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FEDERAL COLLEGE OF AGRICULTURE MALUMFASHI
(ESTABLISHMENT) BILL, 2019
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A BILL

FOR

AND ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL COLLEGE
OF AGRICULTURE MALUMFASHI AND FOR RELATED MATTERS

Sponsored by Hon. Ibrahim Babangida

[] Commencement

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

*Establishment and functions of the Federal College of
Agriculture Malumfashi*

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

Establishment
and objects of
Federal College
of Agriculture
Malumfashi

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

6 2. The objects of the College shall be-

Objects of the
Colege

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

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

18 (c) to act as agents and catalysts, through postgraduate training,
19 research and innovation for the effective and economic utilisation,

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

3 (d) to offer to the general population, as a form of public service, the
4 results of training and research in agriculture and allied disciplines and to foster
5 the practical application of those results;

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

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

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

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

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

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

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

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

28 (m) to undertake any other activities appropriate for Universities of
29 Agriculture.

- 1 **3.**-(1) Each College shall consist of- Principal Officers
of the College
- 2 (a) Chairman of Governing Council;
- 3 (b) Provost;
- 4 (c) Deputy Provost;
- 5 (d) schools, departments, institutes and other teaching and
- 6 research units;
- 7 (e) persons holding the offices constituted by the First Schedule to
- 8 this Act other than those mentioned in paragraph (a) to (d) of this subclause;
- 9 (f) all students of the College; and
- 10 (g) all other persons who are members of the College in accordance
- 11 with provisions made by regulation in that behalf.
- 12 (2) The First Schedule to this Bill shall have effect with respect to
- 13 the principal officers of the college therein mentioned.
- 14 (3) Subject to clause 6 of this Bill, provision shall be made by
- 15 regulation with respect to the constitution of the following bodies, namely
- 16 the Council, Congregation and Convocation.
- 17 **4.**-(1) For the carrying out of its objects as specified in clause 2 of Powers of the
College and their
exercise
- 18 this Bill, the College shall have power-
- 19 (a) to establish such campuses, colleges, institutes, schools, extra-
- 20 mural departments and other teaching and research units within the College
- 21 as may, from time to time, be deemed necessary or desirable, subject to the
- 22 approval of the Federal Ministry of Agriculture and Rural Development;
- 23 (b) to establish agricultural and rural extension services in various
- 24 parts of Nigeria;
- 25 (c) to institute professorships, readerships or associate
- 26 professorships, and other posts and offices and to make appointments
- 27 thereto;
- 28 (d) to institute and award fellowships, scholarships, exhibitions,
- 29 bursaries, medals, prizes and other titles, distinctions, awards and other
- 30 forms of assistance;

1 (e) to provide for the discipline and welfare of students of the College;

2 (f) to hold examinations and grant National Diploma and Higher
3 National Diploma, and other distinctions to persons who have pursued a course
4 of study approved by the college and have satisfied such other requirements as
5 the College may lay down;

6 (g) to demand and receive from any student or any other person
7 attending the College for the purpose of instruction such fees as the College
8 may, from time to time, determine subject to the overall directives of the
9 Minister;

10 (h) subject to clause 23 of this Bill, to acquire, hold, grant, charge or
11 otherwise deal with or dispose of movable and immovable property wherever
12 situate;

13 (i) to accept gifts, legacies and donations, but without obligation to
14 accept the same for a particular purpose unless it approves the terms and
15 conditions attaching thereto;

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

18 (l) to erect, provide, equip and maintain libraries, laboratories; lecture
19 halls, halls of residence, refectories, sports grounds, playing fields and other
20 buildings or things necessary or suitable or convenient for any of the objects of
21 the College;

22 (m) to hold public lectures and to undertake printing, publishing and
23 book-selling;

24 (n) subject to any limitations on conditions imposed by regulation, to
25 invest any money appertaining to the College by way of endowment, not being
26 immediately required for current expenditure, in any investments or securities
27 or the purchase or improvement of land, with power from time to time to vary
28 any such investments and to deposit any money for the time being not invested
29 with any bank on deposit or current account;

30 (o) to borrow, whether on interest or not if need be upon the security of

1 any or all of the property, movable or immovable, of the College, such
2 moneys as the Council may, from time to time, in its discretion find it
3 necessary or expedient to borrow or to guarantee any loan, advances or
4 credit facilities;

5 (p) to do anything which it is authorised or required by this Bill or
6 by regulation to do ;and

7 (q) to do all such acts or things, incidental to the foregoing powers,
8 as may advance the objects of the College.

9 (r) Subject to the provisions of this Bill and of the regulations and
10 without prejudice to clause 9 (2) of this Bill, the powers conferred on the
11 College by subclause (1) of this clause shall be exercisable on behalf of the
12 College by the Governing Council or in any other manner, which may be
13 authorised by regulation.

14 (2) The power of the College to establish further campuses and
15 colleges within the College shall be exercisable by Bill and not otherwise.

16 5.-(1) The Chairman shall, in relation to the College, take
17 precedence before all other members of the College and when he is present
18 shall preside at all meetings of Convocation held for conferring degrees.

Functions of the
Chairman
Governing Council

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

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

Composition of
the Council

23 (a) the Chairman;

24 (b) the Provost;

25 (c) the Deputy Vice-Provost;

26 (d) one person not below the rank of Director from the Ministry
27 responsible for education;

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

30 (f) The Provost and Deputy Provost shall be Chairman and

Functions of
the Council and
its Finance and
General Purposes
Committee

1 Secretary respectively;

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

4 (h) two persons appointed by Congregation from among its members;

5 (h) one person appointed by Convocation from among its members.

6 **7.-(1)** Subject to the provisions of this Bill relating to the Visitor, the
7 Council shall be the governing body of the College and shall be charged with
8 the general control and superintendence of the policy, finance and property of
9 the College.

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

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

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

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

24 (6) Rules made under subclause (5) of this clause by the Finance and
25 General Purposes Committee shall not come into force unless approved by the
26 Council; and in so far and to the extent that any rules so made by that
27 Committee conflict with any directions given by the Council (whether before
28 or after the coming into force of the rules in question), the direction of the
29 Council shall prevail.

30 (7) There shall be paid to the members of the Council, the Finance and

1 General Purposes Committee respectively and of any other committee set
2 up by the Council an allowance in respect of travelling and other reasonable
3 expenses, at such rates as may, from time to time, be fixed by the Minister.

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

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

10 (10) Any request made under subclause (9) of this clause shall
11 specify the business to be considered at the meeting and a business not so
12 specified shall not be transacted at the meeting.

13 **8.**-(1) it shall be the general function of the Academic Board to
14 organise and control the teaching by the College, the admission (where no
15 other enactment provides to the contrary, of students) and the discipline of
16 students; and to promote research at the College.

Functions of the
Academic Board

17 (2) Without prejudice to the generality of subclause (1) of this
18 clause and subject as there mentioned, it shall in particular be the function of
19 the Council to make provision for-

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

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

26 (c) the award of degrees, and such other qualifications as may be
27 prescribed, in connection with examinations held as aforesaid;

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

30 (e) the establishment, organisation and control of halls of residence

1 and similar institutions at the College;

2 (f) the supervision of the welfare of students at the College and the
3 regulation of their conduct;

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

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

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

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

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

23 (6) Subject to a right of appeal to the Council from a decision of the
24 Academic Board under this subclause, the Council may deprive any person of
25 any degree, diploma or other award of the College which has been conferred
26 upon him if after due enquiry he is shown to have been guilty of dishonourable
27 or scandalous conduct in gaining admission into the College or obtaining that
28 award.

Functions of
the Provost

29 **9.**-(1) The Provost shall, in relation to the College, take precedence
30 before all other members of the College, and any other person for the time

1 being acting as chairman of the Council.

2 (2) Subject to clauses 8, 9, and 15 of this Bill, the Provost shall have
3 the general function, in addition to any other functions conferred on him by
4 this Bill or otherwise, of directing the activities of the College and shall be
5 the chief executive and academic officer of the College and chairman of the
6 Academic Board.

7 (4) The power to make regulations conferred by this clause shall
8 not be prejudiced or limited in any way by reason of the inclusion or
9 omission of any matter in or from the Bill or any subsequent enactment.

10 **10.**-(1) The power of the College to make regulations shall be
11 exercised in accordance with the provisions of this clause and not otherwise.

Mode of exercising
power to make
Regulations

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

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

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

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

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

25 (5) For the purposes of clause 1 (2) of the Interpretation Act, a
26 regulation shall be treated as being made on the date on which it is duly
27 approved by the Council after having been approved by the Academic
28 Board, as the case may be or, in the case of a regulation falling within sub-
29 clause (4) of this clause, on the date on which it is approved by the President.

30 (6) In the event of any doubt or dispute arising at any time-

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

2 (b) as to whether any matter is for the purpose of this Bill an academic
3 matter as they relate to such doubt or dispute, the matter may be referred to the
4 Visitor, who shall take such advice and make such decision therein as he shall
5 think fit.

6 (7) The decision of the Visitor on any matter referred to him under
7 subclause (6) of this clause shall be final and binding upon the authorities, staff
8 and students of the College and where any question as to the meaning of any
9 provision of a regulation has been decided by the Visitor under that subclause,
10 the question as to the meaning of that provision shall not be entertained by any
11 court of law in Nigeria.

12 (8) Nothing in subclause (7) of this clause shall affect any power of a
13 court of competent jurisdiction to determine whether any provision of a
14 regulation is wholly or partially void as being ultra vires or as being
15 inconsistent with the Constitution of the Federal Republic of Nigeria 1999.

16 (9) Proof of regulations:

17 A regulation may be proved in any court by the production of a copy thereto
18 bearing affixed to it a certificate purporting to be signed by the Provost or the
19 secretary to the Council to the effect that the copy is a true copy of a regulation
20 of the College.

21 *Supervision and discipline*

The Visitor 22 **11.-(1)** The Governor shall be the Visitor of the College.

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

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

- 1 **12.**-(1) If it appears to the Council that a member of the Council Removal of
2 (other than the Visitor or the Provost) should be removed from office on the certain members
3 ground of misconduct or inability to perform the functions of his office or of Council
4 employment, the Council shall make a recommendation to that effect
5 through the Minister to the President after making such enquiry, if any, as
6 may be considered appropriate, and if the President approves the
7 recommendation he may direct the removal of the person in question from
8 office.
- 9 (2) It shall be the duty of the Minister to use his best endeavour to
10 cause a copy of the instrument embodying a direction under subclause (1) of
11 this clause to be served as soon as reasonably practicable on the person to
12 whom it relates.
- 13 **13.**-(1) If it appears to the Council that there are reasons for Removal and
14 believing that any person employed as a member of the academic, discipline of
15 administrative or professional staff of the College, other than Provost, academic,
16 should be removed from his office or employment on the ground of administrative
17 misconduct or of inability to perform the functions of his office or and professional
18 employment, the Council shall- staff
- 19 (a) give notice of those reasons to the person in question;
- 20 (b) afford him an opportunity of making representations in person
21 on the matter;
- 22 (c) appoint a Staff Disciplinary Committee, and if the Council,
23 after considering the report of the Staff Disciplinary Committee, is satisfied
24 that the person in question should be removed as aforesaid, the Council may
25 so remove him by an instrument in writing signed on the directions of the
26 Council.
- 27 (2) The Provost may, in case of misconduct by a member of staff
28 which in the opinion of the Provost is prejudicial to the interests of the
29 College, suspend such member and any such suspension shall forthwith be
30 reported to the Council.

1 (3) For good cause, any member of staff may be suspended from his
2 duties or his appointment may be terminated by the Council; and for the
3 purposes of this subclause "Good cause" means-

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

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

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

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

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

19 (4) Any person suspended pursuant to subclause (2) or (3) of this
20 clause shall be on half pay and the Council shall before the expiration of a
21 period of three months after the date of such suspension consider the case
22 against that person and come to a decision as to-

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

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

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

30 (e) whether to take such lesser disciplinary action against such person

1 (including the restoration of such proportion of his emoluments as might
2 have been withheld) as the Council may determine.

3 (5) In any case where the Council, pursuant to this clause, decides
4 to continue a person's suspension or decides to take further disciplinary
5 action against a person, the Council shall before the expiration of a period of
6 three months from such decision come to a final determination in respect of
7 the case concerning any such person.

8 (6) It shall be the duty of the person by whom an instrument of
9 removal is signed in pursuance of sub (1) of this clause to use his best
10 endeavour to cause a copy of the instrument to be served as soon as
11 reasonably practicable on the person to whom it relates.

12 (7) Nothing in the foregoing provisions of this clause shall-

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

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

17 **14.**-(1) The Provost or Academic Board shall constitute an
18 Investigation Panel to determine whether or not a prima facie case has been
19 established against any member of staff.

Procedures for
staff discipline

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

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

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

27 **15.** External examiners shall be appointed by the Academic Board.

Appointment of
external examiners

28 **16.**-(1) If on the recommendation of the Academic Board, it
29 appears to the Provost that a person appointed as an examiner for any
30 examination of the College ought to be re- moved from his office or

Removal of
examiners

1 appointment, then except in such cases as may be prescribed, the Provost may,
2 after affording the examiner an opportunity of making representations in
3 person on the matter to the Provost, remove the examiner from the office or
4 appointment by an instrument in writing signed by the Provost.

5 (2) Subject to the provisions of regulations made in pursuance of
6 clause 9 (5) of this Bill, the Provost may, on the recommendation of the
7 Academic Board, appoint an appropriate person as examiner in place of the
8 examiner removed in pursuance of subclause (1) of this clause.

9 (3) It shall be duty of the Provost to sign an instrument of removal in
10 pursuance of this clause, to use his best endeavour to cause a copy of this
11 instrument to be served as soon as is reasonably practicable on the person to
12 whom it relates.

Discipline of
students

13 **17.**-(1) Subject to the provisions of this clause, where it appears to the
14 Provost that any student of the College has been guilty of misconduct, the
15 Provost may, in consultation with the Academic Board and, without prejudice
16 to any other disciplinary power conferred on him by regulation or regulations,
17 direct that-

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

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

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

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

26 (2) Where a direction is given under subclause (1) (c) or (d) of this
27 clause in respect of any student, that student may, within the prescribed period
28 and in the prescribed manner, appeal to the Council; and where such an appeal
29 is brought, the Council shall after causing such inquiry to be made in the matter
30 as the Council considers just, confirm or set aside the direction or modify it in

1 such manner as the Council thinks fit.

2 (3) The fact that an appeal from a direction is brought in pursuance
3 of subclause (2) of this clause shall not affect the operation of the direction
4 while the appeal is pending.

5 (4) The Provost may delegate his powers under this clause to a
6 Disciplinary Committee consisting of such members of the College as he
7 may nominate.

8 (5) Nothing in this clause shall be construed as preventing the
9 restriction or termination of a student's activities at the College otherwise
10 than on the ground of misconduct.

11 (6) Without prejudice to the provision of subclause (1) of this
12 clause, nothing shall prevent the Provost from taking an immediate
13 disciplinary action against a student where he deems fit, and report
14 thereafter to the Academic Board.

15 (7) It is hereby declared that a direction under subclause (1) (a) of
16 this clause may be combined with a direction under subclause (1) (b) of this
17 clause.

18 (8) No staff or student shall resort to a law court without proof of
19 having exhausted the integral avenues for settling disputes or grievances or
20 for seeking redress.

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

24 (10) Nothing in this subclause shall affect any power of a court of
25 competent jurisdiction to enforce the fundamental right of any aggrieved
26 citizen as enshrined in the Constitution of the Federal Republic of Nigeria
27 1999.

28 *Miscellaneous and general*

29 **18.-(1)** No person shall be required to satisfy the requirements as to
30 any of the following matters, that is to say, race (including ethnic

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

1 grounding), sex, place of birth or family origin, or religious or political
2 persuasion, as a condition of becoming or continuing to be a student at the
3 College, the holder of any degree of the College or of any appointment or
4 employment at the College or a member of anybody established by virtue of
5 this Bill; and no person shall be subjected to any disadvantage or accorded any
6 advantage in relation to the College, by reference to any of those matters.

7 (2) Nothing in subclause (1) of this clause shall be construed as
8 preventing the College from imposing any disability or restriction on any of the
9 aforementioned persons where such person wilfully refuses or fails on grounds
10 of religious belief to undertake any duty generally and uniformly imposed on
11 all such persons or any group of them which duty, having regard to its nature
12 and the special circumstance pertaining thereto, is in the opinion of the College
13 reasonably justifiable in the national interest.

Restriction on
disposal of land
by College

14 **19.** Without prejudice to the provisions of the Land Use Act, the
15 College shall not dispose of or charge any land or an interest in any land
16 (including any land transferred to the College by this Bill) except either with
17 the prior written consent either general or special, of the President:

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

Quorum and
procedure of
bodies established
by this Bill

21 **20.** Except as may be otherwise provided by regulation or by
22 regulations, the quorum and procedure of any body of persons established by
23 this Bill shall be as determined by that body.

Appointment
of committees,
etc.

24 **21.**-(1) Anybody of persons established by this Bill shall, without
25 prejudice to the generality of the powers of that body, have power to appoint
26 committees, which need not consist exclusively of members of that body and to
27 authorise a committee established by it-

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

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

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

5 (3) Except as may be otherwise provided by regulation or by
6 regulations, the quorum and procedure of a committee established or
7 meeting held in pursuance of this clause shall be such as may be determined
8 by the body or bodies which have decided to establish the committee or hold
9 the meeting.

10 (4) Nothing in the foregoing provisions of this clause shall be
11 construed as-

12 (a) enabling regulations to be made otherwise than in accordance
13 with clause 13 of this Bill; or

14 (b) enabling the Academic Board to empower any other body to
15 make regulations or to award degrees or other qualifications.

16 (5) The Provost shall be members of every committee of which the
17 members are wholly or partly appointed by the Council (other than a
18 committee appointed to inquire into the conduct of any officer in question);
19 and the Provost shall be a member of the Council and the Provost shall be a
20 member of every committee of which the members are wholly or partly
21 appointed by the Academic Board.

22 **22.**-(1) Notwithstanding anything to the contrary in the Pensions
23 Act, the compulsory retiring age of an academic staff of a College shall be 65
24 years.

Retiring age of
academic staff
of the College

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

27 **23.**-(a) a minimum period of fifteen years as a professor in the
28 College or continuously in the service of a College in Nigeria up to the
29 retiring age; and

Special provisions
relating to pension
of professors
a person who
retires as a
professor having
served

30 (b) who during the period of service was absent from the College

1 only on approved national or College assignments, shall be entitled to pension
2 at a rate equivalent to his last annual salary and such allowances as the Council
3 may, from time to time, determine as qualifying for pension and gratuity, in
4 addition to any other retirement benefits to which he may be entitled.

Miscellaneous
administrative
provisions

5 **23.**-(1) The seal of the College shall be such as approved by the
6 Council and the affixing of the seal shall be authenticated by any member of the
7 Council and by the Provost, secretary to the Council or any other person
8 authorised under this Bill.

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

12 (3) Any contract or instrument which if made or executed by a person
13 not being a body corporate would not be required to be under seal, may be made
14 or executed on behalf of the College by any person generally or specifically
15 authorised to do so by the Council.

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

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

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

28 (7) The power conferred by this Bill on anybody to make regulations
29 or regulations shall include power to revoke or vary any regulation (including
30 the regulation contained in the Second Schedule of this Bill) or any regulation

1 by a subsequent regulation, or, as the case may be, by a subsequent
2 regulation and regulation and regulations may make different provisions in
3 reaction to different circumstances.

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

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

9 **24.-(1)** In this Bill, unless the context otherwise requires-

Interpretation

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

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

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

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

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

16 "Notice" means notice in writing;

17 "Office" does not include the Visitor;

18 "Prescribed" means prescribed by regulations or regulations;

19 "Professor" means a person designated as a professor of the College in
20 accordance with provisions made in that behalf by regulation or regulations;

21 "Property" includes rights, liabilities and obligations;

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

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

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

28 "Undergraduate" means a person in statupupillari at the College other than-

29 (a) a graduate; and

30 (b) a person of such description as may be prescribed for the

1 purposes of this definition;
2 "College" means any of the College of Agriculture established under clause 2 of
3 this Bill.

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

Short title 11 **25.** This Bill may be cited as the Federal College of Agriculture
12 Mulumfashi (Establishment) Bill, 2019.

13 SCHEDULES

14 FIRST SCHEDULE

15 PRINCIPAL OFFICERS OF THE COLLEGE

16 *The Chairman Governing Board*

17 1.- (1) The Chairman shall be appointed by the President of Nigeria.

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

19 (3) If it appears to the Visitor that the Chairman should be removed
20 from his office on the ground of misconduct or of inability to perform the
21 functions of his office, the Visitor may by notice in the Federal Gazette remove
22 the Chairman from office.

23 *The Provost*

24 3.- (1) There shall be a Provost of the College who shall be appointed
25 by the President in accordance with the provisions of this paragraph.

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

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

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

30 (ii) the terms and conditions of service applicable to the post, and

1 thereafter draw up a short list of suitable candidates for the post for
2 consideration;

3 (b) constitute a search team consisting of-

4 (i) a member of the Council, who is not a member of the Academic
5 Board, as chairman;

6 (ii) two members of the Academic Board who are not members of
7 the Council, one of whom shall be a professor;

8 (iii) two members of Congregation who are not members of the
9 Council, one of whom shall be a professor, to identify and nominate for
10 consideration, suitable persons who are not likely to apply for the post on
11 their own volition because they feel that it is not proper to do so.

12 (3) A joint Council and Academic Board Selection Board
13 consisting of-

14 (a) the Chairman, as chairman;

15 (b) two members of the Council, not being members of the
16 Academic Board;

17 (c) two members of the Academic Board who are professors, but
18 who were not members of the Search Team, shall consider the candidates
19 and persons on the short list drawn up under subparagraph (2) of this
20 paragraph through an examination of their curriculum vitae and interaction
21 with them, and recommend to the Council suitable candidates for further
22 consideration.

23 (4) The Council shall select three candidates from among the
24 candidates recommended to it under subparagraph (3) of this paragraph and
25 may indicate its order of preference stating the reasons therefore and
26 forward the names to the President.

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

30 (6) The Provost shall hold office for a single term of five years only

1 on such terms and conditions as may be specified in his letter of appointment.

2 (7) For the avoidance of doubt, the provisions of subparagraph(6) of
3 this paragraph shall-

4 (a) only be applicable to those appointed to the office of Provost after
5 1 January, 1993;

6 (b) not confer on a person serving a first term of office as Provost
7 before 1 January, 1993 any right to renewal of the appointment for a further
8 term of four years.

9 (8) The Provost may be removed from office by the Visitor after due
10 consultation with the Council and the Academic Board acting through the
11 Minister of Education.

12 *Deputy Provost*

13 4.-(1) There shall be for the College Deputy Provost as the Council
14 may, from time to time, deem necessary for the proper administration of the
15 College.

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

19 (3) The Academic Board shall select for each vacant post one
20 candidate from each list forwarded to it under subparagraph (2) of this
21 paragraph and forward his 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; and

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

5 *Office of the Registrar*

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

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

14 *Other principal officers of the College*

15 6.-(1) There shall be for the College the following principal
16 officers, in addition to the Registrar, that is-

17 (a) the Bursar; and

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

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

24 (3) The College Librarian shall be responsible to the Provost for the
25 administration of the College library and the co-ordination of the library
26 services in the College and its campuses, colleges, faculties, schools,
27 departments, institutes and other teaching or research units.

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

1 *Selection Board for other Principal Officers*

2 7.- (1) There shall be, for the College, a Selection Board for the
3 appointment of principal officers, other than the Provost or Deputy Provost,
4 which shall consist of-

5 (a) the Chairman of the Governing Council;

6 (b) four members of the Council not being members of the Academic
7 Board; and

8 (c) two members of the Academic Board.

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

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

15 *Resignation and re-appointment*

16 8.-(1) Any officer mentioned in the foregoing provisions of this
17 Schedule may resign his office-

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

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

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

25 *The Council*

26 1.-(1) The composition of the Council shall be as provided in clause 7
27 of this Bill.

28 (2) Any member of the Council holding office otherwise than in
29 pursuance of clause 7 (a), (b), (c) or (d) of this Bill may, by notice to the
30 Council, resign his office.

1 (3) A member of the Council holding office otherwise than in
2 pursuance of clause 7 (a), (b), (c) or (d) of this Bill shall, unless he previously
3 vacates it, vacate that office on the expiration of the period of five years
4 beginning with effect from 1 August in the year in which he was appointed.

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

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

13 (6) The quorum of the Council shall be five, at least one of whom
14 shall be a member appointed pursuant to clause 7 (d), (e), or (h) of this Bill.

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

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

24 *The Finance and General Purposes Committee*

25 2.-(1) The Finance and General Purposes Committee of the
26 Council shall consist of-

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

29 (b) the Provost and Deputy Provost;

30 (c) six other members of the Council appointed by the Council, two

1 of whom shall be selected from among the three members of the Council
2 appointed by the Academic Board and one member appointed to the Council by
3 Congregation;

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

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

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

10 *The Academic Board*

11 3.-(1) The Academic Board shall consist of-

12 (a) the Provost and Deputy Provost;

13 (b) the Heads of academic departments;

14 (c) the Librarian;

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

17 (e) four persons representing the Congregation.

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

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

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

27 (5) Subject to paragraph (7) of this article, there shall be elections for
28 the selection of elected members which shall be in the prescribed manner on
29 such day in the month of Mayor June in each year as the Provost may, from time
30 to time, determine.

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

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

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

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

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

28 *Congregation*

29 4.-(1) Congregation shall consist of-

30 (a) the Provost and the Deputy Provost;

1 (b) the full-time members of the academic staff;
2 (c) the Registrar;
3 (d) the Bursar;
4 (e) the Librarian;
5 (f) the Director of Works;
6 (g) the Director of Physical Planning;
7 (h) the Director of Academic Planning;
8 (i) the Director of Health Services; and
9 (j) every member of the administrative staff who holds a degree other
10 than an honorary degree of any College recognised for the purposes of this
11 regulation by the Provost.

12 (2) Subject to clauses 5 and 6 of the Bill, the Provost shall be the
13 chairman at all meetings of Congregation when he is present; and in his
14 absence any of the Deputy Provosts present at the meeting as Congregation
15 may appoint for that meeting, shall be the chairman at the meeting.

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

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

20 (a) the total number of members of Congregation for the purposes of
21 any particular meeting or meetings of Congregation; or

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

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

27 (6) Congregation shall be entitled to express by resolution or
28 otherwise its opinion on all matters affecting the interest and welfare of the
29 College and shall have such other functions in addition to the function of

1 electing a member of the Council, as may be provided by regulation or
2 regulations.

3 *Convocation*

4 5.-(1) Convocation shall consist of-

5 (a) the officers of the College mentioned in the First Schedule to
6 the Bill;

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

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

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

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

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

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

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

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

29 (6) The register shall, unless the contrary is proved, be sufficient
30 evidence that any persons named therein is, and that any person not named

1 therein is not, a member of Convocation; but for the purpose of ascertaining
2 whether a particular person was such a member on a particular date, any entries
3 in and deletions from the register made on or after that date shall be
4 disregarded.

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

8 (8) Subject to clause 5 of this Act, the Chancellor shall be the
9 chairman at all meetings of Convocation when he is present, and in his absence
10 the Provost shall be the chairman at the meeting.

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

14 *Appointments and Promotions Committee*

15 6.-(1) There shall be an Appointments and Promotions Committee of
16 the Council which shall ultimately be responsible for all appointments,
17 promotions and discipline of all categories of senior staff in the College, under
18 the chairmanship of the Provost.

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

22 *Head of Department*

23 7.-(1) The Head of a department shall be appointment by the Provost
24 and such Head shall hold office for a period of three years and shall be eligible
25 for re-appointment for another term of three years after which he may not be
26 appointed again until two years have elapsed.

27 (2) The Head of a department shall exercise general superintendence
28 over the academic and administrative affairs of the department.

29 *Creation of academic posts*

30 8. Recommendations for the creation of posts other than those

1 mentioned in article 10 of this regulation shall be made by Academic Board
2 to the Council through the Finance and General Purposes Committee.

3 *Appointment of Academic Staff*

4 9. Subject to this Act and regulations deriving therefrom, the
5 filling of vacancies in academic posts (including newly created ones) shall
6 be the responsibility of the Appointments and Promotions Committee,
7 notwithstanding the fact that the Provost shall have the power to make
8 temporary appointments to academic and non-academic positions for a
9 period not exceeding twelve calendar months.

10 *Funding of the College*

11 10.-(1) The Federal Ministry of Agriculture and Rural
12 Development shall have responsibility for agricultural education in the
13 College similar to the responsibility of the Federal Ministry of Education in
14 general universities.

15 (2) Notwithstanding the provisions of the National Universities
16 Commissions Act, the College shall receive funds directly from the Federal
17 Ministry of Agriculture and Rural Development and from other national and
18 international agencies.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of Federal College of Agriculture Malumfashi and to offer to the general population, as a form of public service, the results of training and research in agriculture and allied disciplines and to foster the practical application of those results.