

A BILL

FOR

AN ACT TO PROVIDE FOR ESTABLISHMENT OF FEDERAL COLLEGE OF FISHERY AND AQUACULTURE, TELLA, TARABA STATE; AND FOR RELATED MATTERS

Sponsored by Hon. Abdulsalam Gambo Mubarak

[] Commencement

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

1 1.-(1) There is hereby established Federal College of Fishery and
2 Aquaculture, Tella, (in this Bill referred to as "the College")

Establishment
and objects of
Federal College
of Fishery and
Aquaculture, Tella

3 (2) The College of Fishery and Aquaculture shall be a body
4 corporate with perpetual succession and a common seal and may sue and be
5 sued in its corporate name.

6 2. The objects of the College shall be-

Objects of the
College

7 (a) to encourage the advancement of learning and to allow to all
8 persons the opportunity of acquiring a higher education in agriculture;

9 (b) to develop and offer academic and professional programme
10 leading to the award of NCE, first degrees, and certificates which emphasis
11 planning, adaptive, technical, maintenance, developmental and productive
12 skills in agriculture, agricultural engineering and allied professional
13 disciplines with the aim of producing socially mature persons with capacity
14 to improve on those disciplines and develop new ones, but also to contribute
15 to the scientific transformation of agriculture in Nigeria;

16 (c) to act as agents and catalysts, through training, research and
17 innovation for the effective and economic utilisation, exploitation and
18 conservation of Nigeria's natural, agricultural, economic and human
19 resources;

20 (d) to offer to the general population, as a form of public service,

1 the results of training and research in agriculture and allied disciplines and to
2 foster the practical application of those results;

3 (e) to establish appropriate relationships with other national
4 institutions involved in training, research and development of agriculture;

5 (f) to identify the agricultural problems and needs of Nigeria and to
6 find solutions to them within the context of overall national development;

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

13 (h) to promote and emphasise teaching, research and extension of
14 agricultural knowledge, including agriculture extension services and outreach
15 programmes, in-service training, continuing education, and on-farm adaptive
16 research;

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

19 (j) to organise research relevant to training of agriculture with
20 emphasis on small-scale farming;

21 (k) to organise extension services and out-reach programmes for
22 technology transfer;

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

25 (m) to undertake any other activities as may be authorised by the
26 Council.

Principal Officers
of the College

27 3.-(1) The College shall consist of-

28 (a) Chairman of Governing Council;

29 (b) Provost;

30 (c) Two Deputy Provost;

1 (d) schools, departments, institutes and other teaching and
2 research units;

3 (e) persons holding the offices constituted by the First Schedule to
4 this Act other than those mentioned in Section 1 (a) to (d) of this Bill;

5 (f) all students of the College; and

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

8 (2) The First Schedule to this Bill shall have effect with respect to
9 the principal officers of the college.

10 (3) Subject to clause 6 of this Bill, provision shall be made by
11 regulation with respect to the constitution of the following bodies, namely
12 the Council, Congregation and Convocation.

13 4.-(1) For the carrying out of its objects as specified in clause 2 of
14 this Bill, the College shall have power-

Powers and
Functions of the
College

15 (a) to establish such campuses, colleges, institutes, schools, extra-
16 mural departments and other teaching and research units within the College;
17 as may, from time to time, be deemed necessary or desirable, subject to the
18 approval of the Council;

19 (b) to establish agricultural and rural extension services in various
20 parts of Taraba State;

21 (c) to institute and award fellowships, scholarships, exhibitions,
22 bursaries, medals, prizes and other titles, distinctions, awards and other
23 forms of assistance;

24 (d) to provide for the discipline and welfare of students of the
25 College;

26 (e) to hold examinations and grant National Certificate of
27 Education and First Degrees, and other distinctions to persons who have
28 pursued a course of study approved by the college and have satisfied such
29 other requirements as the College may lay down;

30 (f) to demand and receive from any student or any other person

1 attending the College for the purpose of instruction such fees as the College
2 may, from time to time, determine subject to the overall directives of the
3 Council;

4 (g) subject to clause 23 of this Bill, to acquire, hold, grant, charge or
5 otherwise deal with or dispose of movable and immovable property wherever
6 situate;

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

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

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

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

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

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

28 (n) to do all such acts or things, incidental to the foregoing powers, as
29 may advance the objects of the College;

30 (o) Subject to the provisions of this Bill and of the regulations and

1 without prejudice to clause 9 (2) of this Bill, the powers conferred on the
 2 College by subclause (1) of this clause shall be exercisable on behalf of the
 3 College by the Governing Council or in any other manner, which may be
 4 authorised by regulation.

5 5. -(1) The Chairman shall, in relation to the College, take precedence before all other members of the College and when he is present shall preside at all meetings of Convocation held for conferring degrees.

Functions of the
 Chairman
 Governing Council

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

7 6. The Council of the College shall consist of-

Composition of
 the Council

8 (a) the Chairman;

9 (b) the Provost;

10 (c) Two Deputy Vice-Provost;

11 (d) one person not below the rank of Director from the Ministry responsible for Agriculture;

12 (e) all Senior Academic and Non-Academic staff are members of the congregation;

13 (f) The Provost and Deputy Provost (administration) shall be Chairman and Secretary respectively;

14 (g) two persons appointed by the Academic Board from among its members;

15 (h) two persons appointed by Congregation from among its members; (h) one person appointed by Convocation from among its members.

16 7.-(1) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the College and perform such other functions of the Council as the Council may, from time to time, delegate to it.

Functions of the
 Council and its
 Finance and
 General Purposes
 Committee

1 (2) Subject to the provisions of this Bill relating to the Visitor, the
2 Council shall be the governing body of the College and shall be charged with
3 the general control and superintendence of the policy, finance and property of
4 the College.

5 (3) Provision shall be made by regulation with respect to the
6 constitution of the Finance and General Purposes Committee.

7 (4) The Council shall ensure that proper accounts of the College are
8 kept and that the accounts of the College are audited annually by an
9 independent firm of auditors approved by the Council and that in annual report
10 shall be published by the College together with certified copies of the said
11 accounts as audited.

12 (5) Subject to this Bill, the Council and the Finance and General
13 Purposes Committee may each make rules for regulating their own procedure.

14 (6) Rules made under subclause (5) of this clause by the Finance and
15 General Purposes Committee shall not come into force unless approved by the
16 Council, and in so far and to the extent that any rules so made by that
17 Committee conflict with any directions given by the Council (whether before
18 or after the coming into force of the rules in question), the direction of the
19 Council shall prevail.

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

24 (8) The Council shall meet as and when necessary for the
25 performance of its functions under this Bill and shall meet at least three times in
26 every year.

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

30 (10) Any request made under subclause (9) of this clause shall specify

Clasificación de
the Provost

1 the business to be considered at the meeting and a business not so specified
2 shall not be transacted at the meeting.

3 8.-(1) It shall be the general function of the Academic Board to
4 organise and control the teaching by the College, the admission (where no
5 other enactment provides to the contrary, of students) and the discipline of
6 students; and to promote research at the College.

Functions of the
Academic Board

7 (2) Without prejudice to the generality of subsection (1) of this
8 section and subject to the Council shall make provision for provision of this
9 Bill:

10 (a) the establishment, organisation and control of campuses,
11 schools, institutes and other teaching and research units of the College and
12 allocation of responsibility for different branches of learning;

13 (b) the organisation and control of courses of study in the College
14 and of the examinations held in conjunction with those courses, including
15 the appointment of examiners, both internal and external;

16 (c) the award of NCE, degree and such other qualifications as may
17 be prescribed, in connection with examinations held as aforesaid;

18 (d) the making of recommendations to the Council with respect to
19 the award to any person of an honorary fellowship;

20 (e) the establishment, organisation and control of halls of residence
21 and similar institutions at the College;

22 (f) the supervision of the welfare of students at the College and the
23 regulation of their conduct;

24 (g) the granting of fellowships, scholarships, prizes and similar
25 awards in so far as the awards are within the control of the College; and

26 (h) determining what description of dress shall be academic dress
27 for the purposes of the College, and regulating the use of academic dress.

28 (3) The Board shall not establish any new campus, college, school,
29 department, institute or other teaching and research units of the College
30 without the approval of the Council.

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

6 (5) Regulations shall provide that at least one of the persons appointed
7 as the examiners at each final or professional examination held in conjunction
8 with any course of study at the College, as may be prescribed by the Academic
9 Board from time to time, is not a teacher at the College but is a teacher of the
10 branch of learning to which the course relates at some other Colleges of high
11 repute or a person engaged in practising the profession in a reputable
12 organisation or institution.

13 (6) Subject to a right of appeal to the Council from a decision of the
14 Academic Board under this subclause, the Council may deprive any person of
15 any NCE, degree, or other award of the College which has been conferred upon
16 him if after due enquiry he is shown to have been guilty of dishonourable or
17 scandalous conduct in gaining admission into the College or obtaining that
18 award.

19 9.-(1) The Provost shall, in relation to the College, take precedence
20 before all other members of the College, and any other person for the time
21 being acting as chairman of the Council.

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

27 (3) The power to make regulations conferred by this section shall not
28 be prejudiced or limited in any way by reason of the inclusion or omission of
29 any matter in or from the Bill or any subsequent enactment.

1 10.-(1) The power of the College to make regulations shall be Mode of exercising
2 exercised in accordance with the provisions of this section and not power to make
3 otherwise. Regulations

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

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

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

10 (3) A proposed regulation may originate either in the Academic
11 Board, and may be approved as required by subclause (2) of this clause by
12 either one of those bodies before the other.

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

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

23 (6) In the event of any dispute arising at any time-

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

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

29 (7) The decision of the Visitor on any matter referred to him under
30 subsection (6) of this section shall be final and binding upon the authorities,

1 staff and students of the College and where any question as to the meaning of
2 any provision of a regulation has been decided by the Visitor under that
3 subsection, the question as to the meaning of that provision shall not be
4 entertained by any court of law in Nigeria.

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

9 (9) Proof of regulations:

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

14 *Supervision and discipline*

The Visitor

15 11.-(1) The President shall be the Visitor of the College.

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

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

Removal of certain
members of
Council

24 12.-(1) If it appears to the Council that a member of the Council (other
25 than the Visitor or the Provost) should be removed from office on the ground of
26 misconduct or inability to perform the functions of his office or employment,
27 the Council shall make a recommendation to that effect through the Minister to
28 the President after making such enquiry, if any, as may be considered
29 appropriate, and if the President approves the recommendation he may direct
30 the removal of the person in question from office.

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

13.-(1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the College, other than Provost, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall

(a) give notice of those reasons to the person in question; either on (b) afford him an opportunity of making representations in person on the matter; (c) appoint a Staff Disciplinary Committee, and if the Council, after considering the report of the Staff Disciplinary Committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(2) The Provost may, in case of misconduct by a member of staff which in the opinion of the Provost is prejudicial to the interests of the College, suspend such member and any such suspension shall forthwith be reported to the Council.

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

"Good cause" means—
(a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or

(b) any physical or mental incapacity which the Council, after

Removal and
discipline of
academic,
administrative
and professional
staff

1 obtaining medical advice, considers to be such as to render the person
2 concerned unfit to continue to hold his office;

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

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

9 (e) conduct which the Council considers to be generally of such
10 nature as to render the continued appointment or service of the person
11 concerned prejudicial or detrimental to the interest of the College.

12 (4) Any person suspended pursuant to subsection (2) or (3) of this
13 section shall be on half pay and the Council shall before the expiration of a
14 period of three months after the date of such suspension consider the case
15 against that person and come to a decision as to-

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

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

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

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

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

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

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

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

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

10 14.-(1) The Provost or Academic Board shall constitute an
11 Investigation Panel to determine whether or not a prima facie case has been
12 established against any member of staff.

Procedures for
staff discipline

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

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

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

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

Appointment of
external examiners

21 16.-(1) If on the recommendation of the Academic Board, it
22 appears to the Provost that a person appointed as an examiner for any
23 examination of the College ought to be removed from his office or
24 appointment, then except in such cases as may be prescribed, the Provost
25 may, after affording the examiner an opportunity of making representation
26 in person on the matter to the Provost, remove the examiner from the office
27 or appointment by an instrument in writing signed by the Provost.

Removal of
examiners

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

1 examiner removed pursuant to subsection (1) of this section.

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

Discipline of
students

6 17.-(1) Subject to the provisions of this section, where it appears to
7 the Provost that any student of the College has been guilty of misconduct, the
8 Provost may, in consultation with the Academic Board and, without prejudice
9 to any other disciplinary power conferred on him by regulation or regulations,
10 direct that-

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

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

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

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

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

25 (3) The fact that an appeal from a direction is brought pursuant to
26 subsection (2) of this section shall not affect the operation of the direction while
27 the appeal is pending.

28 (4) The Provost may delegate his powers under this section to a
29 Disciplinary Committee consisting of such members of the College as he may
30 nominate.

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

4 (6) Without prejudice to the provision of subsection (1) of this
5 section, nothing shall prevent the Provost from taking an immediat
6 disciplinary action against a student where he deems fit, and report
7 thereafter to the Academic Board.

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

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

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

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

21 *Miscellaneous and general*

22 18. Without prejudice to the provisions of the Land Use Act, the
23 College shall not dispose of or charge any land or an interest in any land
24 (including any land transferred to the College by this Bill) except either with
25 the prior written consent either general or special, of the President:

26 Provided that such consent shall not be required in the case of any
27 lease or tenancy at a rack-rent for a term not exceeding 21 years or lease o
28 tenancy to a member of the College for residential purposes.

29 19. Except as may be otherwise provided by regulation or by
30 regulations, the quorum and procedure of any body of persons established

Restriction on
disposal of land
by College

Quorum and
procedure of
bodies established
by this Bill

Appointment
of Committees,
etc.

1 by this Bill shall be as determined by that body.

2 **20.-(1)** Anybody of persons established by this Bill shall, without
3 prejudice to the generality of the powers of that body, have power to appoint
4 committees, which need not consist exclusively of members of that body and to
5 authorise a committee established by it-

6 (a) to exercise, on its behalf, such of its functions as it may determine;

7 (b) to co-opt members, and may direct whether or not co-opted
8 members (if any) shall be entitled to vote in that committee.

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

13 (3) Except as may be otherwise provided by regulation or by
14 regulations, the quorum and procedure of a committee established or meeting
15 held pursuant to this Section shall be such as may be determined by the body or
16 bodies which have decided to establish the committee or hold the meeting.

17 (4) Nothing in the foregoing provisions of this Section shall be
18 construed as-

19 (a) enabling regulations to be made otherwise than in accordance with
20 Section 13 of this Bill; or

21 (b) enabling the Academic Board to empower any other body to make
22 regulations or to award NCE, degrees or other qualifications.

23 (5) The Provost shall be members of every committee of which the
24 members are wholly or partly appointed by the Council (other than a
25 committee appointed to inquire into the conduct of any officer in question); and
26 the Provost shall be a member of the Council and the Provost shall be a member
27 of every committee of which the members are wholly or partly appointed by
28 the Academic Board.

Retiring age of
academic staff
of the College

29 **21.-(1)** Notwithstanding the provision of the Pensions Reform Act,
30 the compulsory retiring age of an academic staff of a College shall be 65 years.

1 (2) A law or rule requiring a person to retire from the public service
2 after serving for 35 years shall not apply to an academic staff of the College.

3 22.-(1) The seal of the College shall be such as approved by the
4 Council and the affixing of the seal shall be authenticated by any member of
5 the Council and by the Provost, secretary to the Council or any other person
6 authorised under this Bill.

Miscellaneous
administrative
provisions

7 (2) Any document purporting to be a document executed under the
8 seal of the College 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
11 person not being a body corporate would not be required to be under seal,
12 may be made or executed on behalf of the College by any person generally or
13 specifically authorised to do so by the Council.

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

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

23 (6) Nothing in Section 12 of the Interpretation Act (which provides
24 for the application in relation to subordinate legislation of certain incidental
25 provisions) shall apply to regulations or regulations made in pursuance of
26 this Bill.

27 (7) The power conferred by this Bill on anybody to make
28 regulations or regulations shall include power to revoke or vary any
29 regulation or, as the case may be, by a subsequent regulation and regulation

1 and regulations may make different provisions in reaction to different
2 circumstances.

3 (8) No stamp duty or other duty shall be payable in respect of any
4 transfer of property to the College by virtue of any provision of this Bill.

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

Interpretation

7 23.-(1) In this Bill.

8 "Campus" means any campus which may be established by the College;

9 "College" means any college which may be established by the College;

10 "Council" means the Council established by this Bill for the College;

11 "Graduate" means a person on whom NCE, degree, (other than an honorary
12 degree) been conferred by each College;

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

14 "Notice" means notice in writing;

15 "Office" does not include the Visitor;

16 "Prescribed" means prescribed by regulations or regulations;

17 "Property" includes rights, liabilities and obligations;

18 "Regulations" means regulations made by the Academic Board or the Council;

19 "Academic Board" means the Academic Board of each College established
20 pursuant to clause 3 (1) (c) of this Bill;

21 "Teacher" means a person holding a full-time appointment as a member of the
22 teaching or research staff of each College;

23 "Undergraduate" means a person in statu pupillari at the College other than-

24 (a) a graduate; and

25 (b) a person of such description as may be prescribed for the purposes
26 of this definition;

27 "College" means any of the College of Fishery and Aquaculture established
28 under section 1 of this Bill.

29 (2) It is hereby declared that where in any provisions of this Bill it is
30 laid down that proposals are to be submitted or a recommendation is to be made

1 by one authority to another through one or more intermediate authorities, it
2 shall be the duty of every such intermediate authority to forward any
3 proposals or recommendations received by it in pursuance of that provision
4 to the appropriate authority, but any such intermediate authority may, if it
5 thinks fit, forward therewith its own comments thereon.

6 24. This Bill may be cited as the Federal College of Fishery and Aquaculture, Tella (Establishment) Bill, 2020. Citation

7 SCHEDULE

8 PRINCIPAL OFFICERS OF THE COLLEGE

9 *The Chairman Governing Board*

10 1.-(1) The Chairman shall be appointed by the President of Nigeria.

11 (2) The Chairman shall hold office for a period of five years.

12 (3) If it appears to the Visitor that the Chairman should be removed
13 from his office on the ground of misconduct or of inability to perform the
14 functions of his office, the Visitor may by notice in the Federal Gazette
15 remove the Chairman from office.
16

17 *The Provost*

18 3.-(1) There shall be a Provost of the College who shall be
19 appointed by the President in accordance with the provisions of this
20 paragraph.

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

23 (a) advertise the vacancy in a reputable journal or a widely read
24 newspaper in Nigeria, specifying-

25 (i) the qualities of the persons who may apply for the post; and

26 (ii) the terms and conditions of service applicable to the post, and
27 thereafter draw up a short list of suitable candidates for the post for
28 consideration;

29 (b) constitute a search team consisting of-

30 (i) a member of the Council, who is not a member of the Academic

1 Board, as chairman;

2 (ii) two members of Congregation who are not members of the
3 Council, to identify and nominate for consideration, suitable persons who are
4 not likely to apply for the post on their own volition because they feel that it is
5 not proper to do so.

6 (3) A joint Council and Academic Board Selection Board consisting
7 of-

8 (a) the Chairman, as chairman;

9 (b) two members of the Council, not being members of the Academic
10 Board;

11 (c) two members of the Academic Board who are not members of the
12 Search Team, shall consider the candidates and persons on the short list drawn
13 up under subparagraph (2) of this paragraph through an examination of their
14 curriculum vitae and interaction with them, and recommend to the Council
15 suitable candidates for further consideration.

16 (4) The Council shall select three candidates from among the
17 candidates recommended to it under subparagraph (3) of this paragraph and
18 may indicate its order of preference stating the reasons therefor and forward
19 the names to the President.

20 (5) The President may appoint as Provost anyone of the candidates
21 recommended to him in accordance with the provisions of subparagraph (4) of
22 this paragraph.

23 (6) The Provost shall hold office for a single term of five years only on
24 such terms and conditions as may be specified in his letter of appointment.

25 (7) The Provost may be removed from office by the Visitor after due
26 consultation with the Council and the Academic Board acting through the
27 Minister of Education.

28 *Deputy Provost*

29 4.-(1) There shall be for the College Two Deputy Provost as the
30 Council may, from time to time, deem necessary for the proper administration

1 of the College.

2 (2) Where a vacancy occurs in the post of Deputies Provost, the
3 Provost shall forward to the Academic Board a list of two candidates for
4 each post that is vacant.

5 (3) The Academic Board shall select for each vacant post one
6 candidate from each list forwarded to it under subparagraph (2) of this
7 paragraph and forward his name to the Council for confirmation.

8 (4) A Deputy Provost (Academic) and (Administration) shall-

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

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

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

15 (5) A Deputy Provost-

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

19 (b) may be re-appointed for one further period of two years and no
20 more.

21 *Office of the Registrar*

22 5.-(1) There shall be for the College a Registrar, who shall be the
23 chief administrative officer of the College and shall be responsible to the
24 Provost for the day-to-day administrative work of the College except as
25 regards matters for which the Bursar is responsible in accordance with
26 paragraph 6 (2) of this Schedule.

27 (2) The person holding the office of the Registrar shall by virtue of
28 that office be secretary to the Council, the Academic Board, Congregation
29 and Convocation.

1 *Other principal officers of the College*

2 6.-(1) There shall be for the College the following principal officers,
3 in addition to the Registrar, that is-

4 (a) the Bursar; and

5 (b) the College Librarian, who shall be appointed by the Council on
6 the recommendation of the Selection Board constituted under paragraph 8 of
7 this Schedule.

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

11 (3) The College Librarian shall be responsible to the Provost for the
12 administration of the College library and the co-ordination of the library
13 services in the College and its campuses, colleges, schools, departments,
14 institutes and other teaching or research units.

15 (4) Any question as to the scope of the responsibilities of the aforesaid
16 officers shall be determined by the Provost.

17 *Selection Board for other Principal Officers*

18 7.-(1) There shall be, for the College, a Selection Board for the
19 appointment of principal officers, other than the Provost or Deputy Provost,
20 which shall consist of-

21 (a) the Chairman of the Governing Council;

22 (b) four members of the Council not being members of the Academic
23 Board; and

24 (c) two members of the Academic Board.

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

28 (3) The Registrar, Bursar and Librarian shall hold office for such
29 period and on such terms as to the emoluments of their offices and otherwise as
30 may be specified in their letters of appointment.

1

Resignation and re-appointment

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3

8.- (1) Any officer mentioned in the foregoing provisions of this Schedule may resign his office-

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(a) in the case of the Chairman Governing Council, by notice to the President; and

6

7

(b) in any other case, by notice to the Council and the Council shall immediately notify the Minister in the case of the Provost.

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(2) Subject to paragraphs 4 and 5 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

11

The Council

12

13

1.- (1) The composition of the Council shall be as provided in Section 6 of this Bill.

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(2) Any member of the Council holding office otherwise than in pursuance of Section 6(a), (b), (c) or (d) of this Bill may, by notice to the Council, resign his office.

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(3) A member of the Council holding office otherwise than in pursuance of Section 6 (a), (b), (c) or (d) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of five years beginning with effect from 1 August in the year in which he was appointed.

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(4) Where a member of the Council holding office otherwise than in pursuance of section 6(a), (b), (c) or (d) of this Bill vacates before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.

27

28

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(5) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct shall be eligible for re-appointment for only one further period of five years.

30

(6) The quorum of the Council shall be five, at least one of whom

1 shall be a member appointed pursuant to section 6 (d), (e), or (h) of this Bill.

2 (7) If the Chairman is not present at a meeting of the Council, such
3 other member of the Council present at the meeting as the Council may appoint
4 as respects that meeting, shall be the chairman at that meeting, and subject to
5 section 5 and 6 of this Bill and the foregoing provisions, the Council may
6 regulate its own procedure.

7 (8) Where the Council desires to obtain advice with respect to any
8 particular matter, it may co-opt not more than two persons for that purpose and
9 the persons co-opted may take part in the deliberations of the Council at any
10 meeting but shall not be entitled to vote.

11 *The Finance and General Purposes Committee*

12 2.-(1) The Finance and General Purposes Committee of the Council
13 shall consist of-

14 (a) the Chairman of the Governing Council, who shall be the
15 chairman of the Committee at any meeting at which he is present;

16 (b) the Provost and Two Deputy Provost;

17 (c) six other members of the Council appointed by the Council, two of
18 whom shall be selected from among the three members of the Council
19 appointed by the Academic Board and one member appointed to the Council by
20 Congregation;

21 (d) the Permanent Secretary of the Federal Ministry of Agriculture
22 and Rural Development or, in his absence, such member of his Ministry as he
23 may designate to represent him.

24 (2) The quorum of the Committee shall be five.

25 (3) Subject to any directions given by the Council, the Committee
26 may regulate its own procedure.

27 *The Academic Board*

28 3.-(1) The Academic Board shall consist of-

29 (a) the Provost and two Deputy Provost;

30 (b) the Heads of academic departments;

1 (c) the Librarian;

2 (d) one member of not less than the rank of senior lecturer of each
3 college;

4 (e) four persons representing the Congregation.

5 (2) The Provost shall be the chairman at all meetings of the
6 Academic Board when he is present; and in his absence any of the Deputy
7 Provosts present at the meeting as the Academic Board may appoint for that
8 meeting shall be chairman at the meeting.

9 (3) The quorum of the Academic Board shall be one quarter (or the
10 nearest whole number less than one quarter) and subject to paragraph 2 of
11 this article, the Academic Board may regulate its own procedure.

12 (4) An elected member may, by notice to the Academic Board,
13 resign his office.

14 (5) Subject to paragraph (7) of this article, there shall be elections
15 for the selection of elected members which shall be in the prescribed manner
16 on such day in the month of May or June in each year as the Provost may,
17 from time to time, determine.

18 (6) An elected member shall hold office for the period of two years
19 beginning with 1 August in the year of his election, and may be a candidate
20 at any election held in pursuance of paragraph (5) of this article in the year in
21 which his period of office expires, so however that no person shall be such a
22 candidate if at the end of his current period of office he will hold office as an
23 elected member for a continuous period of six years or would have so held
24 office if he had not resigned it.

25 (7) No election held in pursuance of this article in any year if the
26 number specified in the certificate given in pursuance of paragraph (10) of
27 this article does not exceed by more than one the figure which is thrice the
28 number of those elected members holding office on the date of the certificate
29 who do not vacate office during that year in pursuance of paragraph (6) of
30 this article.

1 (8) For the avoidance of doubt it is hereby declared that no person
2 shall be precluded from continuing in or taking office as an elected member by
3 reason only of a reduction in the total of non-elected members occurring on or
4 after 30 April in any year in which he is to continue in or take office as an
5 elected member.

6 (9) If so requested in writing by any fifteen members of the Academic
7 Board, the Provost, or in his absence, any of the Deputy Provosts duly
8 appointed by him, shall convene a meeting of the Academic Board to be held
9 not later than the tenth day following that on which the request was received.

10 (10) In this article "total of non-elected members" means as respects
11 any year, such number as may be certified by the Provost on 30 April of that
12 year to be the number of persons holding office as members of the Academic
13 Board on that day otherwise than as elected members.

14 *Congregation*

15 4.-(1) Congregation shall consist of-

16 (a) the Provost and the two Deputy Provosts;

17 (b) the full-time members of the academic staff;

18 (c) the Registrar;

19 (d) the Bursar;

20 (e) the Librarian;

21 (f) the Director of Works;

22 (g) the Director of Physical Planning;

23 (h) the Director of Academic Planning;

24 (i) the Director of Health Services; and

25 (j) every member of the administrative staff who holds a degree other
26 than an honorary degree of any College recognised for the purposes of this
27 regulation by the Provost.

28 (2) Subject to Section 5 and 6 of the Bill, the Provost shall be the
29 chairman at all meetings of Congregation when he is present; and in his
30 absence any of the Deputy Provosts present at the meeting as Congregation

1 may appoint for that meeting, shall be the chairman at the meeting.

2 (3) The quorum of Congregation shall be one third (or the whole
3 number nearest to one third) of the total numbers of Congregation or fifty,
4 whichever is less.

5 (4) A certificate signed by the Provost specifying-

6 (a) the total number of members of Congregation for the purpose
7 of any particular meeting or meetings of Congregation; or

8 (b) the names of the persons who are members of Congregation
9 during a particular period, shall be conclusive evidence of that number or as
10 the case may be, of the names of those persons.

11 (5) Subject to the foregoing provision of this article, Congregation
12 may regulate its own procedure.

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

18 *Convocation*

19 5.-(1) Convocation shall consist of-

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

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

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

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

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

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

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

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

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

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

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

22 (8) Subject to Section 5 of this Bill, the Chancellor shall be the
23 chairman at all meetings of Convocation when he is present, and in his absence
24 the Provost shall be the chairman at the meeting.

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

28 *Appointments and Promotions Committee*

29 (1) There shall be an Appointments and Promotions Committee of the
30 Council which shall ultimately be responsible for all appointments,

1 promotions and discipline of all categories of senior staff in the College,
2 under the chairmanship of the Provost.

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

6 *Head of Department*

7 12.-(1) The Head of a department shall be appointed by the
8 Provost and such Head shall hold office for a period of three years and shall
9 be eligible for re-appointment for another term of three years after which he
10 may not be appointed again until two years have elapsed.

11 (2) The Head of a department shall exercise general
12 superintendence over the academic and administrative affairs of the
13 department.

14 *Creation of academic posts*

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

18 *Appointment of Academic Staff*

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

25 *Funding of the College*

26 15.-(1) The Federal Ministry of Agriculture and Rural
27 Development shall have responsibility for agricultural education in the
28 College similar to the responsibility of the Federal Ministry of Education in
29 the conventional Colleges of Education.

30 (2) Notwithstanding the provisions of the National Colleges for

- 1 Education Act, the College shall receive funds directly from the Federal
- 2 Ministry of Agriculture and Rural Development and from other national and
- 3 international agencies.

EXPLANATORY MEMORANDUM

This Bill seeks provide for establishment of Federal College of Fishery and Aquaculture, Tella, Taraba State and to encourage the advancement of learning and to allow to all persons the opportunity of acquiring a higher education in agriculture.