

FEDERAL COLLEGE OF EDUCATION, BENDE (ESTABLISHMENT, ETC.)

BILL, 2020

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION, BENDE TO PROVIDE FULL-TIME COURSES, TEACHING, INSTRUCTION AND TRAINING IN TECHNOLOGY, APPLIED SCIENCES, COMMERCE, ARTS, SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT AND TO CARRY OUT RESEARCH IN THE DEVELOPMENT AND ADAPTATION OF TECHNIQUES; AND ALSO MAKE PROVISION FOR THE APPOINTMENT OF A PROVOST AND THE OFFICIALS OF THE COLLEGE TO CARRY OUT THE ADMINISTRATION AND THE DISCIPLINE OF STUDENTS OF THE COLLEGE; AND FOR RELATED MATTERS

Sponsored by Hon. Benjamin Okezie Kalu

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Commencement

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

1 **1.-(1) There is hereby established the Federal College of**
2 **Education, Bende (in this Bill referred to as "the College").**

Establishment
of the Federal
College of Education,
Bende

3 **(2) The College shall be a body corporate with perpetual**
4 **succession and common seal and shall have the power to acquire and**
5 **dispose of interest in moveable and immovable properties.**

6 **(3) The College may sue and be sued in its corporate name.**

7 **2.-(1) There is hereby established for the Federal College of**
8 **Education, Bende Governing Council (in this Bill referred to as "the**
9 **Governing Council").**

Establishment
of the Governing
Council

10 **(2) The governance and direction of affairs of the College shall rest**
11 **in the Governing Council.**

12 **(3) The Governing Council shall have the responsibility to**
13 **consider and approve the-**

14 **(a) programme of studies to be undertaken in the College;**

15 **(b) annual estimates of the College; and**

1 (c) investment plan of the College.

2 (4) The provision of the Schedule to this Bill shall have effect with
3 respect to the Governing Council as mentioned in this Bill.

Composition
of the Governing
Council

4 3.-(1) The Governing Council, which shall be appointed by the
5 President, shall consist of-

6 (a) the Chairman;

7 (b) a representative of the Federal Ministry of Education;

8 (c) a representative of the University with the College is affiliated to
9 for the purpose of moderation;

10 (d) two representatives of the academic board of the College;

11 (e) a representative of the National Commission for Colleges of
12 Education; and

13 (f) the Provost of the College.

Tenure of office

14 4.-(1) A member of the Council (other than the ex-officio members)
15 shall hold office for a term of four years and subject to the provision of
16 subsection (2) of this section, may be eligible for re-appointment for a further
17 period of four years.

18 (2) The office of a member appointed under section 3 of this Bill shall
19 become vacant if-

20 (a) he resigns from office by notice in writing under his hand
21 addressed to the Minister; or

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

Functions of
the College

25 5. The functions of the College shall be-

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

27 (i) technology, applied sciences, arts social science, humanities and
28 management, and

29 (ii) such other fields of applied learning relevant to the developmental
30 needs of Nigeria;

- 1 (b) to conduct courses in Education for qualified teachers;
2 (c) to arrange conferences, seminars and workshops relative to the
3 functions of the College; and
4 (d) to perform such other functions which, in the opinion of the
5 Council, may serve to promote the objective of the College.

6 6. The Council shall have the power to-

Powers of the
Governing Council

- 7 (a) hold examinations and grant National Certificate of Education
8 (NCE), Diplomas, Professional Council Certificates and other distinctions
9 to persons who have pursued a course of study approved and accredited by
10 the National Commission for Colleges of Education;
11 (b) hold examinations in Education for qualified teachers;
12 (c) recruit staff and determine structure of such staff;
13 (d) demand and receive from any student or any other person
14 attending the College, for the purpose of construction, such fees as the
15 Governing Council may with the prior approval of the Minister, from time to
16 time determine;
17 (e) hold public lectures and undertake printing, publishing and
18 bookselling;
19 (f) award fellowships, medals, prizes and other titles;
20 (g) establish and maintain such schools and other teaching units
21 within the College or extra-mural departments as the Governing Councils
22 may from time to time determine;
23 (h) erect, provide, equip and maintain such educational,
24 recreational and residential facilities as the College may require;
25 (i) create lectureships and other academic post and offices and to
26 make appointments thereof;
27 (j) receive and make gifts;
28 (k) enter into such contracts as may be necessary or expedient for
29 carrying into effect the objective of the College;
30 (l) provide amenities for and make such other provisions for the

1 welfare of the staff and students of the College;
2 (m) encourage and make provisions for research in the College; and
3 (n) do such acts and things whether or not incidental to the foregoing
4 and as may advance the objects of the College.

The Visitor of
the College

5 7.-(1) The Minister shall be the Visitor of the College.
6 (2) The Visitor shall, not less than once in every 5 years, conduct a
7 visitation to the College or appoint a visitation panel to consist of not less than 5
8 experts to conduct the visitation for-
9 (a) the purpose of evaluating the academic and administrative
10 performance of the College; or

The Academic
Board of the
College

11 (b) such other purpose as the Visitor may deem fit.
12 8.-(1) There shall be established for the College a board to be known
13 as the Academic Board which shall consist of the following members-
14 (a) the Provost of the College as the Chairman;
15 (b) all heads of departments;
16 (c) the College Bursar;
17 (d) the College Librarian; and
18 (e) not more than 3 members of the academic staff other than the
19 heads of departments to be appointed by the Governing Council.

20 (2) The Academic Board shall be responsible for-
21 (a) the direction and management of academic matters of the College
22 including the regulation of admission of students, the award of certificates,
23 scholarships, prizes and other academic distinction; and
24 (b) discharging any other function which the Governing Council may
25 from time to time delegate to it.

Direction

26 9. The Minister may give to the Governing Council directions of
27 general character relating generally to matters with regard to the exercise by
28 the Council of its functions and it shall be the duty of the Governing Council to
29 comply with such directions.

1 10.-(1) There shall be a Provost for the College (in this Bill referred
2 to as "the Provost") who shall be appointed by the President on the
3 recommendation of the Minister.

The Provost of
the College

Office for

4 (2) Where a vacancy occurs in the post of the Provost, the
5 Governing Council shall advertise the vacancy in reputable widely read
6 newspapers in Nigeria specifying the-

Department-

Resignation of
Principal Officers

7 (a) qualities of the person who may apply for the post, and

8 (b) terms and condition of service applicable to the post and
9 thereafter draw up a short list of suitable candidates for consideration of the
10 Minister.

is to be
and the

Other employees
of the College

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

Service of
Council

13 (4) Subject to the general control of the Governing Council the
14 Provost shall be the chief executive of the College and shall be charged with
15 general responsibility for matters relating to the day-to-day management
16 and operations of the College.

for the
and other
tude and
letters of

Pension

17 (5) The Provost shall hold office for a period of 5 years only and on
18 such terms and conditions as may be specified in his letter of appointment.

which shall

Selection Board

19 11.-(1) There shall be for the College 2 Deputy Provosts namely-

Deputy Provosts

20 (a) Deputy Provost (Academics); and

21 (b) Deputy Provost (Administration).

Members of the

22 (2) The Governing Council shall appoint the Deputy Provosts from
23 among the chief lecturers in the College in any of the following ways, that is-

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

ing to the
n shall be

26 (b) on the recommendation of a Selection Board constituted for the
27 purpose; or

which shall

Fund of the
College

28 (c) on the nomination of the provost.

held under

29 (3) The Deputy Provost (Academics) shall -

30 (a) assist the Provost in the performance of his functions in

- 1 (a) such sums as may from time to time be granted by the Federal Government;
2 (b) all monies raised by the Governing Council by way of gifts, grants-in-aid
3 and monetary disposition; and
4 (c) all subscription, fee and charges for services rendered by the College and all
5 other sums that may accrue to the College from any source.

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

Power to accept
gifts

10 19.-(1) The College may accept gifts, money or of other property and
11 upon such terms and conditions, if any, as may be specified by the person
12 making the gifts.

13 (2) The College shall not accept any gift if the conditions attached to
14 the gifts are inconsistent with the functions of the College.

Accounts and
audit

15 20. The College shall keep proper accounts of its receipt, payments,
16 assets and liabilities and shall in respect of each year cause the account to be
17 audited.

Annual reports

18 21. The Governing Council shall as soon as may be after the
19 expiration of each financial year, prepare and submit to the Minister a report of
20 its activities during the immediate preceding financial year and shall include in
21 the report a copy of the audited accounts of the College for that year and of the
22 auditor's report of the accounts.

Interpretation

23 22. In this Bill-
24 "Chairman" means the Chairman of the Governing Council;
25 "College" means the Federal College of Education, Bende established under
26 section (1) of this Bill;
27 "Council" means the Governing Council of the College established under
28 section 2 of this Bill;
29 "Function" includes power and duties;
30 "Minister" means the minister charged with responsibility for education;

1 "Member" means a member of the Governing Council including the
2 Chairman;
3 "Provost" means the Provost of the College established under section 10 of
4 this Bill.

5 23. This Bill may be cited as the Federal College of Education, Citation
6 Bende (Establishment, etc.) Bill, 2020.

7 SCHEDULE

8 [Section 2(3)]

9 SUPPLEMENTARY PROVISION RELATING TO THE
10 GOVERNING COUNCIL, ETC.

11 *Terms of Service*

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

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

19 3. The Governing Council may act notwithstanding any vacancy
20 in its membership or any defect in the appointment of a member or the
21 absence of a member.

22 *Proceedings*

23 4.-(1) The Governing Council shall meet for the conduct of
24 business a such times, places and on such days as the Chairman may appoint
25 but shall meet not less than once every four months.

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

29 (3) Where the Governing Council desires to obtain the advice of
30 any person on any particular matter, the council may co-opt persons who are

1 not members of the Governing Council but person co-opted shall not be
2 entitled to vote at a meeting of the Governing Council.

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

6 (5) Decisions of the Governing Council shall be made on approval by
7 a simple majority of members.

8 *Miscellaneous*

9 5.-(1) The fixing of the seal of the College shall be authenticated by
10 the signature of the Chairman, Provost and of some other members of the
11 Governing Council authorized generally or specially by the Governing
12 Council to act for that purpose.

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

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

0 EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal College of
Education, Bende as an institute to offer full-time courses leading to the awards
of National Certificate of Education, Diplomas, etc.