21 Provost is, for any reason, absent or unable to perform his function as  
22 Provost.

23                  (b) The Deputy Provost (Administration) shall:

24                  (i) assist the Provost in administrative matters of the College; and

25                  (ii) perform such other functions as the Provost or the Council may  
26 from time to time assign to him.

27                  (5) Each of the deputy Provosts shall hold office for a period of two  
28 years and no more.

29                  12.-(1) There shall be a Registrar for the College to be appointed by The Registrar  
30 the Council.

1 (2) The Registrar shall keep the records and conduct the  
2 correspondence of the Council;

3 (3) The Registrar shall be the secretary to:

4 (a) the Council;

5 (b) the Academic Board; and

6 (c) any Committee of the Council.

7 (4) The Registrar may perform any duty as may be assigned to him by  
8 the Council or the Provost.

9 (5) The Registrar shall hold office for a period of four years only  
10 beginning from the effective date of his appointment and on such terms and  
11 conditions as may be specified in his letter of appointment and no more.

Other principal  
officers of the  
College

12 **13.**-(1) There shall be for the College in addition to the Registrar:

13 (a) the Bursar; and

14 (b) the College Librarian.

15 (2) The Bursar and the College Librarian shall be appointed by the  
16 Council on the recommendation of the Selection Board constituted under this  
17 Bill.

18 (3) The Bursar shall be the chief financial officer of the College and be  
19 responsible to the Provost for the day to day administration and control of the  
20 financial affairs of the College.

21 (4) The College Librarian shall be responsible to the Provost for the  
22 administration of the College library and the coordination of the library  
23 services in the teaching units of the College.

24 (5) The scope of the responsibilities of the officers referred to in sub-  
25 section (5) of this Section shall be determined by the Provost.

26 (6) The Bursar and the College librarian shall each hold office for a  
27 period of four years and no more.

Other employees  
of the College

28 **14.**-(1) The Council may employ such other persons as employees of  
29 the College, as may be required to assist the Provost and the Principal Officers



1 of the College in the performance of their functions and responsibilities  
2 under this Bill.

3 (2) Subject to the provisions of this Bill, the remuneration, tenure  
4 of office and condition of service of the employee of the College shall be  
5 determined by the Council in consultation with the Federal Civil Service  
6 Commission.

7 **15.**-(1) Service in the employment of the College shall be as Pensions  
8 approved service under the Pensions Reform Act, 2004 and accordingly,  
9 employees of the College shall, in respect of their services in the College, be  
10 entitled to pension, gratuities and other retirement benefits as are prescribed  
11 in the Bill.

12 (2) Notwithstanding the provisions of sub-section (1) of this  
13 Section, nothing in this Bill shall prevent the appointment of a person to any  
14 office on terms which precludes the grant of a pension and gratuity in respect  
15 of that office.

16 (3) For the purpose of the application of the Pensions Reform Act,  
17 2004 and any power exercisable thereunder by the President or authority  
18 other than the Federal Government, shall be vested in and exercisable by the  
19 College.

20 (4) Subject to sub-section (2) of this Section, the Pensions Reform  
21 Act, 2004 shall in its application by virtue of sub-section (3) of this Section,  
22 have effect as if the office were in the public service of the federation within  
23 the meaning of the Constitution of the Federal Republic of Nigeria, 1999 (as  
24 amended).

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

Selection Board  
for other Principal  
Officers

27 (a) the Chairman of the Council;

28 (b) the Provost;

29 (c) four members of the Council not being members of the  
30 Academics Board; and

1 (d) two members of the Academic Board.

2 (2) The functions, procedure and other matters relating to the selection  
3 Board constituted under subsection (1) of this section shall be determined from  
4 time to time by the Council.

5 PART II - FINANCIAL PROVISIONS

Establishment  
of Fund for the  
College

6 **17.**-(1) The Council shall establish and maintain a fund which shall be  
7 applied towards the promotion of the aims and objectives specified in this Bill.

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

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

12 (b) all monies raised by the Council by way of gifts, grants, aids,  
13 testamentary dispositions, endowments or contributions from philanthropic  
14 organizations; and

15 (c) all subscription fees and charges for services rendered by the  
16 College and all other sums that may accrue to the Council from any source.

Annual Estimates,  
Accounts and  
Audit

17 **18.**-(1) The College shall, not later than 30th September of each  
18 financial year, submit to the Council for approval its estimates of income and  
19 expenditure for the next financial year.

20 (2) The College shall:

21 (a) Keep proper records of all accounts of its income and expenditure;  
22 and

23 (b) Prepare a statement of account in respect of each financial year.

24 (3) The College shall not later than 30th June of each financial year,  
25 submit its accounts to auditors appointed from a list of qualified auditors in  
26 accordance with guidelines laid down by the Auditor-General of the Federation  
27 and the auditor's fees and expenses shall be paid from the Funds of the College.

Annual Reports

28 **19.**-(1) The College shall not later than 30th June of each financial  
29 year, submit to the Council, in respect of the preceding financial year, an annual  
30 report on the activities of the College in such form as the Council may direct.

1 (2) The report referred to in sub-section (1) of this Section shall  
2 include:

3 (a) Information the activities of the College in that year;

4 (b) A copy of the audited accounts of the College for that year  
5 together with the Auditor-General's report on the accounts of the College;  
6 and

7 (c) Such other information as the Council may request.

8 (3) The Provost shall provide such information on the affairs of the  
9 College as the Council may from time to time request.

10 **20.**-(1) The College may accept gifts of land, money or other  
11 property upon such terms and conditions, if any, as may be specified by the  
12 person or organization donating the gift.

Power to accept  
gifts

13 (2) The College shall not accept any gift where the conditions  
14 attached by the person or organization donating the gift to the gifts are  
15 inconsistent with the functions and objects of the College.

16 **PART III - MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS**

17 **21.**-(1) The Council may make rules providing for the Provost to  
18 conduct enquiries into any alleged breach of discipline in the College, which  
19 include lack of due diligence exhibited by any students, and may make  
20 different provisions for different circumstances.

Discipline of  
students

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

23 (3) Subject to the provisions of sub-section (1) of this Section,  
24 where it is proved during enquiry that any student of the College has been  
25 found guilty of any misconduct, the Provost may, without prejudice to any  
26 other disciplinary powers conferred on him by this Bill or any regulations  
27 made pursuant to this Bill, direct that the:

28 (a) Student shall not, during such period as may be specified in the  
29 direction, participate in such activities of the College, or make use of such  
30 facilities of the College, as may be specified; or

1 (b) Activities of such student shall during such period as may be  
2 specified in the directions, be restricted in such manner as may be so specified;

3 (c) The student may be suspended for such period as may be specified  
4 in the direction; or

5 (d) Student should be expelled from the College.

6 (4) Where there is no Provost or where the Provost refuses to apply  
7 any disciplinary measures, the Council may, either directly or through some  
8 other staff of the College, apply such disciplinary actions specified in sub-  
9 section (3) of this Section to any student of the College that is found guilty of  
10 any misconduct.

11 (5) Where a direction is given under sub-section (3), paragraphs (c) or  
12 (d) of this Section in respect of any student, the student may, within 21 days  
13 from the date of the letter communicating the decision to him, appeal against  
14 the direction to the Council, and where such an appeal is brought, the Council  
15 after making inquiry in relation to the matter, may either modify, confirm or set  
16 aside the direction in such manner as the Council may deem necessary.

17 (6) The fact that an appeal from a direction is brought pursuant to sub-  
18 section (5) of this Section shall not affect the operation of the direction while  
19 the appeal is pending.

20 (7) The Provost may delegate his powers under this Section to a  
21 disciplinary committee consisting of such members of the College as he may  
22 nominate.

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

26 (9) The direction under subsection (3) (a) of this Section may be  
27 combined with a direction under subsection (3) (b) of this Section.

28 (10) In all cases of indiscipline and misconduct under this Section, the  
29 decision of the Council shall be final unless it is reversed by the Minister on  
30 appeal by the student.

1                   22. In this Bill, unless the context otherwise requires: Interpretation  
2 "Chairman" means the Chairman of the Council;  
3 "College" means the Federal College of Food Technology, Ikwo, Ebonyi  
4 State, established under section (1) of this Bill;  
5 "Council" means the Governing Council of the College established under  
6 section 2 of this Bill;  
7 "Function" includes power and duties;  
8 "Minister" means the Minister charged with responsibility for matters  
9 relating to education;  
10 "Member" means a member of the Council including the Chairman;  
11 "Provost" means the Provost of the College established under section 10 of  
12 this Bill.

13                   23. This Bill may be cited as the Federal College of Food Citation  
14 Technology, Ikwo (Establishment) Bill, 2020.

15   SCHEDULE

16   [Section 2(3)]

17                   SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC.

18   *Terms of service*

19                   1. There may be paid to the members of the Council or any  
20 Committee, other than ex-officio members, such remuneration and  
21 allowances as may from time to time be determined by the President.

22                   2. Where a vacancy occurs in respect of the membership specified  
23 in section 3, it shall be filled by the appointment of a successor to hold office  
24 for the remainder of the term of office of his predecessor in office and such  
25 successor shall represent the same interest as his predecessor.

26                   3. The Council may act notwithstanding any vacancy in its  
27 membership or any defect in the appointment of a member or the absence of  
28 a member.

29   *Proceedings*

30                   4.-(1) The Council shall meet for the conduct of business at such

1 times, places and on such days as the Chairman may appoint but shall meet not  
2 less than once every four months.

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

5 (3) At any meeting of the Council, the Chairman shall preside, but in  
6 his absence, members present shall elect one of their members to preside at the  
7 meeting.

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

12 (5) The Quorum of the Council shall be one half of the total members  
13 of the Council, at least one of whom shall be a member appointed by the  
14 President.

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

17 *Miscellaneous*

18 5.-(1) The fixing of the seal of the College shall be authenticated by  
19 the signature of the Chairman, Provost and of some other members of the  
20 Council authorized generally or specially by the Council to act for that  
21 purpose.

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

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

## EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Food Technology, Ikwo, Ebonyi State to provide full-time courses, teaching instructions and training in Food Technology and carry out its due administration and management.