

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF AGRICULTURE, IJEBU JESA, OSUN STATE AND FOR RELATED MATTERS

Sponsored by Hon Oluwole Oke

[] Commencement

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

PART I - ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COLLEGE

1. 1.-(1) There is hereby established a College to be known as the
2 Federal College of Agriculture, Ijebu Jesa, Osun State (in this Act referred to
3 as "the College") which shall have such powers and exercise such functions
4 as are conferred on it by this Act.

Establishment and objects of the Federal College of Agriculture, Ijebu Jesa, Osun State

5 (2) The College shall be a body corporate with perpetual
6 succession and a common seal and shall have power to acquire and dispose
7 of interests in movable and immovable properties and may sue and be sued
8 in its corporate name.

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

10 (a) to encourage the advancement of learning and to hold out to all
11 persons without distinction of race, creed, sex or political conviction, the
12 opportunity of acquiring a higher education in agriculture;

13 (b) to develop and offer academic and professional programmes
14 leading to the award of Professional certificates, Ordinary National
15 Diplomas and Higher National Diplomas which emphasise planning,
16 adaptive, technical, maintenance, developmental and productive skills in
17 agriculture, and to contribute to the scientific transformation of agriculture
18 in Nigeria;

19 (c) to act as agent" and catalysts, through training, research and
20 innovation for the effective and economic utilisation, exploitation and

1 conservation of Nigeria's natural, agricultural, economic and human resources;

2 (d) to identify the agricultural problems and needs of Nigeria and to
3 find solutions to them within the context of overall national development;

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

10 (f) to promote and emphasise teaching, research and extension of
11 agricultural knowledge, including agriculture extension services and outreach
12 programmes, in-service training, continuing education, and on-farm adaptive
13 research;

14 (g) to organise research relevant to training in agriculture with
15 emphasis on small-scale farming;

16 (h) to organise extension services and out-reach programmes for
17 technology transfer;

18 (i) to establish institutional linkages in order to foster collaboration
19 and integration of training, research, and extension activities; and

20 (j) to undertake any other activity appropriate for Colleges of
21 Agriculture.

Governing
Council of the
College

22 2.-(1) The governance of the College and the direction of its affairs
23 shall vest in the Governing Council of the College (in this Act referred to as "the
24 Council").

25 (2) Without prejudice to the generality of subsection (1) of this
26 section, it shall be the responsibility of the Council to consider and approve:

27 (a) the plan of activities of the College;

28 (b) the programme of studies, courses, and research to be undertaken
29 by the College;

30 (c) the annual estimates of the College; and

1 (d) the investment plans of the College.

2 (3) The provisions of the First Schedule to this Act shall have effect
3 with respect to the Council as specified therein.

4 3.-(1) The Council shall consist of a chairman and the following
5 other members, to be appointed by the Minister of education: Membership of
the Council

6 (a) a representative of the Federal Ministry responsible for
7 education;

8 (b) a representative of the Federal Ministry responsible for
9 Agriculture;

10 (c) a representative of the National Board for Technical Education
11 (NBTE);

12 (d) a representative of the alumni association of the College;

13 (e) three persons appointed on individual merit on a nationwide
14 basis who should have wide experience of service in the public or private
15 sector;

16 (f) two representatives of the Academic Board of the College;

17 (g) the Provost of the College.

18 4.-(1) A member of the Council (other than an ex-officio member) Tenure of office
of members of
the Council
19 shall hold office for a term of three years and shall be eligible for re-
20 appointment for a further period of three years and no more.

21 (2) Any member of the Council other than an ex-officio member
22 may by notice to the Council resign his appointment.

23 (3) Any vacancy occurring in the membership of the Council shall
24 be filled by the appointment of a successor who shall represent the same
25 interest as his predecessor for the remainder of the term of the predecessor.

26 5.-(1) For the carrying out of its objects as specified in section 1 of
27 this Act, the Council shall have power to: Powers of the
Council

28 (a) hold examinations and grant diplomas, professional certificates
29 and other distinctions to persons who have pursued a course of study
30 approved and accredited by the National Board for Technical

1 Education(NBTE) and have satisfied such other requirements as the Council
2 may lay down;

3 (b) demand and receive from any student or any other person
4 attending the College for the purpose of instruction such fees as the Council
5 may, with the prior approval of the Minister, from time to time determine;

6 (c) establish agricultural and rural extension services in various parts
7 of Nigeria;

8 (d) hold public lectures and undertake printing, publishing and
9 bookselling;

10 (e) provide amenities for and make such other provision for the
11 welfare of the staff of the College;

12 (f) invest the funds of the College in securities specified by law or in
13 such other securities in Nigeria as may be approved by the Minister;

14 (g) borrow money within Nigeria in such manner and upon such
15 security as the Minister may from time to time authorise;

16 (h) enter into such contracts as may be necessary or expedient for
17 carrying into effect the objectives of the College;

18 (i) recruit staff of the right calibre and determine the career structure
19 of such staff;

20 (j) establish and maintain such schools, institutes, extramural
21 departments and other teaching and research units within the College as the
22 Council may, from time to time, deem necessary;

23 (k) institute and award fellowships, scholarships, medals, prizes and
24 other titles;

25 (l) erect, provide, equip and maintain such educational, recreational
26 and residential facilities as the College may require;

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

30 (n) enter into contracts, establish trusts, act as trustee, solely or jointly

1 with any other person, and employ and act through agents; and

2 (o) do such acts and things whether or not incidental to the
3 foregoing powers as may advance the objects of the College.

4 6.-(1) The Minister shall be the Visitor of the College.

Visitation

5 (2) The Visitor shall, not less than once in every five years,
6 conduct a visitation of the College or appoint a visitation panel consisting of
7 not less than five experts to conduct the visitation:

8 (a) for the purpose of evaluating the academic and administrative
9 performance of the College; or

10 (b) for such other purpose or in respect of any other affairs of the
11 College as the Visitor may deem fit.

12 7. Subject to the provisions of this Act, the Minister may give to
13 the Council directions of a general character or relating generally to matters
14 of policy with regard to the exercise by the Council of its functions under
15 this Act and it shall be the duty of the Council to comply with such
16 directions.

Power of Minister
to give directions
to the Council

17 8.-(1) There shall be established for the College a board to be
18 known as the Academic Board which shall consist of the following
19 members:

The Academic
Board and its
functions

20 (a) the Provost of the College who shall be the chairman;

21 (b) all heads of departments;

22 (c) the College Librarian; and

23 (d) not more than two members of the academic staff other than
24 heads of departments to be appointed by the Council.

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

26 (a) the direction and management of academic matters of the
27 College including the regulation of admission of students, the award of
28 certificates, scholarships, prizes and other academic distinctions;

29 (b) making periodic reports on such academic matters to the
30 Council as the Council may from time to time direct;

1 (c) discharging any other functions which the Council may from time
2 to time delegate to it.

The Provost
of the College

3 9.-(1) There shall be a Provost of the College (in this Act referred to as
4 "the Provost") who shall be appointed by the Minister, in accordance with the
5 provisions of this section.

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

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

9 (i) the qualities of the person who may apply for the post;

10 (ii) the terms and conditions of service applicable to the post; and
11 thereafter draw up a short list of suitable candidates for consideration;

12 (b) constitute a search team consisting of:

13 (i) a member of the Council not being a member of the Academic
14 Board, as chairman;

15 (ii) two members of the academic Board not below the rank of chief
16 lecturer;

17 (iii) two members of the academic community of the College not
18 below the rank of chief lecturer to be selected by the Council, to identify and
19 draw up a short list of suitable persons who are not likely to apply for the post
20 for any reason whatsoever,

21 (3) A Joint Council and Academic Selection Board consisting of:

22 (a) the chairman of the Council;

23 (b) two members of the Council not being members of the Academic
24 Board;

25 (c) two members of the Academic Board not below the rank of chief
26 lecturer, who were not members of the search team, shall consider the
27 candidates and persons on the short lists drawn up under subsection (2) of this
28 section through an examination of their curriculum vitae and interaction with
29 them and recommend through the Council to the Minister, three candidates for
30 his consideration.

1 (4) The Minister shall appoint as Provost one of the candidates
2 recommended to him under the provisions of subsection (3) of this section.

3 (5) Subject to this Act and the general control of the Council, the
4 Provost shall be the chief executive of the College and shall be charged with
5 general responsibility for matters relating to the day-to-day management
6 operations of the College.

7 (6) The Provost:

8 (a) shall hold office for a period of four years beginning with the
9 effective date of his appointment and on such terms and conditions as may
10 be specified in his letter of appointment; and -

11 (b) may be reappointed for one further period of four years and no
12 more.

13 10.-(1) There shall be for the college a Deputy Provost.

Deputy Provosts

14 (2) The Council shall appoint the Deputy Provost from among the
15 chief lecturers in the College in one of the following ways, that is:

16 (a) from a list of three candidates in order of preference, submitted
17 by the Provost;

18 (b) on the recommendation of a Selection Board constituted under
19 this section for that purpose; or

20 (c) on the nomination of the Provost.

21 (3) The Selection Board referred to in subsection (2) of this section
22 shall (a) consist of:

23 (i) the chairman of the Council;

24 (ii) the Provost;

25 (iii) two members of the Council not being members of the
26 Academic Board;

27 (iv) two members of the Academic Board; and

28 (b) make such inquiries as it deems fit before making the
29 recommendation required under that subsection.

30 (4) The Deputy Provost shall:

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

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

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

7 (5) The Deputy Provost:

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

11 (b) may be reappointed for one further period of two years and no
12 more.

The Registrar
and other staff
of the College

13 11.-(1) The Council shall appoint a Registrar to the College
14 (hereinafter referred to as "the Registrar") who shall keep the records and
15 conduct the correspondence of the Council and shall perform such other duties
16 as the Council and subject thereto as the Provost may from time to time direct.

17 (2) The Registrar shall, in addition to other duties conferred on him by
18 or under this Act, be the secretary to the Council, the Academic Board and any
19 committee of the Council and in his absence, the Council or any such
20 committee may appoint some other person to act as secretary, and he shall not
21 vote on any question before the Council or count towards a quorum.

22 (3) The Registrar:

23 (a) shall hold office for a period of four years beginning from the
24 effective date of his appointment and on such terms and conditions as may be
25 specified in his letter of appointment; and

26 (b) may be reappointed for one further period of four years and no
27 more.

Other Principal
Officers of the
College

28 12.-(1) There shall be for the College the following principal officers
29 in addition to the Registrar, that is:

30 (a) the Bursar; and

1 (b) the College Librarian, who shall be appointed by the Council on
2 the recommendation of the Selection Board constituted under section 10(3)
3 of this Act.

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

7 (3) The College Librarian shall be responsible to the Provost for the
8 administration of the College Library and the coordination of the library
9 services in the teaching units of the College.

10 (4) The Bursar or Librarian:

11 (a) shall hold office for a period of four years beginning from the
12 effective date of his appointment and on such terms and conditions as may
13 be specified in his letter of appointment; and

14 (b) may be reappointed for a further period of four years; and (1 no
15 more.

16 13.-(1) A principal officer may resign his appointment:

17 (a) in the case of the Provost, by notice to the Visitor; and

18 (b) in any other case, by notice to the Council.

19 14.-(1) The Council may appoint such other persons to be
20 employees of the College as the Council may determine to assist the Provost
21 and the principal officers of the College in the performance of their
22 functions under this Act.

23 (2) Subject to the provisions of this Act, the remuneration, tenure of
24 office and conditions of service of the employees of the Council shall be
25 determined by the Council.

26 15.-(1) There shall be, for each College, a selection Board which
27 shall consist of:

28 (a) the chairman of the Council;

29 (b) the Provost;

30 (c) four members of the Council not being members of the

Resignation of
appointment of
Principal Officers

Other employees
of the College

Selection Board
for other Principal
Officers

1 Academic Board; and

2 (d) two members of the Academic Board.

3 (2) The functions, procedure and other matters relating to the
4 Selection Board constituted under subsection (1) of this section shall be as the
5 Council may, from time to time, determine.

Pensions

6 16.-(1) It is hereby declared that service in the College shall be
7 approved service for the purposes of the Pensions Reform Act and,
8 accordingly, officers and other persons employed in the College shall in respect
9 of their service in the College be entitled to pensions, gratuities and other
10 retirement benefits as are prescribed there under, so however that nothing in
11 this Act shall prevent the appointment of a person to any office on terms which
12 preclude the grant of a pension and gratuity in respect of that office.

13 (2) For the purposes of the application of the provisions of the
14 Pensions Reform Act, any power exercisable there under by a Minister or other
15 authority of the Government of the Federation (other than the power to make
16 regulations) shall be exercisable by the College and not by any other person or
17 authority.

18 PART II - FINANCIAL PROVISIONS

Establishment
of fund of the
College

19 17.-(1) The Council shall establish and maintain a fund which shall be
20 applied towards the promotion of the objectives specified in this Act

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

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

26 (b) all moneys raised for the purposes of the Council by way of gifts,
27 grants-in-aid or testamentary disposition; and

28 (c) all subscriptions, fees and charges for services rendered by the
29 Council and all other sums that may accrue to the Council from any source.

30 (3) The Council shall submit to the Minister, through the National

1 Board for Technical Education (NBTE), not later than three months before
2 the end of each financial year or at such other time as he may direct, an
3 estimate of its revenue and expenditure for the next succeeding financial
4 year.

5 18. The Council shall keep proper accounts of its receipts, Accounts and
6 payments, assets and liabilities and shall in respect of each year cause the audit
7 accounts to be audited.

8 19. The Council shall as soon as may be after the expiration of Annual reports
9 each financial year, prepare and submit to the Minister a report of its
10 activities during the immediately preceding financial year and shall include
11 in the report a copy of the audited accounts of the College for that year and of
12 the auditor's report on the accounts.

13 PART III - MISCELLANEOUS AND SUPPLEMENTARY

14 20.-(1) For the purpose of providing offices and premises Offices and
15 necessary for the performance of its functions, the Council may: premises

16 (a) purchase any interest in or take on lease any land; and

17 (b) build, equip and maintain offices and premises.

18 (2) The Council may, with the approval of the Minister, sell any
19 interest in or lease any land, offices or premises held by it and no longer
20 required for the performance of its functions.

21 21.-(1) The Council may make rules providing for the Provost to Discipline of
22 conduct enquiries into alleged breaches of discipline (including lack of students
23 diligence) by students and such rules may make different provisions for
24 different circumstances.

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

27 (3) Subject to the provisions of subsection (1) of this section, where
28 it is proved during the enquiry that any student of the College has been guilty'
29 of misconduct, the Provost may, without prejudice to any other disciplinary

1 powers conferred on him by this Act or any regulations made there under,
2 direct:

3 (a) that the student shall not, during such period as may be specified in
4 the direction, participate in such activities of the College, or make use of such
5 facilities of the College, as he may specify;

6 (b) that the activities of the student shall during such period as may be
7 specified in the directions, be restricted in such manner as may be so specified;

8 (c) that the student may be suspended for such period as may be
9 specified in the direction; or

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

11 (4) Where there is temporarily no Provost or where the Provost
12 refuses to apply any disciplinary measures, the Council may, either directly or
13 through some other staff, apply such disciplinary actions as are specified in
14 subsection (3) of this section to any student of the College who is guilty of
15 misconduct.

16 (5) Where a direction is given under subsection (3) (c) or (d) of this
17 section in respect of any student, the student may, within 21 days from the date
18 of the letter communicating the decision to him, appeal from the direction to
19 the Council, and where such an appeal is brought, the Council shall, after
20 causing such inquiry to be made in the matter as the Council considers just,
21 either confirm or set aside the direction or modify it in such manner as the
22 Council may think fit.

23 (6) The fact that an appeal from a direction is brought in pursuance of
24 subsection (5) of this section shall not affect the operation of the direction while
25 the appeal is pending.

26 (7) The Provost may delegate his powers under this section to a
27 disciplinary committee consisting of such members of the College as he may
28 nominate.

29 (8) Nothing in this section shall be construed as preventing the
30 restriction or termination of a student's activities at the College otherwise than

1 on the ground of misconduct.

2 (9) It is hereby declared that the direction under subsection (3) (a)
3 of this section may be combined with a direction under subsection (3) (b) of
4 this section.

5 (10) In all cases under this section, the decision of the Council shall
6 be final unless reversed by the Minister on appeal by the student.

7 22. In this Act, unless the context otherwise requires:

Interpretation

8 "Chairman" means the chairman of the Council;

9 "Council" means the Governing Council of the College established by or
10 pursuant to section 2 of this Act;

11 "Provost" means the Provost of the College appointed under section 9 of this
12 Act;

13 "Powers" includes functions and duties;

14 "Minister" means the Minister charged with responsibility for matters
15 relating to education;

16 "Member" means a member of the Council including the chairman.

17 23. This Bill may be cited as the Federal College of Agriculture, Short title
18 Ijebu Jesa (Establishment) Bill, 2019.

19

1 SCHEDULES

2 FIRST SCHEDULE

3 [Section 2 (3).]

4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

5 *Terms of service*

6 1. There may be paid to the members of the Council or any
7 committee, other than ex-officio members, such remuneration and allowances
8 as may from time to time be determined by the Minister.

9 2. The Council may act notwithstanding any vacancy in its
10 membership or any defect in the appointment of a member or the absence of a
11 member.

12 *Proceeding*

13 3.-(1) The Council shall meet for the conduct of business at such
14 times, place and on such days as the chairman may appoint but shall meet not
15 less than once every four months.

16 (2) The chairman may at any time and shall, at the request in writing of
17 not less than five members, convene a meeting of the Council.

18 (3) At any meeting of the Council the chairman shall preside; but in
19 his absence, members present shall elect one of their members to preside at the
20 meeting.

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

25 (5) The quorum of the Council shall be one half of the total members
26 of the Council, at least one of whom shall be a member appointed by the
27 Minister.

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

Miscellaneous

1
2 4.-(1) The fixing of the seal of the College shall be authenticated by
3 the signature of the chairman, Provost and of some other members of the
4 Council authorised generally or specially by the Council to act for that
5 purpose.

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal College of Agriculture, Ijebu Jesa, Osun State and to identify the agricultural problems and needs of Nigeria and to find solutions to them within the context of overall national development.

