

FEDERAL COLLEGE OF AGRICULTURE OFONI, BAYELSA STATE

(ESTABLISHMENT) BILL, 2019

ARRANGEMENT OF CLAUSES

Clauses

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FEDERAL COLLEGE OF AGRICULTURE OFONI, BAYELSA STATE

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FIRST SCHEDULE

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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF AGRICULTURE OFONI,
BAYELSA STATE AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Ewhrudjakpo, Lawrence O.

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
2 FEDERAL COLLEGE OF AGRICULTURE OFONI, BAYELSA STATE

3 1.-(1) There is hereby College of Agriculture Ofoni, Bayelsa State
4 upgraded and established as the Federal College of Agriculture Ofoni,
5 Bayelsa State.

Establishment
and Objectives
of the Federal
College of
Agriculture Ofoni,
Bayelsa State

6 (2) The College shall be a body corporate with perpetual
7 succession and a common seal and may sue or be sued in its corporate name.

8 (3) The College shall be a training institution for the development
9 of Agriculture in the country.

10 (4) The College shall be supervised by the Federal Ministry of
11 Education through the National Commission for Colleges of Education
12 (NCCE) who shall be responsible for approving and regulating all academic
13 programmes run in the College, to ensure quality compliance and provide
14 funds for academic and research programmes, infrastructures and
15 remunerations of employees.

16 (5) The objects of the College shall be-

17 (a) to encourage the advancement of learning and to hold out to all
18 persons without distinction of race, creed, sex or political conviction.

- 1 (b) to develop and offer academic and professional programmes
2 leading to the award of certificates, first degrees, post-graduate research,
3 diploma and higher degrees with emphasis on planning, developmental and
4 adaptive skills in technology, applied science, agriculture, commerce, arts,
5 social science, humanities, management and allied professional disciplines;
- 6 (c) to produce socially mature Agriculturists men and women with
7 capabilities not to only understand the agricultural need of Nigeria as a nation,
8 but also to exploit existing agricultural infrastructure and improve on it to
9 develop new ones;
- 10 (d) to act as agents and catalysts for effective agricultural system,
11 through post graduate training, research and innovation, for effective
12 economic utilization and conservation of the country's human resources;
- 13 (e) to bring quality change in agriculture by focusing on Agriculture
14 teacher Education through teaching and learning innovations;
- 15 (f) to collaborate with other national and international institutions
16 involved in training, research and development of agricultural Education with
17 a view to promoting governance, leadership and management skills among
18 agricultural managers;
- 19 (g) to identify agricultural needs of the society with a view to finding
20 solutions to them within the context of overall national development;
- 21 (h) to provide and promote sound basic agriculture Educational
22 training as a foundation for the development of Nigeria, taking into account
23 indigenous culture and the need to enhance national unity;
- 24 (i) to provide higher Education in agriculture and foster a systematic
25 advancement of the science in agriculture;
- 26 (j) to provide for instruction in such branches of agriculture teacher
27 Education as it may deem necessary to make provision for research
28 advancement and dissemination of knowledge in such manner as it may
29 determine;
- 30 (k) to provide teachers with operational competence for teaching in

1 pre-tertiary institutions, basic, senior secondary schools and non-formal
2 Education institutions;

3 (m) to undertake any other activities that is appropriate for a
4 College of agriculture of the highest standard.

5 2.-(1) The College shall consist of-

6 (a) a Provost;

7 (b) Deputy provost;

8 (c) a Provost and a Senate;

9 (d) a body to be called Congrégation;

10 (e) a body to be called Convocation;

11 (f) the campuses and colleges of the College;

12 (g) the colleges, institutes and other teaching and research units of
13 the College;

14 (h) the persons holding the offices constituted by the First Schedule
15 to this Bill other than those mentioned in paragraphs (a) to (c) of this
16 subsection;

17 (i) all graduates and undergraduates of the College; and

18 (j) all other persons who are members of the College in accordance
19 with provisions made by statute in that behalf.

20 (2) The First Schedule to this Bill shall have effect with respect to
21 the principal officers of the College.

22 (3) Subject to section 5 of this Bill provision shall be made by
23 statute with respect to the constitution of the Council, the Senate,
24 Congrégation and Convocation.

25 3.-(1) For the carrying out of its objects as specified in section 1 of
26 this Bill, Federal College of Agriculture Ofofi, Bayelsa State shall have
27 power:

28 (a) to offer courses of instruction, training and research in
29 Agriculture and allied areas for the production of quality and skilled
30 teachers required to teach at lower, middle and higher levels of Education in

Constitution and
Principal Officers
of the College

Powers of the
Federal College
of Agriculture
Ofofi, Bayelsa
State and its
exercise

1 Nigeria in particular and the world at large;

2 (b) to establish such colleges, campuses, institutes, schools,
3 departments and other teaching and research units within the College as may
4 from time to time be deemed necessary or desirable subject to the approval of
5 National Universities Commission;

6 (c) to institute professorships, readerships or associate
7 professorships, lectureships, and other posts and offices and to make
8 appointments thereto;

9 (d) to institute and award fellowships, scholarships, exhibitions,
10 bursaries, medals, prizes and other titles, distinctions, awards and forms of
11 assistance;

12 (e) to provide for the discipline and welfare of members of the
13 College;

14 (f) to hold examinations and grant degrees, diplomas, certificates and
15 other distinctions to persons who have pursued a course of study approved by
16 the College and have satisfied such other requirements as the College may lay
17 down;

18 (g) to grant honorary degrees, fellowships or academic titles;

19 (h) to demand and receive from any student or any other person
20 attending the College for the purposes of instruction, such fees as the College
21 may from time to time determine subject to the overall directives of the
22 Minister;

23 (i) subject to section 20 of this Bill, to acquire, hold, grant, charge or
24 otherwise deal with or dispose of movable and immovable property wherever it
25 is situate;

26 (j) to accept gifts, legacies and donations, but without obligation to
27 accept the same for a particular purpose unless it approves the terms and
28 conditions attached thereto;

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

1 (l) to erect, provide, equip and maintain libraries, laboratories,
2 workshops, lecture halls, halls of residence, refectories, sports grounds,
3 playing fields and other buildings or things necessary, suitable or convenient
4 for any of the objects of the College;

5 (m) to hold public lectures and to undertake printing, publishing
6 and book selling;

7 (n) subject to any limitations or conditions imposed by statute, to
8 invest any moneys appertaining to the College by way of endowment it, not
9 being immediately required for current expenditure in any investments or
10 securities or in the purchase or improvement of land, with power from time
11 to time, to vary any such investments to deposit any moneys for the time
12 being not invested with any bank on deposit or current account;

13 (o) to borrow, whether on interest or not and if need be upon the
14 security of any or all of the property, movable or immovable, of the College,
15 such moneys as the Council may from time to time in its discretion find it
16 necessary or expedient to borrow of to guarantee any loan, advances or
17 credit facilities;

18 (p) to make gifts for any charitable purpose;

19 (q) to do anything which it is authorized or required by this Bill or
20 by statute to do; and

21 (r) to do all such acts or things, whether or not incidental to the
22 foregoing powers, as may advance the objects of the College.

23 (2) Subject to the provisions of this Bill and of the statutes and
24 without prejudice to section 7(2) of this Bill, the powers conferred on the
25 College by subsection (1) of this section shall be exercisable on behalf of the
26 College by the Council or by the Senate or in many other manner which may
27 be authorized by the statute.

28 (3) The power of the College to establish further campuses and
29 colleges within the College shall be exercisable by statute and not
30 otherwise.

Composition,
Tenure and
Powers of the
Council of the
College

- 1 4.-(1) The Council of the College shall consist of-
- 2 (a) the Provost;
- 3 (c) the Deputy Provost(s);
- 4 (d) one person from the Ministry responsible for Education;
- 5 (e) four persons representing a variety of interests and broadly
- 6 representative of the whole Federation to be appointed from:
- 7 (i) the Teacher's Registration Council;
- 8 (ii) Tertiary Education Trust Fund; and
- 9 (iii) two other persons, one of whom shall be a representative of the
- 10 College host community.
- 11 (f) four persons appointed by the Senate from among its members;
- 12 (g) two persons appointed by Congregation from among its members;
- 13 (h) one person appointed by Convocation from among its members.
- 14 (i) two persons representing the community appointed by the
- 15 President.
- 16 (2) Persons to be appointed to the Council shall be of proven integrity,
- 17 knowledgeable and familiar with the affairs and tradition of the College.
- 18 (3) The Council so constituted shall have a tenure of four years from
- 19 the date of its inauguration provided that where a Council is found to be
- 20 incompetent and corrupt, it shall be dissolved by the Visitor and a new Council
- 21 shall be immediately constituted for the effective functioning of the College.
- 22 (4) The powers of the Council shall be exercised, as in this Bill and to
- 23 that extent establishment circulars that are inconsistent with this Bill shall not
- 24 apply to the College.
- 25 (5) The Council shall be free in the discharge of its functions and
- 26 exercise of its responsibilities for the good management, growth and
- 27 development of the College.
- 28 (6) The Council in the discharge of its functions shall ensure that
- 29 disbursement of funds of the College complies with the approved budgetary
- 30 ratio for:

- 1 (a) personnel cost;
- 2 (b) overhead cost;
- 3 (c) research and development;
- 4 (d) library developments; and
- 5 (e) the balance in expenditure between academic vis-à-vis non-
- 6 academic activities.

7 5.--(1) Subject to the provisions of this Bill relating to the Visitor,
8 the Council shall be the governing body of the College and shall be charged
9 with the general control and superintendence of the policy, finances and
10 property of the College.

Functions of the
Council and its
Finance and
General Purpose
Committee

11 (2) There shall be a committee of the Council, to be known as the
12 Finance, and General Purposes Committee, which shall, subject to the
13 directions of the Council, exercise control over the property and expenditure
14 of the College and perform such other functions of the Council as the
15 Council may from time to time delegate to it.

16 (3) Provision shall be made by statute with respect to the
17 constitution of the Finance and General Purposes Committee.

18 (4) The Council shall ensure that proper accounts of the College are
19 kept and that the accounts of the College are audited annually by an
20 independent firm of auditors approved by the Council and that an annual
21 report is published by the College together with certified copies of the said
22 accounts as audited.

23 (5) Subject to this Bill and the statutes, the Council and the Finance
24 and General Purposes Committee may each make rules for the purpose of
25 exercising any of their respective functions or of regulating their own
26 procedure.

27 (6) Rules made under sub-section (5) of this section by the Finance
28 and General Purposes Committee shall not come into force unless approved
29 by the Council; and in so far and to the extent that any rules so made by that
30 Committee conflict with any direction given by the Council, whether before

1 or after the coming into force of the rules in question, the directions of the
2 Council shall prevail.

3 (7) There shall be paid to the members respectively of the Council, the
4 Finance and General Purposes Committee and of any other committee set up
5 by the Council, allowances in respect of travelling and other reasonable
6 expenses, at such rates as may from time to time be fixed by the Minister.

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

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

13 (10) Any request made under sub-section (9) of this section shall
14 specify the business to be considered at the meeting and no business not so
15 specified shall be transacted at that meeting.

Functions of
the Senate of
the College

16 6.-(1) Subject to section 5 of this Bill and subsections (3) and (4) of
17 this section and the provisions of this Bill relating to the Visitor, it shall be the
18 general function of the Senate to organize and control the teaching by the
19 College, the admission of student where no other enactment provides to the
20 contrary and the discipline of students; and to promote research at the College.

21 (2) Without prejudice to the generality of subsection (1) of this section
22 and subject as therein mentioned, it shall in particular be the function of the
23 Senate to make provision for:

24 (a) the establishment, organization and control of campuses, colleges,
25 schools, institutes and other teaching and research units of the College and the
26 allocation of responsibility for different branches of learning;

27 (b) the organization and control of courses of study at the College and
28 of the examinations held in conjunction with those courses, including the
29 appointment of examiners, both internal and external;

30 (c) the award of degrees, and such other qualifications as may be

1 prescribed in connection with examinations held as aforesaid;

2 (d) the making of recommendations to the Council with respect to
3 the award to any person of an honorary fellowship or honorary degree or the
4 title of professor emeritus;

5 (e) the establishment, organization and control of halls of residence
6 and similar institutions at the College;

7 (f) the supervision of the welfare of students at the College and the
8 regulation of their conduct;

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

11 (h) determining what descriptions of dress shall be academic dress
12 for the purposes of the College, and regulating the use of academic dress.
13 Functions of the Senate of the College.

14 (3) The Senate shall not establish any new campus, college, school,
15 department, institute or other teaching and research units of the College, or
16 any hall of residence or similar institution at the College without the
17 approval of the Council.

18 (4) Subject to this Bill and the statutes, the Senate may make
19 regulations for the purpose of exercising any function conferred on it either
20 by the foregoing provisions of this section or otherwise or for the purpose of
21 making provision for any matter for which provision by regulations is
22 authorized or required by this Bill or by statute.

23 (5) Regulations shall provide that at least one of the persons
24 appointed as the examiners at each final or professional examination held in
25 conjunction with any course of study at the College is not a teacher at the
26 College but is a teacher of the branch of learning to which the course relates
27 at some other College of high repute or a person engaged in practicing the
28 profession in a reputable organization or institution.

29 (6) Subject to right of appeal to the Council from a decision of the
30 Senate under this sub-section, the Senate may deprive any person of any

1 degree, diploma or other award of the College which has been conferred upon
 2 him if after due enquiry he is found to have been guilty of dishonourable or
 3 scandalous conduct in gaining admission into the College or obtaining that
 4 award.

Functions of
 the Provost

5 7.-(1) The Provost shall, in relation to the College, take precedence
 6 before all other members of the College except the Chancellor and subject to
 7 section 4 of this Bill except the Pro-Chancellor and any other person for the
 8 time being acting as Chairman of the Council.

9 (2) Subject to sections 6, 7 and 14 of this Bill, the Provost shall have
 10 the general function, in addition to any other functions conferred on him by this
 11 Bill or otherwise of directing the activities of the College and shall be the Chief
 12 Executive and Accounting Officer of the College and ex-officio Chairman of
 13 the Senate.

14 (3) The Provost shall be the Chairman of the College 'Tenders' Board,
 15 which is saddled with the responsibility of approving the conduct of public
 16 procurement of goods, works and services within the approved threshold from
 17 time to time.

18 (4) It shall be the responsibility of the Provost to establish and appoint
 19 members of the Tenders' Board in line with the extant Public Procurement
 20 Rules and Regulations.

21 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE
 22 COLLEGE AND CONDITION OF SERVICE OF EMPLOYEES

General fund
 of the College

23 8.-(1) There shall be a general fund of the College which shall consist
 24 of the following:

- 25 (a) grants-in-aid;
- 26 (b) fees;
- 27 (c) income derived from investments;
- 28 (d) gifts, legacies, endowments and donations not accepted for a
 29 particular purpose;
- 30 (e) income derived from the exercise of any functions conferred or

1 imposed on the College by this Bill;

2 (f) any other amounts, charges or dues recoverable by the College;

3 (g) revenue, from time to time, accruing to the College by way of
4 subvention;

5 (h) interests on investments;

6 (i) donations and legacies accruing to the College from any source
7 for the general or special purposes of the College; and

8 (j) Regular TETFUND interventions;

9 (2) The general fund shall be applied for the purposes of the
10 College.

11 9.-(1) All property held by or on behalf of the Provisional Council
12 of the College shall, by virtue of this sub-section and without further
13 assurance, vest in the College and be held by it for the purpose of the
14 College.

Transfer of
Property

15 (2) The provisions of the Second Schedule to this Bill shall have
16 effect with respect to, and to matters arising from, the transfer of property by
17 this section and with respect to the other matters mentioned in that
18 Schedule.

19 PART III - STATUTES OF THE COLLEGE

20 10.-(1) Subject to this Bill, the College may make statutes for any
21 of the following purposes, that is to say-

Power of the
College to make
Statutes

22 (a) Making provision with respect to the composition and
23 constitution of any authority of the College;

24 (b) Specifying and regulating the powers and duties of any
25 authority of the College, and regulating any other matter connected with the
26 College or any of its authorities;

27 (c) Regulating the admission of students (where no other
28 enactment provides to the contrary), and their discipline and welfare;

29 (d) Determining whether any particular matter is to be treated as an
30 academic or non-academic matter for the purposes of this Bill and of any

1 statute, regulation or other instrument made thereunder; or

2 (e) Making provision for any other matter for which provision by
3 statute is authorized or required by this Bill.

4 (2) Subject to section 25(6) of this Bill, the Interpretation Act shall
5 apply in relation to any statute made under this section as it applies to a
6 subsidiary instrument within the meaning of section 28(1) of that Act.

7 (3) The statute contained in the Third Schedule to this Bill shall be
8 deemed to have come into force on the commencement of this Bill and shall be
9 deemed to have been made under this section by the College.

Third Schedule

10 (4) The power to make statutes conferred by this section shall not be
11 prejudiced or limited in any way by reason of the inclusion or omission of any
12 matter in or from the statute contained in the Third Schedule to this Bill or any
13 subsequent statute.

Mode of
exercising power
to make statutes

14 11.-(1) The power of the College to make statutes shall be exercised in
15 accordance with the provisions of this section and not otherwise.

16 (2) A proposed statute shall not become law unless it has been
17 approved:

18 (a) at a meeting of the Senate, by the votes of not less than two thirds
19 of the members present and voting; and

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

22 (3) A proposed statute may originate either in the Senate or in the
23 Council, and may be approved as required by subsection (2) of this section by
24 either one of those bodies or the other.

25 (4) A statute which:

26 (a) makes provision for or alters the composition or constitution of the
27 Council, the Senate or any other authority of the College; or

28 (b) provides for the establishment of a new campus or college or for
29 the amendment or revocation of any statute.

30 (5) For the purpose of section 2(2) of the Interpretation Act, a statute

1 shall be treated as being made on the date on which it is duly approved by the
2 Council after having been duly approved by the Senate, or on the date on
3 which it is duly approved by the Senate after having been duly approved by
4 the Council, as the case may be or, in the case of a statute falling within
5 subsection (4) of this section, on the date on which it is approved by the
6 President.

7 (6) In the event of any doubt or dispute arising at any time:

8 (a) as to the meaning of any provision of a statute; or

9 (b) as to whether any matter is for the purposes of this Bill an
10 academic or non-academic matter as they relate to such doubt or dispute, the
11 matter may be referred to the Visitor, who shall take such advice and make
12 such decision thereon as he shall think fit.

13 (7) The decision of the Visitor on any matter referred to him under
14 sub-section (6) of this section shall be binding upon the authorities, staff and
15 students of the College and where any question as to the meaning of any
16 provision of a statute has been decided by the Visitor under that sub-section,
17 no question as to the meaning of that provision shall be entertained by any
18 court of law in Nigeria.

19 (8) Nothing in sub-section (7) of this section shall affect any power
20 of a court of competent jurisdiction to determine whether any provision of a
21 statute is wholly or partly void as being ultra vires or as being inconsistent
22 with the Constitution of the Federal Republic of Nigeria, 1999.

23 12. A statute may be proved in any court by the production of a
24 copy thereof bearing or having affixed to it a certificate purporting to be
25 signed by the Provost or the Secretary to the Council to the effect that the
26 copy is a true copy of a statute of the College.

Proof of Statute

27 PART IV - SUPERVISION AND DISCIPLINE

28 13.-(1) The President shall be the Visitor of the College.

The Visitor

29 (2) The Visitor shall cause a visitation to the College when
30 necessary, at least every five years, or direct that such a visitation be

1 conducted by such person or persons as the Visitor may deem fit and in respect
2 of any of the affairs of the College.

3 (3) It shall be the duty of the bodies and persons comprising the
4 College to make available to the Visitor and to any other person conducting a
5 visitation in pursuance of this section, such facilities and assistance as he or
6 they may reasonably require for the purposes of a visitation.

7 (4) The Visitor shall make the report of such visitations and white
8 paper thereon available to the Council which shall implement same.

Removal of
certain Members
of Council

9 **14.**-(1) If it appears to the Council that a member of the Council (other
10 than the Pro-Chancellor or the Provost) should be removed from office on the
11 ground of misconduct or inability to perform the functions of his office or
12 employment, the Council shall make a recommendation to that effect through
13 the Minister to the President, and the President, after making such enquiries (if
14 any) as he may consider appropriate approves the recommendation, he may
15 direct the removal of the person in question from office.

16 (2) It shall be the duty of the Minister to use his best endeavours to
17 cause a copy of the instrument embodying a direction under subsection (1) of
18 this section to be served as soon as reasonably practicable on the person to
19 whom it relates.

Removal and
discipline of
academic,
administrative
and professional
staff

20 **15.**-(1) If it appears to the Council that there are reasons for believing
21 that any person employed as a member of the academic, administrative or
22 professional staff of the College, other than the Provost, should be removed
23 from his office or employment on the ground of misconduct or of professional
24 inability to perform the functions of his office or employment, the Council
25 shall-

26 (a) give notice of those reasons to the person in question;

27 (b) afford him an opportunity of making representations in person on
28 the matter by the Council; and

29 (c) for the person in question to be afforded an opportunity of
30 appearing before and being heard by the investigating committee with respect

1 to the matter, and if the Council, after considering the report of the
2 investigating committee, is satisfied that the person in question should be
3 removed as aforesaid, the Council may so remove him by an instrument in
4 writing signed on the directions of the Council.

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

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

12 (a) conviction for any offence which the Council considers to be
13 such as to render the person concerned unfit for the discharge of the
14 functions of his office;

15 (b) any physical or mental incapacity which the Council, after
16 obtaining medical advice, considers to be such as to render the person
17 concerned unfit to continue to hold his office;

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

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

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

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

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

3 (b) whether to reinstate such person, in which case the Council shall
4 restore his full emoluments to him with effect from the date of suspension;

5 (c) whether to terminate the appointment of the person concerned, in
6 which case such a person shall not be entitled to the proportion of his
7 emoluments withheld during the period of suspension; or

8 (d) whether to take such lesser disciplinary action against such person
9 (including the restoration of such proportion of his emoluments that might
10 have been withheld) as the Council may determine.

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

16 (6) It shall be the duty of the person by whom an instrument of
17 removal is signed in pursuance of subsection (1) of this section to use his best
18 endeavours to cause a copy of the instrument to be served as soon as reasonably
19 practicable on the person to whom it relates.

20 (7) Nothing in the foregoing provisions of this section shall:

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

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

25 16.-(1) If, on the recommendation of the Senate, it appears to the
26 Provost that a person appointed as an examiner for any examination of the
27 College ought to be removed from his office or appointment, then, except in
28 such cases as may be prescribed by the Provost may, after affording the
29 examiner an opportunity of making representations in person on the matter to
30 the Provost, remove the examiner from the appointment by an instrument in

1 writing signed by the Provost.

2 (2) Subject to the provisions of regulations made in pursuance of
3 section 7(5) of this Bill, the Provost may, on the recommendation of the
4 Senate, appoint an appropriate person as examiner in the place of the
5 examiner removed in pursuance of subsection (1) of this section.

6 (3) It shall be the duty of the Provost on signing an instrument of
7 removal pursuant to this section, to use his best endeavours to cause a copy
8 of the instrument to be served as soon as reasonably practicable on the
9 person to whom it is related.

10 17.-(1) The Students shall be:

11 (a) represented in the College's Students Welfare Board and other
12 committees that deal with the affairs of students;

13 (b) Participate in various aspects of curriculum development;

14 (c) Participate in the process of assessing academic staff in respect
15 of teaching; and

16 (d) Be encouraged to be more self-assured as part of the national
17 development process.

18 (2) Subject to the provisions of this section, where it appears to the
19 Provost that any student of the College has been guilty of misconduct, the
20 Provost may, without prejudice to any other disciplinary powers conferred
21 on him by statute or regulations, direct:

22 (a) that the student shall not, during such period as may be specified
23 in the directions, participate in such activities of the College, or make use of
24 such facilities of the College, as may be so specified;

25 (b) that the activities of the student shall, during such period as may
26 be specified in the direction, be restricted in such manner as may be so
27 specified;

28 (c) that the student be rusticated for such period as may be specified
29 in the direction; or

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

Participation
and Discipline
of Students

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

7 (4) The fact that an appeal from a direction is brought in pursuance to
8 subsection (2) of this section shall not affect the operation of the direction while
9 the appeal is pending:

10 (a) The Provost may delegate his powers under this section to a
11 disciplinary board consisting of such members of the College as he may
12 nominate;

13 (b) Nothing in this section shall be construed as preventing the
14 restriction or termination of students' activities at the College otherwise than on
15 the ground of misconduct;

16 (c) A direction under subsection (2)(a) of this section may be
17 combined with a direction under subsection (2)(b) of this section.

18 PART V - MISCELLANEOUS AND GENERAL

Exclusion of
discrimination
on account of
race, religion,
etc.

19 18.-(1) No person shall be required to satisfy requirements as to any of
20 the following matters, that is to say, race (including ethnic grouping), sex,
21 account of race, place of birth or of family origin, or religious or political
22 persuasion, as a condition of becoming or continuing to be a student at the
23 College, the holder of any degree of the College or of any appointment or
24 employment at the College, or a member of anybody established by virtue of
25 this Bill; and no person shall be subject to any disadvantage or accorded any
26 advantage relation to the College, by reference to any of those matters.

27 (2) Nothing in subsection (1) of this section shall be construed as
28 preventing the College from imposing any disability or restriction on any of the
29 persons mentioned in that subsection where such person willfully refuses or
30 fails on grounds of religious belief to undertake any duty generally and

1 uniformly imposed on all such person or any group of them which duty,
 2 having regard to its nature and the special circumstances pertaining thereto,
 3 is in the opinion of the College reasonably justifiable in the national interest.

4 19. Without prejudice to the provisions of the Land Use Act, the
 5 College shall not dispose of or charge any land or an interest in any land
 6 (including any land transferred to the College by this Bill) except with the
 7 prior written consent, either general or special, of the Governor:

Restriction on
disposal of land
by College

8 Provided that such consent shall not be required in the case of any
 9 lease or tenancy at a rack-rent for a term not exceeding 21 years or any lease
 10 or tenancy to a member of the College for residential purpose.

11 20. Except as may be otherwise provided by statute or by
 12 regulations, the quorum and procedure of any body of persons established
 13 by this Bill shall be as determined by that body.

Quorum and
procedure of
bodies established
by this Bill

14 21.-(1) Anybody of persons established by this Bill shall, without
 15 prejudice to the generality of the powers of that body, have power to appoint
 16 committees, which need not consist exclusively of members of that body,
 17 and to authorize a committee established by it:

Appointment of
Committee, etc.

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

20 (b) to co-opt members, and

21 (2) Any two or more such bodies may arrange for the holding of
 22 joint meetings of those bodies, or for the appointment of committees
 23 consisting of members of those bodies, for the purpose of considering any
 24 matter within the competence of those bodies or any of them, and either of
 25 dealing with it or of reporting on it to those bodies or any of them.

26 (3) Except as may be otherwise provided by statute or by
 27 regulations, the quorum and procedure of a committee established or
 28 meeting held in pursuance of this section, shall be such as may be
 29 determined by the body or bodies which have decided to establish the
 30 committee or hold the meeting.

1 (4) Nothing in the provisions of subsection (1), (2) and (3) of this section shall
2 be construed as:

3 (a) enabling the statutes to be made otherwise than in accordance with
4 section 1 of this Bill; or

5 (b) enabling the Senate to empower any other body to make
6 regulations of the award degrees or other qualifications.

7 (5) The Pro-Chancellor and the Provost shall be members of every
8 committee of which the members are wholly or partly appointed by the Council
9 (other than a committee appointed to inquire into the conduct of the officer in
10 question); and the Provost shall be a member of every committee of which the
11 members are wholly or partly appointed by the Senate.

Retiring age of
academic staff

12 22.-(1) Notwithstanding anything to the contrary in the Pension Act,
13 the compulsory retiring age of the following categories of staff shall be as
14 follows:

15 (a) Academic staff of the College in the non-Professorial cadre shall
16 be 65 years;

17 (b) Academic staff of the College in the Professorial Cadre shall be 70
18 years;

19 (c) Non-academic staff of the College shall be 65 years.

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

Special Provisions
relating to
Pension of
Professors

23 23. An academic staff of the College who retires as a Professor in the
24 College shall be entitled to pension at a rate equivalent to his annual salary
25 provided that the Professor has served continuously in the College up to the
26 retirement age.

Miscellaneous
Administrative
Provisions

27 24.-(1) The seal of the College shall be such as may be determined by
28 the Council and approved by the Chancellor, and the affixing of the seal shall
29 be authenticated by any member of the Council and by the Provost, Secretary to
30 the Council or any other person authorized by statute.

1 (2) Any document purporting to be a document executed under the
2 seal of the College shall be received in evidence and shall, unless the
3 contrary is proved, be presumed to be so executed.

4 (3) Any contract or instrument which if made or executed by a
5 person not being a body corporate would not be required to be under seal,
6 may be made or executed on behalf of the College by any person generally
7 or specially authorized to do so by the Council.

8 (4) The validity of any proceedings of anybody established in
9 pursuance of this Bill shall not be affected by any vacancy in the
10 membership of the body, or by any defect in the appointment of a member of
11 the body or by reason that any person not entitled to do so took part in the
12 preceding.

13 (5) Any member of any such body who has a personal interest in
14 any matter proposed to be considered by that body shall forthwith disclose
15 his interest to the body and shall vote on any question relating to that matter.

16 (6) Nothing in section 12 of the Interpretation Act (which provides
17 for the application in relation to subordinate legislation of certain incidental
18 provisions) shall apply to statutes or regulations made in pursuance to this
19 Bill.

20 (7) The power conferred by this Bill on anybody to make statutes or
21 regulations shall include power to revoke or vary any statute (including the
22 statute contained in the Third Schedule of this Bill) or any regulation by a
23 subsequent statute or as the case may be, by a subsequent regulation and
24 statutes and regulations may make different provisions in relation to
25 different circumstances.

26 (8) No stamp or other duty shall be payable in respect of any
27 transfer of property to the College by virtue of section 8 or section 18 of this
28 Bill or the Second Schedule to this Bill.

29 (9) Any notice or other instrument authorized to be served by virtue

1 of this Bill may, without prejudice to any other mode of service, be served by
2 post.

Restriction of
suits and
execution

3 25.-(1) Pre-Action Notice:

4 (a) No legal proceeding shall be instituted and/or commenced against
5 the College or any of its agents in the course of their official duties unless a 3
6 months' Pre-Action Notice of such intention is served on the College by an
7 aggrieved party;

8 (b) The Notice shall state the reason and the cause of action intended
9 to be taken against the College, the particulars of the claim, the name and place
10 of abode of the intending plaintiff and the relief which he claims.

11 (b) For the avoidance of doubt, it is hereby declared that no suit shall
12 be commenced against an officer or servant of the College, in any case where
13 the College is vicariously liable for any alleged act, neglect or default of the
14 officer or servant in the performance or intended performances of his duties,
15 unless three months at least has elapsed after written notice of intention to
16 commence the same shall have been served on the College by the intending
17 plaintiff or his agent;

18 (c) In any suit against this College, no execution or attachment or
19 process in the nature thereof shall be issued against the College, but any sums
20 of money which may be judgment of the court be awarded against the College
21 shall, subject to any direction given by the court where notice of appeal has
22 been given by the College in respect of the said judgment, be paid by the
23 College from its general fund.

24 (2) Service of Notices:

25 Service upon the College of any notice, order or other document may be
26 effected by delivering the same or by sending it by registered post addressed to
27 the Registrar and Secretary of the Council.

Interpretation

28 26.-(1) In this Bill, unless the context otherwise requires-

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

30 "College" means the College established pursuant to section 2 (1) (b) of this

- 1 Bill for the College;
- 2 "Council" means the Governing Council of the College established by
3 section 5 of this Bill;
- 4 "Functions" includes powers and duties;
- 5 "Graduate" means a person on whom a degree, other than an honorary
6 degree, has been conferred by the College and any other person as may be
7 designated as a graduate by the Council, acting in accordance with the
8 recommendation of the Senate; (Erroneously omitted)
- 9 "Minister" means the Hon. Minister of Education;
- 10 "Notice" means notice in writing;
- 11 "Officer" does not include the Visitor;
- 12 "Prescribed" means prescribed by statute or regulations;
- 13 "Professor" means a person designated as a Professor of the College in
14 accordance with provisions made in that behalf by statute or by regulations;
- 15 "Property" includes rights, liabilities and obligations;
- 16 "Provisional Council" means the provisional council appointed for the
17 College;
- 18 "Regulations" means regulations made by the Senate or the Council;
- 19 "Senate" means the Senate of the College established pursuant to section
20 2(1)(e) of this Bill;
- 21 "School" means a unit of closely related academic programmes;
- 22 "Statute" means a statute made by each College under section 10 of this Bill
23 and in accordance with the provisions of section 11 of this Bill, and
- 24 "the statutes" means all such statutes as are in force from time to time;
- 25 "Teacher" means a person holding a full-time appointment as a member of
26 the teaching or research staff of the College;
- 27 "Undergraduate" means a person registered as a student undergoing a course
28 of study for a first degree of the College or such other course in the College
29 as may be approved by the Senate as qualifying a student undergoing it for
30 the status of an under-graduate;

1 "College" means the Federal College of Agriculture. Ofo established and
2 incorporated by section 1 of this Bill.

3 (2) It is hereby declared that where in any provision of this Bill it is
4 laid down that the proposals are to be submitted or a recommendation is to be
5 made by one authority or another through one or more intermediate authorities,
6 it shall be the duty of every such intermediate authority to forward any
7 proposals of that or recommendations received by it in pursuance of that
8 provision to the appropriate authority; but any such intermediate authority
9 may, if it thinks fit, forward therewith its own comments thereon.

Short title

10 27. This Bill may be cited as the Federal College of Agriculture Ofo,
11 Bayelsa State Bill, 2019.

12 SCHEDULES

13 FIRST SCHEDULE

14 [Section 2(2)]

15 PRINCIPAL OFFICERS OF THE COLLEGE

16 *The Provost*

17 1.- (1) There shall be a Provost of the College who shall be appointed
18 by the Council in accordance with the provisions of this paragraph.

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

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

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

23 (ii) the terms of conditions of service applicable to the post, and
24 thereafter draw up a short list of suitable candidates for the post for
25 consideration:

26 (b) constitute a Search Team consisting of:

27 (i) a member of the Council, who is not a member of the Senate, as
28 chairman;

29 (ii) two members of the Senate who are not members of the Council,
30 one of whom shall be a Professor;

1 (iii) two members of Congregation who are not members of the
2 Council, one of whom shall be a Professor, to identify and nominate for
3 consideration, suitable persons who are not likely to apply for the post on
4 their own volition because they felt that it is not proper to do so.

5 (3) A Joint Council and Senate Selection Board consisting of:

6 (a) the Pro-Chancellor, as chairman;

7 (b) two members of the Council, not being members of the Senate;

8 (c) two members of the Senate who are Professors, but who were
9 not members of the Search Team, shall consider the candidates and persons
10 in the shortlist drawn up under subsection (2) of this paragraph through an
11 examination of their curriculum vitae and interaction with them, and
12 recommend to the Council three candidates for further consideration.

13 (4) The Council shall select and appoint as the Provost one
14 candidate from among the three candidates recommended to it under
15 subsection (3) of this section and thereafter inform the Visitor.

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

19 (6) The Provost may be removed from office by the Council on
20 grounds of gross misconduct or inability to discharge the functions of his
21 office as a result of infirmity of the body or mind, at the initiative of the
22 Council, Senate or the Congregation after due process.

23 (7) When the proposal for the removal of the Provost is made, the
24 Council shall constitute a Joint Committee of Council and Senate consisting
25 of:

26 (i) three members of the Council, one of whom shall be the
27 Chairman of the committee; and

28 (ii) two members of the Senate.

29 Provided that where the ground for removal is infirmity of the body
30 or mind, the Council shall seek appropriate medical opinion.

1 (8) The committee shall conduct investigation into the allegations
2 made against the Provost and shall report its findings to the Council.

3 (9) The Council may where the allegations are proved remove the
4 Provost or apply any other disciplinary action it may deem fit and notify the
5 Visitor accordingly provided that a Provost who is removed shall have right of
6 appeal to the Visitor.

7 (10) There shall be no sole administrator in the College.

8 (11) In any case of a vacancy in the office of the Provost, the Council
9 shall appoint an acting Provost on recommendation of the Senate.

10 (12) An acting Provost in all circumstances shall not be in office for
11 more than 6 months.

12 *Deputy Provost*

13 2.-(1) There shall be for the College such number of Deputy Provosts
14 as Council may from time to time deem necessary for the proper administration
15 of the College.

16 (2) Where a vacancy occurs in the post of Deputy Provost, the Provost
17 shall forward to the Senate a list of two candidates for each post of Deputy
18 Provost that is vacant.

19 (3) The Senate shall select for each vacant post one candidate from
20 each list forwarded to it under subsection (2) of this paragraph and forward his
21 name to the Council for confirmation.

22 (4) A Deputy Provost shall:

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

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

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

29 (5) A Deputy Provost:

30 (a) shall hold office for a period of two years beginning from the

1 effective date of his appointment and on such terms and conditions as may
2 be specified in his letter of appointment;

3 (b) may be reappointed for one further period of two years and no
4 more;

5 (c) may be removed from office for good cause by the Council
6 acting on the recommendations of the Provost and Senate; and

7 (d) "Good cause" for the purpose of this section means gross
8 misconduct or inability to discharge the functions of his office arising from
9 infirmity of the body or mind.

10 *Office of the Registrar*

11 3.-(1) There shall be for the College, a Registrar, who shall be the
12 chief administrative officer of the College and shall be responsible to the
13 Provost for the day-to-day administrative work of the College except as
14 regards matters for which the Bursar is responsible in accordance with
15 paragraph 6(2) of this Schedule.

16 (2) The person holding the office of the Registrar shall by virtue of
17 that office be Secretary to the Council, the Senate, Congregation and
18 Convocation.

19 *Other Principal Officers of the College*

20 4.-(1) There shall be for the College the following principal
21 officers, in addition to the Registrar, that is:

22 (a) the Bursar; and

23 (b) the College Librarian,

24 who shall be appointed by the Council on the recommendation of the
25 Selection Board constituted under paragraph 7 of this Schedule.

26 (2) The Bursar shall be the Chief Financial Officer of the College
27 and be responsible to the Provost for the day-to-day administration and
28 control of the financial affairs of the College.

29 (3) The College Librarian shall be responsible to the Provost for the
30 administration of the College Library and the co-ordination of the library

1 services in the College and its campuses, colleges, schools, departments,
2 institutes and other teaching or research units.

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

5 *Selection Board for other Principal Officers*

6 5. -(1) There shall be, for the College, a Selection Board for the
7 appointment of principal officers, other than the Provost or Deputy Provost,
8 which shall consist of-

9 (a) the Pro-Chancellor, as chairman;

10 (b) the Provost;

11 (c) four members of the Council not being members of the Senate; and

12 (d) two members of the Senate.

13 (2) The functions, procedure and other matters relating to the
14 Selection Board constituted under subsection (1) of this paragraph shall be as
15 the Council may, from time to time, determine.

16 (3) The Registrar, Bursar and Librarian shall hold office for a single
17 term of five years only beginning from the effective date of their appointments
18 and on such terms and conditions as may be specified in their letters of
19 appointment.

20 (4) Notwithstanding subsection (3) of this section, the Council may,
21 upon satisfactory performance, extend the tenure of the Registrar, Bursar or
22 Librarian for a further period of one year only and thereafter such principal
23 officer shall relinquish his post and be assigned to other duties in the College.

24 *Resignation and Re-appointment*

25 8.-(1) Any officer mentioned in the foregoing provisions of this
26 Schedule may resign his office:

27 (a) in the case of the Chancellor or Pro-Chancellor, by notice to the
28 Visitor;

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

1 (2) Without prejudice to paragraph 4 of this Schedule, a person
2 who has ceased to hold an office so mentioned otherwise than by removal
3 for misconduct shall be eligible for re-appointment to that office.

4 SECOND SCHEDULE

5 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

6 *Transfer of Property to College*

7 1. Without prejudice to the generality of section 9 (1) of this Bill:-

8 (a) the reference in that subsection to property held by the
9 Provisional Council shall include a reference to the right to receive and give
10 a good discharge for any grants or contributions which may have been voted
11 or promised to the Provisional Council;

12 (b) all debts and liabilities of the Provisional Council outstanding
13 shall become debts or liabilities of the College.

14 2.-(1) All agreements, contracts, deeds and other instruments to
15 which the Provisional Council was a party shall, so far as possible and
16 subject to any necessary modifications, have effect as if the College had
17 been a party thereto in place of the Provisional Council.

18 (2) Documents not falling within subsection (1) of this paragraph,
19 including enactment which refer, whether specially or generally, to the
20 Provisional Council, shall be construed in accordance with that sub-section
21 so far as applicable.

22 (3) Any legal proceedings or application to any authority pending
23 by or against the Provisional Council may be continued by or against the
24 College.

25 *Registration of transfers*

26 3.-(1) If the law in force at the place where any property transferred
27 by this Bill is situate provides for the registration of transfers of property of
28 the kind in question (whether by reference to an instrument of transfer or
29 otherwise), the law shall, so far as it provides for alterations of a register (but
30 not for avoidance of transfers, the payment of fees or any other matter)

1 apply, with necessary modifications, to the property aforesaid.

2 (2) It shall be the duty of the body to which any property is transferred
3 by this Bill to furnish the necessary particulars of the transfer to the proper
4 officer of the registration authority, and of that officer to register the transfer
5 accordingly.

6 *Transfer of Functions, etc.*

7 4.-(1) The first meeting of the Council shall be convened by the Pro-
8 Chancellor on such date and in such manner as he may determine.

9 (2) The persons who were members of the Provisional Council shall
10 be deemed to constitute the Council until the date when the Council as set up
11 under the Third Schedule to this Bill shall have been duly constituted.

12 (3) The first meeting of the Senate as constituted by this Bill shall be
13 convened by the Provost on such date and in such manner as he may determine.

14 (4) The persons who were members of the Academic Board
15 immediately before the coming into force of this Bill shall be deemed to
16 constitute the Senate of the College until the date when the Senate as set up
17 under the Third Schedule to this Bill shall have been duly constituted.

18 (5) Subject to any regulations which may be made by the Senate after
19 the date on which this Bill is made, the schools, school boards and students of
20 the College immediately before the coming into force of this Bill shall on that
21 day become schools, school boards and students of the College as constituted
22 by this Bill.

23 (6) Persons who were Deans of schools and Heads of Academic
24 Departments shall continue to be Deans or HODs of the corresponding
25 School/Department, until new appointments are made in pursuance of the
26 statutes.

27 (7) Any person who was a member of the staff of the College as
28 established or was otherwise employed by the Provisional Council shall
29 become the holder of an appointment at the College with the status, designation
30 and functions which correspond as nearly as may be to those which appertained

1 to him as member of that staff or as such an employee.

2 THIRD SCHEDULE

3 [Section 9 (3)]

4 FEDERAL COLLEGE OF AGRICULTURE OFONI, BAYELSA STATE

5 Statute No. 1

6 ARRANGEMENT OF ARTICLES

7 ARTICLES

- 8 1. The Council.
- 9 2. The Finance and General Purposes Committee
- 10 3. The Senate
- 11 4. The Congregation
- 12 5. Convocation
- 13 6. Division of Colleges
- 14 7. College/School Boards
- 15 8. Dean of the College
- 16 9. Selection of certain Principal Officers
- 17 10. Creation of academic posts
- 18 11. Appointment of academic staff
- 19 12. Appointment of administrative and professional staff
- 20 13. Interpretation.
- 21 14. Short Title

22 *The Council*

23 1.-(1) The composition of the Council shall be as provided in

24 section 5 of this Bill.

25 (2) Any member of the Council holding office otherwise than in

26 pursuance of section 5 (a), (b), (c), or (d) of this Bill may, by notice to the

27 Council, resign his office.

28 (3) A member of the Council holding office otherwise than in

29 pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he

30 previously vacates it, vacate that office on the expiration of the period of

1 four years beginning with effect from 1 August in the year which he was
2 appointed.

3 (4) Where a member of the Council holding office otherwise than in
4 pursuance of section 5 (a), (b), (g), or (h) of this Bill vacates office before the
5 expiration of the period aforesaid, the body or person by whom he was
6 appointed may appoint a successor to hold office for the residue of the term of
7 his predecessor.

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

11 (6) The quorum of the Council shall be five, at least one of whom shall
12 be a member appointed pursuant to section 5 (d) or (e) of this Bill.

13 (7) If the Pro-Chancellor is not present at a meeting of the Council,
14 such other member of the Council present at the meeting as the Council may
15 appoint as respects that meeting shall be the chairman at that meeting, and
16 subject to section 4 of this Bill and the foregoing provisions of this paragraph,
17 the Council may regulate its own procedure.

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

The Finance and General Purposes Committee

22 2.-(1) The Finance and General Purposes Committee of the Council
23 shall consist of-

24 (a) the Pro-Chancellor, who shall be the chairman of the Committee at
25 any meeting at which he is present;

26 (b) the Provost and Deputy Provosts;

27 (c) six other members of the Council appointed by the Council, two of
28 whom shall be selected from among the four members of the Council
29

1 appointed by the Senate and one member appointed to the Council by
2 Congregation;

3 (d) the Permanent Secretary of the Federal Ministry of Education,
4 or in his absence, such member of his Ministry as he may designate to
5 represent him; and

6 (e) the Executive Secretary of the Petroleum Technology
7 Development Fund, or in his absence, such member of the Fund as he may
8 designate to represent him.

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

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

12 *Annual budget and estimates, etc.*

13 (4) (i) The estimates of income and expenditure for a financial year
14 shall be presented by the Provost to the Council and may be approved by the
15 Council before the beginning of that financial year.

16 Provided that the Provost may during any financial year present
17 and the Council may approve supplementary estimates of income or
18 expenditure.

19 (ii) The annual and supplementary estimates shall be prepared in
20 such form and shall contain such information as the Council may direct.

21 *Gifts, donations, etc.*

22 (5) (i) The Council may on behalf of the College accept by way of
23 grants, gift, testamentary disposition or otherwise, property and money in
24 aid of the finances of the College on such conditions as it may approve;

25 (ii) Registers shall be kept of all donations to the College including
26 the names of donors and any special conditions under which any donation
27 may have been given:

28 Provided that the College shall not be obliged to accept a donation
29 for a particular purpose unless it approves of the terms and conditions
30 attaching to such donation.

1 (iii) All property, money or funds donated for any specific purposes
2 shall be applied and administered in accordance with the purposes for which
3 they are donated and shall be accounted for separately.

4 *Payment into bank*

5 (6) All sums of money received on account of the College shall be
6 paid into such bank as may be approved by the Council for the credit of the
7 College's general, current or deposit account:

8 Provided that the Council may invest, as it deems fit, any money not
9 required for immediate use other than donations of money referred to in
10 subsection (1) of this section.

11 *Audit*

12 3.-(1) The Council shall cause the accounts of the College to be
13 audited by auditors appointed by the Council as soon as may be after the end of
14 each financial year or for any such other period as the Council may require.

15 (2) The appointment and other matters relative to the auditors, their
16 continuance in office and their functions, as the case may be, shall, subject to
17 the provisions of this section, be prescribed by statute.

18 *The Senate*

19 4. -(1) The Senate shall consist of:

20 (i) the Provost;

21 (ii) Deputy Provosts;

22 (iii) the Deans in the College;

23 (iv) the Professors in the College;

24 (v) Heads of Academic Departments and Units;

25 (vi) the College Librarian;

26 (vii) One elected representative of the College;

27 (viii) Two members of Academic Staff elected by the Congregation;

28 (ix) One elected representative of each department;

29 (x) Two members representing a variety of interests of the
30 professional bodies outside the College appointed by the Senate on the

1 recommendation of the Provost;

2 (xi) Registrar - Secretary.

3 (2) The procedure for election of members of Senate to the Council
4 shall be prescribed by Regulations.

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

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

12 (5) An elected member may, by notice to the Senate, resign his
13 office.

14 (6) Subject to paragraph (8) of this article, there shall be elections
15 for the selection of elected members which shall be held in the prescribed
16 manner on such day in the month of May or June in each year as the Provost
17 may from time to time determine.

18 (7) 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 at
20 any election held in pursuance to paragraph (6) 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 have held office
23 as an elected member for a continuous period of six years or would have so
24 held office if he had not resigned it.

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

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1 (9) 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 reduction in the after 30 April in any year in which he is to
4 continue in or take office as all elected member.

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

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

13 *Congregation*

14 5. -(1) Congregation shall consist of-

15 (i) Provost;

16 (ii) the Deputy Provosts;

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

18 (iv) The Registrar;

19 (v) The Librarian;

20 (vi) Every member of the administrative staff who holds a degree,
21 other than honorary degree, of any College recognized for the purposes of this
22 statute by the Provost.

23 (2) Subject to section 4 of this Bill, the Provost shall be the chairman
24 at all meetings of Congregation when he is present; and in his absence any of
25 the Deputy Provosts present at the meeting as Congregation may appoint for
26 that meeting, shall be the chairman at the meeting.

27 (3) The quorum of Congregation shall be one third or the whole
28 number nearest to one third of the total number of members of Congregation of
29 fifty, whichever is less.

30 (4) A certificate signed by the Provost specifying:

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

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

6 (5) The procedure for election of members of Congregation to the
7 Council and the Senate shall be prescribed by Regulations.

8 (6) Subject to the foregoing provisions of this article, Congregation
9 may regulate its own procedure.

10 (7) Congregation shall be entitled to express by resolutions or
11 otherwise its opinion on all matters affecting the interest and welfare of the
12 College and shall have such other functions, in addition to the function of
13 electing a member of the Council, as may be provided by statute or
14 regulations.

15 *Convocation*

16 6.-(1) Convocation shall consist of-

17 (i) the officers of the College mentioned in the First Schedule to
18 this Bill;

19 (ii) All teachers within the meaning of this Bill;

20 (iii) All other persons whose names are registered in accordance
21 with paragraph (2) of this article.

22 (2) A person shall be entitled to have his name registered as a
23 member of convocation if-

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

26 (b) he applies for the registration of his name in the prescribed
27 manner and pay the prescribed fees.

28 (3) Regulations shall provide for the establishment and
29 maintenance of a register for the purpose of this paragraph and subject to
30 paragraph (4) of this article may provide for the payment, from time to time,

1 of further fees by persons whose names are on the register and for the removal
2 from the register of the name of any person who fails to pay those fees.

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

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

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

15 (7) The quorum of Convocation shall be fifty or one third or the whole
16 number nearest to one third or the whole number of members of Convocation
17 whichever is less.

18 (8) Subject to section 4 of the Act, the Chancellor shall be chairman at
19 all meetings of Convocation when he is present, and in his absence the Provost
20 shall be the chairman at the meeting.

21 (9) Convocation shall have such functions, in addition to the function
22 of appointing a member of the Council, as may be provided by statute or
23 regulations.

24 *Division of the College*

25 7. The College shall be divided into such number of branches as may
26 be prescribed.

27 *College Boards*

28 8.-(1) There shall be established in by the College, a Board of Studies
29 which, subject to the provisions of this Statute, and subject to the directions of
30 the Provost, shall:

1 (a) Regulate the teaching and study of, and the conduct of
2 examinations connected with, the subjects assigned to the college:

3 (b) Deal with any other matter assigned to it by statute or by the
4 Provost or by the Senate; and

5 (c) Advise the Provost or the Senate on any matter referred to it by
6 the Provost or the Senate.

7 (2) The Board of Studies shall consist of:

8 (a) the Provost;

9 (b) the Dean;

10 (c) the persons severally in charge of the branches of the school;

11 (d) the College Examination Officer;

12 (e) such of the teachers assigned to the college and having the
13 prescribed qualifications as the Board may determine; and

14 (f) such persons, whether or not members of the College, as the
15 Board may determine with the general or special approval of the Senate.

16 (3) The quorum of the Board shall be eight members or one quarter,
17 whichever is greater, of the members for the time being of the board; and
18 subject to the provisions of this statute and to any provision made by
19 regulations in that behalf, the Board may regulate its own procedure.

20 *Deans of the Colleges.*

21 9. -(1) The Board of the College shall, at a meeting in the last term
22 of any academic year which the term of office of the Dean expires, nominate
23 one of its members, being one of the Professors assigned to that teaching
24 unit, for appointment by the Senate as Dean of the College.

25 (2) The person appointed under paragraph 1 of this Article shall act
26 as Dean of the College and chairman of all meetings of the College Board
27 when he is present and shall be a member of all committees and other boards
28 appointed by the College.

29 (3) The Dean shall hold office for two years and shall be eligible for
30 re-appointment one further period of two years. Thereafter he shall not be

1 eligible for re-appointment until two years have elapsed.

2 (4) The Dean of a College shall exercise general superintendence over
3 the academic and administrative affairs of the College.

4 (5) It shall be the function of the Dean to present to Convocation for
5 the conferment of degrees to persons who have qualified for the degrees of the
6 College at examination held in the branches of learning for which
7 responsibility is allocated to that College.

8 (6) There shall be a committee to be known as the Committee of
9 Deans consisting of all the Deans of the several Colleges and that Committee
10 shall advise the Provost on all academic matters and on particular matters
11 referred to the College by the Senate.

12 (7) The Dean of a College may be removed from office for good cause
13 by the College Board after a vote would have been taken at a meeting of the
14 Board, and in the event of a vacancy occurring following the removal of a
15 Dean, an acting Dean may be appointed by the Provost:

16 Provided that at the next College Board meeting an election shall be
17 held for a new Dean.

18 (8) In this article "good cause" has the same meaning as in section
19 15(3) of the Act.

20 *Departmental Board of Studies*

21 10.-(1) there shall be a Departmental Board of Studies whose
22 membership shall be made of all academic staff of the Department;

23 (2) It shall be headed by a Professor who shall be appointed by the
24 Provost and in the absence of a Professor, a senior academic staff shall be
25 appointed in acting capacity;

26 (3) For a Professor the term is for 3 years while 1 year is for acting
27 capacity.

28 (4) The Board shall superintend over all teachings and examinations
29 in the Department;

30 (5) The Board shall handle all disciplinary matters in the Department

1 and make recommendations to the College where necessary;

2 (6) Allocation of courses in the department shall be done by the
3 Departmental Board on recommendation of the Head of Department.

4 *Selection of Directors of Physical Planning and Development,*

5 *Works and Services and Health*

6 11.-(1) When a vacancy occurs in the office of the Directors of
7 Physical Planning and Development, Works and Services and Health, a
8 Selection Board shall be constituted by the Council which shall consist of-

9 (a) the Pro-Chancellor;

10 (b) the Provost;

11 (c) two members appointed by the Council, not being members of
12 the Senate;

13 (d) Two members appointed by the Senate.

14 (2) The Selection Board after making such inquiries as it thinks fit,
15 shall recommend a candidate to the Council for appointment to the vacant
16 office; and after considering the recommendation of the board the Council
17 may make an appointment to that office.

18 *Tenure of Directors*

19 12. A Director shall hold office on such terms and conditions as
20 may be specified in his letter of appointment subject to the extant
21 Regulations.

22 *Creation of Academic Posts*

23 13. Recommendations for the creation of academic posts other
24 than principal officers shall be made by the Senate to the Council through
25 the Finance and General Purposes Committee.

26 *Appointment of Academic Staff*

27 14.-(1) Subject to the Act and statutes, the filling of vacancies in
28 academic posts (including newly created ones) shall be the responsibility of
29 the Council through the Departments and Colleges.

30 (2) For the purpose of filling such vacancies, suitable selection

1 boards to select and make appointments on behalf of the Council shall be set
2 up.

3 (3) For appointment to Professorships, Associate Professorship or
4 Readerships or equivalent posts, a Board of Selection, with power to appoint,
5 shall consist of:

6 (a) the Provost - Chairman;

7 (b) Deputy Provost - Member;

8 (c) The Dean of the College - Member;

9 (d) Head of Department - Member;

10 (e) such other person(s), not exceeding two in number, deemed
11 capable of helping the Board in assessing both the professional and academic
12 suitability of a candidate under consideration, as the Senate may from time to
13 time appoint;

14 (f) Registrar - Secretary.

15 (4) For other academic posts, a Selection Board, with power to
16 appoint, shall consist of:

17 (a) the Provost or his representative - Chairman;

18 (b) The Dean of the College - Member;

19 (c) Head of the Department concerned - Member;

20 (d) An internal member of Council (not below the Rank of Senior
21 Lecturer from the sister college in the Candidate's subject-area) - Member;

22 (e) Registrar or his representative - Secretary.

23 (5) All appointments to senior library posts shall be made in the same
24 way as equivalent appointments in the academic cadre; and for all such posts
25 other than that of the Librarian, the Librarian shall be a member of the Selection
26 Board.

27 (6) Boards of Selection may interview candidates directly or consider
28 the reports of specialist interviewing panels and shall in addition, in the case of
29 Professorships, Associate Professorship, Readerships or equivalent Posts,
30 consider the reports of External Assessors relevant to the area in which the

1 appointment is being considered. Quorum shall be three (3) including the
2 Chairman.

3 *Appointment of Administrative and Professional Staff*

4 15.-(1) The administrative and professional staff of the College
5 other than principal officers shall be appointed by the Council or on its
6 behalf by the Provost in accordance with delegation of powers made by the
7 Council on its behalf.

8 (2) A Selection Board, with power to appoint, shall consist of:

9 (i) Provost;

10 (ii) Deputy Provost;

11 (iii) Registrar;

12 (iv) Bursar;

13 (v) College Librarian;

14 (vi) The Head of Department concerned;

15 (vii) Establishment and Human Resources Officer who shall serve
16 as Secretary Quorum shall be three (3) including the Chairman.

17 *Interpretation*

18 16. In this Statute, the expression "the Act" means the Federal
19 College of Agriculture Ofofi, Bayelsa State Act and any word or expression
20 defined in the Act has the same meaning in this Statute.

21 *Short Title*

22 17. This Statute may be cited as the Federal College of Agriculture
23 Ofofi, Bayelsa State Statute No. 1.

EXPLANATORY MEMORANDUM

This Bill seeks to upgrade the College of Agriculture Ofofi, Bayelsa State to
the Federal College of Agriculture Ofofi, Bayelsa State.

