FEDERAL UNIVERSITY OF AGRICULTURE AND TECHNOLOGY, FUNTUA,

(ESTABLISHMENT, ETC.) BILL, 2019

ARRANGEMENT OF CLAUSES

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SCHEDULES

FIRST SCHEDULE
SECOND SCHEDULE
THIRD SCHEDULE
A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF AGRICULTURE AND TECHNOLOGY, FUNTUA TO MAKE COMPREHENSIVE PROVISIONS FOR ITS DUE MANAGEMENT AND ADMINISTRATION AND FOR RELATED MATTERS

Sponsored by Senator Bello Mandiyu

[ ] Commencement

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

PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL UNIVERSITY OF AGRICULTURE AND TECHNOLOGY, FUNTUA

1.- (1) There is establish the Federal University of Agriculture and Technology, Funtua (in this Bill referred to as "the University").

(2) The University-

(a) shall be a body corporate with perpetual succession and a common seal; and

(b) may sue or be sued in its corporate name.

2. The objects of the University shall be to-

(a) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring tertiary education in Agriculture and Technology;

(b) to develop and offer academic and professional programmes leading to the award of diplomas, first degrees, post-graduate research and higher degrees with emphasis on planning, adaptive, technical, maintenance, developmental and productive skills in the engineering, scientific, and allied professional disciplines relating to Sports resources with the aim of producing socially mature men and women with capability
not only to understand, use and adapt existing technologies in the Agriculture, but also to improve on them and develop new ones;

(c) to act as agents and catalysts, through post-graduate training, research and innovation for the effective and economic utilization, exploitation and conservation of the country's Agriculture resources;

(d) to offer to the general population particularly in the area Agriculture as a form of public service, the results of training and research and to foster the practical applications of these results;

(e) to establish appropriate relationships with other national institutions involved in training, research and development of technologies in the Agriculture sector;

(f) to identify the problems and needs of the Agriculture sector in Nigeria and to find solutions to them within the context of overall national development;

(g) to provide and promote sound basic scientific training as a foundation for the development of Agriculture in Nigeria, taking into account indigenous cultures and the need to enhance national unity;

(h) to encourage and promote scholarship and conduct research in restricted fields of learning and human endeavor;

(i) to relate its activities to the technological, social, cultural and economic needs of the people of Nigeria; and

(j) to undertake any other activities appropriate for an Agriculture university of the highest standard.

3.- (l) The University shall consist of-

(a) a Chancellor;

(b) a Pro-Chancellor and a Council;

(c) a Vice Chancellor and a Senate;

(d) a Deputy Vice- Chancellor;

(e) a body to be called Congregation;

(f) a body to be called Convocation;
(g) the campuses and colleges of the University;

(h) the faculties, schools, institutes and other teaching and research

units of the University;

(i) the persons holding the offices constituted by the First Schedule
to this Act other than those mentioned in paragraphs (a) to (c) of this
subsection;

(j) all graduates and undergraduates; and

(k) all other persons who are members of the University in
accordance with provisions made by Statute in that behalf.

(2) The First Schedule to this Act shall have effect with respect to
the Principal Officers of the University mentioned therein.

(3) Provision shall be made by Statute with respect to the
constitution of the following bodies, namely-

(a) the Council;

(b) the Senate;

(c) the Congregation; and

(d) the Convocation.

4.- (1) For the carrying out of its objects as specified in Section 2 of
this Act, the University shall have power to-

(a) establish such campuses, colleges, faculties, institutes, schools,
extra-mural departments and other teaching and research units within the
University as may from time to time seem necessary or desirable, subject to
the approval of the National Universities Commission;

(b) institute professorships, readerships and associate
professorships, lectureships and other posts and offices and to make
appointments thereto;

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

(d) provide for the residence, discipline and welfare of members of
the University;

e) hold examinations and award degrees, diplomas, certificates and
other distinctions to persons who have pursued a course of study approved by
the University and have satisfied such other requirements as the University
may lay down;

f) award honorary degrees, fellowships or academic titles;

g) demand and receive from any student or any other person
attending the University for the purpose of instruction such fees as the
University may from time to time determine, subject to the overall directives of
the appropriate authority;

h) subject to section 22 of this Act, to acquire, hold, grant, charge or
otherwise deal with or dispose of movable and immovable property wherever
situate;

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

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

k) erect, provide, equip and maintain libraries, laboratories, lecture
halls, halls of residence, refectories, sports grounds, playing fields and other
buildings or things necessary, suitable or convenient for any of the objects of
the University;

l) hold public lectures and undertake printing, publishing and book
selling;

m) subject to any limitations or conditions imposed by Statute, to
invest any moneys appertaining to the University by law of endorsement,
whether for general or special purposes, and such other moneys as may not be
immediately required for current expenditure, in any investments or securities
or in the purchase or improvement of land, with power from time to time to vary
any such investments and to deposit any moneys for the time being un-invested
with any bank on deposit or current account;

(n) borrow, whether on interest or not, and if need be, upon the
security of any or all of the property movable or immovable of the
University, such moneys as the Council may from time to time in its
discretion find necessary or expedient to borrow or to guarantee any loan,
avances or credit facilities;

(o) make gifts for any charitable purpose;

(p) do anything which it is authorized or required by this Act or by
any other Statute to do; and

(q) do all such acts or things, whether or not incidental to the
foregoing powers, as may advance the objects of the University.

(2) Subject to the provisions of this Act and of the Statutes made
thereunder and without prejudice to Section 9 (2) of this Act, the powers
conferred on the University by subsection (1) of this section shall be
exercisable on behalf of the University by the Council or by the Senate or in
any other manner which may be authorized by this Act.

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

(2) The Pro-Chancellor shall, in relation to the University, take
precedence before all other members of the University except the
Chancellor, and except for the Vice Chancellor when acting as Chairman of
Congregation or Convocation, and the Pro-Chancellor shall when he is
present, be the Chairman at all meetings of the Council.

6.- (1) There shall be a Council for the University consisting of:

(a) the Pro-Chancellor;

(b) the Vice-Chancellor;

(c) the Deputy Vice-Chancellor;

(d) one person from the Ministry responsible for Agriculture;
(e) four persons representing a variety of interest and broadly representative of the whole Federation;
(f) four persons appointed by the Senate from among its members;
(g) two persons appointed by the congregation from among its members; and
(h) one persons appointed by Convocation from among its members.
(2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

7.- (1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the Governing Body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.
(2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.
(3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.
(4) The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.
(5) Subject to this Act and the Statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.
(6) Rules made under subsection (5) of this section by the Finance and
General Purposes Committee shall not come into force unless approved by
the Council, and where any rule so made by the Committee conflict with any
directions given by the Council (whether before or after the coming into
force of the rules in question), the direction of the Council shall prevail.

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

(8) The Council shall meet as and when necessary for the
performance of its functions under this Act, and shall meet at least four times
every year.

(9) If required in writing by any five members of the Council, the
Chairman shall within twenty-eight days after the receipt of such request
call a meeting of the Council:

PROVIDED that if after 28 days of the receipt or delivering to him
of such request, the chairman fails or neglects to call a meeting, the Registrar
shall within 14 days thereof, cause a meeting of the Council to be convened
for that purpose. The request shall specify the business to be considered at
the meeting and no business not so specified shall be transacted at that
meeting.

8.(1) Subject to section 5 of this Act and subsections (3) and (4) of
this section and to the provisions of this Act relating to the Visitor, it shall be
the general function of the Senate to organize and control teaching in the
University, admission to Postgraduate courses and other admission of
students, the discipline of students and to promote research in the
University.

(2) Without prejudice to the generality of the provisions of
subsection (1) of this section, it shall in particular be the function of the
Senate to make provision for the-
(a) establishment, organization and control of campuses, colleges, faculties, departments, schools, institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;

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

(c) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University;

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

(e) establishment, organization and control of halls of residence and similar institutions in the University;

(f) supervision of the welfare of students in the University and the regulation of their conduct;

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

(h) determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

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

(4) (a) Subject to this Act and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Act or by Statute;

(b) The Senate shall, by regulation, provide that at least one of the
persons appointed as examiners at each final or professional examination
held in conjunction with any course of study in the University is not a
teacher at the University but is a teacher at the branch of learning to which
the course relates in some other university of high repute.

(5) Subject to a right of appeal to the Council from a decision of the
Senate under this subsection, the Senate may deprive any person of any
degree, diploma or other award of the University which has been conferred
on him if after due enquiry he is shown to have been guilty of any
dishonorable or scandalous conduct in gaining admission into the
University or obtaining that award.

9.- (1) The Vice-Chancellor shall, in relation to the University, take
precedence before all other members of the University except the
Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any
other person for the time being acting as Chairman of the Council.

(2) Subject to the provisions of this Act, the Vice-Chancellor shall
have general function, in addition to any other functions conferred on him
by this Act or otherwise, of directing the activities of the University, and
shall to the exclusion of any other person or authority be the chief executive
and academic officer of the University and ex-officio Chairman of the
Senate.

PART II - TRANSFER OF PROPERTY

10.- (1) All property held by or on behalf of the Provisional Council
shall, by virtue of this subsection and without further assurance, vest in the
University and be held by it for the purpose of the University.

(2) The provisions of the Second Schedule to this Act shall have
effect with respect to the transfer of property by this section and to matters
arising therefrom and with respect to other matters mentioned in that
Schedule.

PART III - STATUTES OF THE UNIVERSITY

11.- (1) Subject to this Act, the University may make Statutes for
any of the following purposes—

(a) making provision with respect to the composition and constitution of any authority of the University;

(b) specifying and regulating the powers and duties of any authority of the University, and regulating any other matter connected with the University or any of its authorities;

(c) regulating the admission of students where it is done by the University, and their discipline and welfare;

(d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Act and of any Statute, regulation or other instrument made there-under; and

(e) making provision for other matters for which provision by Statute is authorized or required by this Act.

(2) Subject to section 25 (6) of this Act, the Interpretation Act shall apply in relation to any Statute made under this section as it applies to a subsidiary instrument within the meaning of section 27 (1) of that Act.

(3) The Statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section by the University.

(4) The power to make Statute conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent Statute.

12.—(1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.

(2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the—

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

(b) Council by the votes of not less than two thirds of the members
present and voting.

(3) A proposed Statute may originate either in the Senate or
Council, and may be approved as required by subsection (2) of this section
by both bodies in no particular order.

(4) A Statute which-

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

(b) provides for the establishment of a new campus or college or for
the amendment or revocation of any Statute whereby a campus or college is
established;

shall not come into operation unless it has been approved by the Visitor.

(5) For the purpose of section 2 (2) of the Interpretation Act, a
Statute shall be treated as being made on the date on which it is approved by
the Council and the Senate in accordance with subsection (3) of this section
or in the case of a Statute falling within subsection (4) of this section, on the
date on which it is approved by the President.

13. A Statute may be proved in any court by the production of a
copy thereof bearing or having affixed to it a certificate signed by the Vice-
Chancellor or the Registrar to the effect that the copy is a true copy of a
Statute of that University.

14.- (1) In the event of any doubt or dispute arising at any time as to
the meaning of any provision of a Statute, the matter may be referred to the
Visitor, who shall take such advice and make such decision thereon as he
deems fit.

(2) The decision of the Visitor on any matter referred to him under
this section shall be binding upon the authorities, staff and students of that
University and where any question as to the meaning of any provision of a
statute has been decided by the Visitor under this section, no question as to
the meaning of that provision shall be entertained by any other authority in
Nigeria.
Provided that nothing in this subsection shall affect the power of a
court of competent jurisdiction to determine whether any provision of a statute
is wholly or partly void as being ultra vires or as being inconsistent with the
Constitution.

(3) The foregoing provisions of this section shall apply in relation to
any doubt or dispute as to whether any matter is, for the purposes of this Act,
academic or a non-academic matter as they apply in relation to any such doubt
or dispute as is mentioned in subsection (1) of this section, and accordingly the
reference in subsection (2) of this section to any question as to the meaning of
any provision of a statute shall include references to any question as to whether
any matter is for the said purposes an academic or non-academic matter.

Part IV - Supervision and Discipline

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

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

(3) It shall be the duty of the bodies and persons comprising the
University to-

(a) make available to the Visitor, and to any other persons conducting
a visitation in pursuance of this section, such facilities and assistance as he or
they may reasonably require for the purpose of the visitation; and

(b) give effect to any instructions consistent with the provisions of
this Act which may be given by the Visitor in consequence of the visitation.

16-(1) If it appears to the Council that a member (other than the Pro-
Chancellor or the Vice-Chancellor) should be removed from office on grounds
of misconduct or inability to perform the functions of his office, the Council
shall make a recommendation to that effect through the Minister to the Sports
University of Nigeria Abuja Executive Council and if the Sports University of
Nigeria Abuja Executive Council, after making such enquiries (if any) as may
be considered necessary, approves the recommendation it may direct the removal of the member from office.

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

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

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

(b) afford such person an opportunity of making representation in person on the matter to the Council; and

(c) take a decision to terminate or not to terminate the appointment.

(2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council’s decision, the Council shall make arrangements for-

(a) a joint committee of the Council and the Senate to review the matter and to report on it to the Council;

(b) the person in question to be afforded an opportunity to appear before and be heard by an investigating committee with respect to the matter; and if the Council after considering the report of the investigating committee, is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall immediately be reported to the Council.
(4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and for the purposes of this subsection "good cause" means-

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

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

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

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

(5) Any person suspended pursuant to subsection (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months from the date of such suspension consider the case against that person and come to a decision as to whether to-

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

(b) reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension;

(c) terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or

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

(6) Where the Council, pursuant to this section, decides to continue a
person's suspension or decides to take further disciplinary action against the
person, the Council shall, before the expiration of three months from such
decision come to a final determination in respect of the case concerning such
a person.

(7) It shall be the duty of the person by whom an instrument of
removal is signed in pursuance of subsection (1) above to use his best
edavors to cause a copy of the instrument to be served as soon as
reasonably practicable on the person to whom it relates.

(8) Nothing in the foregoing provisions of this section shall prevent
the Council from making regulations for the discipline of staff and workers
of the University as may be appropriate.

18.- (1) If, on the recommendation of the Vice-Chancellor, it
appears to the Senate that a person appointed as an examiner for any
examination of the University ought to be removed from his office or
appointment, then, the Senate may, after affording the examiner an
opportunity of making representations in person on the matter, direct the
Vice-Chancellor to remove the examiner by an instrument in writing signed
by the Registrar.

(2) Subject to the provisions of any regulation made pursuant to
section 8 (4) of this Act, the Vice-Chancellor may, on the recommendation
of Senate, appoint an appropriate person as examiner in the place of the
examiner removed.

(3) It shall be the duty of the Registrar on signing an instrument of
removal pursuant to this section, to use his best endeavours to cause a copy
of the instrument to be served as soon as reasonably practicable on the
person to whom it relates.

19.- (1) Subject to the provisions of this section, where it appears to
the Vice-Chancellor that any student is guilty of misconduct, the Vice-
Chancellor may, without prejudice to any other disciplinary powers
conferred on him by Statute or regulations, direct that the-
(a) student shall not, during such period as may be specified in the
direction, participate in such activities of the University or make use of such
facilities of the University as may be so specified;
(b) activities of the student shall, during such period as may be
specified in the direction, be restricted in such manner as may be so specified;
(c) student be rusticated for such period as may be specified in the
direction.

(2) Where a direction is given under subsection (1) paragraphs (c) or
(d) of this section in respect of any student, the student may, within the
prescribed period and in the prescribed manner, appeal against the direction to
the Senate.

(3) Where an appeal is brought pursuant to subsection (2) of this
section, the Senate shall, after causing such inquiry to be made in the matter as
the Senate considers just, either confirm or set aside the direction or modify it
in such manner as the Senate thinks fit.

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

(5) The Vice-Chancellor may delegate his powers under this section
to a disciplinary board consisting of such members of the University as he may
nominate.

(6) Nothing in this section shall be construed as preventing the
restriction or termination of a student's activities at the University for conduct
which in the opinion of Senate is prejudicial to the interest of the University or
to its corporate objective or image.

(7) A direction under subsection (1) (a) of this section may be
combined with a direction under subsection (1) (b) of this section.

PART V - MISCELLANEOUS AND GENERAL PROVISIONS

20.- (1) No person shall be required to satisfy requirements as to any of
the following matters, that is to say, race (including ethnic grouping) sex, place
of birth, family origin, religious or political persuasion, as a condition for
becoming or continuing to be a-

(a) student in the University;

(b) Holder of any degree, appointment or employment in the
University; or

(c) member of anybody established by virtue of this Act.

(2) No person shall be subjected to any disadvantage or accorded
any advantage in relation to the University by reference to any of the matters
referred to in subsection (1) of this section.

(3) Nothing in subsection (1) of this section shall be construed as
preventing the University from imposing any disability or restriction on any
of the persons specified in subsection (1) of this section where such persons
wilfully refuse or fail on grounds of religious belief to undertake any duty
generally and uniformly imposed on all such persons or any group of them
which duty, having regard to its nature and the special circumstances, is in
the opinion of the University reasonably justifiable in the national interest.

21.- (1) For the purpose of the Land Use Act (which provides for the
compulsory acquisition of land for public purposes) any purpose of the
University shall be the same as that of the Federation.

(2) Where an estate or interest in land is acquired by the
Government pursuant to this section, the Government may, by a certificate
under the hand and seal of the Sports University of Nigeria Abuja or any
other person authorized in that behalf transfer it to the University.

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

PROVIDED that such consent shall not be required in the case of
any lease or tenancy at a rack-rent for a term not exceeding twenty-one years
of any lease or tenancy to a member of the University for residential purpose.

23. Except as may be otherwise provided by Statute or by Regulation, the quorum and procedure of any body of persons established by this Act shall be such as may be determined by that body.

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

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

(b) co-opt members and direct whether or not co-opted members shall be entitled to vote in that committee.

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

(3) Except as may be otherwise provided by Statute or Regulations, the quorum and procedure of a committee established or meeting held pursuant to this section shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.

(4) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, (other than a committee appointed to inquire into the conduct of the officer in question) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

(5) Nothing in the foregoing provisions of this section shall be construed as enabling-

(a) statutes to be made otherwise than in accordance with section 11 of this Act; or
(b) the Senate to empower any other body to make Regulations or
to award degrees or other qualifications.

25.-(1) The seal of the University shall be such as may be
determined by the Council and approved by the Chancellor and the affixing
of the seal shall-

(a) in the case of certificates issued by the University, be
authenticated by the Vice-Chancellor and the Registrar; and

(b) in the case of any other document, be authenticated by any
member of Council, the Vice-Chancellor and the Registrar or any other
person authorized by Statute.

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

(3) Any contract or instrument which, if made or executed by a
person not being a body corporate, would not be required to be under seal,
may be made or executed on behalf of the University by any person
generally or specially authorized to do so by the Council without seal.

(4) The validity of the proceedings of any body established
pursuant to this Act shall not be affected by-

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

(6) Nothing in section 12 of the Interpretation Act (which provides
for the application, in relation to subordinate legislation, of certain
incidental provisions) shall apply to Statutes or Regulations made pursuant
to this Act.

(7) The power conferred by this Act on anybody to make Statute or
Regulations shall include power to revoke or vary any-

(a) Statute (including the Statute contained in the Third Schedule to
this Act; or
(b) regulation by a subsequent Statute or Regulation as the case may be;

Provided that the Statutes and Regulations may have different provisions in relation to different circumstances.

(8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21 and the Second Schedule to this Act.

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

Interpretation

26.—(1) In this Act—
"appropriate authority" means any person, body or authority authorized by law to act in a specific or general capacity in relation to a subject-matter;
"campus" means any campus which may be established by the University;
"college" means any college which may be established by the University;
"graduate" means a person on whom a degree (other than an honorary degree) has been conferred by the University;
"gross misconduct" means any act of misconduct and improper behavior that may be designated as gross misconduct by any Statute or Regulation made pursuant to this Act.
"Minister" means the Minister charged with responsibility for Agriculture;
"misconduct" means any conduct which is prejudicial to the good name of the University and or discipline and the proper administration of the business of the University;
"notice" means notice in writing;
"officer" does not include the Visitor;
"prescribed" means prescribed by Statute or Regulation made under this Act;
"professor" means a person designated as a professor of the University in accordance with provisions made in that behalf by Statute or by Regulations;
"property" includes rights, liabilities and obligations;
"the provisional Council" means the provisional Council appointed for the
University by the President with effect from September 2016;
"regulations" means regulations made by the Senate or Council;
"Senate" means the Senate of the University established by the Act;
"Statute" means a Statute made by the University under section 11 of this
Act and in accordance with the provisions of section 12 of this Act;
"the Statutes" means all such Statutes as are in force from time to time;
"teacher" means a person holding a full time appointment as a member of the
teaching or research staff of the University;
"President" means the President of the Federal Republic of Nigeria;
"Constitution" means the Constitution of the Federal Republic of Nigeria;
"undergraduate" means a person in *status pupillari* in the University, other
than-

(a) a graduate; and

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

"the University" the Federal University of Agriculture and Technology,
Funtua incorporated and constituted by this Act; and
"the Bill" means the Federal University of Agriculture and Technology,
Funtua (Establishment, Etc.) Bill.

(2) Where in any provision of this Act, it is laid down that proposals
are to be submitted or a recommendation is to be made by one authority to
another through one or more intermediate authorities, it shall be the duty of
every such intermediate authority to forward any proposals or
recommendations received by it pursuant to that provision to the appropriate
authority; but any such intermediate authority may, if it thinks fit, forward
therewith its own comments thereon.

27. This Bill may be cited as the Federal University of Agriculture
and Technology, Funtua (Establishment, Etc.) Bill, 2019.
Schedules

First Schedule

Section 3 (2)

Principal Officers of the University

The Chancellor

1. The Chancellor shall be appointed by and hold office at the pleasure of the President.

The Pro-Chancellor

2.-(1) The Pro-Chancellor shall be appointed or removed from office by the President.

(2) Subject to the provisions of this Act, the Pro-Chancellor shall hold office for a period of four years from the date of his appointment.

The Vice-Chancellor

3. The procedure for the appointment and removal of the Vice-Chancellor shall be in accordance with the provision of the University (Miscellaneous Provisions) Act 1993 as amended.

Deputy Vice-Chancellor

4.-(1) There shall be for the University, two Deputy Vice-Chancellors or such number of Deputy Vice Chancellors as the Council may, from time to time, deem necessary for the proper administration of the University.

(2) The procedure for the appointment and removal of the Deputy Vice-Chancellor shall be in accordance with the provisions of the Universities (Miscellaneous Provisions) Act 1993 as amended.

(3) A Deputy Vice-Chancellor shall-

(a) assist the Vice-Chancellor in the performance of his functions;

(b) act in place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and

(c) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.
Office of the Registrar, Bursar and University Librarian

5.- (1) There shall be for the University, a Registrar, who shall be
the Chief Administrative Officer of the University and shall be responsible
to the Vice-Chancellor for the day-to-day administration of the University
except as regards matters for which the Bursar is responsible in accordance
with paragraph 6 (2) below.

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

(3) The Registrar shall hold office for such period and on such
terms and conditions as to emoluments as may be specified in his letter of
appointment.

6.- (1) There shall be for the University, the following Principal
Officers in addition to the Registrar, that is-

(a) the Bursar; and

(b) the University Librarian.

(2) The Bursar shall be the Chief Financial Officer of the
University and shall be responsible to the Vice-Chancellor for the day-to-
day administration and control of the financial affairs of the University.

(3) The University Librarian shall be responsible to the Vice-
Chancellor for the administration of the University Library and the co-
ordination of all library services in the University and its campuses,
colleges, faculties, schools, departments and institutes and other teaching or
research units.

(4) The Bursar and the University Librarian-

(a) shall each hold office for such period and on such terms and
conditions as to emoluments as may be specified in his letter of
appointment.

Other Officers of the University

7. There shall be for the University, a Director of Works, who shall
be responsible to the Vice Chancellor for the administration of the Works
Department. He shall be responsible for all works, services and maintenance of
University facilities.

8. There shall be for the University, a Director of Health Services,
who shall be responsible to the Vice Chancellor for the administration of the
Health Centre. He shall be the Chief Medical Officer of the University and
shall coordinate all matters relating to the health of all staff and students.

Resignation and re-appointment

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

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

(b) the case of the Vice-Chancellor by notice to the Council which
shall immediately notify the Minister; and

(2) A person who has ceased to hold an office so mentioned otherwise
than by removal for misconduct shall be eligible for re-appointment to that
office.

SECOND SCHEDULE

Section 10 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of Section 10 (1) of this Act-
(a) the reference in the subsection to property held by the provisional
Council and the University shall include a reference to the right to receive and
give a good discharge for any grants or contributions which may have been
voted or promised to the provisional Council and the University; and

(b) all outstanding debts and liabilities of the provisional Council
shall become debts and liabilities of the University established by this Act.

2.- (1) All agreements, contracts, deeds and other instruments to
which the provisional Council was a party shall, so far as possible and subject
to any necessary modifications, have effect as if the University established
by this Act had been a party to it in place of the provisional Council.

(2) Documents not falling within sub-paragraph (1) above,
including enactments, which refer whether specially or generally to the
provisional Council shall be construed in accordance with that
subsection so far as applicable.

(3) Any legal proceedings or application to any authority pending
by or against the provisional Council may be continued by or against the
University established by this Act.

Registration of Transfers

3.- (1) If the law in force at the place where any property transferred
by this Act is situated provides for the registration of transfers of property of
the kind in question (whether by reference to an instrument of transfer or
otherwise), the law shall, so far as it provides for alterations of a register (but
not for avoidance of transfers, the payment of fees of any other matter)
apply, with the necessary modifications to the transfer of the property in
question.

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

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

(2) The persons who were members of the provisional Council
shall be deemed to constitute the Council until the date when the Council set
up under the Third Schedule to this Act must have been duly constituted.

(3) The first meetings of the Senate as constituted by this Act shall
be convened by the Vice-Chancellor on such date and in such manner as he
may determine.

(4) The persons who were members of the Senate immediately into
before the coming into force of this Act shall be deemed to constitute the Senate
of the University until the date when the Senate as set up under the Third
Schedule of this Act must have been duly constituted.

(5) Subject to any regulations which may be made by the Senate after
the date on which this Act is made, the faculties, faculty boards and students of
the University immediately before the coming into force of this Act shall on
that day become faculties, faculty boards and students of the University as
established by this Act.

(6) Persons who were deans or associate deans of faculties or
members of faculty boards shall continue to be deans or associate deans or
become members of the corresponding faculty boards, until new appointment
are made in pursuance of the Statutes under this Act.

5. Any person who was a member of the staff of the University as
established or was otherwise employed by the provisional Council shall be
employed at the University on such designation, status and functions which
correspond as nearly as possible to those which pertained to him as a member
of that staff or as such an employee.

6. Questions as to the scope of the responsibilities of the aforesaid
officers shall be determined by the Vice-Chancellor.

THIRD SCHEDULE

Section 11 (3)

FEDERAL UNIVERSITY OF AGRICULTURE AND TECHNOLOGY, FUNTUA

STATUTE NO. 1

Articles:

1. The Council.

2. Finance and General Purpose Committee

3. The Senate.

4. The Congregation.

5. Convocation.

6. Organization of Faculties and the Branches thereof.
7. Faculty Board.
8. The Dean of the Faculty.
9. Selection of Certain Principal and other key officers.
11. Appointment of Academic Staff.
12. Appointment of Administrative and Technical Staff.

The Council

(1) Any member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Act may, by notice to the Council resign his office.

(2) A member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Act shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

(3) Where a member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Act vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.

(4) A person ceasing to hold office as a member of Council otherwise than by removal for misconduct shall be eligible for reappointment for only one further period of four years.

(5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to Section 6 (d) and (e) of this Act.

(6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Act and the provisions of this paragraph the Council may regulate its own procedure.

(7) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose; and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.
(8) The Council constituted by this Act shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.

(9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

The Finance and General Purpose Committee

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

(a) the Pro-Chancellor, who shall be the Chairman of the committee at any meeting at which he is present;

(b) the Vice-Chancellor and a Deputy Vice-Chancellor;

(c) six other members of the Council appointed by the Council, two of whom shall be selected from among the four members of the Council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation; and

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

(2) The quorum of the Committee shall be six.

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

The Senate

3.- (1) There shall be a Senate for the University consisting of:

(a) the Vice-Chancellor;

(b) the Deputy Vice-Chancellor;

(c) all Professors of the University;

(d) all Deans, Provosts and Directors of Academic units of the University;
(e) all Heads of Academic Departments, Units and Research Institutes of the University;

(f) the University Librarian; and

(g) academic members of the congregation who are not Professors as specified in the Laws of the University.

(2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present and in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the chairman at the meeting.

(3) The quorum of the Senate shall be one-quarter (or the nearest whole number less than one quarter), and subject to paragraph (2) above the Senate may regulate its own procedure.

(4) If so requested in writing by any ten members of the Senate, the Vice-Chancellor, or in his absence a person duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

Congregation

4.- (1) Congregation shall consist of-

(a) the Vice-Chancellor and the Deputy Vice-Chancellor;

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

(c) the Registrar;

(d) the Bursar; and

(e) every member of the administrative and technical staff who holds a degree of any University recognized for the purpose of this Statute by the Vice-Chancellor, not being an honorary degree.

(2) Subject to section 5 of this Act, the Vice-Chancellor shall be the Chairman at all meetings of congregation when he is present; and in his absence one of the Deputy Vice Chancellors appointed by him shall be the chairman at the meeting.

(3) The quorum of congregation shall be one-third (or the nearest whole number to one-third) of the total number of members of congregation
directions of the Vice-Chancellor, shall-

(a) regulate the teaching and study of, and the conduct of
examinations connected with the subjects assigned to the faculty;

(b) deal with other matters assigned to it by Statute, by the Vice-
Chancellor or by the Senate; and

(c) advice the Vice-Chancellor or Senate on any matter referred to it
by the Vice-Chancellor or Senate.

(2) Each Faculty Board shall consists of-

(a) the Vice-Chancellor;

(b) the persons severally in charge of the branches of the faculty;

(c) such number of the teachers assigned to the faculty and having the
prescribed qualifications as the Board may determine; and

(d) such persons whether or not members of the University as the
Board may determine with the general or special approval of Senate.

(3) The quorum of the Board shall be eight members or one-quarter of
the members of the Board for the time being whichever is greater.

(4) Subject to the provisions of this statute and to any provision made
by regulations in that behalf, the Board may regulate it own procedure.

_The Dean of the Faculty_

8.- (1) The Dean of a faculty shall be a professor elected by the Faculty
Board and such Dean shall hold office for a term of two years. He will be
eligible for re-election for another term of two years after which he may not be
elected again until two years have elapsed.

(2) If there is no professor in a faculty, the Vice-Chancellor shall
appoint an Acting Dean who shall not be below the rank of Senior Lecturer for
the faculty, who will act for a period of one year in the first instance, renewable
for another one year only.

(3) In the absence of the Vice-Chancellor, the Dean shall be the
chairman at all meetings of the Faculty Board when he is present and he shall be
a member of all committees and other boards appointed by the faculty.
(4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and it shall be the function of the Dean to present to the convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

(5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

(6) The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor provided that at the next faculty board meeting an election shall be held for a new Dean.

(7) In this article, "good cause" has the same meaning as in section 17 (4) of this Act.

Selection of Certain Principal and other key Officers

9.- (1) When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of-

(i) the Pro-Chancellor;

(ii) the Vice-chancellor;

(iii) two members appointed by the Council, not being members of Senate; and

(iv) two members appointed by the Senate not being members of Council.

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

(3) A person appointed to the office of Director of Works or Director
of Health Services shall hold office for such period and on such terms and
conditions as may be specified in his letter of appointment.

Creation of Academic Post

10. Recommendation for the creation of posts other than those
mentioned in paragraph 9 of this Schedule shall be made by the Senate to the
Council through the Finance and General Purposes Committee.

Appointment of Academic Staff

11. Subject to this Act and the Statutes derived from it, the filling of
vacancies in academic posts (including newly created ones) shall be as
prescribed from time to time by Statutes.

Appointment of Administrative and Technical Staff

12.-(1) The administrative and technical staff of the University, other
than those mentioned in paragraph 9 of this schedule shall be appointed by the
Councilor on its behalf by the Vice-Chancellor or the Registrar in accordance
with any delegation of powers made by the Council in that behalf.

(2) In the case of administrative or technical staff that has close and
important contacts with the academic staff, there shall be Senate participation
in the process of selection.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal University of Agriculture and
Technology, Funtua to make comprehensive provisions for its due
management and administration.