

FEDERAL CO-OPERATIVE COLLEGES (ESTABLISHMENT) BILL, 2020

ARRANGEMENT OF SECTIONS

*Section:*

1. Establishment of Federal Co-operative Colleges
  2. Functions of the Colleges
  3. Establishment of the Governing Council
  4. Establishment of Academic Board
  5. Functions of tile Board
  6. Appointment of Provost
  7. Functions of Provost
  8. Committee of Provosts
  9. Functions of Committee of Provost
  10. Other staff of the College
  11. Pensions Reform Act provision
  12. Retiring age of staff
  13. Funds of College
  14. Borrowing power
  15. Annual estimates, accounts and audit
  16. Interpretation
  17. Citation
- Schedules



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL CO-OPERATIVE COLLEGES TO PROVIDE COURSES OF INSTRUCTION AND TRAINING IN DIFFERENT FIELDS OF STUDIES; AND FOR RELATED MATTERS

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

1           1.-(1) There shall be established in the six geo-political zones of  
2 Nigeria, such number of Federal Co-operative Colleges (in this Act referred  
3 to as "the Colleges") as the Ministry may, with the approval of the President,  
4 determine.

Establishment  
of Federal  
Co-operative  
Colleges

5           (2) The Colleges presently in existence are specified in the First  
6 Schedule.

7           (3) Each College:

8           (a) is be a body corporate with perpetual succession and a common  
9 seal;

10           (b) may sue or be sued in its corporate name; and

11           (c) may hold or dispose of a property immovable or immovable.

12           2. The Colleges shall:

Functions of  
the Colleges

13           (a) provide courses of instruction and training to produce middle  
14 and high level manpower:

15           (i) in agriculture and rural development, applied commerce and  
16 management; accounting, banking finance and cooperative studies, and

17           (ii) in such other fields of applied learning relevant to the needs of  
18 the development of Nigeria in the areas of industrial and agricultural  
19 production and distribution and for research in the development and  
20 adaptation of techniques as the Council may from time to time determine;

1 (b) arrange conference, seminars and study groups relative to the  
2 fields of learning specified in paragraph (a);

3 (c) perform such other functions as in the opinion of the Council may  
4 serve to promote the objectives of the Colleges.

Establishment  
of the Governing  
Council

5 3.-(1) There is established for each College, a Governing Council (in  
6 this Act referred to as "the Council") which shall consist of:

7 (a) a chairman who is a distinguished Co-operatives Manager or  
8 Educator of at least 15 years experience;

9 (b) the Federal Director of Co-operatives or his representative;

10 (c) a representative each of:

11 (i) the Ministry charged with responsibility for co-operative matters  
12 in the State in which the College is located,

13 (ii) the Co-operative Federation of Nigeria Limited,

14 (iii) the Nigeria Labour Congress,

15 (iv) the Federal Ministry of Agriculture and Rural Development, and

16 (v) the Federal Ministry of Commerce;

17 (d) two other persons to be appointed by the President on the  
18 recommendation of the Federal Ministry of Agriculture and Rural  
19 Development; and

20 (e) the Provost of the College who shall also serve as Secretary to the  
21 Council.

22 (2) A member of the Council, other than an ex-officio member, shall  
23 be appointed by the President on such terms and conditions as may be specified  
24 in his letter of appointment.

25 (3) A member of the Council, other than an ex-officio, shall hold  
26 office for four years from the date of his appointment and may be eligible for  
27 re-appointment for another four years and no more.

Second Schedule

28 (4) The provisions of the Second Schedule to this Act shall have effect  
29 in relation to the Council and other matters contained in the Schedule.

- 1                   4.-(1) There shall be for each College an Academic Board (in this Establishment  
2 Act referred to as "the Board") which shall consist of: of Academic Board
- 3                   (a) the Provost of the College who shall be the Chairman;
- 4                   (b) the Deputy Provost;
- 5                   (c) all Heads of the Academic Departments of the College;
- 6                   (d) the College Librarian; and
- 7                   (e) the Registrar who shall be the Secretary.
- 8                   (2) A member of the Board shall hold office for two years in the first  
9 instance and may be eligible for re-appointment for another two years and  
10 no more.
- 11                  (3) The Board shall meet at least once every semester or any time at  
12 the request of the Provost or any three members.
- 13                  (4) The quorum for a meeting of the Board is a simple majority of  
14 its members.
- 15                  5. The functions of the Board are to: Functions of the  
16                   (a) supervise the training of candidates for the College; Board
- 17                   (b) consider and approve courses and syllabuses of study for the  
18 College;
- 19                   (c) award or recommend to the Council the award of certificates  
20 and distinctions;
- 21                   (d) make arrangements for students to obtain practical experiences  
22 of co-operative related matters;
- 23                   (e) make regulations for the conduct of examinations of the  
24 College;
- 25                   (f) appoint examiners for the examinations of the College;
- 26                   (g) appoint from its members or otherwise:
- 27                   (i) examining boards,
- 28                   (ii) boards of studies, or
- 29                   (iii) committees, as may be deemed expedient and delegate to any  
30 such board or committee any of the functions of the Board;

	1	(h) consider matters relating to the professional and academic work of
	2	the College;
	3	(i) deal with matters referred to the Board by the Council; and
	4	(j) furnish the Council with reports of the proceedings of the Board.
Appointment of Provost	5	<b>6.</b> There shall be appointed for each College by the President, on the
	6	recommendation of the Council, a Provost who shall be a person with wide
	7	experience in matters with which the College is concerned and shall be
	8	appointed in accordance with the regulations and conditions of service
	9	approved by the Council.
Functions of Provost	10	<b>7.</b> The Provost of the College shall:
	11	(a) be charged with the management of the affairs of the College, in
	12	accordance with such instructions as may be given to the Provost by the
	13	Council;
	14	(b) prepare annual estimates of the finances required by the College
	15	for submission to the Council through the Board;
	16	(c) prepare annual reports on the administrative programmes of the
	17	College at any time as the Council may request for submission to the
	18	appropriate authority; and
	19	(d) perform such other functions as may be assigned to him by the
	20	Board or Council.
Committees of Provost	21	<b>8.-(1)</b> There shall be a Committee of Provosts of Federal Co-
	22	operative Colleges (in this Act referred to as the "Committee of Provosts").
	23	(2) The Chairmanship of the Committee of Provosts shall be rotated
	24	annually amongst the Provosts of the Colleges.
Functions of Committee of Provost	25	<b>9.</b> The Committee of Provosts shall:
	26	(a) co-ordinate the standard in the operation of the Colleges; and
	27	(b) formulate and process a unified standard in the operation of the
	28	Colleges.
Other staff of the College	29	<b>10.</b> The Council may employ such other staff for the College as it
	30	may deem necessary for the proper performance of its functions under this Act

1 and on such remuneration and allowances as are applicable to officers of  
2 equivalent grades in similar institutions.

3 **11.**-(1) Service in each College shall be approved service for the  
4 purposes of the Pension Reform Act and, officers and other persons  
5 employed in each College, except principal officers, are, in respect of their  
6 service in the College, entitled to pensions, gratuities and other retirement  
7 benefits as are prescribed in the Act, but nothing in this Act shall prevent the  
8 appointment of a person to any office on terms which preclude the grant of a  
9 pension and gratuity in respect of that office.

Pension Reform  
Act Provision  
Act No. 2014

10 (2) For the purposes of the application of the provisions of the  
11 Pension Reform Act, any power exercisable under the Act by a Minister or  
12 other authority of the Government of the Federation shall be exercisable by  
13 the College and not by any other person or authority.

14 **12.**-(1) Notwithstanding anything to the contrary in the Pension  
15 Reform Act, the compulsory retiring age of the staff of each of the Colleges  
16 shall be 40 year in service or 65 years of age whichever comes first

Retiring age of  
staff

17 (2) A law or rule requiring a person to retire from the public service  
18 after serving for 35 years shall not apply to any staff of each of the Federal  
19 Colleges.

20 **13.**-(1) The College shall establish and maintain a Fund (in this Act  
21 referred to as "the Fund") from which shall be defrayed all expenditure  
22 incurred by the College.

Funds of College

23 (2) There shall be paid into the Fund:

24 (a) such moneys as may be granted to the College by the Federal  
25 Government; and

26 (b) all other assets as may accrue to the College.

27 (3) The Fund shall be managed in accordance with rules made by  
28 the Minister responsible for matters relating to finance and, without  
29 prejudice to the generality of the power to make rules under this subsection,  
30 the rules shall, in particular, contain provisions:

	1	(a) specifying the manner in which the assets or the Fund of the
	2	College are to be held and relating to the making of payments to and from the
	3	Fund;
	4	(b) requiring the keeping of proper accounts and records for purposes
	5	of the Fund and in such form as may be specified in the rules;
	6	(c) for ensuring that the accounts of the College are audited annually
	7	by an auditor appointed by the Council from the list of auditors supplied by the
	8	Auditor-General for the Federation; and
	9	(d) requiring that copies of the accounts and the audit report on the
	10	account be forwarded to the Council not later than 3 months from the end of the
	11	period to which the accounts relate.
Borrowing power	12	<b>14.</b> The College shall not borrow money or lend money to anybody
	13	except with the approval of the Council.
Annual estimates, accounts and audit	14	<b>15.</b> The College shall cause to be prepared, not later than three
	15	months before the end of each year, an estimate of its expenditure and income
	16	during the next succeeding year and cause the estimates to be submitted for the
	17	approval of the Council.
Interpretation	18	<b>16.</b> In this Act:
	19	"Board" means the Academic Board established under section 4 (1) of this Act;
	20	"College" means a College established under section 1 (1) of this Act;
	21	"Council" means the Governing Council established for the College under
	22	section 3 (1) of this Act;
	23	"Minister" means the Minister charged with responsibility for matters relating
	24	to co-operatives; and
	25	"Provost" means the Provost of the College appointed under section 6 of this
	26	Act.
Citation	27	<b>17.</b> This Bill may be cited as the Federal Co-operative Colleges
	28	(Establishment) Bill, 2020.



1 SCHEDULES

2 FIRST SCHEDULE

3 *Sections 1 (1)*

4 *List of Federal Co-operative Colleges*

5 (a) Federal Co-operative College Ibadan, Oyo State;

6 (b) Federal Co-operative College Orji River, Enugu State;

7 (c) Federal Co-operative College Kaduna, Kaduna State.

8 SECOND SCHEDULE

9 *Section 3 (4)*

10 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

11 *Proceedings of the College*

12 1. Subject to this Act and section 27 of the Interpretation Act  
13 (which provides for decisions of a statutory body to be taken by a majority of  
14 its members and or the person presiding at any meeting, when a vote is  
15 ordered to have a second or casting vote), the Council may make standing  
16 orders regulating its proceedings or that of any of its committees.

17 2. At any meeting of the Council, the Chairman shall preside and if  
18 the Chairman is absent, the members present may appoint one of them to be  
19 the Chairman of the meeting.

20 3. The quorum at a meeting of the Council shall be the Chairman  
21 (or in an appropriate case, the person presiding at the meeting under  
22 paragraph 2 of this Schedule) and four other members.

23 4. Where on a special occasion, the Council desires to obtain the  
24 advice of an expert on a particular matter, the Council may co-opt the expert  
25 as a member for such period as the College may deem fit, but a person who is  
26 a member by virtue of this paragraph is not entitled to vote at any meeting of  
27 the Council or count towards a quorum.

28 *Committee*

29 5.-(1) The Council may set up one or more committees to advise it  
30 on the performance of its functions under this Act or to perform, on behalf of

1 the College or Council, such functions as the College may determine.

2 (2) A Committee set up under this paragraph shall consist of the  
3 number of persons determined by the Council.

4 (3) A decision of a committee of the College or Council is of no effect  
5 until it is confirmed by the Council.

6 *Miscellaneous*

7 6. The fixing of the seal of the College shall be authenticated by the  
8 signature of the Chairman of the Council or the Provost if authorised by the  
9 College for that purpose.

10 7. Any contract or instrument which, if entered into or executed by a  
11 person not being a body corporate would not be required to be made under seal,  
12 may be entered into or executed on behalf of the College or Council by any  
13 person generally or specifically authorised in that behalf by the Council.

14 8. Any document purported to be a contract, instrument or other  
15 document duly signed or sealed on behalf of the College shall be received in  
16 evidence and is, unless the contrary is proved, deemed to be so executed.

17 9. The validity of any proceedings of the College, Council or any of its  
18 committees is not affected by:

19 (a) any vacancy in its membership;

20 (b) any defect in the appointment of a member; or

21 (c) reason that a person not entitled to do so took part in the  
22 proceedings.

23 10. Any member of the College, Council or any of its committees who  
24 has personal interest in any contract or arrangement entered into or proposed to  
25 be considered by the College, Council or committee shall immediately disclose  
26 his interest to the College, Council or the committee, as the case may be, and  
27 shall not vote on any question relating to the contract or arrangement.

28 11. No member of the College is personally liable for any act or  
29 omission done or made in good faith while engaged in the business of the  
30 College.

## EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of Federal Co-Operative Colleges to provide courses of instruction and training in different fields of studies.