

**A**

**BILL FOR**

**AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF AGRICULTURAL TECHNOLOGY  
OPIALU-OJAPO, BENUE STATE AND FOR OTHER MATTERS CONNECTED  
THEREWITH BILL, 2022 (SB. 897).**

**Sponsor: Senator Abba Moro**

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

**1. Establishment of the Federal College of Agricultural Technology Opialu-Ojapo, Benue State**

(1) There is hereby established the Federal College of Agricultural Technology Opialu-Ojapo, Benue State (in this Act referred to as "the College") which shall have such powers and exercise such functions as are specified in this Act.

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

**2. Functions**

(1) The functions of the college shall be;

(a) To 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 a higher education in agriculture;

(b) To develop and offer academic and professional programmes leading to the award of Professional certificates, First Degrees, Post-graduate research, Diploma and Higher degree which emphasize planning, adaptive, technical, maintenance, developmental and productive skills in Agricultural technology and its allied courses and to contribute to the scientific transformation of agriculture;

(c) To carry out research, training, extension and dissemination of findings in agricultural technology, development, applied science, commerce and management; and

(d) To act as agents and catalysts for effective agricultural system, through Post-Graduate training, research and innovation, for effective economic utilization and conservation of the country's human resources;

(e) To improve agricultural practices relating to aspects of agriculture of economic importance;

(f) To produce socially mature Agricultural technologist with capabilities not to only understand

agricultural need of Nigeria as a nation but also to exploit existing agro infrastructure and improve on it to develop new ones;

(g) To identify agricultural needs of the society with a view to finding solutions to them within the context of overall national development.

(h) To promote and emphasize teaching, research and extension of agricultural knowledge, including agriculture extension services and outreach programmes, in-service training, continuing education, and on-farm adaptive research;

(i) To organize research relevant to training in agriculture with emphasis on small-scale farming

(j) To establish institutional linkages in order to foster collaboration and integration of training, research and extension activities;

(k) To perform such other functions as appropriate for Colleges of Agricultural technology.

### **3. Establishment of the governing Council, etc.**

(1) There is established for the college a Governing Council (hereafter in this Bill referred to as "the Council"). The Council shall be the governing body of the college and shall be responsible for the general management of the affairs of the college.

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

(a) The plan of activities of the college;

(b) The programme of studies, courses and research to be undertaken by the college;

(c) The annual estimates of the college and;

(d) The investment plans of the college

(3) The provisions of the first schedule of this act shall have effect with respect to the council as specified therein

### **4. Membership of the Council and Tenure of Office of Members**

(1) The Council shall consist of a Chairman and the following other members, to be appointed by the Minister of Education:

(a) One person to represent the Ministry of Education;

- (b) One person to represent the Ministry of Agriculture;
- (c) One person to represent the National Board for technical education (NBTE);
- (d) One person to represent the alumni association of the College;
- (e) Two representatives of the academic board of the college;
- (f) Three persons appointed on Individual merit on a nationwide basis who should have wide experience of service in the public or private sector;
- (g) The Provost of the college;

### **Tenure of Members of the Council**

- (2) A member of the Council (other than an ex-officio member) shall hold office for a term of Three years and shall be eligible for re-appointment for a further period of three years and no more
- (3) Any member of the Council other than an ex-officio member may by notice to the Council resign his appointment
- (4) Any vacancy occurring in the membership of the council shall be filled by the appointment of a successor who shall represent the same interest as his predecessor for the remainder of the term of his predecessor.

### **5. Powers of the council**

- (1) For the carrying out of its functions as specified in section 1 of this Act, the council shall have power to:
  - (a) Hold examinations and grant diplomas, professional certificates and other distinctions to persons who have pursued a course of study approved and accredited by the National Board for Technical Education (NBTE) and have satisfied such other requirements as the council may lay down;
  - (b) Demand and receive from any student or any other person attending the college for the purpose of instruction such fees as the council may, with prior approval of the Minister, from time to time determine;
  - (c) Establish agricultural and rural extension services in various parts of Nigeria;
  - (d) Hold public lectures and undertake printing, publishing and bookselling;
  - (e) Provide amenities for and make such other provision for the welfare of the staff of the college;

- (f) Encourage and make provision for research in the college
- (g) Invest the funds of the college in securities specified by Law or in such other securities in Nigeria as may be approved by the minister;
- (h) Borrow money within Nigeria in such manner and upon such security as the Minister may from time to time authorize;
- (i) Enter into such contracts as may be necessary or expedient for carrying into effect the objectives of the College;
- (j) Recruit staff of the right caliber and determine the career structure of such staff;
- (k) establish and maintain such schools, institutes, extramural departments and other teaching and research units within the College as the Council may, from time to time, deem necessary;
- (l) Institute and award fellowships, scholarships, medals, prizes and other titles
- (m) Erect, provide, equip, and maintain such educational, recreational and residential facilities as College may require;
- (n) 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;
- (o) Enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents; and
- (p) Do such acts and things whether or not incidental to the foregoing powers as may advance the objects of the College.

## **6. Power of the Minister to give directions to the Council**

(1) Subject to the provisions of the Act, The Minister may give to the Council directions of a general character or relating generally to matters of policy with regard to the exercise by the Council of its functions under this Act and it shall be the duty of the Council to comply with such directions.

## **7. Visitation**

(1) The Minister of Education shall be the Visitor to the College.

(2) The Visitor shall, not less than once in every five years, conduct a visitation of the college or appoint a Visitation Panel, consisting of not less than five experts to conduct the visitation:-

(a) For the purpose of evaluating the quality of research, academic and administrative

performance of the college;

(b) For such other purpose or in respect of any other affairs of the college as the Visitor may deem fit.

## **8. Establishment of the Academic Board**

(1) There shall be established for the college a board to be known as the Academic Board which shall consist of the following members:

(a) The Provost of the college, who shall be the Chairman;

(b) All Heads of Departments;

(c) The college Librarian; and

(d) Not more than two members of the academic staff, other than heads of departments, who may be appointed by the Academic Board.

(2) The Academic Board shall be responsible for:

(a) the direction and management of academic matters of the college including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes and other academic distinctions;

(b) the making to the Council of such periodic reports on such academic matter as the Academic Board may think fit or as the Council may from time to time direct; and

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

## **9. The Provost of the College**

(1) There shall be a Provost of the college (in this Act referred to as "the Provost") who shall be appointed by the Minister in accordance with the provisions of this section.

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

(a) Advertise the vacancy in a reputable journal or widely read newspaper in Nigeria, specifying:

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

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

(b) Constitute a Search Team consisting of:

(i) A member of the Council, not being a member of the Academic Board, as Chairman;

(ii) Two members of the Academic Board, not below the rank of Chief Lecturer;

(iii) Two members of the Academic Community of the college not below the rank of Chief Lecturer, to be selected by Council, to identify and draw up a short list of suitable persons who are not likely to apply for the post for any reason whatsoever

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

(a) The Chairman of the Council;

(b) Two members of the Council not being members of the Academic Board;

(c) two members of the Academic Board not below the rank of Chief Lecturer, who were not members of the Search Team, shall consider the candidates and persons on the short list drawn up under subsection (2) of this section through an examination of their curriculum vitae and interaction with them and recommend, through the Council to the Minister, three candidates for his consideration.

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

(5) Subject to this Act and the general control of the Council, the Provost shall be the Chief Executive of the college and shall be charged with responsibility for matters relating to the day-to-day management operations of the college.

(6) The Provost:

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

(b) May be re-appointed for a further period of four years and no more.

## **10. Deputy Provost**

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

(2) The Council shall appoint the Deputy Provost from among the chief lecturers in the college in one of the following ways:

(a) From a list of three candidates, in order of preference, submitted by the Provost; or

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

(c) On the nomination of the Provost.

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

(a) Consist of:

(i) The Chairman of the Council;

(ii) The Provost;

(iii) Two members of the Council not being members of the Academic Board;

(iv) Two members of the Academic Board; and

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

(4) The Deputy Provost:

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

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

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

(5) The Deputy Provost:

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

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

## **11. Registrar of the college**

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

(2) The Registrar shall be the secretary to the Council, the Academic Board and any committee

of the Council and shall attend all the meetings of those bodies unless excused for good reason by the chairman of the Council.

(3) In the absence of the Registrar, the Chairman of the Council may, after consultation with the Provost, appoint a suitable person to act as secretary for any particular meeting of the Council.

(4) The secretary to the Council, who is appointed to act under subsection (3) of this section, shall not vote on any question before the Council or count towards a quorum unless he is as entitled as a member of the Council.

## **12. Tenure of office of the Registrar**

(1) A Registrar:

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

(b) May be re-appointed for one further period of four years and no more.

## **Other Staff**

## **13. Other principal officers of the college**

(1) There shall be for the college the following other principal officers in addition to the Registrar, that is:

(a) The Bursar; and

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

(2) The Bursar shall be the Chief Financial Officer of the college and be responsible to the Provost for the day to day administration and control of the financial affairs of the college.

(3) The college Librarian shall be responsible to the Provost for the administration of the college library and the co-ordination of the library services in the teaching units of the college.

(4) The Bursar or Librarian:

(a) Shall hold office for a period of four years in the first instance and on such terms and conditions as may be specified in his letter of appointment;

(b) May be re-appointed for a further period of four years and no more.



#### **14. Resignation of appointment of principal officers**

A principal officer may resign his appointment:

- (a) In the case of the Provost, by notice to the Visitor;
- (b) In any other case, by notice to the Council.

#### **15. Other employees of the college**

- (1) The Council may appoint such other persons to be employees of the college as the Council may determine to assist the Provost and the principal officers of the college in the performance of their functions under this Act.
- (2) Subject to the provisions of this Act, the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission.

#### **16. Selection Board for other principal officers**

- (1) There shall be, for each college, a Selection Board which shall consist of:
  - (a) The chairman of the Council;
  - (b) The Provost;
  - (c) Four members of the Council not being members of the Academic Board;
  - (d) Two members of the Academic Board.
- (2) The functions and procedure and other matters relating to the Selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.

#### **17. Pensions**

- (1) it is hereby declared that the service in the college shall be approved Service for the purposes of the Pension Reform Act and accordingly, officers and other persons employed in the College shall in respect of their Service in the College be entitles to pensions, gratuities and other retirement benefits as are prescribed there under, so however that nothing in this act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.
- (2) for the purposes of the application of the provisions of the Pensions Reform Act, any power exercisable there under by a Minister of other Authority of the Government of the Federation (other than the power to make regulations) shall be exercisable by the College and not by any

other person or Authority

## **PART II - FINANCIAL PROVISIONS**

### **18. Funds of the Council**

(1) The Council shall establish and maintain a Fund which shall be applied towards the promotion of the objectives of this Bill

(2) There shall be paid and credited to the Fund Established under subsection (1) of this section:

(a) Such sums as may from time to time be granted to the Council by the Federal government through the National Board for Technical Education (NBTE);

(b) All monies raised for the purposes of the Council by way of gifts, grants-in-aids or testamentary disposition and;

(c) All subscription fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source;

(3) The Council shall submit to the Minister, through the National Board for Technical Education (NBTE), not later than three months before the end of each financial year or at such other time as he may direct, an estimate of its revenue and expenditure for the next succeeding financial year.

### **19. Audits of accounts**

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

### **20. Annual Reports**

The Council shall as soon as maybe after the expiration of each financial year, prepare and submit to the Minister a report of its activities during the immediately preceding financial year and shall include in the report a copy of the audited accounts of the College for that year and of the auditor's report on the accounts.

## **PART III MISCELLANEOUS AND SUPPLEMENTARY**

### **21. Office Premises**

(1) For the purpose of providing offices and premises necessary for the performance of its functions, the Council may:

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

(b) Build, equip and maintain offices and premises

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

## **22. Discipline of Students**

(1) The Council may make rules providing for the Provost to conduct enquires into alleged breaches of discipline (including lack of diligence) by students and such rules may make different provisions for different circumstances.

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

(3) Subject to the provisions of subsection (1) of this section, where it is proved during the enquiry that any student of the College has been guilty of misconduct, the Provost may, without prejudice to any other disciplinary powers conferred on him by this Act or any regulations made hereunder direct:

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

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

(c) That the student be suspended for such period as may be specified in the directions; or

(d) That the student be expelled from the college.

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

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

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

(7) The Provost may delegate his power under this section to a disciplinary committee consisting of such members of the college as he may nominate.

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

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

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

### **23. Interpretation**

In this Bill, unless the context otherwise requires:

“The Chairman” means the Chairman of the Council

“Council” means the Governing Council established under Section 3 of this Act

"The Academic Board" means the board establish under section 8 of this Act

“Provost” means the Provost of the college appointed under section 9 of this Act

"College" means the Federal College of Agricultural Technology Opialu-Ojapo, Benue State

"The Minister" means the Minister charged with responsibility for matters relating to Education;

"The Registrar" means the Registrar of Federal College of Agricultural Technology Opialu-Ojapo, Benue State appointed under section 11 of this Act.

### **24. Short title**

This Bill may be cited as the Federal College of Agricultural Technology Opialu-Ojapo, Benue State (Establishment, etc.) Bill, 2022.

## **SCHEDULES**

### **FIRST SCHEDULE**

[Section 2 (3)]

#### **SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.**

##### *Terms of Service*

1. There may be paid to the members to the members of the Council or any committee, other than ex-officio members, such remuneration and allowances as may from time to time be determined by the Minister
2. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

##### *Proceeding*

3. (1) The Council shall meet for the conduct of business at such times, place and on such days

as the chairman of the Council may appoint but shall meet not less than once every four months.

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

(3) at any meeting the chairman shall preside; but in his absence, members present shall elect one of their members to preside at the meeting

(4) Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting whether or not expressly convened for the purpose of considering the particular matter but no co-opted member shall be entitled to vote or shall count towards quorum.

(5) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.

(6) One half of the total members of the Council, at least one of whom shall be a member appointed by the Minister shall form a quorum at any meeting of the Council

#### *Miscellaneous*

4. (1) Any contract or instrument which if entered into by a person not being a body corporate would not be require to be under seal, may n like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.

(2) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.

(3) The fixing of the seal of the Council shall be authenticated by the signature of the chairman of the Council, the Provost and some other members authorized generally or specifically by the Council to act for that purpose.

(4) Any document purported to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(5) Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

#### **EXPLANATORY MEMORANDUM**

This Bill seeks to provide for the establishment of the Federal College of Agricultural Technology Opialu-Ojapo, Benue State to offer full-time courses leading to the award of

certificates and to identify the agricultural technology problems and needs of Nigeria and to find solutions to them within the context of overall National Development.