



**FEDERAL MINISTRY OF EDUCATION**



**COMPENDIUM**  
**OF EDUCATION SECTOR LAWS**  
**IN NIGERIA**

**Third Edition Vol. I**

# COMPULSORY, FREE UNIVERSAL BASIC EDUCATION ACT

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COMPULSORY, FREE UNIVERSAL BASIC EDUCATION ACT

**An Act to provide for Compulsory, Free Universal basic education; and for connected purposes.**

[26th May, 2004]

*Commencement*

[Commencement.]

PART 1

*Compulsory, Free Universal Basic Education, etc.*

**1. Federal Government intervention for uniform and qualitative basic education.**

Without prejudice to the provisions of item 30 of Part II of the Second Schedule and item 2 (a) of the Fourth Schedule to the 1999 Constitution dealing with primary school education, the Federal Government's intervention under this Act shall only be an assistance to the States and Local Government in Nigeria for the purposes of uniform and qualitative basic education throughout Nigeria.

*Federal government intervention for uniform and qualitative basic education*

**2. Right of a child to compulsory, free universal basic education, etc**

(1) Every Government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age.

*Right of a Child  
Compulsory free  
Universal basic  
education, etc*

(2) Every parent shall ensure that his child or ward attends and completes his—

- (a) primary school education; and
- (b) junior secondary school education, by endeavouring to send the child to primary and junior secondary schools.

(3) The stakeholders in education in a Local Government Area, shall ensure that every parent or person who has the care and custody of a child performs the duty imposed on him under section 2 (2) of this Act.

(4) A parent who contravenes section 2 (2) of this Act commits an offence and is liable—

- (a) on first conviction, to be reprimanded;
- (b) on second conviction, to a fine of N2,000.00 or imprisonment for a term of one month or to both; and
- (c) on subsequent conviction, to a fine of N5,000.00 or imprisonment for a term of two months or to both.

**3. Services in public primary and junior secondary schools are free of charge**

*Services in Public Primary  
and Junior secondary are  
free of charge*

(1) The services provided in public primary and junior secondary schools shall be free of charge.

(2) A person who receives or obtains any fee contrary to the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine not exceeding N10,000.00 or imprisonment for a term of three months or to both.

**4. Duty of a parent to ensure the education of his child**

*Duty of a parent to ensure  
the education of his child.*

(1) Every parent shall ensure that his child receives full-time education suitable to his age, ability and aptitude by regular attendance at school.

(2) The provisions of sections 2 (2) and 4 (1) of this Act shall not apply to any parent who, for the time being, is resident outside Nigeria.

**5. Sections 2 and 3 not applicable to a child resident outside Nigeria**

*Section 2 and 3 not  
applicable to a child  
resident out Nigeria*

The provisions of sections 2 and 3 of this Act shall not apply to any child who is resident outside Nigeria and who has not received such education.

*Magistrate court to have jurisdiction over certain offences.*

## **6. Magistrates' Courts to have jurisdiction over certain offences**

The Magistrate's Court or any other State Court of competent jurisdiction shall have jurisdiction to hear and determine cases arising under section 2 of this Act and to impose the punishment specified.

### **PART II**

#### *Establishment and Membership of the Universal Basic Education*

*Commission, etc.*

*Establishment of membership to the universal basic education commission etc.*

## **7. Establishment and membership of the Universal Basic Education Commission, etc**

(1) There is established a body to be known as the Universal Basic Education Commission (in this Act referred to as "the Commission") which shall have a Board with the following as members—

- (a) a part-time Chairman who is a seasoned educationist;
- (b) one representative each not below the rank of a director from—
  - (I) the Federal Ministry of Education; and
  - (ii) the Federal Ministry of Finance;
- (c) one member representing each of the six geo-political zones of the country;
- (d) one representative each from—
  - (i) the Nigeria Union of Teachers;
  - (ii) the National Parents/Teachers Association of Nigeria; and
  - (iii) Women groups or societies;
- (e) two other members appointed on personal merit to represent a variety of interests;
- (f) one representative each not below the rank of a director from—
  - (i) National Teachers Institute;
  - (ii) National Commission for Colleges of Education;
  - (iii) National Commission for Mass Literacy Adult and Non-Formal Education;
  - (iv) Nigerian Education Research and Development Council; and
  - (v) National Commission for Nomadic Education;
- (g) the Executive Secretary of the Commission, who is the Secretary and member;
- (h) two Deputy Executive Secretaries (Technical and Services) who shall assist the Executive Secretary.

(2) The Chairman and other members of the Commission shall be appointed by the President on the recommendation of the Minister.

(3) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Commission and the other matters contained therein.

[Schedule]

*Tenure of office*

## **8. Tenure of office**

(1) The Chairman and members, other than *ex-officio*, Executive Secretary and his two

Deputies shall hold office for a term of four years in the first instance and may be re-appointed for a further term of four years upon satisfactory performance and no more.

(2) A member may at any time be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body) or for any fraudulent act or misconduct.

(3) A member may resign his membership by a notice in his handwriting addressed to the President and that member shall, on the date of the acceptance of the resignation by the President, cease to be a member of the Board of the Commission.

## **9. Functions of the Commission**

*Functions of  
the Commission.*

The functions of the Commission shall be to—

- (a) formulate the policy guidelines for the successful operation of the universal basic education programme in the Federation;
- (b) receive block grant from the Federal Government and allocate to the States and Local Governments and other relevant agencies implementing the Universal Basic Education in accordance with an approved formula as may be laid down by the Board of the Commission and approved by the Federal Executive Council: Provided that the Commission shall not disburse such grant until it is satisfied that the earlier disbursements have been applied in accordance with the provisions of this Act;
- (c) prescribe the minimum standards for basic education throughout Nigeria in line with the National Policy on Education and the directive of the National Council on Education and ensure the effective monitoring of the standards;
- (d) enquire into and advise the Federal Government on the funding and orderly development of basic education in Nigeria;
- (e) collate and prepare after consultation with the States and Local Governments, and other relevant stakeholders, periodic master plans for a balanced and co-ordinated development of basic education in Nigeria including areas of possible intervention in the provision of adequate basic education facilities which include—
  - (i) proposals to the Minister for equal and adequate basic education opportunity in Nigeria;
  - (ii) the provision of adequate basic education facilities in Nigeria; and
  - (iii) ensure that the Basic National Curricula and Syllabi and other necessary instructional materials are in use in early childhood care and development centres, primary and junior secondary schools in Nigeria;
- (f) carry out in concert with the States and Local Governments at regular intervals, a personnel audit of teaching and non-teaching staff of all basic education institutions in Nigeria;
- (g) monitor Federal inputs into the implementation of basic education;
- (h) present periodic progress reports on the implementation of the universal basic education to the President through the Minister;

- (i) co-ordinate the implementation of the universal basic education related activities in collaboration with non-governmental and multi-lateral agencies;
- (j) liaise with donor agencies and other development partners in matters relating to basic education;
- (k) develop and disseminate curricula and instructional materials for basic education in Nigeria;
- (l) establish a basic education data bank and conduct research on basic education in Nigeria;
- (m) support national capacity building for teachers and managers of basic education in Nigeria;
- (n) carry out mass mobilisation and sensitisation of the general public and enter into partnerships with communities and all stakeholders in basic education with the aim of achieving the overall objectives of the Compulsory Free Universal Basic Education in Nigeria;
- (o) carry out such other activities that are relevant and conducive to the discharge of its functions under this Act; and
- (p) carry out such other functions as the Minister may, from time to time, determine.

*Appointment of the Executive Secretary and other staff of the commission etc.*

#### **10. Appointment of Executive Secretary and other staff of the Commission, etc.**

(1) There shall be appointed for the Commission a seasoned educationist as an Executive Secretary who shall—

- (a) be the chief executive and accounting officer of the Commission;
- (b) be responsible for the day to day administration of the Commission;
- (c) be appointed by the President on the recommendation of the Minister;
- (d) hold office for a term of five years in the first instance, renewable for four years on satisfactory performance and no more; and
- (e) have terms and conditions of service as specified in his letter of appointment.

(2) There shall be appointed two Deputy Executive Secretaries (Technical and Services) to assist the Executive Secretary both of whom shall—

- (a) be appointed by the President on the recommendation of the Minister;
- (b) hold office for a term of five years in the first instance, renewable for another term of four years upon satisfactory performance; and
- (c) have terms and conditions of service, etc., as are specified in their letters of appointment.

(3) The Commission shall employ directly or on secondment from any civil or public service or any other body in the Federation or State, such number of employees as may, in the opinion of the Commission, be required to assist the Commission in the discharge of its functions under this Act and pay to persons so employed such remuneration (including allowances) as are applicable to other officers of equivalent rank in the civil service of the Federation or as may, from time to time be determined by the Board.

(4) Employment under this section shall be in accordance with the provisions of section 14 (3) of

the Constitution of the Federal Republic of Nigeria, 1999.

*Cap 346 LFN  
1990*

(5) Service in the Commission shall be approved service for the purposes of the Pensions Act.

(6) Nothing in subsection (3) of this section prevents the appointment of a person to an office on terms, which preclude the grant of pension and gratuity in respect of that office.

(7) For the purpose of the application of the provisions of the Pensions Act, any power exercisable by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 of the Pensions Act is vested in and shall be exercisable by the Commission, and not by any other person or authority.

*Financing of the  
Compulsory Universal  
Basic Education*

### PART III

#### *Financing of the Universal Basic Education*

#### **11. Financing of the Compulsory, Free Universal Basic Education**

(1) The implementation of the Universal Basic Education shall be financed from—

- (a) Federal Government block grant of not less than 2% of its Consolidated Revenue Fund;
- (b) funds or contributions in form of Federal guaranteed credits; and
- (c) local and international donor grants.

(2) For any State to qualify for the Federal Government block grant pursuant to sub-section (1) of this section, such State shall contribute not less than 50% of the total cost of projects as its commitment in the execution of the project.

(3) The administration and disbursement of funds shall be through the State Universal Basic Education Board.

*Establishment of state  
Universal basic Education  
Board*

### PART IV

#### *Establishment, etc., of States Basic Education Board and Local Government Education Authority*

#### **12. Establishment of State Universal Basic Education Board**

(1) There shall be established for each State, a State Universal Basic Education Board (in this Act referred to as the “Education Board”).

(2) The structure, functions, composition and tenure of office of the Chairman and members of the Education Board shall be prescribed by a law enacted for that purpose, by the House of Assembly of the State.

*Establishment etc. of Local  
government  
Education  
Authority*

#### **13. Establishment, etc., of Local Government Education Authority**

(1) There shall be established, for each Local Government Area of a State and each Area Council of the Federal Capital Territory, Abuja, a Local Government Education Authority (in this Act referred to as “the Local Education Authority”) which shall be subject to the supervision of the Education Board.

(2) The structure, functions, composition and tenure of office of the Chairman and members of the Education Board shall be prescribed by a law enacted for that purpose, by the House of Assembly of the State.

*Repeal of  
Cap. 271 LFN  
1990 and transitional  
provisions*

#### **14. Repeal of L.F.N. 2004 Cap. N68, and transitional provisions**

(1) The National Primary Education Commission Act is repealed.

(2) There shall be vested in the Commission all assets and liabilities, funds, resources and other

movable and immovable properties which immediately before the commencement of this Act were vested in or were in the possession or under the control of the National Primary Education Commission.

(3) Notwithstanding the dissolution of the National Primary Education Commission, if it is expedient that any vacancy in the Commission should be filled by a person holding office immediately before the commencement of this Act in the National Primary Education Commission, it shall retain the services of the person and the previous services by such person shall count as service for the purpose of seniority.

*Interpretation*

**15. Interpretation**

(1) In this Act—

“**Basic Education**” means early childhood care and education and nine years of formal schooling;

“**Child or Ward**” means a person of primary and junior secondary school age who is between the age of 6 years and 16 years whether disabled or not;

“**Commission**” means the Universal Basic Education Commission established by section 7 of this Act;

“**Education Board**” means a State Universal Basic Education Board established by section 12 of this Act;

“**functions**” includes powers and duties;

“**Junior Secondary School**” means a school which provides a three year post-primary course of full-time instruction suitable for pupils between the age of twelve years and fifteen years;

“**Local Education Authority**” means the Local Government Education Authority established under section 13 of this Act;

“**Minister**” means the Minister charged with responsibility for Education; and

“**Ministry**” shall be construed accordingly;

“**parent**” in relation to any child means the person who has the lawful custody of the child and includes a guardian or a person having the care and custody of a child;

“**Primary school age**” in relationship to any person means any age between the age attained by the commencement of the school year after he attains the age of six years and the age attained by the person at the end of the school year after he attains the age of twelve years and accordingly any person shall be deemed to be of primary school age if at the commencement of any school year he has attained the age of six years and a person shall be deemed to be over primary school age if at the end of the school year he has attained the age of twelve years;

“**Primary School**” means a school, which provides a six year basic course of full time instruction suitable for pupils between the age of six years and twelve years;

“**Public School**”, “**Public Primary School**” or “**Junior Secondary School**” means a school, primary or junior secondary school, as the case may be, which is assisted or of funds provided

by the Federal or State Government or a local education authority or a local government or is maintained by a local education authority or a local government;

“**pupil**” where used without qualification, means a person of any age for whom education is provided under this Act;

“**school**” means a primary or junior secondary school but does not include a class for religious instruction, a trade centre, a training college or any other institution intended solely for the education of adults;

“**services**” that should be provided free of charge are books, instructional materials, classrooms, furniture and free lunch;

“**state**” includes the Federal Capital Territory, Abuja;

“**Universal Basic Education**” means early childhood care and education, the nine years of formal schooling, adult literacy and non-formal education, skills acquisition programmes and the education of special groups such as nomads and migrants, girl-child and women, almajiri, street children and disabled groups.

#### **16. Citation**

This Act may be cited as the Compulsory, Free Universal Basic Education Act, 2004.

SCHEDULE

[Section 7(3).]

*Supplementary Provisions relating to the Commission, etc.*

*Proceeding of the  
Commission*

**1. Proceedings of the Commission**

(1) Subject to this Act and section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its Committees.

(2) The quorum of the Commission shall be 1/3 of the members including the Chairman or the person presiding at the meeting.

**2.** (1) The Commission shall meet whenever it is summoned by the Chairman or if the Chairman is required to do so by notice given to him by 1/3 of the members, he shall summon a meeting of the Commission to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Commission, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at that meeting.

(3) Where the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt such a person for such period as it deems fit, but a person who is so co-opted by virtue of this subparagraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

*Committees*

**3. Committees**

(1) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such functions as the Commission may determine.

(2) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Commission and a person shall hold office on the Committee in accordance with the terms of his appointment.

(3) A decision of a Committee of the Commission shall be of no effect until it is ratified by the Board of the Commission.

*Miscellaneous*

**4. Miscellaneous**

(1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Commission generally or specifically authorised by the Board of the Commission to act for that purpose.

(2) 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 Commission by the Chairman or any person generally or specifically authorised by the Board of the Commission to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

(4) The validity of any proceeding of the Board of the Commission or of a Committee shall not be adversely affected by—

(a) a vacancy in the membership of the Board of the Commission or Committee;

(b) a defect in the appointment of a member of the Board of the Commission or Committee; or

(c) reason that a person not entitled to do so took part in the proceedings of the Board of the Commission or Committee.

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COMPULSORY, FREE UNIVERSAL BASIC EDUCATION ACT

**SUBSIDIARY LEGISLATION**

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## EXPLANATORY MEMORANDUM

this act provides for compulsory, free universal education for all children of primary and junior secondary school age in the federal republic of Nigeria

it further seeks to provide punishment for parent for failing to comply with its provisions

**SCHEDULE TO COMPULSORY, FREE UNIVERSAL BASIC EDUCATION BILL, 2004**

<i>(1)</i> Short title of the bill	<i>(2)</i> Long title of the bill	<i>(3)</i> Summary of the Content of the bill	<i>(4)</i> Date Passed by Senate	<i>(5)</i> Date Passed by the house of Representatives
Compulsory, free Universal Basic Education Bill 2004.	An Act to provide for Compulsory, free Universal Basic Education: and for Connected purposes.	This Bill seeks to provide for compulsory, free universal basic education for all children of primary and junior secondary school age in the federal Republic of Nigeria.	18th March, 2004.	19th December, 2003

I certify that this Bill has carefully compare by me with the decision reached by the National Assembly and found by me to be true and correct decision of the House and is in accordance with the provision of the Act Authenticated Cap. 4, Laws of the federation of Nigeria 1990.

IBRAHIM SALIM, con  
Clerk to the National Assembly  
12th Day of May, 2004

I ASSENT.



CHIEF OLUSEGUN OBASONJO, GCFR  
President of the Federal Republic of Nigeria  
26th Day of May, 2004

# COMPUTER PROFESSIONALS (REGISTRATION COUNCIL OF NIGERIA)

## ACT

### ARRANGEMENT OF SECTIONS

#### PART I

*Establishment, etc., of the Computer Professionals (Registration Council of Nigeria)*

#### SECTION

1. Establishment of the Computer Professionals (Registration Council of Nigeria).
2. Functions of the Council.
3. Election of President and Vice-President of the Council.
4. Membership of the Council.

#### PART II

*Financial provisions*

5. Fund of the Council.

#### PART III

*The Registrar and the register*

6. Registrar and other staff of the Council.
7. Registration of members.
8. Publication of register and lists of corrections.

#### PART IV

*Registration*

9. Registration of members of the profession.
10. Approval of qualifications, etc.
11. Supervision of instruction, etc.
12. Signatories to certificates.
13. Power to grant diplomas, etc.

#### PART V

*Discipline*

14. Establishment of Disciplinary Committee and Investigating Panel.
15. Penalties for unprofessional conduct, etc.

#### PART VI

*Miscellaneous and general*

16. Application of Act to certain persons.
17. When persons are deemed to practise as registered members of the profession.
18. Rules as to articles, etc.
19. Provision of the library facilities, etc.
20. Powers of the Minister to give directives to the Council.
21. Regulations.
22. Offences and penalties.
23. Interpretation.
24. Short title.

## SCHEDULES

### FIRST SCHEDULE

Supplementary provisions relating to the Council, qualification and tenure of office of members

### SECOND SCHEDULE

Supplementary provisions relating to the Disciplinary Committee and the Investigating Panel

- (a) the instructions given at approved institutions to persons attending approved courses of training in computing; and
- (b) the examination as a result of which approved qualifications are granted, and for the purposes of performing that duty, the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or observe such examinations.

(2) It shall be the duty of the person appointed under subsection (1) of this section to report to the Council on-

### COMPUTER PROFESSIONALS (REGISTRATION COUNCIL OF NIGERIA) ACT

**An Act to establish the Computer Professionals (Registration Council of Nigeria) and make provisions for determining the standards of knowledge and skill to be attained by persons seeking to become members of the profession and for matters connected therewith.**

[1993 No. 49.]  
Jun19[Commencement.]

[10th

#### PART I

#### *Establishment, etc., of the Computer Professionals (Registration Council of Nigeria)*

#### **1 .Establishment of the Computer Professionals (Registration Council of Nigeria)**

(1) There is hereby established a body to be known as the Computer Professionals (Registration Council of Nigeria) (in this Act referred to as "**the Council**") which shall have the objective of advancing the knowledge of computer science and the use of computational machinery and techniques related thereto.

(2) Subject to this Act, the Council shall have the control and supervision of the profession.

(3) The Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

#### **2. Functions of the Council**

(1) It shall be the duty of the Council to-

- (a) determine what standards of knowledge and skills are to be attained by persons seeking to become members of the profession and improving those standards from time to time as circumstances may permit;
- (b) secure, in accordance with the provisions of this Act, the establishment and maintenance of a register of persons seeking to be registered under this Act to practice the profession and the publication, from time to time, of the lists of those persons;
- (c) perform through the Council established by this Act the functions conferred on it by this Act.

(2) Subject to the provisions of this Act persons admitted to membership of the profession shall be registered as members of the profession in the category of-

- (a) fellows; or
- (b) distinguished fellows; or
- (c) honorary fellows; or
- (d) members; or
- (e) honorary members; or

- (f) associates; or
- (g) students; or
- (h) affiliate members; or
- (i) corporate members.

(3) A person accorded by the Council established under this Act status as a member of the profession shall be entitled to be registered as-

(a) a fellow if-

- (i) he is at least thirty years of age and has had not less than ten years' relevant professional working experience, at least five of which must have been in positions of managerial responsibility;
- (ii) his professional activities and achievements justify his acceptance as an authority in the profession;
- (iii) he is otherwise considered by the Council to be a fit and proper person to be so recognised;
- (iv) his application in that behalf is sponsored in writing and in such manner as the Council may, from time to time, prescribe by two fellows;

(b) a member if-

- (i) he is at least 25 years of age and has had not less than five years' relevant professional working experience, and he is the holder of a certificate of an examination recognised by the Council;
- (ii) he is otherwise considered by the Council to be a fit and proper person to be so registered;
- (iii) his application in that behalf is sponsored in such manner as the Council may, from time to time, prescribe by two fellows or by one fellow and one full member:

Provided that the Council shall have power, from time to time, in its discretion to waive the requirement of age specified in sub-paragraph (i) of this paragraph;

© an associate if-

- (i) he is at least 21 years of age and has had not less than three years' relevant professional working experience, and he is the holder of a certificate of an examination recognised by the Council;
- (ii) he is otherwise considered by the Council to be a fit and proper person to be so registered;
- (d) a student if he is undergoing a course of study in computer science in any institution approved for that purpose by the Council; and
- (e) an affiliate member if he is a person having an interest in computer science and has been so admitted as such by a resolution of the Council.

(4) The designatory letters of the-

- (a) Fellow of the Computer Professionals (Registration Council of Nigeria) shall be "FCPN";
- (b) Member of the Computer Professionals (Registration Council of Nigeria) shall be "MCPN";
- (c) Associate of the Computer Professionals (Registration Council of Nigeria) shall be "ACPN".

### **3. Election of President and Vice-President of the Council**

(1) There shall be a President and a Vice-President of the Council, who shall be fellows of the profession, to be elected by the registered members and shall each hold office for a term of two years from the date of election.

(2) The President shall be the chairman at meetings of the Council, so however that, in the event of the death, incapacity or inability, for any reason of the President, the Vice-President shall act in his stead for the unexpired portion of the term of office, or as the case may require, and references in this Act to the President shall be construed accordingly.

(3) The President and the Vice-President shall respectively be chairman and vice-chairman of the Council and of meetings of the registered members.

(4) If the President or the Vice-President ceases to be a registered member of the profession he shall ipso facto cease to hold any office designated under this section.

### **4. Membership of the Council**

(1) The Council shall consist of the following members, being fellows, members, and associate members appointed, or elected as the case may be, as follows, that is-

- (a) a President, who shall be the chairman;
- (b) Vice-President, who shall be the vice-chairman;

- (c) the Executive Secretary, National Board for Technical Education;
- (d) five persons to be appointed by the Minister;
- (e) three persons to be appointed from the Computer Association of Nigeria (in this Act referred to as "the Association") and such other association of computer professionals as may be incorporated, from time to time, to represent institutions involved in training members of the profession in rotation for two years at a time;
- (f) twelve persons to be elected by the Association in the manner for the time being provided in its constitution;
- (g) the Provost of the College of Fellows; and
- (h) the immediate past President of the Association.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters therein mentioned.

*[First Schedule.]*

(3) Regulations made by the Council with the approval of the Minister may provide for an increase or reduction in the membership of the Council and may make such amendments of subsection (1) of this section and the First Schedule to this Act as the Minister considers expedient for the purposes of or in consequence of the increase or reduction.

PART II

*Financial provisions*

**5. Fund of the Council**

- (1) There shall be established for the Council a fund which shall be managed and controlled by the Council.
- (2) There shall be paid and credited into the fund established pursuant to subsection (1) of this section-
  - (a) all fees and other moneys payable to the Council in pursuance of this Act; and
  - (b) such moneys as may be provided by way of grant or loan or otherwise.
- (3) There shall be paid out of the fund established pursuant to subsection (1) of this section-
  - (a) all expenditure incurred by the Council in the discharge of its functions under this Act;
  - (b) the remuneration and allowances of the Registrar and other employees of the Council; and
  - (c) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on the duties of the Council as the Council may determine.

(4) The Council shall keep proper accounts in respect of each year and proper records in relation to those accounts; and the Council shall cause the accounts to be audited by an auditor and when audited, the account shall be submitted to the registered members of the profession for approval by them at their general meeting.

(5) The auditor, appointed for the purposes of this section, shall not be a member of the Council.

(6) The Council shall prepare and submit to the Minister not later than twelve months after its establishment and once in each year thereafter, a report on its activities during the last preceding year and shall include in the report a copy of the audited accounts of the Council for that year and of the auditor's report thereon.

PART III

*The Registrar and the register*

**6. Registrar and other staff of the Council**

(1) It shall be the duty of the Council to appoint a fit and proper person, who shall be a registered member with not less than ten years' post-call experience, to be the Registrar for the purposes of this Act, and such other persons as the Council may, from time to time, think necessary.

(2) The Registrar shall, in addition to his other functions under this Act, be the Secretary to the Council and shall on the instructions of the President of the Council or of any committee thereof, convene meetings of the Council or of any committee thereof and keep minutes of the proceedings at all such meetings as the case may be.

(h) the eighth part shall be in respect of affiliate members; and

(i) the ninth part shall be in respect of corporate members.

(3) Subject to the following provisions of this section, the Council may make rules with respect to the form of keeping of the register and the making of entries therein and in particular-

(a) regulating the making of applications for registration, and providing for the evidence to be produced in support of such applications;

(b) providing for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;

(c) specifying the fees, including any annual subscription, to be paid to the Council in respect of the entry of names on the register, and authorising the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid; and

(d) specifying anything failing to be specified under the foregoing provisions of this section.

(4) Any rules made for the purposes of paragraph (c) of subsection (3) of this section, shall not come into force until they are confirmed at a special meeting of the Council.

(5) It shall be the duty of the Registrar-

(a) to correct, in accordance with the directions of the Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;

(b) to make, from time to time, any necessary alterations to the registered particulars of registered persons;

(c) to record the names of the registered members who are in default for more than six months in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct or require.

(6) If the Registrar-

(a) sends by post to any registered person, a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and

(b) upon the expiration of that period sends in the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the Registrar may remove the particulars relating to the person in question from the register but the Council may for any reason which seems to it to be sufficient direct the Registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

## **8. Publication of register and lists of corrections**

(1) It shall be the duty of the Registrar-

(a) to cause the register to be printed, published and put out on sale to members of the public not later than two years from the coming into force of this Act;

(b) thereafter, in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or a list of corrections made to the register since it was last printed;

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Council; and

(d) to keep the register and lists so deposited available at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar or documents purporting to be prints of an edition of the register so published and of the list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or documents read together, as being registered, was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.

(3) Where, in accordance with subsection (2) of this section, a person is in any proceedings shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be or not to be so registered.

## PART IV

### *Registration*

#### **9. Registration of members of the profession**

- (1) Subject to rules made under section 7 of this Act, a person shall be entitled to be registered as a member of the profession if-
- (a) he passes the qualifying examination for registration recognised or conducted by the Council under this Act and completes the practical training prescribed; or
  - (b) he holds a qualification granted and for the time being accepted by the Council and satisfies the Council that he has had sufficient practical experience in the use of computational machinery and the techniques related thereto; or
  - (c) not being a Nigerian, he holds a qualification granted outside Nigeria which for the time being is accepted by the Council and he is by law entitled to practise the profession for all purposes in the country in which the qualification was granted: Provided that the other country accords Nigerian professionals the same reciprocal treatment and that he satisfies the Council that he has had sufficient practical experience in the profession.
- (2) An applicant for registration under this Act shall, in addition to evidence of qualification, satisfy the Council that-
- (a) he is of good character;
  - (b) he had attained the age of eighteen years; and
  - (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) The Council may, in its sole discretion, provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (4) Any entry directed to be made in the register under subsection (3) of this section, shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Council, signified in writing in that behalf.
- (5) The Council shall, from time to time, publish in the Gazette particulars of qualifications for the time being acceptable for registration by the Council.

#### **10. Approval of qualifications, etc.**

- (1) The Council may approve for the purposes of section 9 of this Act-
- (a) any course of training at any approved institution which is intended for persons seeking to become or are already engaged in computing and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for admission into the profession;
  - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination, indicating in the opinion of the Council that the candidates have sufficient knowledge and skill to practise the profession.
- (2) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval the Council shall-
- (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
  - (b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and
  - (c) take into consideration any representation made as respects the proposal in pursuance of paragraph (b) of this subsection.
- (3) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval, was registered or eligible for registration immediately before the approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall-

## **11. Supervision of instruction, etc.**

(1) It shall be the duty of the members of the Council to keep themselves informed of the nature of-

- (a) the sufficiency or otherwise of the instructions given to persons attending approved courses of training at institutions visited by him;
- (b) the adequacy or otherwise of the examinations conducted at any institution inspected by him; and
- (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but no person shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Council shall, as soon as may be, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make representations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

(4) Notwithstanding the provisions of this section of this Act, the Council shall have responsibility to conduct its professional examinations.

## **12. Signatories to certificates**

The President and the Registrar shall be joint signatories to a certificate awarded by the Council.

## **13. Power to grant diplomas, etc.**

The Council may arrange for the grant of diplomas, certificates and awards and for the participation in any scheme for the grant thereof jointly with other professional bodies.

## **PART V**

### *Discipline*

## **14. Establishment of Disciplinary Committee and Investigating Panel**

(1) There shall be established a body to be known as the Computer Professionals Disciplinary Committee (in this Act referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel established under subsection (3) of this section, and any other case of which the Disciplinary Committee has cognisance under the following provisions of this Act.

(2) The Disciplinary Committee shall consist of the chairman of the Council and six other non-members of the Council appointed by the Council.

(3) There shall be a body, to be known as the Computer Professionals Investigating Panel (in this Act referred to as "the Investigating Panel") which shall be charged with the duty of-

- (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a registered member or should for any other reason be the subject of proceedings before the Disciplinary Committee; and
- (b) deciding whether the case should be referred to the Disciplinary Committee.

(4) The Investigating Panel shall be appointed by the Council and shall consist of four members of the Council and one member who is not a member of the Council.

(5) The provisions of the Second Schedule to this Act shall, so far as they are applicable to the Disciplinary Committee and the Investigating Panel respectively, have effect with respect to those bodies.

### *[Second Schedule.]*

(6) The Council may make rules not inconsistent with this Act as to acts which constitute professional misconduct.

## **15. Penalties for unprofessional conduct, etc.**

(1) Where-

- (a) a person registered under this Act is adjudged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect; or

his name off the relevant part of the register.

(2) The Disciplinary Committee may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Disciplinary Committee.

(3) No decision of the Disciplinary Committee shall be deferred under subsection (2) of this section for periods exceeding one year in the aggregate.

(4) As far as possible no person shall be a member of the Disciplinary Committee for the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Disciplinary Committee when the decision was deferred.

(5) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(6) When the Disciplinary Committee gives a direction under subsection (1) of this section, the Disciplinary Committee shall cause notice of the direction to be served on the person to whom it relates.

(7) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of direction, appeal against the direction to the Federal High Court and the Disciplinary Committee may appear as respondent to the appeal and for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Federal High Court, the Disciplinary Committee shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(8) A direction of the Disciplinary Committee given under subsection (1) of this section shall take effect where-

- (a) no appeal under this section is brought against the direction within the time limited for such an appeal, on the expiration of that time; or
- (b) such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.

(9) A person whose name is removed from the register in pursuance of a direction of the Disciplinary Committee under this section, shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Disciplinary Committee on the application of that person.

(10) A direction under this section for the removal of a person's name from the register, may prohibit an application under subsection (9) of this section by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) or as may be specified in the direction.

## PART VI

### *Miscellaneous and general*

#### **16. Application of Act to certain persons**

(1) Any person not being a member of the Association who, but for this Act, would have been qualified to apply for and obtain membership of the Association may, within the period of six months from the commencement of this Act, apply to be registered as a member of the profession in such a manner as may be prescribed by the Council.

(2) Where an application under subsection (1) of this section is approved by the Council, the applicant shall be registered, as the case may be, according to his qualification.

#### **17. When persons are deemed to practise as registered members of the profession**

Subject to paragraph (b) of this section, a person shall be deemed to practise as a registered member of the profession if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any person, he-

- (a) engages himself in the practice of computing and holds himself out to the public as a member of the profession; or
- (b) renders professional service or assistance in or about matters of principle or detail relating to the use of computational machinery and the techniques related thereto;
- (c) renders any other service which may by regulations made by the Council, with the approval of the Minister, be designated as service constituting practice as a registered member of the profession.

## **.19. Provision of the library facilities, etc.**

(1) The Council shall-

- (a) provide and maintain a library comprising books and publications for the promotion and advancement of the knowledge of the profession and such other books and publications as the Council may think necessary for the purpose;
- (b) encourage research into computer science, allied subjects and computational machinery to the extent that the Council may, from time to time, consider necessary.

(2) It shall be the duty of the person in charge of each university or other institution of higher learning in Nigeria having a faculty by whatever name called, at which there is held a course of training in computer science or computer technology for persons who are seeking to become registered under this Act to furnish to the Registrar, not later than the 31st day of March in every year, a list of the names, and such other particulars as the Council may specify, of all persons who attended any such courses at the institution in question at any time during the last preceding year.

## **20. Powers of the Minister to give directives to the Council**

(1) The Minister may give to the Council directives of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directives.

(2) The Council may also make rules-

- (a) prescribing the amount and date for payment of the annual subscription and for such purpose, different amounts may be prescribed by the rules according to whether the registered member is a fellow, member, associate, student or affiliate member;
- (b) prescribing the form of licence to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing licence;
- (c) restricting the right to practise as a registered member of the profession in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;
- (d) prescribing the period of practical training in the office of a member of the profession in practice to be completed before a person qualifies for a certificate to practice as a member of the profession.

(3) Rules, when made, shall, if the President of the Council so directs, be published in the Federal *Gazette*.

## **21. Regulations**

(1) Any regulations, made under this Act shall be published in the Federal Gazette as soon as may be after they are made; and a copy of any such regulations shall be sent to the Minister not later than seven days before they are so published.

(2) Rules made for the purposes of this Act, shall be subject to confirmation by the registered members at its next general meeting or at any special meeting of the registered members convened for the purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

## **22. Offences and penalties**

(1) Any person who, for the purpose of procuring the registration of any name, qualification or other matter-

- (a) makes a statement which he believes to be false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular, commits an offence.

(2) If, on or after the coming into force of this Act, any person who not being a registered member of the profession practises or holds himself out to practise as a member of the profession for or in expectation of a reward or takes or uses any name, title, addition or description implying that he is in practice as a member of the profession, he commits an offence.

(3) In the case of a person falling within section 16 of this Act-

- (a) the provision of subsection (2) of this section shall not apply in respect of anything done by him during the period of six months mentioned in that section; and
- (b) if within that period he duly applies for membership of the profession, then unless within that period he is notified that his application has not been approved, the provision of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified as aforesaid.

(4) If the Registrar or any other person employed by or on behalf of the Council wilfully makes any falsification in any matter relating to the register, he commits an offence.

.(5) A person guilty of an offence under this section is liable-

- (a) on summary conviction, to a fine not exceeding ₦1,000; or
- (b) on conviction or indictment, to a fine not exceeding N5,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to have committed that offence and shall be liable to be proceeded against and punished accordingly.

### 23. Interpretation

In this Act, unless the context otherwise requires-

"**Association**" means the unincorporated body known as the Computer Association of Nigeria;

"**Council**" means the Computer Professionals (Registration Council of Nigeria) established under section 1 of this Act;

"**Disciplinary Committee**" has the meaning assigned to it by section 14 of this Act;

"**fees**" includes annual subscriptions;

"**Investigating Panel**" has the meaning assigned to it by section 14 of this Act;

"**member**" includes a registered fellow, member, associate, affiliate, corporate member or student member; and

"**membership of the profession**" shall be construed accordingly;

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

"**president**" and "**vice-president**" means respectively the office holders under those names in the Council;

"**profession**" means the profession of using computerised machinery and other techniques related thereto; and

"**register**" means the register maintained in pursuance of section 6 of this Act.

### 24. Short title

This Act may be cited as the Computer Professionals (Registration Council of Nigeria) Act.

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## SCHEDULES

### FIRST SCHEDULE

[Section 4 (2).]

*Supplementary provisions relating to the Council, qualifications and  
tenure of office of members*

1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of two years beginning with the date of his appointment or election.

(2) In the case of a person who is a member by virtue of having been President of the Association, he shall hold office for a period of two years from the date of his having ceased to be President of the Association.

(3) Any member of the Association who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office on the Council.

(4) Any elected member may, by notice in writing under his hand addressed to the President of the Council, resign his office, and any appointed member may, with the consent of the Minister, in the same manner resign his office.

(5) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council in another capacity and any appointed member may be re-appointed.

(6) A person who ceases to be an elected member of the Council shall be eligible again to be a member of the Council for one more term only in the same capacity; but he may be subsequently eligible for election to the Council in another capacity.

(7) Members of the Council shall at their next meeting before the annual general meeting of the registered members

arrange for the five members of the Council appointed or elected and longest in office to retire at that annual general meeting.

(8) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Association, and until so prescribed, they shall be decided by secret ballot.

(9) If for any reason there is a vacation of office by a member and-

- (a) such member was appointed by the Minister, the Minister shall appoint another fit and proper person to replace such member; or
- (b) such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the registered member appears to warrant the filling of the vacancy, co-opt some fit and proper persons for such time as aforesaid.

#### *Powers of Council, etc.*

2. The Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the Council.

3. (1) Subject to the provisions of this Act, the Council may in the name of the Council make standing orders regulating the proceedings of the Council, or any of its committees.

(2) Standing orders shall provide for decisions to be taken by a majority of the members, and, in the event of equality of votes, the President of the Council or the Vice-President, as the case may be, shall have a second or casting vote.

(3) Standing orders made for a committee shall provide that the committee shall report to the Council on any matter referred to it by the Council.

4. The quorum of the Council shall be seven and the quorum of a committee of the Council shall be determined by the Council.

#### *Meeting of the registered members*

5. (1) The Council shall convene the meeting of the registered members on 30 April in every year or on such other day as the Council may, from time to time, appoint so however that if the meeting is not held within one year after the previous meeting not more than fifteen months shall elapse between the respective dates of the two meetings.

(2) A special meeting of the registered members may be convened by the Council at any time; and if not less than twenty registered members require it by notice in writing addressed to the Registrar of the Council setting out the objects of the proposed meeting, the chairman of the Council shall convene a special meeting of the registered members.

(3) The quorum of any meeting of the registered members shall be thirty members and that of any special meeting of the registered members shall also be thirty members.

#### *Meeting of the Council*

6. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the President; and if the President is required to do so by notice in writing given to him by not less than seven other members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Council, the President or in his absence, the Vice-President shall preside, but if both are absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

#### *Committees*

7. (1) The Council may appoint one or more committees to carry out on behalf of the Council such functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, of whom not more than one third shall be persons who are not members of the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

(4) There shall be a committee of the Council to be known as the College of Fellows Committee consisting of all fellows registered by the Council.

(5) The chairman of the College of Fellows shall be known as the Provost of the College of Fellows.

#### *Miscellaneous*

**8.**(1) The fixing of the seal of the Council shall be authenticated by the signature of the President or of some other member of the Council authorised generally or specially by the Council to act for that purpose.

(2) 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 Council, by any person generally or specially authorised to act for that purpose by the Council.

(3) Any document purporting 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.

**9.** The validity of any proceedings of the Council or of a committee of the Council shall not be adversely affected by any vacancy in the membership, or by any defect in the appointment of a member of the Council or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.

**10.** Any member of the Council, and any person holding office on a committee of the Council, 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 President of the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

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#### SECOND SCHEDULE

[Section 14 (5).]

#### *Supplementary provisions relating to the Disciplinary Committee and the Investigating Panel*

**1.** The quorum of the Disciplinary Committee shall be four of whom at least two shall be members of the profession.

**2.** (1) The Attorney-General of the Federation may make rules as to the selection of members of the Disciplinary Committee for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee.

(2) The rules shall in particular provide-

- (a) for securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
- (b) for determining who in addition to the person aforesaid, shall be party to the proceedings;
- (c) for securing that any party to the proceedings shall, if so required be entitled to be heard by the Disciplinary Committee;
- (d) for enabling any party to the proceedings to be represented by a legal practitioner;
- (e) subject to the provisions of section 15 (7) of this Act, as to the costs of proceedings before the Disciplinary Committee;
- (f) for requiring in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Committee adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
- (g) for publishing in the Federal Gazette notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be struck off a register.

**3.** For the purposes of any proceedings before the Disciplinary Committee, any member of the Disciplinary Committee may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of subpoena ad testificandum and duces tecum; but no person appearing before the Disciplinary Committee shall be compelled-

- (a) to make any statement before the Disciplinary Committee tending to incriminate himself; or
- (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the Disciplinary Committee on questions of law arising in the proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than ten years' standing.

(2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular, such rules shall contain provisions for securing that-

- (a) where an assessor advises the Disciplinary Committee on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Disciplinary Committee is deliberating in private, that every such party or person as aforesaid shall be informed of what advice the assessor has tendered;
- (b) every such party or person as aforesaid shall be informed if in any case the Disciplinary Committee does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

#### *The Investigating Panel*

#### **5. The quorum of the Investigating Panel shall be three.**

6.(1) The Investigating Panel may, at any of its meetings attended by not less than five members of the Investigating Panel, make standing orders with respect to the Investigating Panel.

(2) Subject to the provisions of any such standing orders, the Investigating Panel may regulate its own procedure.

#### *Miscellaneous*

7. (1) A person ceasing to be a member of the Disciplinary Committee or the Investigating Panel shall be eligible for re-appointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Disciplinary Committee and the Investigating Panel; but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.

8. The Disciplinary Committee or the Investigating Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 7 (2) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. Any document authorised or required by virtue of this Act to be served on the Disciplinary Committee or the Investigating Panel shall be served on the Registrar appointed in pursuance of section 6 of this Act.

10. Any expenses of the Disciplinary Committee or the Investigating Panel shall be defrayed by the Council.

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SUBSIDIARY LEGISLATION

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No Subsidiary Legislation

*Extraordinary*



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**COMPUTER PROFESSIONALS REGISTRATION COUNCIL OF  
NIGERIA ACT NO. 49 OF 1993**

**SERVICES CONSTITUTING PRACTICE OF COMPUTING UNDER  
THE COMPUTER PROFESSIONALS REGISTRATION COUNCIL  
OF NIGERIA ACT**



**ARRANGEMENT OF REGULATIONS**

*Regulation :*

1. Scope and Application.
2. Objectives.
3. Offences.
4. Power to Control.
5. Interpretation.
6. Citation.

S. I. No. 5 of 2017

**COMPUTER PROFESSIONALS REGISTRATION COUNCIL OF  
NIGERIA ACT NO. 49 OF 1993**

**SERVICES CONSTITUTING PRACTICE OF COMPUTING UNDER  
THE COMPUTER PROFESSIONALS REGISTRATION COUNCIL  
OF NIGERIA ACT**

[5th Day of March, 2014]

Commence-  
ment.

**In exercise of the power conferred upon it by Section 17(c) of the Computer Professionals Registration Council of Nigeria Act 1993 and all other enabling powers in that behalf, the Council hereby makes the following Regulations :**

**CHAPTER I—SCOPE AND APPLICATION**

**1.—(1)** With effect from the Commencement Date hereof, these Regulations shall be enforced by the Council, subject in all respects to the provisions of the Act.

Scope and  
Application.

(2) Pursuant to these Regulations and the Act and except as otherwise stipulated hereafter, any individual, foreign or local company, organization and institution engaged in the provision of services outlined in these regulations as services constituting the practice of computing and shall register with the Council in accordance with the provisions of Computer Professionals Registration Council of Nigeria Act Cap C22 Laws of the Federation of Nigeria (LFN) 2004. Provided however that the Council may at any time, upon due and prior publication, include other services not mentioned in these Regulations as services constituting the practice of computing.

(3) Any person, company, institution or organization either local or foreign, engaged in the practice of computing, provision of Information Technology (IT) professional services or provision of services making use of computational machineries, equipment and device or renders any services which Council has designated by the provisions of these Regulations and other Regulations as services constituting practice of computing or professional usage of computational machineries and techniques related thereto anywhere in Nigeria shall register and pay to the Council Annual Subscription Fees in accordance with the guidelines approved by Council.

(4) Any person, company, institution or organization either local or foreign, engaged in the provision of professional services or renders any services which Council has designated as services constituting practice of computing or professional usage of computational machineries and techniques related thereto without being duly registered with the Council and paying the appropriate annual subscription fees contravenes the provisions of these Regulations and CPN Act and so does his employer.

CHAPTER II—SERVICES CONSTITUTING PRACTICE AS A REGISTERED MEMBER  
OF COMPUTING PROFESSION

Objectives.

2.—(1) The Council of Computer Professionals Registration Council of Nigeria, in accordance with the statutory provisions of Section 17(c) Computer Professionals Registration Council of Nigeria Act Cap. C22 LFN 2004 hereby declare that the services enumerated below are services constituting the practice of computing in Nigeria—

1. Server Support Operations—Management and Operation of all Server Environments.
2. Service Management—Facilitating control of overall operations through implementation of standard IT processes and policies.
3. Information Technology (IT) Asset Management—Support for infrastructure deployed in IT Asset Management with optional features.
4. Network Security—Support services such as data networking, network management, network monitoring and voice support.
5. IT End-user Services—Support at different levels for centralized customer desk and distributed client support services.
6. Information Technology Consulting Services.
7. Information Technology (IT) Outsourcing.
8. Development, Deployment, Integration and maintenance of Enterprise Application solutions (such as ERP, CRM, OSS, BSS, etc).
9. Data Warehousing and Business Intelligence.
10. Information Technology (IT) support service.
11. Webhosting—Dedicated Servers and Shared Hosting.
12. Information Technology (IT) Training and Technology Based Training.
13. Domain Name Registration and User Managed Hosting.
14. Data Center Services implementation, support and management.
15. VoIP Platform Provision, Administration and Support.
16. Enterprise Cloud Services.
17. Search Engine Platform Provision and Website Optimization (SEO) Services.
18. Pay-Per-Click (PPC) Management/Online Advertisement Platform provision.
19. Information Technology (IT) Security Services.

20. Online, Mobile and Enterprise Content Management Services, including Telecom/SMS Based Value Added Services (VAS) Provisioning, Implementation and Support.
21. Information Technology (IT) Project Management.
22. Information Technology (IT) Systems and Services Design, Development, Testing, Deployment and Integration.
23. Software Application development, support and Maintenance for enterprise, internet, mobile, desktop, etc.
24. Information Technology (IT) Infrastructure design, Installation and support/management.
25. Internet security, Internet Marketing/Internet Marketing Consultancy.
26. Information Technology (IT) projects implementation.
27. System/Business analysis.
28. Data Recovery and Business Continuity Services.
29. Information Technology (IT) Auditing, Digital Forensic Examination, Investigation and related Services.
30. Website Design, Development and Hosting.
31. Network Installation/Support Services.
32. Software Development and Support Services.
33. Computer Based Modeling Services.
34. Computer Based Simulation/Training Services.
35. CAL/CAP Services.
36. Hardware Installation Support Services.
37. Operating System Installation/Support Services.
38. Information Technology (IT) User Support/Help Desk Services.
39. Information Technology (IT) Management Consultancy Services.
40. Data Management Consultancy Services.
41. Data and Message Transmitting Services.
42. Original Equipment Manufacturing Services (OEM).
43. Original Design Manufacturer Services (ODM).
44. Hardware Computer Manufacturing and Assembly.
45. Information Technology Platform companies/service providers.
46. Independent Software Vendor (ISV).

47. Software Development and Maintenance services.
48. Internet Service Provider.
49. Systems Integration Services.
50. Information Technology (IT) Professional Service.
51. Provision of Back End/Back office services.
52. Call Center Administration and Management
53. Provision of Information Technology (IT) services on Completely Knocked Down (CKD) assembling plant.
54. Data Centre Administration, Support and Maintenance Services.
55. Application Hosting and Server Colocation Services.
56. Information Technology (IT) Components, Equipment and Devices Manufacturing.
57. Maintenance of Computer Hardware, Software and Computational Devices.
58. Development, design, fabrication and assembling of computer, computational devices and Information Technology (IT) accessories, equipments and products.
59. Information Technology (IT) Value Added Service Providers.
60. Subscriber Identification Module (SIM) manufacturing.
61. Manufacturing of Debt Card/Smart Cards.
62. IT Hardware, Software, Equipment and Devices Programming, Manufacturing or Assembly Plants.
61. Establishment and Maintenance of Software houses.
64. Establishment and Maintenance of IT Parks and allied facilities.
65. Production, Sales and assemblage of Information Technology products.
66. Capacity building, training and capacity development of computed/IT knowledge.
67. Creation, distribution and deployment of Information Technology solutions for organizations and businesses
68. Electronic Payment Transaction Services.
69. Manufacturing Assemblage and Programming of Electronic Payment Equipment Systems.
70. Design, Development/Manufacturing/Production, Maintenance and/or Technical Support of Electronic Payment Equipment, Systems, Gateways or Platforms.

- 71. Virtualization and Cloud Services.
- 72. Distribution/Sales of Computer and Related Information Technology equipment, devices and accessories.
- 73. Identity Management Services.
- 74. Graphics and Animation design.

CHAPTER III—OFFENCES

Offences.

3.—(1) Any person, foreign or local company, institution and organizations engaged in the provision of services outlined above without registering with Council and obtaining license to so practice has committed an offence and such person shall be subject to the punishment prescribed under Section 22(5) of the CPN Act.

(a) Any person guilty of an offence under this section is liable :

(i) To comply with the provisions of the Act, these Regulations and other Regulations made by Council ;

(ii) On summary conviction to a fine not exceeding ₦1,000.00 ;

(iii) An institution or organization found guilty on a summary conviction is liable to a fine not exceeding ₦5,000.00 ;

(iv) On conviction or indictment an individual will be liable to a fine not exceeding ₦5,000.00 while an organization or institution will be liable to pay a fine not exceeding ₦5,000.00 or to an imprisonment term not exceeding 2 years or to both fine and imprisonment term.

(b) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributed to any neglect on the part of any Director, Manager, Secretary or any other similar officer of the body corporate or any person purporting to act in any such capacity he, as, well as the body corporate, shall be deemed to have committed that offence and shall be liable to be proceeded against and punished accordingly.

4. Without prejudice to the specific provisions of the Act, Regulations or any license conditions, the Council may, in the exercise of its power to control computing profession in the country ; pursuant to these Regulations and the Act, institute civil proceedings in Court against any person or organization for order to conform with the provisions of the Act, these Regulations and other Regulations of the Council and for the grant of remedies that may include but not limited to injunctive relief specific performance or pecuniary awards or damages.

Power to Control.

CHAPTER IV—DEFINITIONS AND SHORT TITLE

Interpretation.

5.—(a) In these Regulations—

“*Act*” means the Computer Professionals (Registration Council of Nigeria) No. 49 of 1993, CAP C22, Laws of the Federation of Nigeria (LFN) 2004 ;

“*Council*” means Computer Professionals (Registration Council of Nigeria) established under Section 1 of the Act ;

“*Contravention*” means, as the context require, non-compliance with or infringement of any of the provisions of the Act Regulations or license ;

“*Court*” mean the Federal High Court ;

“*Computing*” means the use of computational machinery and techniques related thereto ;

“*Fees*” includes annual subscriptions fees ;

“*License*” means any license that has been granted by the Council to Computer Practitioners in order to legally practice in Nigeria ;

“*Licensee*” refers to members of the profession that has been granted license to practice computing in the country by the Council ;

“*Member*” means a person or organization registered by the Council in accordance with the provisions of the Act and Regulations made by Council who hold a current valid licence to practice the profession in the country ;

“*Profession*” means the profession of using computerized machinery and other techniques related thereto ;

“*Regulations*” means any regulations or guidelines that have been published by the Council pursuant to the Act.

(b) All definitions in the Act shall have the same meaning and intendments in these Regulations as the Act.

Citation.

6. These Regulations may be cited as the Services Constituting Practice as a registered member of Computing Profession Regulations 2015.

MADE this 5th day of May, 2017.

ALLWELL C. ACHUMBA, FNCS, MCPN  
*Registrar/Secretary to Council*

# EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF INSTITUTIONS) ACT

## ARRANGEMENT OF SECTION

### PART I

#### *Minimum standards, etc., in institutions*

##### *Primary education*

### SECTION

1. Minimum standards for pre-primary and primary institutions.
2. Purpose of pre-primary education.
3. Purpose of primary education.

##### *Secondary and teacher education*

4. Minimum standards in secondary schools and certain categories of teacher education.
5. Purpose of secondary education.
6. Structure of secondary education.
7. Purpose of teacher education.

##### *Technical education*

8. Minimum standards in respect of technical education.
9. Purpose of technical education.

##### *Higher education*

10. Minimum standards in universities.
11. Purpose of higher education.

##### *Special and adult education*

12. Minimum standards in respect of special and adult education.
13. Purpose of special education.
14. Purpose of adult and non-formal education.

### PART II

#### *Administration*

##### *Powers of inspection*

15. Powers of inspection.
16. Procedure after adverse report.
17. Offences.
18. Offences by bodies corporate, etc.

##### *Conditions for establishment of institutions*

### SECTION

19. Conditions for ownership or proprietorship of certain institutions.
20. Persons who may establish institutions of higher learning.
21. Application for establishment of institutions of higher education.

22. Power to close down erring institutions.
23. Jurisdiction.
24. Issue of guidelines.
25. Interpretation.
26. Short title, etc.

EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF INSTITUTIONS) ACT  
**An Act to deal amongst other things with the specification of various authorities empowered to prescribe minimum standards of education in Nigeria; and to impose penalties for any contravention of its provisions.**

[1985 No. 16.]

[6th August, 1985]

[Commencement.]

PART I

*Minimum standards, etc., in institutions*

*Primary education*

**1. Minimum standards for pre-primary and primary institutions**

(1) The responsibility for the establishment and maintenance of minimum standards in pre-primary and primary schools and similar institutions in the Federation is hereby vested in the Minister.

(2) In prescribing the minimum standards mentioned in subsection (1) of this section, the Minister shall have regard to the matters mentioned in sections 2 and 3 of this Act.

**2. Purpose of pre-primary education**

The purpose of pre-primary education shall be-

- (a) to effect a smooth transition from home to school;
- (b) to prepare the child for the primary level of education;
- (c) to provide adequate care and supervision for children while their parents are away from home either at work, on the farms, in the markets or in offices or otherwise howsoever;
- (d) to inculcate in the child the best of social norms;
- (e) to inculcate in the child the spirit of inquiry and creativity through the exploration of nature and the local environment, playing with toys and indulging in artistic and musical activities;
- (f) to instil in the child the need for co-operation with others and team spirits;
- (g) to teach children the rudiments of numbers, colours, shapes and forms through play; and
- (h) to teach children good habits, especially good health habits.

**3. Purpose of primary education**

(1) The purpose of primary education shall be-

- (a) the inculcation of permanent literacy and numeracy and the ability to communicate effectively;
- (b) the laying of a sound basis for scientific and reflective thinking;
- (c) citizenship education as a basis for effective participation in and contribution to the life of the society;
- (d) character and moral training and the development of sound attitudes;
- (e) to develop in the child the ability to adapt to his changing environment;
- (f) to give the child opportunities for developing manipulative skills that will enable him to

function effectively in the society within the limits of his capacity;

- (g) to provide basic tools for further educational advancement, including preparation for trades and crafts of the locality.

(2) The medium of instruction in primary schools shall initially be in the mother tongue or in the language of the immediate community and at a later stage in English.

#### *Secondary and teacher education*

#### **4. Minimum standards in secondary schools and certain categories of teacher education**

(1) The responsibility for the establishment and maintenance of minimum standards in secondary schools and similar institutions in the Federation shall be vested in the Minister.

(2) The responsibility for the establishment and maintenance of minimum standards in the Federation in respect of teacher education not carried out as part of higher education is hereby vested in the Minister.

(3) In prescribing the minimum standards mentioned in subsections (1) and (2) of this section, the Minister shall have regard to the matters mentioned in sections 5 to 7 of this Act.

#### **5. Purpose of secondary education**

The purpose of secondary education shall be-

- (a) to provide an increasing number of primary school pupils with opportunity for education of a higher quality, irrespective of sex, social, religious, or ethnic background;
- (b) to equip students to live effectively in the modern age of science and technology;
- (c) to develop and project Nigerian culture, art and language as well as the universal and cultural heritage;
- (d) to raise a generation of people who can think for themselves, respect the views and feelings of others, respect the dignity of labour and appreciate those values specified under our broad national aims so as to enable them to live and function as good citizens;
- (e) to foster Nigerian unity with emphasis on the common ties that unite us in our diversity;
- (f) to inspire students with a desire for achievement and self-improvement both at school and later on in life.

#### **6. Structure of secondary education**

(1) Secondary education shall be of six years' duration and be given at two stages of three years' duration each, that is-

- (a) junior secondary stage; and
- (b) senior secondary stage.

(2) Curricula activities of the junior secondary school shall be both pre-vocational and academic and shall include all basic subjects which will enable pupils to acquire further knowledge and develop skills.

(3) The senior secondary school shall be comprehensive and shall have a core curriculum designed to broaden pupils' knowledge and outlook.

(4) In order to ensure that minimum standards are complied with, the Minister may by notice published in the Federal Gazette give directives in respect of the curriculum to be followed in junior and senior secondary schools.

(5) The core and optional subjects specified in any directives given under subsection (4) of this section, shall be subject to revision from time to time by the Minister.

**7. Purpose of teacher education**

- (a) to produce highly motivated, conscientious and efficient classroom teachers for all levels of the educational system mentioned in this Act;
- (b) to encourage the spirit of inquiry and creativity in teachers;
- (c) to help teachers fit into the social life of the community and society at large and to enhance their commitment to national objectives;
- (d) to enhance teachers' commitment to the teaching profession.

*Technical education*

**8. Minimum standards in respect of technical education**

(1) The responsibility for the establishment of minimum standards in polytechnics, technical colleges and other technical institutions in the Federation shall be vested in the Minister after consultation with the National Board for Technical Education and thereafter that Board shall have responsibility for the maintenance of such standards.

(2) The Board shall have power to accredit programmes of all institutions mentioned in subsection (1) of this section for the purpose of award of national certificates and diplomas and other similar awards and for entry into national and zonal examinations in respect of such institutions.

(3) In exercising the powers conferred under or pursuant to the foregoing provisions of this section, the Minister or, as the case may be, the Board, shall have regard to the matters mentioned in section 9 of this Act.

**9. Purpose of technical education**

(1) The purpose of technical education shall be-

- (a) the provision of trained manpower in engineering, applied Science, technology and commerce at all professional grades;
- (b) the provision of technical knowledge and vocational skills necessary for agricultural, industrial, commercial and economic development;
- (c) the provision of qualified and well-equipped personnel to apply scientific knowledge to the improvement and solution of environmental problems for use and convenience of man;
- (d) the introduction of professional studies in engineering and other technologies;  
the provision of training to impart the necessary skills leading to the production of craftsmen, technicians, technologists and engineers and other skilled personnel who will be enterprising and self-reliant;
- (e) to enable men and women to have intellectual understanding of the increasing complexity of technology and the role technology plays in the world around them.

(2) All students of specialised engineering, technical, business, applied science or applied arts programmes shall be required to have compulsory supervised industrial attachment as part of their regular studies in such a manner as may be prescribed by the Board.

*Higher education*

**10. Minimum standards in universities**

(1) The power to lay down minimum standards for all universities and other institutions of higher learning in the Federation and the accreditation of their degrees and other academic awards is hereby vested in the National Universities Commission in formal consultation with the universities for that purpose, after obtaining prior approval therefor through the Minister, from the President.

(2) In the exercise of the powers conferred under and pursuant to subsection (1) of this section, the Commission shall have regard to the matters mentioned in section 11 of this Act.

(3) Nothing in this section shall be construed as preventing or restricting the National Board for Technical Education from carrying out its functions under section 8 of this Act.

### **11. Purpose of higher education**

The purpose of higher education shall be-

- (a) the acquisition, development and inculcation of the proper value-orientation for the survival of individuals and society;
- (b) the development of the intellectual capacities of individuals to understand and appreciate their environment;
- (c) the acquisition of both physical and intellectual skills to enable individuals to develop into Members of the community;
- (d) the acquisition of an objective view of local and external environment;
- (e) the making of optimum contributions to national development through the training of higher level manpower;
- (f) the promotion of national unity by ensuring that admission of students and recruitment of staff into universities and other institutions of higher learning shall, as far as possible, be on a broad national basis;
- (g) the promotion and encouragement of scholarship and research.

### *Special and adult education*

### **12. Minimum standards in respect of special and adult education**

(1) The Minister shall have responsibility for the establishment of minimum standards in respect of the following, that is to say-

- (a) special education; and
- (b) adult and non-formal education.

(2) In prescribing the minimum standards mentioned in subsection (1) of this section, the Minister shall have regard to the matters mentioned in sections 13 and 14 of this Act.

(3) Before prescribing any of the aforementioned standards, the Minister shall have consultations with interested parties and may set up such committees as he considers appropriate to advise him in the discharge of his responsibilities under this section.

### **13. Purpose of special education**

The purpose of special education shall be-

- (a) to provide adequate education for all handicapped children and adults in order to enable them to fully play their roles in the development of the nation; and
- (b) to provide opportunities for exceptionally gifted children to develop at their own pace in the interest of the nation's economic and technological development.

### **14. Purpose of adult and non-formal education**

The purpose of adult and non-formal education shall be-

- (a) to provide functional literacy education for non-literate adults;
- (b) to provide functional and remedial education for those young people who prematurely dropped out of the formal school system;
- (c) to provide further education for different categories of those who have completed formal

- education to any level in order to further improve their basic knowledge and skills;
- (d) to provide in-service training on the job and also vocational or professional training for different categories of workers or professionals in order to improve their skills; and
- (e) to give adult citizens the necessary aesthetic, cultural and civic education for public enlightenment

## PART II

### *Administration*

#### *Powers of inspection*

#### **15. Powers of inspection**

- (1) It shall be the duty of the appropriate authority to keep himself or itself informed of the nature of-
  - (a) the instruction given at approved institutions to persons attending courses of training; and
  - (b) the examinations as a result of which approved qualifications are attained and appropriate certificates are awarded, and for the purposes of performing that duty, the appropriate authority may appoint inspectors to visit institutions or to oversee such examinations.
- (2) It shall be the duty of an inspector appointed under this section to report to the appropriate authority-
  - (a) the sufficiency or otherwise of the instruction given to persons attending courses of training at the institution inspected by him;
  - (b) the sufficiency or otherwise of the examinations overseen by him; and
  - (c) any other matter relating to the institutions or examinations on which the appropriate authority may, either generally or in a particular case, request their inspector to report, but no inspector shall interfere with the giving of any instruction or the holding of any examination.
- (3) An inspector appointed under this section shall have power-
  - (a) to require the authorities of any institution or any employee thereof to produce any books, registers or documents relating to any institution which he has been authorised to inspect and to inspect any such book, register or document which would enable him discharge his duties efficiently and to remove any such book, register or document which he inspects as evidence of contravention of any provision of this Act or of any subsidiary legislation made thereunder;
  - (b) to require the authorities of any institution or any employee thereof to provide any information which in the opinion of the inspector would assist in the inspection and ascertainment of compliance with the standards prescribed by or pursuant to this Act;
  - (c) to enter the premises of any institution upon which he has reason to suspect that a contravention of this Act or of any subsidiary legislation made thereunder has been, or is being made; and
  - (d) to do all such other things as may be necessary or expedient for the purpose of any inspection authorised to be carried out by him under this section.

#### **16. Procedure after adverse report**

(1) Where, after an inspection under section 15 of this Act, a report is received by the appropriate authority that any provision of this Act or of any subsidiary legislation issued thereunder has been infringed, the appropriate authority shall as soon as may be send a copy of the report to the person appearing to the appropriate authority to be in charge of the institution or responsible for examinations to which the report relates requesting that person to make observations on the report to the appropriate authority within such period as may be specified in the request, not being more than sixty days beginning with the date of the request.

(2) After receipt of the observations from the institution concerned, the appropriate authority may issue to such institution directions as to necessary adjustments to be made by the institution concerned to reach prescribed minimum standards and where such institution fails within such time as may be contained in the directions for

implementation thereof, the appropriate authority may withdraw recognition for any academic or other award thereafter issued or made by such institution.

## **17. Offences**

(1) If any person required to furnish returns pursuant to section 15 of this Act fails to furnish those returns as required under this Act, he shall be guilty of an offence and liable on conviction to a fine not exceeding N500 or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) If a person in purported compliance with a requirement to furnish returns as aforesaid, knowingly or recklessly makes any statement in the return which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine not exceeding N250 or imprisonment for a period not exceeding three months or to both such fine and imprisonment.

(3) Any person who wilfully obstructs, interferes with, assaults or resists any inspector appointed pursuant to section 15 of this Act in the execution of his duty under this Act or who aids, invites, induces or abets any other person to obstruct, interfere with, assault or resist any such inspector, shall be guilty of an offence and liable on conviction to a fine not exceeding N500 or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

## **18. Offences by bodies corporate, etc.**

Where an offence under this Act is committed by a body corporate or firm or other association of individuals-

- (a) every director, manager, secretary or other similar officer of the body corporate;
  - (b) every partner or officer of the firm;
  - (c) every person concerned in the management of the affairs of the association; or
  - (d) every person who was purporting to act in any such capacity as aforesaid,
- shall severally be guilty of that offence and liable to be proceeded against and punished for the offence in like manner as if he had committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

### *Conditions for establishment of institutions*

## **19. Conditions for ownership or proprietorship of certain institutions**

(1) Any institution in the Federation to which this section applies, irrespective of the ownership, shall be established under or pursuant to an Act:

Provided that where any such institution is established or is to be established by the government of a State or a local government council then it shall be established pursuant to a law of the State concerned.

(2) The institutions to which this section applies are-

- (a) those established or to be established with respect to university education, technological education or professional education; and
- (b) in the case of the Federal Capital Territory, Abuja, any educational institution of any description whatsoever.

(3) Any institution aforesaid established before the coming into force of this Act otherwise than in compliance with the provision of this section shall, as soon as may be after the commencement of this Act, take steps to ensure compliance therewith.

## **20. Persons who may establish institutions of higher learning**

An institution of higher learning may be sponsored or owned by the Government of the Federation or of a State or by a local government or by any of the following, that is-

[1993 No.9.]

- (a) by a company incorporated in Nigeria; or
- (b) by an individual or association of individuals who are citizens of Nigeria and who satisfy the criteria set out in the Schedule to this Act for establishment of institutions.

[Schedule.]

**21. Application for establishment of institutions of higher education**

(1) Application for the establishment of an institution of higher learning shall be made to the Minister-

- (a) in the case of a university, through the National Universities Commission;
- (b) in the case of a polytechnic, or college of agriculture, through the National Board for Technical Education;
- (c) in the case of a college of education, through the National Commission for Colleges of Education; and
- (d) in any other case, through the Permanent Secretary of the Ministry of Education, in accordance with guidelines prescribed for making the application.

(2) No State, local government or tertiary institution shall benefit from the education tax with respect to a tertiary institution unless the application for the establishment of the tertiary institution was made in accordance with the provisions of subsection (1) of this section.

(3) No person shall be granted approval to establish an institution of higher education unless the criteria set out in the Schedule to this Act have been satisfied.

[Schedule.]

**22. Power to close down erring institutions**

(1) Any institution established otherwise than in compliance with section 19, 20 or 21 of this Act may be liable to closure by the appropriate authority but before closing down any such institution, the appropriate authority shall afford the proprietor of the institution an opportunity to make representations for consideration by the appropriate authority not later than sixty days after receipt of notice by the proprietor from the authority of the intention to close down the institution:

Provided that the powers conferred under this subsection shall not be exercised by the appropriate authority in respect of any institution belonging to any government in the Federation without the prior approval of the President.

[1993 No.9.]

(2) Where an institution is closed down, the appropriate authority may appoint a qualified person, to be known as a receiver, to take charge of the assets and liabilities of any such institution and to apportion same in an equitable manner to persons entitled thereto, so however that this subsection shall not apply to any institution belonging to any government in the Federation or in any case where provisions have been made in that behalf by law or any other written instrument.

(3) Any person aggrieved by any decision taken under or pursuant to this section shall have a right to apply to the court for a review of the matter.

**PART III**

*Supplementary provisions*

### 23. Jurisdiction

Every offence under this Act or any other proceeding arising therefrom or in connection with any subsidiary legislation made thereunder shall be triable in the Federal High Court and references in this Act to "court" or "the court" shall be construed accordingly.

### 24. Issue of guidelines

(1) The appropriate authority shall have power to issue guidelines to relevant institutions in respect of the following, that is to say-

- (a) the maximum number of pupils or students that may occupy each class by reference to its physical dimension;
- (b) the ratio of pupils or students to each teacher;
- (c) the minimum number of weeks in each school year or academic session during which instruction would be given to pupils or students;
- (d) the records to be kept by the institution concerned;
- (e) the accommodation to be maintained by the institution by reference to the total number of persons under instruction in the institution concerned and the optimum space to be reserved to each pupil or student, inclusive of teaching space in every classroom or lecture hall;
- (f) the amenities to be maintained by the institution;
- (g) the laboratories, workshops, technical drawing-rooms, typewriting rooms, model workshops, home economics rooms, art rooms and libraries to be maintained by the institution;
- (h) the administrative blocks, staff rooms, assembly halls, kitchens, dining halls and other special buildings to be maintained by the institution;
- (i) the staff quarters and other living accommodation to be maintained for teaching, administrative, technical and other staff on the school grounds or campus;
- (j) the boundary walls or fences to be maintained by the institution; and
- (k) such other physical structures as would be required to ensure or would be conducive to the of the minimum standards prescribed in respect of any such institution.

(2) Every guideline or amendment thereof issued pursuant to subsection (1) of this section shall be published by notice in the Federal *Gazette* and given additional publicity apart from such publication in such manner as the appropriate authority may determine.

### 25. Interpretation

In this Act, unless the context otherwise requires-

**"academic year"** means any period of twelve months as may be declared as such by any university or other institution of higher learning;

**"adult and non-formal education"** means education consisting of functional literacy or remedial, continuing, vocational, aesthetic, cultural and civic education for youths and adults outside the formal school system;

**"the appropriate authority"** means-

- (a) the Minister in respect of pre-primary, primary and secondary education and in respect of teacher education not given as part of higher education;
- (b) the Minister or, as the case may require, the National Board for Technical Education in respect of technical education; and
- © the National Universities Commission in respect of higher education;

**"higher education"** mean education which is given at the tertiary stage which covers the post-secondary section of the national education system and which is given at institutions such as universities, polytechnics, colleges of technology, colleges of education, advanced teachers colleges, professional institutions and such other institutions as may be allied to any of the foregoing;

*Criteria for establishing an institution of higher education*

**1.** The academic structure and spread of discipline of the institution shall be such as would cater for areas of felt needs.

[1993 No.9.]

**2.** (1) Evidence shall be provided to show that the institution would be provided with adequate-

- (a) funding, both capital and recurrent; and
- (b) academic and support staff.

(2) The proposed staffing guidelines shall meet with current guidelines of-

- (a) the National Universities Commission;
- (b) the National Board for Technical Education; or
- (c) the National Commission for Colleges of Education, as the case may be, staff ratio based on the courses contemplated.

**3.** The Federal Government must be satisfied that, on approval being given, the sources of funding and necessary funds will be available.

**4.** The Federal Government or its accredited agency shall ascertain and be satisfied itself that-

(a) the fixed and enabling assets, that is, funds, land, movable and immovable assets are appropriate for establishing the institution in the light of such factors as-

- (i) the type of institution envisaged;
- (ii) its philosophy and objectives; and
- (iii) the costs of goods and services prevailing at the time;

(b) the assets shall be assigned to the institution on approval being given for the institutions to be established; and

(c) that the applicant has supplied a concrete and guaranteed source of financial support to the university to the tune of N200 million, N100 million for polytechnic or monotechnic and N50 million for a college of education over a period of five years.

**5.** (1) A proposed institution shall have a clearly spelt-out master plan for infra structural and programme development for at least 20 to 25 years which shall make adequate provision for-

- (a) plan space, aesthetic beauty and fixed financial assets; and
- (b) minimum land area of 100 hectares for a university, 50 hectares for a polytechnic or a monotechnic and 25 hectares for a college of education in a salutary site.

(2) The site distance from an urban complex shall take into account availability of municipal service including water, transportation, private accommodation, communication and other services.

**6.** (1) A proposed institution shall have an adequate enrolment base and shall be open to all Nigerians irrespective of ethnic derivation, social status, religious or political persuasion.

(2) Accordingly, its laws and statutes shall not conflict with the conventional responsibilities in academia or interfere with avowed traditional institutional autonomy.

**7.** To prevent problems of inadequate municipal facilities, the proposed institution shall have a clear policy on student and staff accommodation and catering services.

**8.** The proposed institution shall have a well-articulated mission and set of objectives which may be original and innovative but unequivocally in consonance with the socio-economic and political aspirations of Nigeria.

**9.** To create and sustain confidence and credibility from the start, the administrative structure of the proposed institution shall not depart too radically from established norms.

**10.** The library, laboratory and workshop facilities, including instructional tools and consumables shall be adequate and there shall be long-range plans for sustaining them.

**11.** The planning and feasibility report of the proposed institution shall include proposed contacts and affiliation

**12.** The criteria set out in this Schedule shall also apply to a proposed institution which is an open university except that-

- (a) the minimum land area requirement shall not apply; and
- (b) guidelines prescribed by the appropriate authority as regards technical infrastructure for functional and effective operation, shall be satisfied.

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EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT  
OF INSTITUTIONS) ACT

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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# EDUCATIONAL CORRESPONDENCE COLLEGES ACCREDITATION ACT

## ARRANGEMENT OF SECTIONS

1. Educational correspondence colleges to be accredited.
2. Procedure for accreditation, etc.
3. Renewal of certificate of accreditation.
4. Establishment of Accreditation Committee.
5. Wide publicity to be given to accredited correspondence colleges.
6. Power to revoke accreditation or impose conditions thereon.
7. Opening and closing of branches.
8. Cancellation of certificate of accreditation.
9. Power of designated officers to enter premises and obtain information.
10. Penalties for setting up illegal college, etc.
11. Offences and penalties.
12. Offences by bodies corporate, etc.
13. Repeals, savings and transfer of assets and liabilities.
14. Regulations.
15. Interpretation.
16. Short title.

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## EDUCATIONAL CORRESPONDENCE COLLEGES ACCREDITATION ACT

*An Act to make provisions for accreditation by the Minister of Education a pre-condition for the operation (or continuation in business in the case of existing institutions) of all private educational correspondence colleges wishing to conduct business in Nigeria.*

[1987 No. 32.]

[5th November, 1987]

[Commencement. ]

### **1. Educational correspondence colleges to be accredited**

(1) If any person is desirous of enrolling not less than twenty citizens of Nigeria as students for any correspondence course run or to be run by any correspondence college of which he is or proposes to be the proprietor, then, where such course or part thereof is to be run by the correspondence college in Nigeria or, as the case may be, to be undertaken by such students while resident in Nigeria, the proprietor concerned shall, in addition to incorporating the enterprise under the provisions of the Companies and Allied Matters Act, apply to the Minister for accreditation of the correspondence college in accordance with the provisions of this Act.

[Cap. C20.]

(2) Where, on the coming into operation of this Act, any correspondence college is carrying on business in Nigeria, the proprietor thereof may apply within three months thereafter to be accredited, but shall cease to carry on such business in Nigeria after the expiration of six months from the coming into operation of this Act, unless prior to the expiration of the said period, such correspondence college is accredited to continue its business in accordance with the provisions of this Act.

(3) In the case of a correspondence college situated outside Nigeria, such correspondence college shall establish an agency office in Nigeria.

(4) The Minister may appoint such number of specialist assessors as he may deem fit to carry out such preliminary inspection, assessment and evaluation visits to any correspondence college or, in the case of a correspondence college situated outside Nigeria, any agency office for the purpose of accreditation under this section.

(5) A specialist assessor appointed under this section shall hold office on such terms and conditions as may be specified in his letter of appointment.

## **2. Procedure for accreditation, etc.**

(1) Where a correspondence college is situated in Nigeria, the proprietor thereof shall apply in writing to the Minister for accreditation and shall set out in the prescribed form-

- (a) the name and place of business or the proposed name and place of business of the correspondence college;
- (b) the name and address of the proprietor, in the case of a sole proprietor, and in other cases, of each director, partner, trustee or other principal officer of the body (whether corporate or unincorporated), as the case may require;
- (c) the nature of the courses offered or to be offered and duration of each such course;
- (d) if the business of the correspondence college was commenced before the coming into operation of the Act, the date of the commencement of such business; and
- (e) such other particulars as may be prescribed from time to time.

(2) A fee of N500 shall be payable in respect of an application under this section.

(3) In the case of a correspondence college situated outside Nigeria, the person in charge of the agency office established under section 1 (3) of this Act, shall apply in writing to the Minister for accreditation and shall set out in the prescribed form-

- (a) the name and place of business of the correspondence college outside Nigeria;
- (b) the name and address of the proprietor, in the case of a sole proprietor, and in other cases, of each director, partner, trustee or other principal officer of the body (whether corporate or unincorporate), as the case may require;
- (c) the nature of the courses offered and the duration of each such course;
- (d) the names and addresses of some one or more agents resident in Nigeria authorised to accept on behalf of the correspondence college service of process and any notices required to be served on it;
- (e) if the business of the correspondence college was commenced before coming into operation of this Act, the date of the commencement of such business; and
- (f) such other particulars as may be prescribed from time to time.

(4) Upon receipt of an application under subsections (1) and (3) of this section, the Minister shall cause such inquiries to be made as may assist him in coming to a decision in the particular case.

(5) If, after receipt of particulars in compliance with the foregoing provisions of this section and of the prescribed fees, the Minister is of the opinion-

- (a) that a correspondence college ought to be accredited, he shall issue it with a certificate in the prescribed form to that effect, with or without conditions;
- (b) that it would be undesirable in the public interest that accreditation be effected, he may refuse such accreditation, and no appeal shall lie from any decision of the Minister in any such case.

(6) Where a certificate of accreditation is issued subject to conditions, the correspondence college shall comply with those conditions.

(7) Any correspondence college which fails to comply with any of the conditions of its certificate of accreditation shall be guilty of an offence and shall be liable on conviction to a fine of N 100 for each day during which the condition is not complied with.

## **3. Renewal of certificate of accreditation**

(1) A certificate of accreditation issued under section 2 of this Act shall be valid for two years and may be renewed.

(2) Application for the renewal of a certificate of accreditation-

- (a) may be made not later than three months before the expiration of the certificate; and
- (b) shall be in the same form and be subject to the same procedure as for a new certificate.

## **4. Establishment of Accreditation Committee**

(1) For the purpose of considering an application for accreditation of a correspondence college under this Act, there shall be established a body to be known as the Standing Committee on the Accreditation of Correspondence Colleges (in this Act referred to as "the Committee).

(2) The Committee shall consist of the following members-

- (a) the Director of Education, (Technical, Technology and Vocational) in the Federal Ministry of Education,

who shall be the Chairman of the Committee;

- (b) the Assistant Director of Education (Vocational) in the Federal Ministry of Education;
- (c) the Assistant Director of Education (Inspectorate) in the Federal Ministry of Education;
- (d) the Head of Correspondence Education Unit, Federal Ministry of Education;
- (e) the Chief Assessor of Correspondence Colleges who shall be a lecturer in a University;
- (f) the Secretary, Panel of Assessors, who shall be a lecturer in a university;
- (g) a representative of the Nigerian Army;
- (h) a representative of the National Board for Technical Education, Kaduna;
- (i) a representative of the National Teachers' Institute, Kaduna;
- (j) a representative of the Association of Accredited Correspondence Colleges in Nigeria;
- (k) a representative of the Correspondence and Open Studies Institute, University of Lagos;
- (l) a representative of the Nigeria Employers Consultative Association; and
- (m) five renowned educationists, of whom two shall be proprietors of correspondence colleges, who shall be appointed on the basis of individual merits and geographical representation.

(3) The Permanent Secretary in the Federal Ministry of Education shall designate a senior officer of the Correspondence Education Unit in that Ministry to act as the secretary to the Committee.

(4) The Committee shall, after considering any application lodged under the provisions of this Act, submit a recommendation thereon to the Minister; and the Minister shall thereupon grant or withhold accreditation as provided under subsection

(5) of section 2 of this Act.

#### **5. Wide publicity to be given to accredited correspondence colleges**

(1) In every case where the Ministry issues a certificate of accreditation to a correspondence college, a designated officer shall cause a publication to be made to that effect in the Federal *Gazette* and in as many newspapers having wide circulation in Nigeria as he may deem desirable.

(2) The Minister shall cause to be prepared and maintained by a designated officer a register of the names and addresses, and of such other particulars as may be specified, of all correspondence colleges accredited in accordance with the provisions of this Act.

(3) It shall be the duty of the designated officer-

- (a) to cause the register to be printed, published and put on sale to members of the public not later than six months after the commencement of this Act; and
- (b) not less than twice in each year after that in which the register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, a corrected edition of the register which shall be as up to date as possible; and
- (c) to cause a print of each edition to be available, at all reasonable times, for inspection by members of the public free of charge.

(4) A document purporting to be a print of an edition of a register published under this section by the designated officer shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that a correspondence college specified in the document is fully or conditionally accredited and that any college not so specified therein is not so accredited.

(5) In this section, "**designated officer**" means any officer in the Federal Ministry of Education who may, from time to time, be charged with the general responsibility for the discharge of the functions specified under or pursuant to this section or any other provision of this Act.

#### **6. Power to revoke accreditation or impose conditions thereon**

(1) The Minister may at any time vary or revoke any of the conditions of a certificate of accreditation or impose such conditions or additional conditions as he may deem necessary.

(2) Where the Minister proposes to vary, revoke or impose conditions in accordance with the provisions of subsection (1) of this section, he shall, before exercising such power, give notice of his intention to the correspondence college concerned and shall afford it an opportunity of making representations to him and to submit reasons why its certificate of accreditation should not be so amended.

(3) Any correspondence college which fails to comply with any conditions as varied or imposed by virtue of subsection (1) of this section, shall be guilty of an offence and shall be liable on conviction to a fine of N 100 for each day during which the conditions are, or any of them is not complied with.

#### **7. Opening and closing of branches**

Every correspondence college shall inform the Minister of-

- (a) any proposal to open or close branches thereof anywhere in Nigeria;
- (b) any proposed agreement or arrangement for any sale or disposal of its business by amalgamation or otherwise; and
- (c) any proposal for re-organisation, and the Minister may, in the case of a correspondence college situated in Nigeria, approve or withhold approval of any such proposal; and in any other case, he may take such decision as he thinks appropriate in the circumstances.

#### **8. Cancellation of certificate of accreditation**

(1) The Minister may by Order published in the Federal *Gazette* cancel any certificate of accreditation-

- (a) if the holder thereof ceases to carry on in Nigeria the kind of business for which the certificate was issued or if the correspondence college goes into liquidation or is wound up or otherwise ceases to function as a correspondence college; and
- (b) if the holder thereof fails to fulfil the prescribed conditions and regulations; or
- (c) if he is satisfied that it is in the public interest so to do.

(2) Where the Minister proposes to cancel any certificate of accreditation pursuant to subsection (1) of this section, he shall before such cancellation give notice of his intention to the correspondence college concerned and shall give it an opportunity to make representations and to submit reasons why its certificate of accreditation should not be cancelled.

#### **9. Power of designated officer to enter premises and obtain information**

(1) For the purpose of this Act, any designated officer-

- (a) shall have a right of access, at any time during the normal working hours of the correspondence college concerned, to any building or other premises of any such correspondence college; and
- (b) may by notice in writing served on any proprietor of a correspondence college, require the proprietor to furnish, in such form as he may direct, information on such matters as may be specified by him.

(2) A person required to furnish any information pursuant to subsection (1) (b) of this section shall, within two months from the notice, comply with the notice.

#### **10. Penalties for setting up illegal college, etc.**

Any person who sets up any correspondence college in Nigeria or, as the case may be, runs correspondence courses which are undertaken in Nigeria otherwise than in compliance with the provisions of this Act, shall be guilty of an offence and shall be liable on conviction to a fine of ₦ 10,000 or imprisonment for two years or to both such fine and imprisonment.

#### **11. Offences and penalties**

(1) If any person required to furnish any information pursuant to section 9 of this Act fails to furnish the information as required under this Act, he shall be guilty of an offence and liable on conviction to a fine of ₦2,000 or imprisonment for a term of six months or to both such fine and imprisonment.

(2) Any person who, for the purpose of obtaining a certificate of accreditation for a correspondence college or of complying with any of the provisions of this Act (including purported compliance with a requirement to furnish information under section 9 of this Act) presents any instrument or makes any statement, whether or not in the instrument or form, which is false in a material particular, shall be guilty of an offence unless he proves that he has taken all reasonable steps to ascertain the truth of the statement made or contained in the instrument or form so presented.

(3) Any person guilty of an offence under subsection (2) of this section shall be liable on conviction to a fine of ₦3,500 or imprisonment for a term of twelve months or to both such fine and imprisonment.

(4) Any person who willfully obstructs, interferes with, assaults or resists any designated officer in the execution of his duties under this Act or who aids, invites, induces or abets any other person to obstruct, interfere with, assault or resist any such officer, shall be guilty of an offence and liable on conviction to a fine of ₦1,000 or imprisonment for three months or to both such fine and imprisonment.

audio or video tapes with optional occasional face-to-face methods of learning, but does not include-

- (a) a university or similar institution of higher learning (whether in Nigeria or elsewhere) which awards external degrees or diplomas or which disseminates educational instruction or materials by means of correspondence or by sound or television broadcast;
- (b) any correspondence college established solely for religious instruction; or
- (c) any correspondence college entirely maintained and controlled by any Government in the Federation;

**"designated officer"** has the meaning assigned thereto by section 5 (5) of this Act;

**"Minister"** means the Minister charged with responsibility for matters relating to education; and

**"Ministry"** shall be construed accordingly;

**"proprietor"** means the person who is or holds himself out to be the owner of a correspondence college or the lessee or tenant in the case of leased premises, or the person using premises for the purpose of a correspondence college, or any person that derives or is entitled to any profits or similar benefits from the business of any such college and includes an agent in the case of a correspondence college referred to in section 2 (3) of this Act or the person recognised as proprietor immediately before the coming into force of this Act and references to

**"person"** in this Act shall include, where applicable, references to bodies corporate, firms, trustees or any other association of individuals; **"student"** means any person who takes any course of instruction from a correspondence college whether or not he is a student at any other institution.

#### 16. Short title

This Act may be cited as the Educational Correspondence Colleges Accreditation Act.

### EDUCATIONAL CORRESPONDENCE COLLEGES ACCREDITATION ACT SUBSIDIARY LEGISLATION

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*No Subsidiary Legislation*

**EXAMINATION MALPRACTICES ACT**  
**ARRANGEMENT OF SECTIONS**

PART I

*Offences*

SECTION

1. Cheating at examination.
2. Stealing, etc., of question papers.
3. Personation.
4. Orderliness at examinations.
5. Disturbances at examinations.
6. Conduct at examinations.
7. Obstruction of supervisor, etc.
8. Forgery of result slip, etc.
9. Breach of duty.
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13. Trial of children and young persons.
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18. Repeal of section 3 (16).
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20. Short title.

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EXAMINATION MALPRACTICES ACT

**An Act to create offences relating to examination malpractices and to prescribe penalties for such offences.**

[1999 No. 33.]

[10th May, 1999]

[Commencement. ]

PART I

*Offences*

**1. Cheating at examination**

(1) A person who, in anticipation of, before or at any examination-

- (a) by any fraudulent trick or device or in abuse of his office or with intent to unjustly enrich himself or any other person procures any question paper produced or intended for use at any examination of persons, whether or not the question paper concerned is proved to be false, not genuine or not related to the examination in question; or
- (b) by any false pretence or with intent to cheat or secure any unfair advantage for himself or any other person, procures from or induces any other person to deliver to himself or another person any question paper intended for use at any examination; or
- © by any false pretence or with intent to cheat or unjustly enrich himself or any other person buys, sells, procures or otherwise deals with any question paper intended for use or represented as a genuine question

paper in respect of any particular examination; or

- (d) fraudulently or with intent to cheat or secure any unfair advantage for himself or any other person or in abuse of his office, procures, sells, buys or otherwise deals with any question paper intended for the examination of persons at any examination, commits an offence.

(2) A person guilty of an offence under subsection (1) of this section is liable on conviction-

- (a) in the case of a person under the age of eighteen years, to a fine of N100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment;
- (b) in the case of a principal, teacher, an invigilator, a supervisor, an examiner, or an agent or employee of the examination body concerned with the conduct of an examination, to imprisonment for a term of four years without the option of a fine; and
- (c) in any other case, to imprisonment for a term of three years without the option of a fine.

(3) Where the person accused of the offence is an employee of an examination body concerned with the conduct of examinations or a head teacher, teacher or other person entrusted with the safety and security of question papers, he shall be proceeded against and punished as provided in this section, notwithstanding that the question paper concerned is proved not to be live, genuine or does not relate to the examination concerned.

## **2. Stealing, etc., of question papers**

A candidate who, at any examination, by any fraudulent trick or device or with intent to cheat or secure an unfair advantage for himself or any other person, steals or otherwise appropriates or takes a question paper, an answer sheet or a script of any other candidate commits, an offence and is liable on conviction to a fine of N100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment.

## **3. Personation**

(1) A person who, at an examination-

- (a) falsely represents himself to be a candidate sitting for the examination; or
- (b) writes or attempts to write a paper in the name of some other person whether that name is the name of a person living or dead, commits an offence.

(2) A person guilty of an offence under subsection (1) of this section is liable on conviction-

- (a) in the case of a person under the age of 18 years, to a fine of N100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment;
- (b) in the case of a principal, teacher, an invigilator, a supervisor, an examiner, or an agent or employee of the examination body concerned with the conduct of an examination, to imprisonment for a term of 4 years without the option of a fine; and
- (c) in any other case, to imprisonment for a term of three years without the option of a fine.

(3) A person who alters or in any other way tampers with a document which has been issued to a candidate in relation to an examination, so that the person is taken to be the candidate, commits an offence and is liable on conviction-

- (a) in the case of a person under the age of eighteen years, to a fine of N100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment;
- (b) in the case of a principal, teacher, an invigilator, a supervisor, an examiner, or an agent or employee of the examination body concerned with the conduct of the examination, to imprisonment for a term of four years without the option of a fine; and
- (c) in any other case, to imprisonment for a term of three years without the option of a fine.

## **4. Orderliness at examinations**

(1) A candidate at an examination who leaves the examination hall or any other place appointed for the examination, and mixes up with any other person with intent to cheat or secure any unfair advantage for himself or any other person in the examination, commits an offence and is liable on conviction to a fine not exceeding N50,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment and, in addition, the candidate shall not be allowed to re-enter the examination hall or any other place to continue with that examination.

(2) A person who-

- (a) without lawful excuse, with intent to aid a candidate to cheat or secure any unfair advantage for himself or any other person at the examination, communicates or attempts to communicate to the candidate any information relating to any question paper in the examination; or

- (b) not being involved in the conduct of the examination, is found in or near the examination hall or any other place appointed for the examination with intent to aid a candidate to cheat or secure an unfair advantage for a candidate at the examination, commits an offence.

(3) A person guilty of an offence under subsection (2) of this section is liable on conviction-

- (a) in the case of a person under the age of eighteen years, to a fine of ₦100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment;
- (b) in the case of a principal, teacher, an invigilator, a supervisor, an examiner, or an agent or employee of the examination body concerned with the conduct of an examination, to imprisonment for a term of four years without the option of a fine; and
- (c) in any other case, to imprisonment for a term of three years without the option of a fine.

## **5. Disturbances at examinations**

(1) A person who, at or near an examination hall or any other place appointed for an examination-

- (a) has in his possession any offensive weapon or other material or uses any offensive weapon or other material on any other person; or
- (b) acts or incites any other person to act in a disorderly manner, for the purpose of disrupting the conduct of an examination or of harming, intimidating, assaulting or obstructing any person involved in the conduct of the examination, commits an offence.

(2) A person guilty of an offence under subsection (1) of this section is liable on conviction-

- (a) in the case of a person under the age of eighteen years, to a fine of ₦100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment;
- (b) in the case of a principal, teacher, an invigilator, a supervisor, an examiner, or an agent or employee of the examination body concerned with the conduct of an examination, to imprisonment for a term of five years without the option of a fine; and
- (c) in any other case, to imprisonment for a term of four years without the option of a fine.

## **6. Conduct at examinations**

(1) A candidate who-

- (a) misconducts himself in an examination hall or any other place appointed for an examination; or
- (b) fails to obey any lawful order of the supervisor, invigilator or agent of the examination body concerned with the conduct of the examination, commits an offence and is liable on conviction to a fine not exceeding ₦50,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) A person who contravenes the provisions of subsection (1) of this section may be removed from the examination hall or other place appointed for the examination by a police officer, the supervisor, invigilator or an agent of the examination body concerned with the conduct of the examination.

## **7. Obstruction of supervisor, etc.**

A person who wilfully obstructs a supervisor, an invigilator or agent of the examination body concerned with the conduct of the examination or any other person in the performance of his duty at the examination, commits an offence and is liable on conviction-

- (a) in the case of a person under the age of eighteen years, to a fine of ₦100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment;
- (b) in the case of a principal, teacher, an invigilator, a supervisor, an examiner, or an agent or employee of the examination body concerned with the conduct of an examination, to imprisonment for a term of five years without the option of a fine; and
- (c) in any other case, to imprisonment for a term of four years without the option of a fine.

## **8. Forgery of result slip, etc.**

(1) A person who-

- (a) forges; or
- (b) fraudulently or without lawful order, alters or in any other way tampers with,

the scores of a candidate as contained on a result slip or certificate duly issued by an examination body, commits an offence.

(2) A person guilty of an offence under subsection (1) of this section is liable on conviction-

- (a) in the case of a person under the age of eighteen years, to a fine of ₦100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment;
- (b) in the case of a principal, teacher, an invigilator, a supervisor, an examiner, or an agent or employee of the examination body concerned with the conduct of an examination, to imprisonment for a term of five years without the option of a fine; and
- (c) in any other case, to imprisonment for a term of four years without the option of a fine.

## **9. Breach of duty**

(1) A person who, for the time being is under a duty to discharge any function with respect to the conduct of an examination, without reasonable cause, before, during or at an examination or at any time thereafter-

- (a) fails to perform or discharge that duty; or
- (b) performs that duty fraudulently, negligently, perversely or recklessly; or
- (c) commits an act or omission in breach of that duty, commits an offence and is liable on conviction to a fine not exceeding ₦50,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) A person-

- (a) employed to mark examination papers, who, without lawful excuse, alters or otherwise tampers or attempts to alter or tamper with the scores of a candidate as recorded by another person; or
- (b) employed by an examination body, who before, during or after an examination, fraudulently or without lawful authority, alters or otherwise tampers with the scores of a candidate or aids or abets any candidate to cheat at an examination,

commits an offence and is liable on conviction to imprisonment for a term of four years without the option of a fine.

(3) A person, employed to print or charged with the responsibility of printing live question papers, who, without lawful authority, communicates to any person any information contained in any of the question papers, commits an offence and is liable on conviction to imprisonment for a term of five years.

## **10. Conspiracy, aiding, etc.**

A person who-

- (a) conspires with, aids, abets, or counsels any other person to commit an offence; or
- (b) attempts to commit an offence or is an accessory before or after the fact to an act or omission which constitutes an offence; or
- (c) incites, procures or induces any other person by any means whatsoever to commit an offence, under this Act, commits the offence and is liable on conviction to the same punishment as is prescribed for that offence under this Act.

## **11. Conviction for alternative offence**

(1) Where a person is charged with an offence under this Act and the evidence establishes an attempt to commit that offence, he may be convicted of having attempted to commit that offence notwithstanding the attempt is not separately charged, and that person shall be punished as is prescribed for the offence under this Act.

(2) Where a person is charged with an attempt to commit an offence under this Act, but the evidence establishes the commission of the full offence, the offender shall not be entitled to acquittal, but shall be convicted of the offence and punished as provided under this Act.

## **12. Offences by bodies corporate**

Where an offence under this Act which has been committed by a body corporate is proved to-

- (a) have been committed on the instigation or with the connivance of; or
- (b) be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate,

where practicable, shall be deemed to have committed that offence and shall be liable to be proceeded against and punished accordingly.

## PART II

### *Miscellaneous*

#### **13. Trial of children and young persons**

Where a person who is a child or a young person (within the meaning of the Children and Young Persons Act, that is, a person who has not attained the age of seventeen years) is charged with an offence under this Act, he shall be dealt with under the provisions of the Children and Young Persons Act.

#### **14. Jurisdiction**

Subject to section 13 of this Act, the Federal High Court (in this Act referred to as "the Court") shall have-

- (a) jurisdiction to try offenders under this Act;
- (b) power, notwithstanding anything to the contrary in any other enactment, to impose the penalties provided for offences in this Act.

#### **15. Pending proceedings, etc.**

(1) Any part-heard proceeding, relating to a matter for which the Court has jurisdiction, which is pending before any court or tribunal on the date of the making of this Act, shall be continued and completed as if this Act had not been made.

(2) All new proceedings shall be brought before the Court.

(3) A person who has been tried and convicted or acquitted for an offence charged under any other enactment, shall not be tried a second time for the same offence, notwithstanding that he could be proceeded against in accordance with the provisions of this Act.

#### **16. Power of the examination body**

(1) Notwithstanding the provisions of this Act, an examination body shall have the power to-

- (a) withhold, suspend or cancel the results of a candidate or ban or blacklist a candidate from taking its examinations if it is satisfied that the candidate has engaged in any form of examination malpractice;
- (b) withdraw recognition, suspend, ban or blacklist or place on probation a school or an examination centre if it is satisfied that the school or examination centre is involved in any form of examination malpractice;
- (c) remove the name of, or withhold payment to a supervisor or an invigilator or any other official employed in the conduct of an examination if it is satisfied that the supervisor or invigilator or official has contributed to an examination malpractice.

(2) An examination body may, in exercise of its powers under this section, circulate the name of an offending candidate, supervisor, invigilator, official, school or examination centre to other examination bodies which may impose similar punishment.

#### **17. Power of search, etc.**

Notwithstanding the provisions of any other enactment conferring power to search, if the Court is satisfied that there is a reasonable ground to suspect that there may be found in any building or other place whatsoever, any question paper, examination paper, score sheet or information in any other form whatsoever which, in its opinion, is or may be material to the subject-matter of any trial under this Act, it may issue a warrant authorising any police officer or any member of the armed forces or of any of the security agencies to-

- (a) enter, if necessary by force, the building or other place and every part of the building or place; and
- (b) search for, seize and remove any question paper, examination paper, score sheet or information found in the building or place.

#### **18. Repeal of section 3 (16)**

Section 3 (16) of the Miscellaneous Offences Act is hereby repealed.

## **.19. Interpretation**

In this Act, unless the context otherwise requires-

**"Court"** means the Federal High Court;

**"examination"** means an examination conducted by an examination body;

**"examination body"** means the West African Examinations Council, the Joint Admissions and Matriculation Board, the National Teachers Institute, the National Business and Technical Education Board, the National Board for Educational Measurement and any other body established by the Government to conduct an examination;

**"examination malpractice"** means an act which constitutes an offence under this Act;

**"live question paper"** means an authentic question paper related to the particular forthcoming examination;

**"question paper"** includes a question paper-

- (a) produced through a fax or telex machine or any other electronic or electrical device;
- (b) that is hand-written or in Braille or any other form; and
- (c) that is transmitted through telephone

## **20. Short title**

This Act may be cited as the Examination Malpractices Act.

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### EXAMINATION MALPRACTISES ACT SUBSIDIARY LEGISLATION

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No Subsidiary Legislation

# FEDERAL COLLEGES OF EDUCATION ACT

## ARRANGEMENT OF SECTIONS

### PART I

#### *Establishment of the Federal Colleges of Education*

#### SECTION

1. Establishment of Federal Colleges of Education.
2. Governing Council of each College.
3. Membership of the Council of each College.
4. Tenure of office of members of the Council.
5. Functions of each College.
6. Powers of the Council.
7. Visitation.
8. The Academic Board and its functions.
9. Power of Minister to give direction to the Council.
10. The Provost of each College.
11. Deputy Provosts.
12. The Registrar and other staff of each College.
13. Other principal officers of the College.
14. Resignation of appointment of principal officers.
15. Other employees of the College.
16. Selection Board for other principal officers.
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### PART II

#### *Financial provisions*

18. Establishment of fund of each College.
19. Power to accept gifts.
20. Accounts and audit.
21. Annual reports.

### PART III

#### *Miscellaneous and supplementary*

22. Offices and premises.
23. Discipline of students
24. Interpretation.
25. Short title.

#### SCHEDULE

#### FIRST SCHEDULE

#### *List of colleges of education*

#### SECOND SCHEDULE

#### *Supplementary provisions relating to the Council, etc.*

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FEDERAL COLLEGES OF EDUCATION ACT

**An Act to establish the Federal Colleges of Education listed in the Act, whose function among other things shall be to provide full-time courses of teaching, instruction and training in technology, applied science, commerce, arts, social sciences, humanities and management and to carry out research in the development and adaptation of techniques; and also make provision for the appointment of a Provost and the officials of each College to carry out the administration and the discipline of students of the College.**

[1986 No.4.]

[14th March, 1986]

[Commencement.]

PART I

*Establishment of Federal Colleges of Education*

**1. Establishment of Federal Colleges of Education**

(1) There are hereby established the Federal Colleges of Education specified in the First Schedule to this Act (in this Act collectively referred to as "College") which shall have such powers and exercise such functions as are conferred on them by this Act.

[First Schedule.]

(2) Each 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 property and may sue and be sued in its corporate name.

**2. Governing Council of each College**

(1) The governance of each College and the direction of its affairs shall vest in the Governing Council of the College concerned (in this Act referred to as "the Council").

(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 Second Schedule to this Act shall have effect with respect to the Council as specified therein.

**3. Membership of the Council of each College**

(1) The Council of each College, other than a Federal College of Education (Technical) shall consist of a chairman and the following other members, to be appointed by the President-

- (a) a representative of the Federal Ministry responsible for education;
- (b) a representative of the university, who in the case of degree awarding Colleges, shall come from the university to which the Colleges are affiliated for the purpose of moderation;
- (c) a representative of the alumni association of the College;
- (d) three persons appointed on individual merit on a nationwide basis who should have wide experience of service in the public or private sector;
- (e) two representatives of the Academic Board of the College;
- (f) one representative of the National Commission for Women;
- (g) a representative of the National Commission for Colleges of Education; and
- (h) the Provost of the College.

[1993 No.6.]

(2) The Council of each Federal College of Education (Technical) shall consist of a chairman, and the following other members, to be appointed by the President-

- (a) a representative of the Federal Ministry responsible for education;
- (b) a representative of the Nigerian Society of Engineers;
- (c) a representative of the universities of Technology who in the case of degree awarding Colleges, shall come from the university to which the Colleges are affiliated for the purpose of moderation;
- (d) three persons of note in the areas of science and of technical education, one of whom shall be a woman, to be appointed by the President;
- (e) a representative of the National Commission for Women;
- (f) a representative of the alumni association of the College;
- (g) two representatives of the Academic Board of the College;
- (h) a representative of the National Commission for Colleges of Education; and
- (i) the Provost of the College.

[1993 No.6.]

#### **4. Tenure of office of members of the Council**

(1) A member of the Council (other than an ex-officio member) shall hold office for a term of three years and subject to the provisions of subsection (2) of this section, shall be eligible for re-appointment for a further period of three years.

(2) The office of a member appointed under sections 3 (1) (d) and 3 (2) (d) of this Act shall become vacant if-

- (a) the member resigns his office by notice in writing under his hand, addressed to the Minister; or
- (b) the Minister is satisfied that it is not in the interest of the College for the person appointed to continue in office and notifies the member in writing to that effect.

#### **5. Functions of each College**

The functions of each College shall be-

- (a) to provide full-time courses in teaching, instruction and training-
  - (i) in technology, applied Science, commerce, arts, social Science, humanities and management; and
  - (ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may from time to time determine;
- (b) to conduct courses in education for qualified teachers;
- (c) to arrange conferences, seminars and workshops relative to the fields of learning specified in paragraph (a) of this section; and
- (d) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the College.

#### **6. Powers of the Council**

(1) For the carrying out of the functions of each College, 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 Commission for Colleges of Education

;

[1993 No.6.]

- (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 the prior approval of the Minister, from time to time determine;

- (c) hold public lectures and undertake printing, publishing and bookselling;
- (d) make gifts for any charitable purpose;
- (e) hold examinations in education for qualified teachers;
- (f) provide amenities for and make such other provision for the welfare of the staff of 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 authorise;
- (i) enter into such contracts as may be necessary or expedient for carrying into effect the objectives of the College;

[1993 No.6.]

- (j) recruit staff of the right calibre and determine the career structure of such staff;
- (k) establish and maintain such schools and other teaching units within the College or extramural departments as the Council may, from time to time, decide;
- (l) institute and award fellowships, medals, prizes and other titles;
- (m) mount exhibitions and displays designed to foster an appreciation of trends in and the scope and requirements of education;
- (n) erect, provide, equip and maintain such educational, recreational and residential facilities as the College may require;
- (o) create lectureships and other academic posts and offices and to make appointments thereto;
- (p) encourage and make provision for research in the College; and
- (q) do such acts and things whether or not incidental to the foregoing powers as may advance the objects of the College.

(2) The power of the Council to establish further schools within the College shall be exercisable by order and not otherwise.

## **7. Visitation**

- (1) The Minister of Education shall be the Visitor of each 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 academic and administrative performance of the College; or
  - (b) for such other purpose or in respect of any other affairs of the College as the Visitor may deem fit.

[1993 No.6.]

## **8. The Academic Board and its functions**

(1) There shall be established for each 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 to be appointed by the Council.

(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, scholarships, prizes and other academic distinctions;
- (b) making periodic reports on such academic matters to the Council as the Council may from time to time

direct;

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

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

Subject to the provisions of this 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.

## **10. The Provost of each College**

(1) There shall be a Provost of each College (in this Act referred to as "the Provost") who shall be appointed by the President, 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 a widely read newspaper in Nigeria specifying-

- (i) the qualities of the person who may apply for the post;
- (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 the 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 lists 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 President, three candidates for his consideration.

(4) The President 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 general 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 reappointed for one further period of four years and no more.

[1993 No.6.]

## **11. Deputy Provosts**

(1) There shall be for each 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, that is-

- (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 shall-

- (a) 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 reappointed for one further period of two years and no more.

[1993 No.6.]

## **12. The Registrar and other staff of each College**

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

(3) A Registrar-

- (a) shall hold office for a period of five 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 reappointed for one further period of five years and no more.

[1993 No.6.]

(4) Where, on the commencement of this section, a Registrar appointed before the commencement of this section has held office-

- (a) for five years or less, he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
- (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the College;
- (c) for ten years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the College.

[1993 No.6.]

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

(1) There shall be for each College the following 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 10D 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 coordination of the library services in the teaching units of the College.

(4) A Bursar or Librarian-

- (a) shall hold office for a period of five 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 reappointed for a further period of five years and no more.

(5) Where, on the commencement of this section, a Bursar or Librarian has held office-

- (a) for five years or less, he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
- (b) for more than five but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the College;
- (c) for ten years or more, the Council may allow him to serve in that capacity for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the College.

[1993 No.6.]

#### **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; and
- (b) in any other case, by notice to the Council.

[1993 No.6.]

#### **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.

[1993 No.6.]

#### **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; and
- (d) two members of the Academic Board.

(2) The functions, 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.

[1993 No.6.]

#### **17. Pensions**

(1) It is hereby declared that service in each College shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in each College shall in respect of their service in the College be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, 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.

[Cap. P4.]

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (other than the power to make regulations under section 23 thereof)

shall be exercisable by the College and not by any other person or authority.

## PART II

### *Financial provisions*

#### **18. Establishment of fund of each College**

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

(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 Commission for Colleges of Education;

[1993 No.6.]

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

- (c) all subscriptions, 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 Commission for Colleges of Education, 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.

[1993 No.6.]

#### **19. Power to accept gifts**

(1) The Council may accept gifts of land, money or other property upon such terms and conditions if any, as may be specified by the person making the gift.

(2) The Council shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Council.

#### **20. Accounts and audit**

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.

#### **21. Annual reports**

The Council shall as soon as may be 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 supplement*

#### **22. Offices and 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.

#### **23. Discipline of students**

(1) The Council may make rules providing for the Provost to conduct enquiries 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 thereunder, 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 may be suspended for such period as may be specified in the direction; 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 may, either directly or through some other staff, 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 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 powers 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 the direction under subsection (3) (a) of this section may be combined with a direction under subsection (3) (b) of this section.

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

## 24. Interpretation

In this Act, unless the context otherwise requires-

**"chairman"** means the chairman of the Council;

**"College"** means any of the Federal Colleges of Education specified in the First Schedule to this Act and

**"Colleges"** shall be construed accordingly;

**"Council"** means the Governing Council of any of the Colleges established by or pursuant to section 2 of this Act;

**"Provost"** means the Provost of a College appointed under section 9 of this Act;

**"functions"** includes powers and duties;

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

**"member"** means a member of the Council including the chairman.

## 25. Short title

This Act may be cited as the Federal Colleges of Education Act.

SCHEDULES  
FIRST SCHEDULE  
[Section 1 (1).]

*List of Colleges of Education*

- (a) Federal College of Education (Technical), Gombe, Bauchi State;
- (b) Federal College of Education (Technical), Akoka, Yaba, Lagos;
- (c) Federal College of Education Abeokuta, Ogun State;
- (d) Federal College of Education Kano, Kano State;
- (e) Federal College of Education Katsina, Katsina State;
- (f) Federal College of Education Kontagora, Niger State;
- (g) Federal College of Education Obudu, Cross River State;
- (h) Federal College of Education Okene, Kwara State;
- (i) Adeyemi College of Education Ondo, Ondo State;
- (j) Federal College of Education (Special), Oyo Town, Oyo State;
- (k) Federal College of Education Pankshin, Plateau State;
- (l) Federal College of Education Yola, Gongola State;
- (m) Federal College of Education (Technical), Asaba, Bendel State;
- (n) Federal College of Education (Technical), Bichi, Kano State;
- (o) Federal College of Education (Technical), Gusau, Sokoto State;
- (p) Federal College of Education (Technical), Omoku, Rivers State;
- (q) Federal College of Education (Technical), Potiskum, Borno State;
- (r) Federal College of Education (Technical), Umunze, Anambra State;
- (s) Federal College of Education, Zaria, Kaduna State; and  
[1991 No. 12. 1993 No. 34.]
- (t) Federal College of Education, Eha - Amufu.

SECOND SCHEDULE

*Supplementary Provisions Relating to the Council, etc.*

[Section 2 (3).]

*Terms of service*

1. There may be paid 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 President.
2. Where a vacancy occurs in respect of the membership specified in section 3 (1) (d) and 3 (2) (d), it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and such successor shall represent the same interest as his predecessor.
3. 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.

*Proceedings*

4. (1) The Council shall meet for the conduct of business at such times, places and on such days as the chairman may appoint but shall meet not less than once every four months.  
(2) The chairman may at any time and shall, at the request in writing of not less than six members, convene a meeting of the Council.  
(3) At any meeting of the Council the chairman shall preside; but in his absence, members present shall elect one of their number to preside at the meeting.

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

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

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

*Miscellaneous*

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

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

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

FEDERAL COLLEGES OF EDUCATION ACT  
**SUBSIDIARY LEGISLATION**

# FEDERAL POLYTECHNICS ACT

## ARRANGEMENT OF SECTIONS

### *Establishment of Federal Polytechnics*

#### SECTION

1. Establishment of Federal Polytechnics.
2. Functions of each Polytechnic.
3. Establishment and constitution of each Council, etc.
4. Visitation.
5. Registrar of each Polytechnic.
6. Tenure of office of the Registrar.
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SCHEDULE  
FIRST SCHEDULE  
*Polytechnics*  
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FEDERAL POLYTECHNICS ACT

**An Act to establish polytechnics in various parts of the country to provide full-time courses in technology, applied science management and other fields of studies and to make provisions for the general administration of such polytechnics.**

[1979 No. 33.]

[25th July, 1979]

[Commencement.]

*Establishment of Federal Polytechnics*

**1. Establishment of Federal Polytechnics**

There are hereby established the Federal Polytechnics specified in the First Schedule to this Act (in this Act severally referred to as "the polytechnic") which shall have such powers and exercise such functions as are specified in this Act

[1987 No. 28. First Schedule.]

**2. Functions of each Polytechnic**

(1) The functions of each polytechnic shall be-

(a) to provide full-time or part-time courses of instruction and training-

(i) in technology, applied science, commerce and management; and

(ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the area of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may from time to time determine;

(b) to arrange conferences, seminars and study groups relative to the fields of learning specified in paragraph (a) of this subsection (1);

(c) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the polytechnic.

(2) Nothing in this section shall preclude the government of a State or any of its agencies from setting up a polytechnic similar to any polytechnic established under this Act.

**3. Establishment and constitution of each Council, etc.**

(1) There shall be established for each polytechnic a Council (hereafter in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The Council shall consist of a Chairman and the following other members, that is-

(a) one person to represent the universities;

(b) one person to represent the Manufacturers' Association of Nigeria;

(c) one person to represent professional bodies whose disciplines are taught at the polytechnic;

(d) one person selected from a Federal or State public utility statutory corporation;

(e) one person of standing in the community where the polytechnic is situate;

(f) the Rector of the polytechnic;

(g) one representative of the Minister charged with responsibility for matters relating to polytechnics;

(h) one representative of the Permanent Secretary of the Ministry charged with responsibility for matters relating to industries;

(i) one representative of the academic board of the polytechnic;

(j) one representative of the State Commissioner of Education; and

- (k) five other persons, at least one of whom shall be a woman, to be selected each on his personal merit based on his contribution to either the development of industry, technology or commerce or special interest in technical education.

(3) The Chairman and members of the Council other than ex-officio members shall be appointed by the President.

(4) The provisions set out in the Second Schedule to this Act shall apply in relation to the constitution of the Council and the other matters therein specified.

[Second Schedule.]

#### **4. Visitation**

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

[1993 No.5.]

(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 academic and administrative performance of the polytechnic;
- (b) for such other purpose or in respect of any other affairs of the polytechnic as the Visitor may deem fit.

[1993 No.5.]

#### **5. Registrar of each polytechnic**

(1) There shall be a Registrar to each polytechnic who shall be responsible to the Rector for the day- to-day administration of the polytechnic and shall perform such other duties as the Councilor, as the case may be, the Rector may from time to time require him to do.

(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 Rector, appoint a suitable person to act as secretary for any particular meeting of the Council.

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

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

(1) A Registrar-

- (a) shall hold office for a period of five 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 five years and no more.

[1993 No.5.]

(2) Where on the commencement of this section, a Registrar has held office-

- (a) for five years or less, he shall be deemed to be serving his first term of office and may be re-appointed for a further term of five years;
- (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the polytechnic;
- (c) for ten years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the polytechnic.

[1993 No.5.]

#### **7. General functions of each Council**

(1) Subject to provision of this Act, each Council shall be the governing body of the polytechnic concerned and shall have

the general management of the affairs of the polytechnic, and in particular, the control of the property and finances of the polytechnic; and shall also have power to do anything which in its opinion is calculated to facilitate the carrying out of the activities of the polytechnic and promote its best interests.

(2) The Council may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Act, and for the same purpose may sell, lease, mortgage or otherwise alienate or dispose of any property so acquired.

(3) The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Act.

(4) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.

#### *Staff*

### **8. The Rector of each polytechnic**

(1) There shall be a Rector of each polytechnic ("the Rector") who shall be appointed by the President in accordance with the provisions of this section.

[1993 No.5.]

(2) Where a vacancy occurs in the post of Rector, 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 persons who are not likely to apply on their own volition because they feel that it is not proper to do so.

[1993 No.5.]

(3) A Joint Council and Academic Board 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 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 President, three candidates for his consideration.

[1993 No.5.]

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

[1993 No.5.]

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

[1993 No.5.]

(6) The Rector-

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

[1993 No.5.]

## **9. Deputy Rectors**

(1) There shall be for each polytechnic a Deputy Rector.

[1993 No.5.]

(2) The Council shall appoint the Deputy Rector from among the chief lecturers in the polytechnic in one of the following ways-

- (a) from a list of three candidates, in order of preference, submitted by the Rector; or
- (b) on the recommendation of a Selection Board constituted under this section for that purpose; or
- (c) on the nomination of the Rector.

[1993 No.5.]

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

- (a) consist of-
  - (i) the Chairman of the Council;
  - (ii) the Rector;
  - (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 commendation required under that subsection.

[1993 No.5.]

(4) The Deputy Rector-

- (a) shall assist the Rector in the performance of his functions;
- (b) act in the place of the Rector when the post of Rector is vacant or if the Rector is for any reason absent or unable to perform his functions as Rector; and
- (c) perform such other functions as the Rector may, from time to time, assign to him.

[1993 No.5.]

(5) The Deputy Rector-

- (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.

[1993 No.5.]

## **10. Other principal officers of each polytechnic**

(1) There shall be for each polytechnic the following other principal officers in addition to the Registrar, that is-

- (a) the Bursar; and
- (b) the polytechnic Librarian,

who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 9 (b) of this Act.

[1993 No.5.]

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

[1993 No.5.]

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

[1993 No.5.]

(4) The Bursar or Librarian-

- (a) shall hold office for a period of five 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 five years and no more.

[1993 No.5.]

(5) Where on the commencement of this section, a Bursar or Librarian has held office-

- (a) for five years or less, he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
- (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the polytechnic;
- (c) for ten years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the polytechnic.

[1993 No.5.]

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

A principal officer may resign his appointment-

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

[1993 No.5.]

#### **12. 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 Rector;
- (c) four members of the Council not being members of the Academic Board;
- (d) two members of the Academic Board.

[1993 No.5.]

(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.

[1993 No.5.]

#### **13. Other employees of the polytechnic**

(1) The Council may appoint such other persons to be employees of the polytechnic as the Council may determine to assist the Rector and the principal officers of the polytechnic in the performance of their functions under this Act.

[1993 No.5.]

(2) The power to appoint all other employees of the polytechnic shall be exercised-

- (a) in the case of senior employees, by the Council on the recommendation of the Appointment and Promotions Committee set up under the provisions of paragraph 3 (2) (a) of the Second Schedule to this Act;
- (b) in the case of junior employees, by the Rector on the recommendation of the Junior Staff Appointments and Promotions Committee constituted under paragraph 3 (2) (b) of the Second schedule to this Act.

[1993 No.5.]

(3) 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.

[1993 No.5.]

#### **14. Application of the Pensions Act**

(1) The Federal Civil Service Commission may by order published in the Federal Gazette declare the office of the Rector or any other person employed by the Council to be a pensionable office for the purposes of the Pensions Act.

[Cap. P4.]

(2) Nothing in the provisions of subsection (1) of this section shall prevent the appointment of any person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

#### *Establishment of the Academic Board*

#### **15. The Academic Board**

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

- (a) the Rector of the polytechnic, as the Chairman;
- (b) the Deputy-Rector of the polytechnic;
- (c) all Heads of Departments;
- (d) the polytechnic Librarian; and
- (e) 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 polytechnic 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) the discharge of any other functions which the Council may delegate to it.

#### *Tenure of Office*

#### **16. Removal from office of members of the Council and the Rector**

(1) If it appears to the Council that a member of the Council (other than an ex-officio member) or the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the President, and if the President, after making such inquiries as he considers necessary, approves the recommendation, the President, shall, in writing, declare the office of such member vacant.

(2) The President may remove any member of the Council if he is satisfied that it is not in the public interest or in the interest of the polytechnic that such member should continue as a member of the Council.

### 17. Removal and discipline of academic, administrative and technical staff

(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 technical staff of the polytechnic, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall-

- (a) give notice of those reasons to the person in question;
- (b) afford him an opportunity of making representations in person on the matter to the Council; and
- (c) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements-

(i) if he is an academic staff, for a joint committee of the Council and the Academic Board to investigate the matter and to report on it to the Council; or

(ii) for a committee of the Council to investigate the matter, where it relates to any other member of the staff of the polytechnic and to report on it to the Council; and

(iii) for the person in question to be afforded an opportunity of appearing before and being heard by the 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 as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(2) The Rector may, in a case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interests of the polytechnic, suspend such member and any such suspension shall forthwith be reported to the Council.

(3) For good cause, any member of staff may be suspended from office or his appointment may be terminated by the Council, and for the purpose of this subsection, "**good cause**" means-

- (a) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
- (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 his office; or
- (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his 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.

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

- (a) whether to continue such person's, suspension and if so on what terms (including the proportion of this emoluments to be paid to him);
- (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
- (c) whether to terminate the appointment of the person in question, in which case such a person, will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (d) whether to 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, and in any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.

(5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of 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.

(6) Nothing in the foregoing provisions of this section shall prevent the Council from making such regulations for the

discipline of other categories of staff and workers of the polytechnic as it may think fit.

### *Discipline*

#### **18. Discipline of students**

(1) Subject to the provisions of this section, where it appears to the Rector that any student of the polytechnic has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Act or 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 polytechnic, or make use of such facilities of the polytechnic, 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 polytechnic.

(2) Where there is temporarily no Rector or where the Rector 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 (1) of this section to any student of the polytechnic who is guilty of misconduct.

(3) Where a direction is given under subsection (1) (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.

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

(5) The Rector may delegate his power under this section to a disciplinary committee consisting of such members of the polytechnic 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 polytechnic otherwise than on the ground of misconduct.

(7) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.

(8) In all cases under this section, the decision of the Council shall be final.

#### **19. Discipline of junior staff**

(1) If any junior staff is accused of misconduct or inefficiency, the Rector may suspend him for not more than three months and forthwith shall direct the Junior Staff Appointments and Promotions Committee-

- (a) to consider the case; and
- (b) to make recommendations as to the appropriate action to be taken by the Rector.

(2) In all cases under this section, the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.

(3) The Rector may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or down-grade the officer concerned.

(4) Any person aggrieved by the Rector's decision under subsection (3) of this section, may within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Council to reconsider his case and the Council's decision thereon shall be final.

(5) In any case of gross misconduct on the part of a junior staff, the Rector shall forthwith suspend him and thereafter refer the matter to the Junior Staff Appointments and Promotions Committee to be dealt with according to the foregoing provision of this section.

### *Financial Provisions*

#### **20. Audits of accounts**

(1) Each Council shall keep proper accounts and proper records in relation thereto and shall cause to be prepared, not later than 1 October in each financial year, an estimate of its revenue and expenditure for the ensuing financial year and when prepared, the estimate shall be submitted to the National Board for Technical Education for approval.

(2) At the end of each financial year but not later than 30 June the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year.

(3) The statement of accounts referred to in subsection (2) of this section shall, when certified by the Rector, be audited by a

firm of auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation and shall be published in the annual report of the polytechnic.

## **21. Funds of each Council**

The funds of the Council shall include-

- (a) fees charged by and payable to the Council in respect of students;
- (b) any other amounts due to or recoverable by the Council;
- (c) revenue from time to time accruing to the Council from the Federal Government by way of subvention, grant-in-aid, endowment or otherwise howsoever;
- (d) donations and legacies accruing to the Council from any source for the special purpose of the Council.

## **22. Donations for particular purposes**

(1) Donations of money to be applied to any particular purpose shall be placed to the credit of a special reserve account approved by the Council until such time as they may be expended in fulfilment of such purpose.

(2) No Council shall be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

## **23. Payment into bank**

All sums of money received on account of each Council shall be paid into such bank for the credit of the Council as may be approved by the Council.

## **24. Annual report**

Each Council shall on or before 31 December in each year prepare and submit to the President through the Minister, a report of the activities during the preceding financial year and shall include in the report, the audited accounts of the polytechnic in respect of that financial year and the auditors' comments on the account.

### *Miscellaneous and Supplemental*

## **25. Power to make bye-laws**

(1) Each Council may make bye-laws relating to any matter within its competence under this Act other than matters for which provision is to be made by standing orders pursuant to paragraph 7 of the Schedule to this Act.

(2) All such bye-laws shall be in writing and shall come into force when sealed with the seal of the Council unless some other date for their commencement is prescribed therein.

(3) Nothing in subsection (2) of this section, shall make it obligatory for the Council to publish any of the said bye-laws in the Federal Gazette but the Council shall bring such bye-laws to the notice of all affected thereby.

## **26. Exclusion of discrimination on account of race, religion, etc.**

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 or of the family origin or religious or political persuasion or as a condition of becoming or continuing to be a student at the polytechnic or as a holder of any certificate of the polytechnic, or of any appointment or employment at the polytechnic, or a member of any body established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the polytechnic by reference to any of those matters:

Provided that, nothing in this section shall be construed as preventing the polytechnic from imposing any disability or restriction on any of the aforementioned persons where such a person wilfully refuses or fails 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 pertaining thereto is, in the opinion of the polytechnic, reasonably justifiable in the national interest.

## **27. Quorum and procedure of bodies established under this Act**

Subject to the provisions of paragraph 6 (2) of the Second Schedule to this Act and any standing orders or bye-law made under this Act, the quorum and procedure of any body of persons established by this Act shall be such as may be determined by that body.

**1** (1) A member of the Council other than an ex-officio member shall hold office for a period of three years beginning with the date on which he was appointed and shall be eligible for re-appointment for a further term of three years and thereafter he shall no longer be eligible for re-appointment.

(2) Members of the Council holding office as specified in paragraph 1 (1) of this Schedule, shall be paid remuneration or allowance in accordance with rates specified from time to time by the National Council of Ministers.

(3) A member of the Council holding office as specified in paragraph 1 (1) of this Schedule may by notice in writing to the Minister resign his office.

**2.** (1) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor; so however that the successor shall represent the same interest as his predecessor.

(2) The Council may act notwithstanding any vacancy in its membership or the absence of any member or that a person not entitled to do so took part in its proceedings.

### *Committees*

**3.** (1) The Council may appoint one or more committees to which it may delegate any of its functions.

(2) Without prejudice to the generality to sub-paragraph (1) of this Schedule, the Council shall appoint the following committees, that is-

(a) the Appointments and Promotions Committee which shall without prejudice to section 7 (4) of this Act-

(i) consist of a chairman to be appointed by the Rector from members of the senior staff of the polytechnic and four other members who shall be appointed by the Council;

(ii) be charged with the responsibility for making recommendations to the Council on the appointment and promotion of the academic and senior staff of the polytechnic and have a quorum of three members;

(b) the Junior Staff Appointments and Promotions Committee which shall consist of a chairman and four other members to be appointed by the Council and shall have the powers set out in sections 7 (5) and 14 of this Act;

(c) the Committee on Students' Affairs which shall consist of the following members-

(i) a chairman who shall be appointed by the Rector from among the senior employees of the polytechnic;

(ii) one member of the Council;

(iii) two members of the academic staff of the polytechnic; and

(iv) four students of the polytechnic, and the Committee on Students' Affairs shall be charged with the duty of-

(I) considering any matter which relates to the welfare of students;

(ii) any other matter referred to it by either the Council or students of the polytechnic;

(iii) any matter which the students wish to refer to the Council shall be referred to the Committee on Students' Affairs in the first instance.

(3) No decision of a committee shall have effect unless it is confirmed by the Council.

### *Proceedings of the Council*

**4.** (1) The Council shall meet for the conduct of business at such times as the chairman of the Council may appoint but shall meet not less than twice in a year.

(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) Particulars of the business to be transacted shall be circulated to members with the notice of the meeting at least two weeks before the date of the meeting.

**5.** 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.

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

(3) The Chairman shall, at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.

7. Subject as aforesaid, the Council may make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

8. If the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one of their number to act as chairman for the purposes of that meeting.

*Miscellaneous*

9. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal, may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorised by it for that purpose.

10. (1) 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.

(2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorised generally or specifically by the Council to act for that purpose.

(3) Any document purporting 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.

11. 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.

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FEDERAL POLYTECHNICS ACT

**SUBSIDIARY LEGISLATION**

No Subsidiary Legislation

*Extraordinary*



# Federal Republic of Nigeria Official Gazette

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*Government Notice No. 50*

The following is published as supplement to this *Gazette* :

<i>Act No.</i>	<i>Short Title</i>	<i>Page</i>
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**FEDERAL POLYTECHNICS (AMENDMENT) ACT, 2019**

## ARRANGEMENT OF SECTIONS

*Section :*

1. Amendment of Cap. F17, LFN, 2004.
2. Amendment of section 2.
3. Substitution for section 3.
4. Amendment of section 4.
5. Substitution for section 6.
5. Substitution for section 8.
6. Amendment of section 9.
8. Substitution for section 10.
9. Amendment of section 12.
10. Amendment of section 14.
11. Amendment of section 15.
12. Substitution for section 16.
13. Amendment of section 30.
14. Amendment of First Schedule.
15. Amendment of Second Schedule.
16. Citation.

**FEDERAL POLYTECHNICS (AMENDMENT) ACT, 2019**

**ACT No. 4**

AN ACT TO AMEND THE FEDERAL POLYTECHNICS ACT CAP. F17, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO AMONG OTHER THINGS, REVIEW THE RETIREMENT AGE OF STAFF OF FEDERAL POLYTECHNICS AND HARMONISE THE TENURE OF THE OFFICE OF THE RECTOR AND OTHER PRINCIPAL OFFICERS OF FEDERAL POLYTECHNICS IN NIGERIA ; AND FOR RELATED MATTERS.

[18th Day of June, 2019]

Commencement.

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

**1.** The Federal Polytechnics Act, Cap F 17, Laws of the Federation of Nigeria, 2004 (in this Act referred to as “the Principal Act”) is amended as set out in this Act.

Amendment of Cap. F17 LFN, 2004.

**2.** Section 2(1) of the Principal Act is amended by substituting for paragraph (a), a new paragraph “(a)”—

Amendment of section 2.

“(a) to provide full-time or part-time courses of instruction and training to produce middle and high level manpower—

(i) in technology, applied science, commerce and management ; and

(ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may determine.”

**3.** Substitute for section 3 of the Principal Act, a new section “3”—

Substitution for section 3.

“Establishment of Governing Council and its membership. 3. (1) There is established for each Polytechnic a Governing Council (in this Act referred to as “the Council”) which—

(a) is a body corporate with—

(i) perpetual succession, and

(ii) a common seal ; and

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

(2) The Council shall consist of a chairman and—

(a) four persons representing a variety of interests and broadly representative of the whole Federation one of whom shall be a woman ;

(b) one person to represent the alumni association ;

(c) a representative of the community where the Polytechnic is situate ;

(d) the Rector ;

(e) the Deputy Rector ;

(f) one person representing the Federal Ministry of Education ;

(g) two persons, not below the rank of Chief Lecturer, elected by the Academic Board from among its members ; and

(h) three persons, not below the rank of Senior Lecturer or its equivalent, elected by the Congregation from among its members in which one shall be a non-teaching staff.

(3) The Chairman and members of the Council other than *ex-officio* members shall be appointed by the President.

(4) Persons appointed to the Council shall be persons of proven integrity, knowledgeable and acquainted with the working and tradition of the technical and vocational education.

(5) A member of the Council other than an *ex-officio* member shall hold office for a term of three years at the first instance and may be eligible for re-appointment for another term of three years and no more.

(6) The governing structure of each Polytechnic shall consist of the—

(a) Governing Council ;

(b) Academic Board ;

(c) Management Committee ;

(d) School Board ; and

(e) Departmental Board.

Second  
Schedule.

(7) The provisions set out in the Second Schedule to this Act, shall apply in relation to the Council, governing structure and other matters specified in the Schedule.”

Amendment  
of section 4.

4. Section 4 of the Principal Act is amended by substituting for subsection (1), a new subsection “(1)—

“(1) The President shall be the Visitor to each Polytechnic.”

Substitution  
for  
section 6.

5. Substitute of section 6 of the Principal Act, a new section “6”—

“Tenure of  
office of the  
Registrar 6.(1) A Registrar shall hold office—

(a) for a single tenure of five years beginning from the date of his appointment ; and

(b) on such terms and conditions as may be specified in the letter of his appointment.

(2) Where a Registrar has held office for five years or less from the commencement of this Act, he shall be deemed to have served his final term of office.”

## 6. Substitute for section 8 of the Principal Act, a new section "8"—

Substitution  
for  
section 8.

"Appointment of Rector 8. (1) There shall be a Rector of each Polytechnic ("the Rector") who shall be appointed by the President in accordance with this section.

(2) Where a vacancy occurs in the post of the Rector, the Council shall—

(a) advertise the vacancy not later than six months to the expiration of the term of the seating Rector in at least two national newspapers in Nigeria, specifying the—

(i) qualifications of the persons who may apply for the post, which shall be a Chief Lecturer in the Polytechnic sector with at least five years experience on that position among other criteria, and

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

(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, and

(iii) two members of Academic staff, not below the rank of Chief Lecturers to be elected from among its members.

(3) A Joint Council, Academic Board, Congregation and 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 Lecturers, who were not members of the Search Team elected among its members, and

(d) two members of the Congregation, not below the rank of Chief Lecturers, who were not members of the Search Team elected among its members,

shall consider the candidates on the short list drawn up under subsection (2) (a) (ii) through an examination of their curriculum vitae and interaction with them and recommend in order of performance ranking, through the Council, to the President, three candidates for his consideration.

(4) The President shall appoint, as Rector, one of the candidates recommended to him under subsection(3).

(5) Subject to this Act and the general control of the Council, the Rector is the Chief Executive of the Polytechnic charged with the general responsibility for matters relating to the management and operations of the Polytechnic.

(6) The Rector shall—

(a) hold office for a single term of five years beginning with the date of his appointment and on such terms and conditions as may be specified in his letter of appointment ;

(b) where he was appointed to serve for a term of four years on the commencement of this Act, have his tenure extended for one year to complete the single term of five years in line with paragraph (a) ;

(c) where he is serving a second tenure of four years on the commencement of this Act, be deemed to be serving his final term of office ;

(d) have power to exercise general authority over staff and be responsible for discipline in the Polytechnic ; and

(e) have his remuneration determined by the National Salaries and Wages Commission.”

Substitution  
for  
section 9.

7. Substitute for section 9 of the Principal Act, a new section “9”—

“Appointment  
of Deputy  
Rectors

9. (1) There shall be for each Polytechnic such number of Deputy Rectors as the Council may deem necessary for the proper administration of the Polytechnic.

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

(3) The Academic Board shall elect for each vacant post one candidate from each list forwarded to it under subsection (2) and forward his name to the Council for confirmation.

(4) Where the—

(a) Academic Board rejects the two candidates forwarded to it by the Rector under subsection (2), the Rector shall submit another list ; and

(b) Council rejects the name sent to it under subsection (3), the Academic Board shall send the name of the other candidate on the list forwarded to it by the Rector under subsection (2).

(5) The Deputy Rector shall—

(a) assist the Rector in the performance of his functions ;

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

(c) perform such other functions as the Rector or the Council may assign to him.

(6) The Deputy Rectors shall hold office for a single tenure of four years beginning from the date of his appointment and on such terms and conditions as may be specified in his letter of appointment.

(7) Where a Deputy Rector—

(a) was appointed on a two year tenure on the commencement of this Act, his tenure shall be extended for a period of two years to complete the single tenure of four years in line with subsection (6) ; and

(b) is serving a second tenure of two years on the commencement of this Act, he shall be deemed to have been serving his final term of office.”

8. Substitute for section 10 of the Principal Act, a new subsection “10”.

“Other  
principal  
officers

10. (1) There shall be for each Polytechnic the following other principal officers in addition to the Deputy Rectors the—

Substitution  
for  
section 10.

(a) Registrar ;

(b) Bursar ; and

(c) Polytechnic Librarian,

who shall all be appointed by the Council on the recommendation of the Selection Board constituted under section 12 (1) of this Act.

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

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

(4) The Bursar or Librarian—

(a) shall hold office for a single term of five years beginning from the date of his appointment and on such terms and conditions as may be specified in his letter of appointment ; or

(b) where he has held office for five years or less on the commencement of this Act, he shall be deemed to have served his final term of office.”

Amendment of section 12.	<p><b>9.</b> Section 12 of the Principal Act is amended by substituting for subsection (1), a new subsection “(1).”</p> <p>“Removal from office members of the Council and Rector (1) There shall be, for each Polytechnic, a Selection Board which shall consist of—</p> <p>(a) the Chairman of the Council,</p> <p>(b) the Rector,</p> <p>(c) four members of the Council not being members of the Academic Board,</p> <p>(d) two members of the Academic Board, not being members of Council and not below the rank of Chief Lecturer, elected from among its members, and</p> <p>(e) three members of the Congregation, not below the rank of Principal Lecturer or its equivalent, elected from among its members in which one shall be a non-teaching staff.”</p>
Amendment of section 14.	<p><b>10.</b> Section 14 of the Principal Act is amended by inserting after subsection (2), new subsections “(3)” and “(4)—</p> <p>“(3) A law or rule requiring a person to retire from the public service, after serving for 35 years or having attained the age of 60 years in service, shall not apply to staff of Polytechnics.</p> <p>(4) Notwithstanding anything to the contrary contained in the Pensions Reform Act, the compulsory retirement age of staff of Polytechnics shall be 65 years.</p>
Act No. 4, 2014.	<p>(4) Notwithstanding anything to the contrary contained in the Pensions Reform Act, the compulsory retirement age of staff of Polytechnics shall be 65 years.</p>
Amendment of section 15.	<p><b>11.</b> Section 15 of the Principal Act is amended by substituting for subsection (1), a new subsection “(1)—</p> <p>“(1) There is established for each Polytechnic the Academic Board which shall consist of—</p> <p>(a) the Rector of the Polytechnic, as Chairman ;</p> <p>(b) the Deputy Rectors of the Polytechnic ;</p> <p>(c) all Heads of academic Departments and Units ;</p> <p>(d) the Polytechnic Librarian ;</p> <p>(e) not more than two members of the academic staff who are not members of the Academic Board, not below the rank of Senior Lecturer elected from among its members, and such members shall serve for a non-renewable term of three years ;</p> <p>(f) all Deans and Academic Directors; and</p> <p>(g) all Chief Lecturers.”</p>

"Removal of members and Rector from office"	<p>12. Substitute for section 16 of the Principal Act, a new section "16"—</p> <p>16. (1) If it appears to the Council that a member of the Council, (other than an <i>ex-officio</i> member) or the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the President and if the President, after making such inquiries as he considers necessary, approves the recommendation, the President shall, in writing, declare the office of such member or Rector vacant.</p> <p>(2) The President may remove any member of the Council or Rector, if he is satisfied that it is not in the interest of the public or of the Polytechnic that such a person continues as a member of the Council.</p> <p>(3) In case of vacancy in the office of the Rector, the Council shall appoint an acting Rector who shall not be in office for more than six months.</p> <p>(4) There shall be no sole administration in any Polytechnic in Nigeria."</p>	Substitution for section 16.
	<p>13. Section 30 of the Principal Act is amended by inserting a new subsection "(2)"—</p> <p>"(2) All property (movable or immovable) held by or on behalf of the Councils of Auchi Polytechnic, Bali Polytechnic, the Polytechnic Ekowe, Hussaini Adamu Polytechnic Kazaure, Waziri Umaru Polytechnic Birnin Kebbi, shall vest on them with effect from the time this Act comes into effect."</p>	Amendment of section 30.
	<p>14. The First Schedule to the Principal Act is amended by inserting after paragraph (p), new paragraphs "(q)" "(x)"</p> <p>"(q) Auchi Polytechnic, Auchi ;</p> <p>(f) the Polytechnic, Bali ;</p> <p>(s) the Polytechnic, Ekowe ;</p> <p>(t) Hussaini Adamu Polytechnic. Kazaure ;</p> <p>(u) Waziri Umaru Polytechnic, Birnin Kebbi ;</p> <p>(v) Federal Polytechnic, Ukana ;</p> <p>(w) Federal Polytechnic Oil and Gas, Bonny ; and</p> <p>(x) Federal Polytechnic, Ile-Oluji,"</p>	Amendment of First Schedule.
	<p>15. The Second Schedule is amended—</p> <p>(a) by substituting for paragraph 3, a new paragraph "3"—</p> <p>"3. (1) The Council may set up one or more committees to which it may delegate any of its functions.</p>	Amendment of Second Schedule.

(2) Without prejudice to subparagraph (1) of this Schedule, the Council shall constitute—

(a) the Appointments and Promotions Committees which shall—

(i) consist of the Rector as the Chairman and four other members who shall be appointed by the Council, and

(ii) be charged with the responsibility for making recommendations to the Council on the appointment and promotion of the academic and senior non-teaching staff of the Polytechnic and have a quorum of three members ;

(b) the Junior Staff Appointments and Promotions Committee which shall consist of a Deputy Rector as Chairman and four other members appointed by the Rector and shall have the powers set out in section 13 (2) (b) and section 19 of this Act ;

(c) the Committee on Students' Affairs which shall consist of—

(i) a Deputy Rector as Chairman,

(ii) one member of the Council,

(iii) Dean of Students Affairs,

(iv) two members of the academic staff not below the rank of Senior Lecturer, and

(v) two representatives of the Students Union of the Polytechnic.

(3) A Committee on Students' Affairs shall be charged with the duty of considering any—

(a) matter which relates to the welfare of students ;

(b) other matter referred to it by either the Council or Management of the Polytechnic ; and

(c) matter which the students wish to refer to the Council which shall be referred to the Management in the first instance which may in turn refer the matter to the Committee on Students' Affairs.

(4) No decision of a Committee of the Council shall have effect unless it is confirmed by the Council.” ;

(b) in paragraph 4, by substituting for subparagraph (1), a new subparagraph “(1)”—

“(1) The Council shall meet for the conduct of business once in a quarter except for emergency.”;

(c) in paragraph 6, by substituting for subparagraph (2), a new subparagraph “(2)”-

“(2) Two-thirds of members shall form a quorum at any meeting of the Council.” ; and

(d) by inserting after paragraph 9, new paragraphs “9A” and “9B”—

“Composition and Functions of Management Committee, School and Departmental Boards.

9A (1) There shall be a Management Committee consisting of all the Principal Officers of the Polytechnic, Deans and Directors in the Polytechnic.

(2) The Rector shall be the Chairman of the Management Committee.

(3) The Management Committee shall meet at least once in a month to discuss and take decisions on matters of general interest to the Polytechnic.

(4) There shall be a School Board for each School in the Polytechnic consisting of all the academic staff in that School.

(5) The School Board shall deal with academic matters and any other matter of interest to the School or any matter assigned to it by the Council, the Rector or the Academic Board.

(6) The Dean shall be the Chairman of the School Board.

(7) The Dean shall be elected from among the Academic Staff, not below the rank of Chief Lecturer in that School, for a term of three years not renewable immediately.

(8) There shall be, Departmental Board for each Department in the Polytechnic consisting of all the academic staff in that Department.

(9) The Departmental Board shall deal with academic matters and any other matter of interest to the Department.

(10) The Head of Department shall be the Chairman of the Departmental Board.

(11) The Head of Department shall be elected from among the Academic Staff not below the rank of Senior Lecturer in that Department for a term of three years and not immediately renewable.

(12) Where there is no qualified candidate for the position of Dean or Head of Department, the Rector shall appoint an Acting Dean, not below the rank of Senior Lecturer or Acting Head of Department not below the rank of Lecturer I, for a term of one year in the first instance and renewable once only.

(13) Nothing in this Act shall prevent the Management Committee and Boards from making supplementary rules to guide their proceedings provided such rules are consistent with the provisions of this Act.

## Establishment of the Congregation—

9B (1) There shall be for the Polytechnic, a Congregation consisting both Academic and Senior Non-Teaching Staff, who hold at least a first degree or its equivalent.

(2) The Rector shall be the Chairman of the Congregation.

(3) The Congregation shall meet at least once in a year.”

Citation.

16. This Act may be cited as the Federal Polytechnics (Amendment) Act, 2019.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

MOHAMMED ATABA SANI-OMOLORI  
*Clerk to the National Assembly*  
20th Day of May, 2019.

## EXPLANATORY MEMORANDUM

This Act amends the Federal Polytechnics Act Cap. F17, Laws of the Federation of Nigeria, 2004 to, among other things, review the retirement age of staff of Federal Polytechnics in Nigeria and harmonise the tenure of the office of the Rector and other principal officers of Federal Polytechnics in Nigeria.

**SCHEDULE TO THE FEDERAL POLYTECHNICS (AMENDMENT) BILL, 2019**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Federal Polytechnics (Amendment) Bill, 2019.	An Act to amend the Federal Polytechnics Act, Cap. F17, Laws of the Federation of Nigeria, 2004 to, among other things ; review the retirement age of staff of Federal Polytechnics and harmonise the tenure of the office of the Rector and other principal officers of the Federal Polytechnics in Nigeria ; and for related matters.	This Bill amend the Federal Polytechnics Act, Cap. F17, Laws of the Federation of Nigeria, 2004 to, among other things ; review the retirement age of staff of Federal Polytechnics and harmonise the tenure of the office of the Rector and other principal officers of the Federal Polytechnics in Nigeria.	20th March, 2019.	9th April, 2019.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.



MOHAMMED ATABA SANI-OMIOLORI  
*Clerk to the National Assembly*  
20th Day of May, 2019.

MUHAMMADU BUHARI, GCFR  
*President of the Federal Republic of Nigeria*  
18th Day of June, 2019.

**CHAPTER F22****FEDERAL UNIVERSITIES OF AGRICULTURE ACT****ARRANGEMENT OF SECTIONS***Establishment, constitution and functions of the Universities of Agriculture*

## SECTION

1. Separation of campus of technology, etc.
2. Establishment and objects of the Universities of Agriculture.
3. Constitution and principal officers of each University.
4. Powers of each University and their exercise.
5. Functions of the Chancellor.
6. Functions of the Pro-Chancellor.
7. Composition of the Council.
8. Functions of the Council and its Finance and General Purposes Committee.
9. Functions of the Senate.
10. Functions of the Vice-Chancellor.

*Transfer of property, etc., to each University*

11. Transfer of property.

*Statutes of each University*

12. Power of each University to make statutes.
13. Mode of exercising power to make statutes.
14. Proof of statutes.

*Supervision and discipline*

15. The Visitor.
16. Removal of certain members of Council.
17. Removal and discipline of academic, administrative and professional staff.
18. Procedure for staff discipline.
19. Appointment of external examiners.
20. Removal of examiners.
21. Discipline of students.

*Miscellaneous and general*

22. Exclusion of discrimination on account of race, religion, etc.
23. Restriction on disposal of land by University.
24. Quorum and procedure of bodies established by this Act.
25. Appointment of committees, etc.
26. Retiring age of academic staff of the University.
27. Special provisions relating to pension of professors.
28. Miscellaneous administrative provisions.

SECTION

- 29. Interpretation.
- 30. Short title.

SCHEDULES

FIRST SCHEDULE

*Principal officers of each University*

SECOND SCHEDULE

*Universities of Agriculture Statute No. 1*

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**CHAPTER F22**

**FEDERAL UNIVERSITIES OF AGRICULTURE ACT**

**An Act to provide for the establishment of Federal Universities of Agriculture and for matters connected therewith.**

[1992 No. 48.]

[2nd November, 1992]

[Commencement.]

*Establishment, constitution and functions of the Universities of Agriculture*

**1. Separation of campus of technology, etc.**

(1) As from 1 January 1988, the campuses of technology listed in paragraphs (a) and (b) of this subsection shall be separated from the Universities as follows, that is—

[1990 No. 37.]

- (a) campus of technology, Abeokuta from the University of Lagos;
- (b) campus of technology, Makurdi from the University of Jos.

(2) The campuses of technology separated under subsection (1) of this section shall be known and referred to by the name specified herein, that is—

- (a) campus of technology, Abeokuta as the University of Agriculture, Abeokuta;
- (b) campus of technology, Markurdi as the University of Agriculture, Markurdi.

**2. Establishment and objects of Universities of Agriculture**

(1) There are hereby established the following Universities of Agriculture, that is—

- (a) the Federal University of Agriculture, Abeokuta, Ogun State;
- (b) the Federal University of Agriculture, Makurdi, Benue State; and
- (c) the Federal University of Agriculture, Umudike, Abia State.

(2) Each University shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The objects of each University 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 diplomas, first degrees, postgraduate research and higher degrees which emphasise planning, adaptive, technical, maintenance, developmental and productive skills in agriculture, agricultural engineering and allied professional disciplines with the aim of producing socially mature persons with capacity to improve on those disciplines and develop new ones, but also to contribute to the scientific transformation of agriculture in Nigeria;
- (c) to act as agents and catalysts, through postgraduate training, research and innovation for the effective and economic utilisation, exploitation and conservation of Nigeria's natural, agricultural, economic and human resources;
- (d) 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;
- (e) to establish appropriate relationships with other national institutions involved in training, research and development of agriculture;
- (f) to identify the agricultural problems and needs of 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 and allied disciplines, taking into account indigenous culture, the need to enhance national unity, the need to vastly increase the practical content of student training, and adequate preparation of graduates for self-employment in agriculture and allied professions;
- (h) to promote and emphasise 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 offer academic programmes in relation to the training of manpower for agriculture in Nigeria;
- (j) to organise research relevant to training of agriculture with emphasis on small-scale farming;
- (k) to organise extension services and out-reach programmes for technology transfer;
- (l) to establish institutional linkages in order to foster collaboration and integration of training, research, and extension activities; and
- (m) to undertake any other activities appropriate for Universities of Agriculture.

**3. Constitution and principal officers of each University**

(1) Each 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) campuses and colleges of the University;
- (h) schools, institutes and other teaching and research units;
- (i) persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraph (a) to (d) of this subsection;
- (j) all graduates and undergraduates of the University; 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 each University therein mentioned.

[First Schedule.]

(3) Subject to section 6 of this Act, provision shall be made by statute with respect to the constitution of the following bodies, namely the Council, the Senate, Congregation and Convocation.

**4. Powers of each University and their exercise**

(1) For the carrying out of its objects as specified in section 2 of this Act, each University shall have power—

- (a) to establish such campuses, colleges, institutes, schools, extra-mural departments and other teaching and research units within the University as may, from time to time, be deemed necessary or desirable, subject to the approval of the Federal Ministry of Agriculture and Rural Development;
- (b) to establish agricultural and rural extension services in various parts of Nigeria;
- (c) to institute professorships, readerships or associate professorships, and other posts and offices and to make appointments thereto;
- (d) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance;
- (e) to provide for the discipline and welfare of members of the University;
- (f) to hold examinations and grant 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;

- (g) to grant honorary degrees, fellowships or academic titles;
- (h) to 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 Minister;
- (i) subject to section 23 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
- (j) to 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;
- (k) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (l) to erect, provide, equip and maintain libraries, laboratories; lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary or suitable or convenient for any of the objects of the University;
- (m) to hold public lectures and to undertake printing, publishing and book-selling;
- (n) subject to any limitations on conditions imposed by statute, to invest any money appertaining to the University by way of endowment, not being immediately required for current expenditure, in any investments or securities or the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any money for the time being not invested with any bank on deposit or current account;
- (o) to borrow, whether on interest or not 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 it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
- (p) to do anything which it is authorised or required by this Act or by statute to do; and
- (q) to do all such acts or things, 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 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 authorised by statute.

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

#### **5. Functions of the Chancellor**

(1) The Chancellor shall, in relation to each 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) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.

(3) The Chancellor shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Act or the statutes.

#### **6. Functions of the Pro-Chancellor**

(1) The Pro-Chancellor shall, in relation to each University, take precedence before all other members of the University, except the Chancellor and except 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.

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

#### **7. Composition of the Council**

The Council of each University shall consist of—

[1996 No. 25.]

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellor;
- (d) one person from the Ministry responsible for education;
- (e) nine persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the President;
- (f) four persons appointed by the Senate from among its members;
- (g) two persons appointed by Congregation from among its members;
- (h) one person appointed by Convocation from among its members.

#### **8. Functions of the Council and its Finance and General Purposes Committee**

(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of each University and shall be charged with the general control and superintendence of the policy, finance and property of the University.

(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 University and perform such other functions 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 that proper accounts of the University are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council and that an annual report shall be 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 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 in so far and to the extent that any rules so made by that 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 respectively and of any other committee set up by the Council an allowance in respect of travelling and other reasonable expenses, at such rates as may, from time to time, be fixed by the Minister.

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

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

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

### **9. Functions of the Senate**

(1) Subject to section 8 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 organise and control the teaching by the University, the admission (where no other enactment provides to the contrary, of students) and the discipline of students; and to promote research at the University.

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

- (a) the establishment and organisation and control of campuses, colleges, schools, institutes and other teaching and research units of the University and allocation of responsibility for different branches of learning;
- (b) the organisation 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) the award of degrees, and such other qualifications as may be prescribed, in connection with examinations held as aforesaid;
- (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or degree or the title of professor emeritus;
- (e) the establishment, organisation and control of halls of residence and similar institutions at the University;
- (f) the supervision of the welfare of students at the University and the regulation of their conduct;
- (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and

(h) determining 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, school, department, institute or other teaching and research units of the University without the approval of the Council.

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

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

(6) 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 upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

#### **10. Functions of the Vice-Chancellor**

(1) The Vice-Chancellor shall, in relation to each University, take precedence before all other members of the University, except the Chancellor, and any other person for the time being acting as chairman of the Council.

(2) Subject to sections 8, 9, and 15 of this Act, the Vice-Chancellor shall have the 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 be the chief executive and academic officer of the University and *ex-officio* chairman of the Senate.

#### *Transfers of property, etc., to each University*

#### **11. Transfer of property**

(1) All property (with the exception of the Federal Root Crops Research Institute, Umudike) held by or on behalf of each University shall, by virtue of this subsection and without further assurance, vest in the University and be held by it for the purposes of the University.

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

[Second Schedule.]

*Statutes of each University***12. Powers of each University to make statutes**

(1) Subject to this Act, each University may make statutes for any of the following purposes, that is to say—

- (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 no other enactment provides to the contrary), 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 thereunder;
- (e) making provision for any other matter for which provision by statute is authorised or required by this Act.

(2) Subject to section 28 (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 29 (1) of that Act.

[Cap. I23.]

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

[Second Schedule.]

(4) The power to make statutes 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 Second Schedule to this Act or any subsequent statute.

[Second Schedule.]

**13. Mode of exercising power to make statutes**

(1) The power of each University to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.

(2) A proposed statute shall not become law unless it has been approved—

- (a) at a meeting of the Senate, by the votes of not less than two thirds of the members present and voting; and
- (b) at a meeting of the 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 in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies before the other.

(4) A statute which makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University shall not come into operation unless it has been approved by the President.

(5) For the purposes of section 1 (2) of the Interpretation Act a statute shall be treated as being made on the date on which it is duly approved by the Council after having been approved by the Senate, as the case may be 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.

[Cap. I23.]

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

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

(b) as to whether any matter is for the purpose of this Act an academic matter as they relate to such doubt or dispute,

the matter may be referred to the Visitor, who shall take such advice and make such decision therein as he shall think fit.

(7) The decision of the Visitor on any matter referred to him under subsection (6) of this section shall be final and binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that subsection, the question as to the meaning of that provision shall not be entertained by any court of law in Nigeria.

(8) Nothing in subsection (7) of this section shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partially void as being *ultra vires* or as being inconsistent with the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

#### **14. Proof of statutes**

A statute may be proved in any court by the production of a copy thereto bearing affixed to it a certificate purporting to be signed by the Vice-Chancellor or the secretary to the Council to the effect that the copy is a true copy of a statute of the University.

#### *Supervision and discipline*

#### **15. The Visitor**

(1) The President shall be the Visitor of each 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 person or persons as the Visitor may deem fit and in respect of any of the affairs of the University.

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

**16. Removal of certain members of Council**

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

(2) It shall be the duty of the Minister to use his best endeavour 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. Removal and discipline of academic, administrative and professional staff**

(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 Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall—

- (a) give notice of those reasons to the person in question;
- (b) afford him an opportunity of making representations in person on the matter;
- (c) appoint a Staff Disciplinary Committee,

and if the Council, after considering the report of the Staff Disciplinary Committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(2) The Vice-Chancellor may, in case of misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interests of the University, suspend such member and any such suspension shall forthwith be reported to the Council.

(3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by the Council; 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; or
- (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 his office; or
- (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his 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 terms and conditions of his service; or

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

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

- (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him); or
- (b) whether to re-instate such person in which case the Council shall restore his full emoluments with effect from the date of suspension; or
- (c) whether to terminate the appointment of the person concerned in which case such person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (e) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments as might have been withheld) as the Council may determine.

(EDITORIAL NOTE: Numbering as per *Gazette*.)

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

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

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

- (a) apply to any directive given by the Visitor in consequence of any visitation; or
- (b) prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed.

### **18. Procedures for staff discipline**

(1) The Vice-Chancellor or Senate shall constitute an Investigation Panel to determine whether or not a *prima facie* case has been established against any member of staff.

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

(3) The Vice-Chancellor shall constitute a Staff Disciplinary Committee which shall consist of such members of the Senate as he may determine, to consider the report of the Investigating Panel.

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

**19. Appointment of external examiners**

External examiners shall be appointed by the Senate.

**20. Removal of examiners**

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

(2) Subject to the provisions of regulations made in pursuance of section 9 (5) of this Act, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in place of the examiner removed in pursuance of subsection (1) of this section.

(3) It shall be duty of the Vice-Chancellor to sign an instrument of removal in pursuance of this section, to use his best endeavour to cause a copy of this instrument to be served as soon as is reasonably practicable on the person to whom it relates.

**21. Discipline of students**

(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, in consultation with the Senate and, without prejudice to any other disciplinary power conferred on him by statute or regulations, direct that—

- (a) the 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; or
- (b) the 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; or
- (c) the student be rusticated for such period as may be specified in the direction; or
- (d) the student be expelled from the University.

(2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal 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, confirm or set aside the direction or modify it in such manner as the Council thinks fit.

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

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

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

(6) Without prejudice to the provision of subsection (1) of this section, nothing shall prevent the Vice-Chancellor from taking an immediate disciplinary action against a student where he deems fit, and report thereafter to the Senate.

(7) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.

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

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

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

[Cap. C23.]

*Miscellaneous and general*

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

(1) No person shall be required to satisfy the requirements as to any of the following matters, that is to say, race (including ethnic grounding), sex, place of birth or family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University or a member of any body established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the University, by reference to any of those matters.

(2) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the aforementioned persons where such person wilfully refuses or fails 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 circumstance pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

**23. Restriction on disposal of land by University**

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 either with the prior written consent either general or special, of the President:

[Cap. L5.]

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 21 years or lease or tenancy to a member of the University for residential purposes.

**24. Quorum and procedure of bodies established by this Act**

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

**25. Appointment of committees, etc.**

(1) Any body 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 to authorise a committee established by it—

- (a) to exercise, on its behalf, such of its functions as it may determine;
- (b) to co-opt members, and may direct whether or not co-opted members (if any) 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 or any of them and either of 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 by regulations, the quorum and procedure of a committee established or meeting held in pursuance of 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) Nothing in the foregoing provisions of this section shall be construed as—

- (a) enabling statutes to be made otherwise than in accordance with section 13 of this Act; or
- (b) enabling the Senate to empower any other body to make regulations or to award degrees or other qualifications.

(5) 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 any officer in question); and the Vice-Chancellor shall be a member of the Council and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

**26. Retiring age of academic staff of the University**

(1) Notwithstanding anything to the contrary in the Pensions Act, the compulsory retiring age of an academic staff of a University shall be 65 years.

[Cap. P4.]

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

**27. Special provisions relating to pension of professors**

A person who retires as a professor having served—

[1993 No. 11.]

- (a) a minimum period of fifteen years as a professor in the University or continuously in the service of a university in Nigeria up to the retiring age; and
- (b) who during the period of service was absent from the University only on approved national or University assignments,

shall be entitled to pension at a rate equivalent to his last annual salary and such allowances as the Council may, from time to time, determine as qualifying for pension and gratuity, in addition to any other retirement benefits to which he may be entitled.

#### **28. Miscellaneous administrative provisions**

(1) The seal of each University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, secretary to the Council or any other person authorised 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 presumed 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 specifically authorised to do so by the Council.

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

(5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith 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 in pursuance of this Act.

[Cap. 123.]

(7) The power conferred by this Act on any body to make statutes or regulations shall include power to revoke or vary any statute (including the statute contained in the Second Schedule of this Act) or any regulation by a subsequent statute, or, as the case may be, by a subsequent regulation and statute and regulations may make different provisions in reaction to different circumstances.

[Second Schedule.]

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

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

**29. Interpretation**

(1) In this Act, unless the context otherwise requires—

“**campus**” means any campus which may be established by each University;

“**college**” means any college which may be established by each University;

“**Council**” means the Council established by this Act for each University;

“**graduate**” means a person on whom a degree, (other than an honorary degree) has been conferred by each University;

“**Minister**” means the Minister charged with responsibility for agriculture;

“**notice**” means notice in writing;

“**office**” does not include the Visitor;

“**prescribed**” means prescribed by statutes or regulations;

“**professor**” means a person designated as a professor of each University in accordance with provisions made in that behalf by statute or regulations;

“**property**” includes rights, liabilities and obligations;

“**regulations**” means regulations made by the Senate or the Council;

“**Senate**” means the Senate of each University established pursuant to section 3 (1) (c) of this Act;

“**statute**” means a statute made by each University under section 12 of this Act and in accordance with the provisions of section 13 of this Act, and “**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 each University;

“**undergraduate**” means a person in *statu pupillari* at each University other than—

(a) a graduate; and

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

“**University**” means any of the Universities of Agriculture established under section 2 of this Act.

(2) It is hereby declared that where in any provisions 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 in

pursuance of that provision to the appropriate authority, but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon.

### 30. Short title

This Act may be cited as the Federal Universities of Agriculture Act.

## SCHEDULES

### FIRST SCHEDULE

[Section 2 (2).]

#### *Principal officers of the University*

##### *The Chancellor*

1. (1) The Chancellor shall be appointed by the President of Nigeria.
- (2) The Chancellor shall hold office for a period of five years.
- (3) If it appears to the Visitor that the Chancellor should be removed from his office on the ground of misconduct or of inability to perform the functions of his office, the Visitor may by notice in the *Federal Gazette* remove the Chancellor from office.

##### *The Pro-Chancellor*

2. (1) The Pro-Chancellor shall be appointed or removed by the President on the recommendation of the Minister.
- (2) Subject to the provisions of this Act, the Pro-Chancellor shall hold office for a period of four years beginning with the date of his appointment.

##### *The Vice-Chancellor*

3. (1) There shall be a Vice-Chancellor of the University who shall be appointed by the President in accordance with the provisions of this paragraph.
- (2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall—
  - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying—
    - (i) the qualities of the persons 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 the post for consideration;
  - (b) constitute a search team consisting of—
    - (i) a member of the Council, who is not a member of the Senate, as chairman;
    - (ii) two members of the Senate who are not members of the Council, one of whom shall be a professor;
    - (iii) two members of Congregation who are not members of the Council, one of whom shall be a professor,

to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they feel that it is not proper to do so.

- (3) A joint Council and Senate Selection Board consisting of—
- (a) the Pro-Chancellor, as chairman;
  - (b) two members of the Council, not being members of the Senate;
  - (c) two members of the Senate who are professors,

but who were not members of the Search Team, shall consider the candidates and persons on the short list drawn up under subparagraph (2) of this paragraph through an examination of their *curriculum vitae* and interaction with them, and recommend to the Council suitable candidates for further consideration.

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

[1996 No. 25.]

(5) The President may appoint as Vice-Chancellor any one of the candidates recommended to him in accordance with the provisions of subparagraph (4) of this paragraph.

(6) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.

(7) For the avoidance of doubt, the provisions of subparagraph (6) of this paragraph shall—

- (a) only be applicable to those appointed to the office of Vice-Chancellor after 1 January, 1993;
- (b) not confer on a person serving a first term of office as Vice-Chancellor before 1 January, 1993 any right to renewal of the appointment for a further term of four years.

(8) The Vice-Chancellor may be removed from office by the Visitor after due consultation with the Council and the Senate acting through the Minister of Education.

#### *Deputy Vice-Chancellors*

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

[1996 No. 25.]

(2) Where a vacancy occurs in the post of Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.

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

- (4) A Deputy Vice-Chancellor shall—
- (a) assist the Vice-Chancellor in the performance of his functions;
  - (b) act in the 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.

(5) A Deputy Vice-Chancellor—

- (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.

*Office of the Registrar*

5. (1) There shall be for each 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 administrative work of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this Schedule.

[1993 No. 55.]

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

*Other principal officers of the University*

6. (1) There shall be for each University the following principal officers, in addition to the Registrar, that is—

[1993 No. 55.]

- (a) the Bursar; and
- (b) the University Librarian,

who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 8 of this Schedule.

(2) The Bursar shall be the chief financial officer of the University and 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 the library services in the University and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.

(4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

*Selection Board for other principal officers*

7. (1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of—

- (a) the Pro-Chancellor, as chairman;
- (b) the Vice-Chancellor;
- (c) four members of the Council not being members of the Senate; and
- (d) two members of the Senate.

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

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

*Federal Universities of Agriculture Act*

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*Resignation and re-appointment*

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

- (a) in the case of the Chancellor, by notice to the President; and
- (b) in any other case, by notice to the Council and the Council shall immediately notify the Minister in the case of the Vice-Chancellor.

(2) Subject to paragraphs 4 and 5 of this Schedule, 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.

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SECOND SCHEDULE

[Section 9 (2).]

*University of Agriculture*

*Statute No. 1*

## ARRANGEMENT OF ARTICLES

## ARTICLES

1. The Council.
  2. The Finance and General Purposes Committee.
  3. The Senate.
  4. Congregation.
  5. Convocation.
  6. Division of colleges.
  7. College Board.
  8. Appointments and Promotions Committees.
  9. Dean of college.
  10. Deputy Dean of college.
  11. Director of institute or centre.
  12. Head of department.
  13. Selection of certain principal officers.
  14. Creation of academics posts.
  15. Appointment of academic staff.
  16. Funding of the University.
  17. Agricultural Universities Co-ordination Agency.
  18. Interpretation.
  19. Citation.
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*The Council*

1. (1) The composition of the Council shall be as provided in section 7 of this Act.
- (2) Any member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Act may, by notice to the Council, resign his office.
- (3) A member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Act shall, unless he previously vacates it, vacate that office on the expiration of the period of five years beginning with effect from 1 August in the year in which he was appointed.
- (4) Where a member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Act vacates before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.
- (5) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct shall be eligible for re-appointment for only one further period of five years.
- (6) The quorum of the Council shall be five, at least one of whom shall be a member appointed pursuant to section 7 (d), (e), or (h) of this Act.
- (7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting, shall be the chairman at that meeting, and subject to sections 5 and 6 of this Act and the foregoing provisions, the Council may regulate its own procedure.
- (8) 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.

*The Finance and General Purposes Committee*

2. (1) The Finance and General Purposes 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 Deputy Vice-Chancellors;
  - (c) six other members of the Council appointed by the Council, two of whom shall be selected from among the three members of the Council appointed by the Senate and one member appointed to the Council by Congregation;
  - (d) the Permanent Secretary of the Federal Ministry of Agriculture and Rural Development or, in his absence, such member of his Ministry as he may designate to represent him.
- (2) The quorum of the Committee shall be five.
- (3) Subject to any directions given by the Council, the Committee may regulate its own procedure.

*The Senate*

3. (1) The Senate shall consist of—
  - (a) the Vice-Chancellor and Deputy Vice-Chancellors;
  - (b) Deans of colleges;
  - (c) the Directors of institutes and research centres;

- (d) the Heads of academic departments;
- (e) the Librarian;
- (f) one member of not less than the rank of senior lecturer of each college;
- (g) four persons representing the Congregation.

(2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be 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 of this article, the Senate may regulate its own procedure.

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

(5) Subject to paragraph (7) of this article, there shall be elections for the selection of elected members which shall be in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may, from time to time, determine.

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

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

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

(9) If so requested in writing by any fifteen members of the Senate, the Vice-Chancellor, or in his absence, any of the Deputy Vice-Chancellors 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.

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

#### *Congregation*

4. (1) Congregation shall consist of—

- (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
- (b) the full-time members of the academic staff;
- (c) the Registrar;
- (d) the Bursar;
- (e) the Librarian;
- (f) the Director of Works;

- (g) the Director of Physical Planning;
- (h) the Director of Academic Planning;
- (i) the Director of Health Services; and
- (j) every member of the administrative staff who holds a degree other than an honorary degree of any university recognised for the purposes of this statute by the Vice-Chancellor.

(2) Subject to sections 5 and 6 of the Act, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.

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

(4) A certificate signed by the Vice-Chancellor specifying—

- (a) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or
- (b) the names of the persons who are members of Congregation during a particular period,

shall be conclusive evidence of that number or as the case may be, of the names of those persons.

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

(6) Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

#### *Convocation*

5. (1) Convocation shall consist of—

- (a) the officers of the University mentioned in the First Schedule to the Act;
- (b) all teachers within the meaning of the Act;
- (c) all other persons whose names are registered in accordance with paragraph (2) of this article.

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

- (a) he is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
- (b) he applies for the registration of his name in the prescribed manner and pays the prescribed fees.

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

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

*Federal Universities of Agriculture Act*

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

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

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

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

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

*Division of colleges*

6. Each college shall be divided into such number of branches as may be prescribed.

*College Board*

7. (1) There shall be established in respect of each college a College Board, which, subject to provisions of this statute, and subject to the 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 college;
- (b) deal with any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
- (c) advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.

(2) Each College Board shall consist of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) the Dean;
- (d) the persons severally in charge of the departments of the college;
- (e) such of the teachers assigned to the college and having the prescribed qualifications as the Board may determine; and
- (f) such persons whether or not members of the University as the Board may determine with the general or special approval of the Senate.

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

*Appointments and Promotions Committee*

8. (1) There shall be an Appointments and Promotions Committee of the Council which shall ultimately be responsible for all appointments, promotions and discipline of all categories of senior staff in the University, under the chairmanship of the Vice-Chancellor.

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

*Dean of college*

9. (1) The Dean of a college shall be a professor appointed by the Appointments and Promotions Committee and such Dean shall hold office for a term of three years, and shall be eligible for re-appointment for another term of three years after which he may not be re-appointed again until two years have elapsed.

(2) The Dean shall be the chairman at all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the College.

(3) The Dean of a college shall exercise general superintendence over the academic and administrative affairs of the college and it shall be the function of the Dean to present to Convocation or for the conferment of degrees on persons of the University at examinations held in the branches of learning for which responsibility is allocated to that college.

(4) There shall be a committee to be known as the Committee of Deans consisting of all Deans of the colleges and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University Council.

*Deputy Dean of college*

10. (1) There shall be a Deputy Dean of college who shall be appointed by the Senate on the recommendation of the Dean.

(2) The Deputy Dean shall be appointed for two years in the first instance and may be re-appointed for a further period of two years after which he shall not be entitled to re-appointment until after two years.

*Director of institute or centre*

11. (1) The Director of an institute or of a centre shall be appointed by the Appointments and Promotions Committee for academic staff, and such Director shall hold office for a period of three years and shall be eligible for re-appointment for another term of three years after which he may not be appointed again until two years have elapsed.

(2) The Director of an institute or centre shall exercise general superintendence over the affairs of the institute or centre.

*Head of department*

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

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

*Creation of academic posts*

13. Recommendations for the creation of posts other than those mentioned in article 10 of this statute shall be made by Senate to the Council through the Finance and General Purposes Committee.

*Federal Universities of Agriculture Act*

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*Appointment of academic staff*

14. Subject to this Act and statutes deriving therefrom, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Appointments and Promotions Committee, notwithstanding the fact that the Vice-Chancellor shall have the power to make temporary appointments to academic and non-academic positions for a period not exceeding twelve calendar months.

*Funding of the University*

15. (1) The Federal Ministry of Agriculture and Rural Development shall have responsibility for agricultural education in the University similar to the responsibility of the Federal Ministry of Education in general universities.

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

*Agricultural Universities Co-ordination Agency*

16. The Agricultural Universities Co-ordination Agency established in the Federal Ministry of Agriculture and Rural Development shall have the responsibility for monitoring and co-ordinating the academic and physical development of the Universities of Agriculture.

*Functions of the Agency*

17. Subject to sections 12 (3) and 20 (1) of the Act, the Agricultural Universities Co-ordination Agency shall have responsibility for monitoring and co-ordinating the academic and physical development and have responsibility—

- (a) to advise the President and Visitor to the Universities of Agriculture, through the Minister, on matters relating to agricultural education, adaptive research and out-reach extension services programme development in keeping with national priorities;
- (b) to advise on the conditions of service and related establishments matters;
- (c) to advise on the establishment and location of Agricultural Universities and related agricultural institutions;
- (d) to advise on the accreditation of academic programmes of Universities of Agriculture and schools/colleges of Agriculture, Forestry, Fisheries, Soil Conservation, Animal Health, Wildlife Conservation, etc.; and
- (e) for other specific functions as may be assigned to it from time to time by the Federal Government of Nigeria.

18. There shall be for the Agency a Board charged with the superintendence of the Agency, subject to section 20 (1) of the Act and shall consist of—

- (a) a chairman and the following other members, that is—
- (b) the Permanent Secretary, Federal Ministry of Agriculture and Rural Development;
- (c) the Vice-Chancellor of each University of Agriculture;
- (d) the Permanent Secretaries of the following Federal Ministries, that is—
  - (i) Science and Technology;
  - (ii) Education;

- (iii) National Planning Commission;
- (iv) Finance;
- (e) a representative of the National Association of Chambers of Commerce, Industries, Mines and Agriculture (NACIMA);
- (f) a representative of Farmer's Organisations;
- (g) three members appointed by the President on individual merit and a nationwide basis to represent commercial, agricultural, industrial and professional interests and such other national interests as are not otherwise represented;
- (h) the Executive Secretary as an *ex-officio* member.

*Statutory Committees of the Board*

19. (1) The Board constituted under article 18 of this statute shall be assisted in the performance of its functions by two Statutory Committees, the Finance Committee and the Development Committee.

(2) The Finance Committee shall assist the Board in maintaining an agency fund for running the Agency and in the allocation of funds to the Universities of Agriculture and constituent affiliates.

(3) The Development Committee shall assist the Board in the academic and physical development of the Universities of Agriculture and constituent affiliates.

(4) The Board shall have power to appoint such committee as will assist it in performing its statutory functions.

*Tenure of office of members of the Board*

20. Subject to the provisions of this statute, a person appointed to be a members of the Board, not being a public officer, shall hold office for a period of five years from the date of his appointment or for such other period as may be specified in his instrument of appointment.

*The Executive Secretary of the Agency*

21. (1) There shall be for the Agency established under article 17 of this statute an Executive Secretary, to be appointed by the President and Visitor to the Universities of Agriculture, on the advice of the Minister.

(2) The Executive Secretary shall be the chief executive of the Agency and shall be responsible for the execution of the policy of the Agency and the day-to-day running of the affairs of the Agency.

(3) The Executive Secretary shall hold office for a period of five years and shall be eligible for re-appointment for another term of five years as the President may determine.

(4) The Executive Secretary shall be assisted in the management of the Agency by an Agency Secretariat as may be determined by the Agency.

22. In this statute, the expression "**the Act**" means the Universities of Agriculture Act and any word or expression defined in the Act has the same meaning in this statute.

23. This statute may be cited as the Universities of Agriculture Statute No. 1.

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**CHAPTER F22**

**FEDERAL UNIVERSITIES OF AGRICULTURE ACT**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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**CHAPTER F23****FEDERAL UNIVERSITIES OF TECHNOLOGY ACT****ARRANGEMENT OF SECTIONS***Establishment, constitution and functions of Federal Universities of Technology*

## SECTION

1. Establishment and objects of Federal Universities of Technology.
2. Constitution and principal officers of each University.
3. Powers of each University and their exercise.
4. Functions of the Chancellor and Pro-Chancellor.
5. Composition of the Council of each University.
6. Functions of the Council and its Finance and General Purposes Committee.
7. Functions of the Senate.
8. Functions of the Vice-Chancellor.

*Transfer of property, etc., to each University*

9. Transfer of property, etc.

*Statutes of each University*

10. Power of each University to make statutes.
11. Mode of exercising power to make statutes.
12. Proof of statutes.

*Supervision and discipline*

13. The Visitor.
14. Removal of certain members of the Council.
15. Removal and discipline of academic, administrative and professional staff.
16. Removal of examiners.
17. Discipline of students.

*Miscellaneous and general*

18. Exclusion of discrimination on account of race, religion, etc.
19. Restriction on disposal of land by University.
20. Quorum and procedure of bodies established by this Act.
21. Appointment of committees, etc.
22. Retiring age of academic staff.
23. Special provisions relating to pensions of professors.
24. Miscellaneous administrative provisions.
25. Interpretation.
26. Short title.

SCHEDULES

FIRST SCHEDULE

*Principal officers of each University*

SECOND SCHEDULE

*Transitional provisions as to property, functions, etc.*

THIRD SCHEDULE

*Federal Universities of Technology Statute No. 1*

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**CHAPTER F23**

**FEDERAL UNIVERSITIES OF TECHNOLOGY ACT**

**An Act to provide for the establishment of three Universities of Technology and for matters of administration and discipline of students connected therewith.**

[1986 No. 13. 1990 No. 37. 1993 No. 11.]

[11th July, 1986]

[Commencement.]

*Establishment, constitution and functions of Federal Universities of Technology*

**1. Establishment and objects of Federal Universities of Technology**

- (1) There are hereby established the following universities of technology, that is—
  - (a) the Federal University of Technology, Akure;
  - (b) the Federal University of Technology, Minna;
  - (c) the Federal University of Technology, Owerri;  
[1990 No. 37.]
  - (d) the Abubakar Tafawa Balewa University, Bauchi; and
  - (e) Federal University of Technology, Yola.
- (2) Each University shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
- (3) The objects of each University 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 technology;
  - (b) to develop and offer academic and professional programmes leading to the award of diplomas, first degrees, post-graduate research and higher degrees which emphasise planning, adaptive, technical, maintenance, developmental

and productive skills in the engineering, scientific, agricultural, medical, and allied professional disciplines with the aim of producing socially mature men and women with capability not only to understand, use and adapt existing technology, but also to improve on it and develop new ones;

- (c) to act as agents and catalysts, through post-graduate training, research and innovation for the effective and economic utilisation, exploitation and conservation of the country's natural, economic and human resources;
- (d) to offer to the general population, 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;
- (f) to identify the technological problems and needs of the society 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 technology and applied sciences, taking into account indigenous culture and the need to enhance national unity; and
- (h) to undertake any other activities appropriate for a university of technology of the highest standard.

## **2. Constitution and principal officers of each University**

(1) Each University shall consist of—

- (a) a Chancellor;
- (b) a Pro-Chancellor and a Council;
- (c) a Vice-Chancellor and a Senate;
- (d) a body to be called Congregation;
- (e) a body to be called Convocation;
- (f) the campuses and colleges of the University;
- (g) the schools, institutes and other teaching and research units of the University;
- (h) 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;
- (i) all graduates and undergraduates of the University; and
- (j) 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 each University therein mentioned.

[First Schedule.]

(3) Subject to section 5 of this Act provision shall be made by statute with respect to the constitution of the Council, the Senate, Congregation and Convocation.

**3. Powers of each University and their exercise**

(1) For the carrying out of its objects as specified in section 1 of this Act each University shall have power—

- (a) to establish such campuses, colleges, institutes, schools, extra-mural departments and other teaching and research units within the University as may from time to time be deemed necessary or desirable subject to the approval of the National Universities Commission;
- (b) to institute professorships, readerships or associate professorships, lectureships, and other posts and offices and to make appointments thereto;
- (c) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
- (d) to provide for the discipline and welfare of members of the University;
- (e) to hold examinations and grant 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) to grant honorary degrees, fellowships or academic titles;
- (g) to 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 Minister;
- (h) subject to section 19 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
- (i) to 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) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (k) to 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) to hold public lectures and to 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 way of endowment, not being 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 not invested, with any bank on deposit or current account;
- (n) to 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 it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
- (o) to make gifts for any charitable purpose;

- (p) to do anything which it is authorised or required by this Act or by statute to do; and
- (q) to 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 and without prejudice to section 7 (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 authorised by the statute.

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

#### **4. Functions of the Chancellor and Pro-Chancellor**

(1) The Chancellor shall, in relation to each 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 each University, take precedence before all other members of the University, except the Chancellor and except 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.

#### **5. Composition of the Council of each University**

The Council of each University shall consist of—

[1996 No. 25.]

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellor;
- (d) one person from the Ministry responsible for education;
- (e) nine persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the President;
- (f) four persons appointed by the Senate from among its members;
- (g) two persons appointed by Congregation from among its members;
- (h) one person appointed by Convocation from among its members.

#### **6. Functions of the Council and its Finance and General Purposes Committee**

(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of each University and shall be charged with the general control and superintendence of the policy, finances and property of the University.

(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 University and perform such other functions 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 that proper accounts of the University are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council 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 in so far and to the extent that any rules so made by that Committee conflict with any directions given by the Council, whether before or after the coming into force of the rules in question, the directions of the Council shall prevail.

(7) There shall be paid to the members respectively 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 the Minister.

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

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

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

## **7. Functions of the Senate**

(1) Subject to section 6 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 organise and control the teaching by the University, the admission of students where no other enactment provides to the contrary and the discipline of students; and to promote research at the University.

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

- (a) the establishment, organisation and control of campuses, colleges, schools, institutes and other teaching and research units of the University and the allocation of responsibility for different branches of learning;
- (b) the organisation and control of courses of study at the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
- (c) the award of degrees, and such other qualifications as may be prescribed, in connection with examinations held as aforesaid;

- (d) the 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) the establishment, organisation and control of halls of residence and similar institutions at the University;
- (f) the supervision of the welfare of students at the University and the regulation of their conduct;
- (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
- (h) determining what descriptions 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, school, department, 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) 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 foregoing provisions of this section or otherwise or for the purpose of making provision for any matter for which provision by regulations is authorised or required by this Act or by statute.

(5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the University is not a teacher at the University but is a teacher of the branch of learning to which the course relates at some other university of high repute or a person engaged in practising the profession in a reputable organisation or institution.

(6) 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 upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

## **8. Functions of the Vice-Chancellor**

(1) The Vice-Chancellor shall, in relation to each University, take precedence before all other members of the University except the Chancellor and, subject to section 4 of this Act, except the Pro-Chancellor and any other person for the time being acting as chairman of the Council.

(2) Subject to sections 6, 7 and 14 of this Act, the Vice-Chancellor shall have the 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 be the chief executive and academic officer of the University and *ex-officio* chairman of the Senate.

*Transfer of property, etc., to each University***9. Transfer of property**

(1) All property held by or on behalf of the provisional council of each University 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, and to matters arising from, the transfer of property by this section and with respect to the other matters mentioned in that Schedule.

[Second Schedule.]

*Statutes of each University***10. Power of each University to make statutes**

(1) Subject to this Act, each University may make statutes for any of the following purposes, that is to say—

- (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 no other enactment provides to the contrary), and their discipline and welfare;
- (d) determining whether any particular matter is to be treated as an academic or a non-academic matter for the purposes of this Act and of any statute, regulation or other instrument made thereunder; or
- (e) making provision for any other matter for which provision by statute is authorised or required by this Act.

(2) Subject to section 24 (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 29 (1) of that Act.

[Cap. I23.]

(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 each University.

[Third Schedule.]

(4) The power to make statutes 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.

**11. Mode of exercising power to make statutes**

(1) The power of each University to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.

- (2) A proposed statute shall not become law unless it has been approved—
- (a) at a meeting of the Senate, by the votes of not less than two thirds of the members present and voting; and
  - (b) at a meeting of the 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 in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies before the other.

- (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 President.

(5) For the purposes of section 2 (2) of the Interpretation Act, a statute shall be treated as being made on the date on which it is duly approved by the Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council, as the case may be 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.

[Cap. I23.]

- (6) In the event of any doubt or dispute arising at any time—
- (a) as to the meaning of any provision of a statute; or
  - (b) as to whether any matter is for the purposes of this Act an academic or non-academic matter as they relate to such doubt or dispute,

the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he shall think fit.

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

(8) Nothing in subsection (7) of this section shall affect any 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 of the Federal Republic of Nigeria 1999.

[Cap. C23.]

## 12. Proof of statutes

A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Vice-Chancellor or the

secretary to the Council to the effect that the copy is a true copy of a statute of the University.

*Supervision and discipline*

**13. The Visitor**

(1) The President shall be the Visitor of each 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 person or persons as the Visitor may deem 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 make available to the Visitor, and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.

**14. Removal of certain members of Council**

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

(2) It shall be the duty of the Minister to use his best endeavours 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.

**15. Removal and discipline of academic, administrative and professional staff**

(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 his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall—

- (a) give notice of those reasons to the person in question;
- (b) afford him an opportunity of making representations in person on the matter to the Council; and
- (c) if he so requests or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements—
  - (i) for a joint committee of the Council and the Senate to investigate the matter and to report on it to the Council; and
  - (ii) for the person in question to be afforded an opportunity of appearing before and being heard by the 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 as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(2) The Vice-Chancellor may, in a case of misconduct by a member of the staff which in the opinion of the Vice-Chancellor is prejudicial to the interests of the University, suspend such member and any such suspension shall forthwith be reported to the Council.

(3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Council; 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; or
- (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 his office; or
- (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his 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; or
- (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.

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

- (a) whether to continue such person’s suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
- (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
- (c) whether to terminate the appointment of the person concerned, in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (d) whether to 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.

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

(6) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of 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.

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

- (a) apply to any directive given by the Visitor in consequence of any visitation; or
- (b) prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed.

#### **16. Removal of examiners**

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

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

(3) It shall be the duty of the Vice-Chancellor, on signing an instrument of removal in pursuance of 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.

#### **17. Discipline of students**

(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by statute or regulations, direct—

- (a) that the 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; or
- (b) that the 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; or
- (c) that the student be rusticated for such period as may be specified in the direction; or
- (d) that the student be expelled from the University.

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

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

(4) 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.

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

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

*Miscellaneous and general*

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

(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 or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University, or a member of any body established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the University, by reference to any of those matters.

(2) 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 mentioned in that subsection where such person wilfully refuses or fails 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 pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

**19. Restriction on disposal of land by University**

Without prejudice to the provisions of the Land Use Act, a 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 President:

[Cap. L5.]

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 21 years or any lease or tenancy to a member of the University for residential purpose.

**20. Quorum and procedure of bodies established by this Act**

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

**21. Appointment of committees, etc.**

(1) Any body 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 to authorise a committee established by it—

- (a) to exercise, on its behalf, such of its functions as it may determine;
- (b) to co-opt members, and may direct whether or not co-opted members (if any) 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 of 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 by regulations, the quorum and procedure of a committee established or meeting held in pursuance of 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) Nothing in the provisions of subsections (1), (2) and (3) of this section shall be construed as—

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

(5) 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.

## **22. Retiring age of academic staff**

(1) Notwithstanding anything to the contrary in the Pensions Act, the compulsory retiring age of an academic staff of each University shall be 65 years.

[Cap. P4.]

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

## **23. Special provisions relating to pension of professors**

A person who retires as a professor having served—

[1993 No. 11.]

- (a) a minimum period of fifteen years as a professor in the University or continuously in the service of a university in Nigeria up to the retiring age; and
- (b) who during the period of service was absent from the University only on approved national or University assignments,

shall be entitled to pension at a rate equivalent to his last annual salary and such allowances as the Council may, from time to time, determine as qualifying for pension and gratuity, in addition to any other retirement benefits to which he may be entitled.

#### **24. Miscellaneous administrative provisions**

(1) The seal of each University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, secretary to the Council or any other person authorised 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 presumed 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 authorised to do so by the Council.

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

(5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith 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 in pursuance of this Act.

[Cap. I23.]

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

[Third Schedule.]

(8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of section 8 or section 18 of this Act or the Second Schedule to this Act.

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

#### **25. Interpretation**

(1) In this Act, unless the context otherwise requires—

“**campus**” means any campus which may be established by each University;

“**college**” means any college which may be established by each University;

“**Council**” means the Council established pursuant to section 2 (1) (b) of this Act for each University;

“**graduate**” means a person on whom a degree, other than an honorary degree, has been conferred by each University;

“**Minister**” means the Minister charged with responsibility for matters relating to higher education;

“**notice**” means notice in writing;

“**officer**” does not include the Visitor;

“**prescribed**” means prescribed by statute or regulations;

“**professor**” means a person designated as a professor of each University in accordance with provisions made in that behalf by statute or by regulations;

“**property**” includes rights, liabilities and obligations;

“**provisional council**” means the provisional council appointed for each University by the President with effect from 1 August, 1980;

“**regulations**” means regulations made by the Senate or the Council;

“**Senate**” means the Senate of each University established pursuant to section 2 (1) (c) of this Act;

“**school**” means a unit of closely related academic programmes;

“**statute**” means a statute made by each University under section 10 of this Act and in accordance with the provisions of section 11 of this Act, and “**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 each University;

“**undergraduate**” means a person in *statu pupillari* at each University other than—

- (a) a graduate; and
- (b) a person of such description as may be prescribed for the purpose of the definition;

“**University**” means any of the Federal Universities of Technology established under section 1 of this Act.

(2) It is hereby declared that 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 in pursuance of that provision to the appropriate authority; but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon.

## 26. Short title

This Act may be cited as the Federal Universities of Technology Act.

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### SCHEDULES

#### FIRST SCHEDULE

[Section 2 (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 beginning with the date of his appointment.

##### *The Vice-Chancellor*

3. (1) There shall be a Vice-Chancellor of each University who shall be appointed by the President in accordance with the provisions of this paragraph.

[1993 No. 11.]

- (2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall—
  - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying—
    - (i) the qualities of the persons 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 the post for consideration;
  - (b) constitute a Search Team consisting of—
    - (i) a member of the Council, who is not a member of the Senate, as chairman;
    - (ii) two members of the Senate who are not members of the Council, one of whom shall be a professor;
    - (iii) two members of Congregation who are not members of the Council, one of whom shall be a professor,

to identify and nominate for consideration, suitable persons who are not likely to apply for the post of their own volition because they feel that it is not proper to do so.

- (3) A Joint Council and Senate Selection Board consisting of—
  - (a) the Pro-Chancellor, as chairman;
  - (b) two members of the Council, not being members of the Senate;

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

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

[1996 No. 25.]

(5) The President may appoint as Vice-Chancellor any one of the candidates recommended to him in accordance with the provisions of subparagraph (4) of this paragraph.

(6) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.

(7) For the avoidance of doubt, the provisions of subparagraph (6) of this paragraph shall—

(a) only be applicable to those appointed to the office of Vice-Chancellor after 1 January, 1993;

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

(8) The Vice-Chancellor may be removed from office by the Visitor after due consultation with the Council and the Senate acting through the Minister of Education.

#### *Deputy Vice-Chancellors*

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

[1996 No. 25.]

(2) Where a vacancy occurs in the post of Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.

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

(4) A Deputy Vice-Chancellor shall—

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

(b) act in the 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.

(5) A Deputy Vice-Chancellor—

(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.

*Office of the Registrar*

5. (1) There shall be for each 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 administrative work of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this Schedule.

[1993 No. 55.]

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

*Other principal officers of the University*

6. (1) There shall be for each University the following principal officers, in addition to the Registrar, that is—

[1993 No. 55.]

- (a) the Bursar; and
- (b) the University Librarian,

who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 8 of this Schedule.

(2) The Bursar shall be the chief financial officer of each University and 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 the library services in the University and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.

(4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

*Selection Board for other principal officers*

7. (1) There shall be, for each University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of—

- (a) the Pro-Chancellor, as chairman;
- (b) the Vice-Chancellor;
- (c) four members of the Council not being members of the Senate; and
- (d) two members of the Senate.

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

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

*Resignation and re-appointment*

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

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

(b) in any other case, by notice to the Council and the Council shall, in the case of the Vice-Chancellor, immediately notify the Minister.

(2) Without prejudice to paragraph 4 of this Schedule, 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.

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SECOND SCHEDULE

*Transitional provisions as to property, functions, etc.*

*Transfer of property to University*

1. Without prejudice to the generality of section 9 (1) of this Act—
  - (a) the reference in that subsection to property held by the provisional council 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;
  - (b) all debts and liabilities of the provisional council outstanding shall become debts or liabilities of the University.
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 had been a party thereto in place of the provisional council.
  - (2) Documents not falling within sub-paragraph (1) of this paragraph, including enactments, which refer, whether specially or generally, to the provisional council, shall be construed in accordance with that sub-paragraph 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.

*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 or any other matter) apply, with the necessary modifications, to the property aforesaid.
  - (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.

*Transfer of functions, etc.*

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 as set up under the Third Schedule to this Act shall have been duly constituted.
  - (3) The first meeting 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.

*Federal Universities of Technology Act*

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(4) The persons who were members of the Senate immediately 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 to this Act shall 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 schools, school boards and students of the University immediately before the coming into force of this Act shall on that day become schools, school boards and students of the University as constituted by this Act.

(6) Persons who were Deans or associate Deans of schools or members of school boards shall continue to be Deans or associate Deans or become members of the corresponding school boards, until new appointments are made in pursuance of the statutes.

5. Any person who was a member of the staff of the University as established or was otherwise employed by the provisional council shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or as such an employee.

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THIRD SCHEDULE  
[Section 9 (3).]

*Federal Universities of Technology**Statute No. 1*

## ARRANGEMENT OF ARTICLES

## ARTICLES

1. The Council.
2. The Finance and General Purposes Committee.
3. The Senate.
4. Congregation.
5. Convocation.
6. Division of schools.
7. School boards.
8. Dean of the school.
9. Selection of certain principal officers.
10. Creation of academic posts.
11. Appointment of academic staff.
12. Appointment of administrative and professional staff.
13. Interpretation.
14. Short title.

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*The Council*

1. (1) The composition of the Council shall be as provided in section 5 of this Act.

(2) Any member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c) or (d) of this Act may, by notice to the Council, resign his office.

(3) A member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c) or (d) of this Act shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from 1 August in the year in which he was appointed.

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

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

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

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

(8) 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.

*The Finance and General Purposes Committee*

2. (1) The Finance and General Purposes 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 Deputy Vice-Chancellors;
  - (c) six other members of the Council appointed by the Council, two of whom shall be selected from among the three members of the Council appointed by the Senate and one member appointed to the Council by Congregation;
  - (d) the Permanent Secretary of the Federal Ministry of Education, or, in his absence, such member of his Ministry as he may designate to represent him; and
  - (e) the Permanent Secretary of the Federal Ministry of Science and Technology or, in his absence, such member of his Ministry as he may designate to represent him.
- (2) The quorum of the Committee shall be five.
- (3) Subject to any directions given by the Council, the Committee may regulate its own procedure.

*The Senate*

3. (1) The Senate shall consist of—
- (a) the Vice-Chancellor and Deputy Vice-Chancellors;
  - (b) the Deans of the several schools;
  - (c) the Directors of the several institutes;
  - (d) the professors;

- (e) the Provosts of the several colleges;
- (f) the Librarian;
- (g) the persons for the time being holding such appointment on the staff of the University as may be specified by the Vice-Chancellor;
- (h) such teachers, not being more than one third of the total number of non-elected members, elected by Congregation and at least one of whom shall come from each school; and
- (i) two members representing a variety of interests of the professional bodies outside the University appointed by the Senate on the recommendation of the Vice-Chancellor.

(2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting 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) of this article, the Senate may regulate its own procedure.

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

(5) Subject to paragraph (7) of this article, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may from time to time determine.

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

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

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

(9) If so requested in writing by any fifteen members of the Senate, the Vice-Chancellor, or in his absence any of the Deputy Vice-Chancellors 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.

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

#### *Congregation*

4. (1) Congregation shall consist of—

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

- (b) the full-time members of the academic staff;
- (c) the Registrar;
- (d) the Bursar;
- (e) the Librarian;
- (f) the Director of Works;
- (g) the Director of Health Services; and
- (h) every member of the administrative staff who holds a degree, other than an honorary degree, of any University recognised for the purposes of this Statute by the Vice-Chancellor.

(2) Subject to section 4 of this Act, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.

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

(4) A certificate signed by the Vice-Chancellor specifying—

- (a) the total number of members of Congregation for the purpose of any particular meeting or meetings of Congregation; or
- (b) the names of the persons who are members of Congregation during a particular period,

shall be conclusive evidence of that number or, as the case may be, of the names of those persons.

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

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

#### *Convocation*

5. (1) Convocation shall consist of—

- (a) the officers of the University mentioned in the First Schedule to this Act;
- (b) all teachers within the meaning of this Act;
- (c) all other persons whose names are registered in accordance with paragraph (2) of this article.

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

- (a) he is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
- (b) he applies for the registration of his name in the prescribed manner and pays the prescribed fees.

(3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to paragraph (4) of this article may provide for the payment, from time to time, of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

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

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

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

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

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

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

*Division of schools*

6. Each school shall be divided into such number of branches as may be prescribed.

*School boards*

7. (1) There shall be established in respect of each school a board of studies which, subject to the provisions of this Statute, and subject to the 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 school;
- (b) deal with any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
- (c) advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.

(2) Each school board of studies shall consist of—

- (a) the Vice-Chancellor;
- (b) the Dean;
- (c) the persons severally in charge of the branches of the school;
- (d) such of the teachers assigned to the school and having the prescribed qualifications as the board may determine; and
- (e) such persons, whether or not members of the University, as the Board may determine with the general or special approval of the Senate.

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

*Dean of the school*

8. (1) The board of each school shall, at a meeting in the last term of any academic year in which the term of office of the Dean expires, nominate one of its members, being one of the professors assigned to that teaching unit, for appointment by the Senate as Dean of the school.

(2) The person appointed under paragraph 1 of this article shall act as Dean of the school and chairman at all meetings of the school board when he is present and shall be a member of all committees and other boards appointed by the school.

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

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

(5) It shall be the function of the Dean to present to 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 school.

(6) There shall be a committee to be known as the Committee of Deans consisting of all the Deans of the several schools and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University by the Senate.

(7) The Dean of school may be removed from office for good cause by the school 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 a Dean, an acting Dean may be appointed by the Vice-Chancellor:

Provided that at the next school board meeting an election shall be held for a new Dean.

(8) In this article “good cause” has the same meaning as in section 14 (3) of the Act.

*Selection of Director of Works*

9. (1) When a vacancy occurs in the office of the Director of Works, a selection board shall be constituted by the Council which shall consist of—

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) two members appointed by the Council, not being members of the Senate; and
- (d) two members appointed by the Senate.

(2) The selection board, after making such inquiries 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.

*Creation of academic posts*

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

*Appointment of academic staff*

11. (1) Subject to the Act and statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Senate.

(2) For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.

*Federal Universities of Technology Act*

(3) For appointments to professorships, associate professorship or readerships or equivalent posts, a board of selection, with power to appoint, shall consist of—

- (a) the Vice-Chancellor;
- (b) two members appointed by the Council;
- (c) four members appointed by the Senate, at least two of whom shall be members of the Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;
- (d) if the post is tenable at a college, the Provost of the college;
- (e) if the post is within a school, institute or other teaching unit in the University, the Dean of the school or the teaching unit, or the director of the institute, as the case may be; and
- (f) such other persons, not exceeding two in number, deemed capable of helping the board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.

(4) For other academic posts, a selection board, with power to appoint, shall consist of—

- (a) the Vice-Chancellor;
- (b) four members appointed by the Senate, at least two of whom shall be members of the Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;
- (c) if the post is tenable at a college, the Provost of the college;
- (d) if the post is within a school, institute or other teaching unit in the University, the Dean of the school or the teaching unit or the director of the institute, as the case may be; and
- (e) such other persons, not exceeding two in number, deemed capable of helping the board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.

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

(6) Boards of selection may interview candidates directly or consider the reports of specialists interviewing panels and shall in addition, in the case of professorships, associate professorships, readerships or equivalent posts, consider the reports of external assessors relevant to the area in which the appointment is being considered.

*Appointment of administrative and professional staff*

**12.** (1) The administrative and professional staff of the University other than principal officers, shall be appointed by the Council or on its behalf by the Vice-Chancellor or the Registrar in accordance with delegation of any powers made by the Council in that behalf.

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

*Interpretation*

**13.** In this Statute, the expression “**the Act**” means the Federal Universities of Technology Act and any word or expression defined in the Act has the same meaning in this Statute.

**CAP. F23**

*Federal Universities of Technology Act*

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*Short title*

14. This Statute may be cited as the Federal Universities of Technology Statute No. 1.

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**CHAPTER F23**

**FEDERAL UNIVERSITIES OF TECHNOLOGY ACT**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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# JOINT ADMISSIONS AND MATRICULATION BOARD ACT

## ARRANGEMENT OF SECTIONS

### SECTION

1. Establishment of the Joint Admissions and Matriculation Board.
2. Membership of the Board.
3. Tenure of office.
4. Removal from office of member of the Board.
5. Functions of the Board.
6. Power of Minister to give directives.
7. Registrar to the Board.
8. Other staff of the Board.
9. Application of Pensions Act.
10. Fund of the Board.
11. Expenditure of the Board.
12. Annual estimates, accounts and audit.
13. Annual report.
14. Power to obtain information.
15. Regulations.
16. Repeal, savings and transfer of liabilities, staff, etc.
17. Interpretation.
18. Short title.

### SCHEDULE

#### *Supplementary provisions relating to the Board*

### JOINT ADMISSIONS AND MATRICULATION BOARD ACT

#### **An Act to establish the Joint Admissions and Matriculation Board to administer a centralised admissions system for Universities, Polytechnics and Colleges of Education.**

[1989 No. 33. 1993 No. 4]

*[7th December, 1989]*

[ Commencement.]

#### **1. Establishment of the Joint Admissions and Matriculation Board**

There is hereby established a body to be known as the Joint Admissions and Matriculation Board (in this Act referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

#### **2. Membership of the Board**

(1) The Board shall consist of the following members to be appointed by the President, on the recommendation of the Minister, that is-

- (a) a chairman who shall have appropriate qualifications;  
[1993 No. 4.]
- (b) five representatives of all the Universities in Nigeria;
- (c) three representatives of all the Colleges of Education in Nigeria;
- (d) three representatives of all Polytechnics in Nigeria;
- (e) one representative of the Nigerian Conference of Principals of Secondary Schools;

- (f) one representative of the Federal Ministry responsible for education;
- (g) the Registrar of the West African Examinations Council or his representative;
- (h) the Executive Secretary of the National Universities Commission or his representative;
- (i) the Executive Secretary of the National Board for Technical Education or his representative;
- (j) the Executive Secretary of the National Commission for Colleges of Education or his representative;
- (k) the Registrar of the National Business and Technical Examinations Board or his representative;
- (l) the Registrar of the Board who shall be an *ex-officio* member;
- (m) three other persons to represent interests not otherwise represented on the Board.

(2) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

[Schedule.]

### 3. Tenure of office

(1) The chairman shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years.

(2) A person appointed to be a member of the Board, not being public officer, shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years.

(3) Any member, not being a public officer, may resign his appointment by a letter under his hand addressed to the Minister.

(4) Members of the Board, not being public officers, shall be paid such remuneration and allowances as the President may, from time to time, determine.

### 4. Removal from office of member of the Board

(1) The Minister may, with the approval of the President, at any time remove any member of the Board from office if the Minister is of the opinion that it is not in the interest of the Board for the member to continue in office and shall notify the member in writing to that effect.

(2) Where the Board is satisfied that the continued presence on the Board of any member is not in the national interest or the interest of the Board, the Board may recommend to the Minister that the member concerned be removed from his office and if the Minister, after making such inquiries as he considers necessary, approves of the recommendation, he may in writing declare the office of the member vacant.

### 5. Functions of the Board

(1) Notwithstanding the provisions of any other enactment, the Board shall be responsible for-

- (a) the general control of the conduct of matriculation examinations for admissions into all Universities, Polytechnics (by whatever name called) and Colleges of Education (by whatever name called) in Nigeria;
- (b) the appointment of examiners, moderators, invigilators, members of subject panels and committees and other persons with respect to matriculation examinations and any other matter incidental thereto or connected therewith;
- (c) the placement of suitably qualified candidates in collaboration with the tertiary institutions after taking into account-

[1993 No. 4.]

- (i) the vacancies available in each tertiary institution;
- (ii) the guidelines approved for each tertiary institution by its proprietor or other competent authority;
- (iii) the preferences expressed or otherwise indicated by candidates for certain tertiary institutions and courses; and
- (iv) such other matters as the Board may be directed by the Minister to consider, or the Board itself may consider appropriate in the circumstances;
- (d) the collection and dissemination of information on all matters relating to admissions into tertiary institutions or to any other matter relevant to the discharge of the functions of the Board under this Act; and
- (e) the carrying out of such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under or pursuant to this Act.

(2) For the avoidance of doubt, the Board shall be responsible for determining matriculation requirements and conducting examinations leading to undergraduate admissions and also for admissions to National Diploma and Nigerian Certificate in Education courses, but shall not be responsible for examinations or any other selective processes for postgraduate courses and any other courses offered by the tertiary institutions

## **6. Power of Minister to give directives**

Subject to the provisions of this Act, the Minister may give the Board directives of a general character or relating generally to particular matters with regard to the exercise by the Board of its functions under this Act and it shall be the duty of the Board to comply with such directives.

## **7. Registrar to the Board**

(1) The President shall, on the recommendation of the Minister, appoint for the Board, a Registrar who shall have appropriate qualifications.

(2) The Registrar shall be the chief executive of the Board and shall be responsible for the execution of the policy of the Board and the day-to-day running of the affairs of the Board.

(3) The Registrar shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further periods as the President may, from time to time, determine.

(4) Subject to this section, the Registrar shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment, and as may, from time to time, be approved by the President.

## **8. Other staff of the Board**

(1) The Board may appoint such other employees of the Board to assist the Registrar in the exercise of his functions under this Act.

(2) The remuneration and tenure of office of the other employees of the Board shall be determined by the Board after consultation with the Federal Civil Service Commission.

(3) Notwithstanding the provisions of subsection (1) of this section, employees of the Board may be appointed by the Board by way of transfer or secondment from the public service of the Federation or of any of the States.

## **9. Application of Pensions Act**

(1) It is hereby declared that service in the Board shall be pensionable under the Pensions Act, and accordingly, employees of the Board shall, in respect of their services in the Board, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

(Cap. P4.)

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of that office.

(3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by a Minister or authority of the Federal Government (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

(4) Subject to subsection (2) of this section, the Pensions Act shall, in its application by virtue of the subsection (1) of this section to any office, have effect as if the office were in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

## **10. Fund of the Board**

The Board shall establish and maintain a fund which shall consist of-

- (a) such sums as may be provided by the Federal Government for the running expenses of the Board; and
- (b) such other sums as may be collected or received by the Board from other sources either in the execution of its functions or in respect of any property vested in the Board or otherwise howsoever.

## **11. Expenditure of the Board**

The Board may, from time to time, apply the proceeds of the fund established in pursuance of section 10 of this Act-

- (a) to the cost of administration of the Board;
- (b) for reimbursing members of the Board or of any committee set up by the Board for such expenses as

may be expressly authorised by the Board in accordance with such rates as may be approved, from time to time, by the President;

(c) to the payment of salaries, fees or other remuneration or allowances, pensions, superannuation allowances and gratuities payable to the employees of the Board and of fees to agents, so however that no payment of any kind under this paragraph (except such as may be expressly authorised) shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;

(d) for the maintenance of any property acquired or vested in the Board; and

(e) for and in connection with all or any of the functions of the Board under or pursuant to this Act.

## **12. Annual estimates, accounts and audit**

(1) The Board shall submit to the Minister, not later than 30 September in each year an estimate of its expenditure and income during the next succeeding year.

(2) The Board shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each year a statement of accounts in such form as it may think appropriate.

(3) The accounts of the Board shall be audited, not later than six months after the end of the year to which such accounts relate, by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

## **13. Annual report**

The Board shall prepare and submit to the President, through the Minister, not later than 30 June in each year, a report in such form as the Minister may direct on the activities of the Board during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Board for the year and the auditors' report thereon.

## **14. Power to obtain information**

(1) For the purpose of carrying out the functions conferred on the Board under this Act, the Registrar or any other employee of the Board authorised in that behalf-

(a) shall have a right of access to all relevant records of any tertiary institution to which this Act applies;

(b) may by notice in writing served on any person in charge of any such tertiary institution require that person to furnish or cause to be furnished information on such matters as may be specified in the notice.

(2) It shall be the duty of any person required to furnish information pursuant to subsection (1) of this section to comply with the notice within a reasonable period of time.

## **15. Regulations**

The Minister may make regulations for carrying into effect the provisions of this Act.

## **16. Repeal, savings and transfer of liabilities, staff, etc.**

(1) The Joint Admissions and Matriculation Board Act 1978 is hereby repealed, and accordingly, the Board established under that Act is hereby dissolved.

[1978 No. 2.]

(2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Joint Admissions and Matriculation Board Act 1978 (in this section referred to as "the repealed Act") shall not affect anything done under or pursuant to the repealed Act.

[Cap. 123.]

(3) By virtue of this Act and without further assurance, there shall be vested in the Board established by this Act all assets, funds, resources and other movable or immovable property which immediately before this Act were vested in the Board established by the repealed Act.

(4) The rights, interests, obligations and liabilities of the Board established by the repealed Act existing before this Act under any contract or instrument, or in law or in equity, apart from any contract or instrument shall, by virtue of this Act, be assigned to and vested in the Board established by this Act.

(5) Any contract or instrument as is mentioned in subsection (4) of this section shall be of the same force and effect against or in favour of the Board established by this Act and shall be enforceable as fully and effectively as if instead of that Board, the Board established by this Act has been named therein or had been a party thereto.

(6) The Board shall be subject to all the obligations and liabilities to which the Board established under the repealed Act

committee may advise the Board on any matter referred to it by the Board.

9. A decision of a committee shall be of no effect until it is confirmed by the Board.

*Miscellaneous*

10. The fixing of the seal of the Board shall be authenticated by the signature of the chairman and of any other person authorised in that behalf by the Board.

11. Any contract or instrument which, if made or executed by any person not being corporate would not be required to be under seal, may be made or executed on behalf of the Board by any person generally or specially authorised to act for that purpose by the Board.

12. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed to have been so signed and sealed.

13. The validity of any proceedings of the Board shall not be affected by-

- (a) any vacancy in the membership of the Board; or
- (b) any defect in the appointment of a member of the Board; or
- (c) reason that a person not entitled to do so took part in the proceedings of the Board.

JOINT ADMISSIONS AND MATRICULATION BOARD ACT

**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

**LIBRARIANS (REGISTRATION, ETC.) COUNCIL  
OF NIGERIA ACT**  
ARRANGEMENT OF SECTIONS

*Section*

1. Establishment of the Librarians (registration, etc.) Council of Nigeria.
2. Functions of the Council.
3. Membership of the Council.
4. Qualifications and tenure of office of members.
5. Financial provisions.
6. Power of Minister to give directives to the Council.

*The register*

7. Appointment of the registrar, preparation and maintenance of the register.
8. Publication of register and list of corrections.

*Registration*

9. Registration of librarians.
10. Approval of institutions and courses of training and qualification by the Council.
11. Appeal to the Federal High Court.
12. Supervision of instruction and examinations leading to approved qualifications.
13. Certificate of experience.
14. Certificate by the registrar to be evidence of registration, etc.
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16. Establishment of the Librarians Disciplinary Committee, etc.
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18. Offences.
19. Entitlement to practice, etc.
20. Regulations.
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SCHEDULES

FIRST SCHEDULE

*Supplementary provisions relating to the Council*

SECOND SCHEDULE

*Supplementary provisions relating to the Disciplinary Committee  
and Investigating Panel*

## LIBRARIANS (REGISTRATION, ETC.) COUNCIL OF NIGERIA ACT

*An Act to establish the Librarians (Registration, etc.) Council of Nigeria for the registration of librarians and to make provisions for the practice of the profession and for matters connected therewith.*

[1995 No. 12.]

[15th June, 1995]

[Commencement.]

### 1. Establishment of the Librarians (Registration, etc.) Council of Nigeria

(1) There is hereby established a body to be known as the Librarians (Registration, etc.) Council of Nigeria (in this Act referred to as "the Council").

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

### 2. Functions of the Council

The Council is hereby charged with the general duty of-

- (a) determining who are librarians for the purposes of this Act;
- (b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as librarians (in this Act referred to as "the profession") and reviewing those;
- (c) standards from time to time as circumstances may require;
- (d) securing in accordance with the provisions of this Act, the establishment and maintenance of a register of persons entitled to practice the profession and the publication, from time to time, of the lists of such persons;
- (e) maintaining discipline within the profession in accordance with this Act; and
- (f) performing such other functions as may be conferred upon the Council by this Act.

### 3. Membership of the Council

(1) Subject to the provisions of this Act, the Council shall consist of the following members, that is-

- (a) five persons to be appointed by the Minister, one of whom shall be the director of the National Library and the others from amongst other interests in the field of librarianship which in his opinion ought to be represented;
- (b) five directors of State libraries to represent the State Library Boards on zonal basis;
- (c) twelve persons elected by the Nigerian Library Association (in this Act referred to as "the Association") in the manner for the time being provided in its constitution;
- (d) three persons to be appointed in rotation from such other association of librarians as may be incorporated from time to time; and
- (e) four persons to represent the universities or other institutions offering courses leading to an approved qualification in librarianship, no two of whom shall come from the same university or institution.

(2) The members of the Council shall elect one of their number to be the chairman of the Council.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the procedure of the Council and the other matters mentioned therein.

[First Schedule.]

### 4. Qualifications and tenure of office of members

(1) A person shall not be appointed a member of the Council unless he is a citizen of Nigeria and is fully registered or qualified for registration as a librarian under this Act and at the date of his appointment has been engaged in the practice of the profession for not less than five years.

(2) The chairman shall hold office for a period of three years and shall be eligible for re-appointment for one further period of three years and thereafter he shall no longer be eligible for re-appointment.

- (3) Subject to the following provisions of this section, a person who is a member of the Council other than as an *ex-officio* member shall hold office for a period of three years.
- (4) The office of a member of the Council shall become vacant if .. -
- (a) he becomes bankrupt or makes arrangements with his creditors; or
  - (b) he is as a result of physical or mental illness unable to discharge his functions as a member of the Council; or
  - (c) he is convicted of an offence involving dishonesty, fraud or moral turpitude.
- (5) Any member of the Council holding office other than by virtue of section 3 (1) (c) of this Act may, by notice addressed to the Minister, resign his office.
- (6) A person who has ceased to be a member of the Council (except in the manner provided in subsection (3) of this section) shall be eligible for re-appointment.
- (7) Where a member of the Council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed or elected shall, as soon as may be, appoint, or as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid, so however that the foregoing provisions of this subsection shall not apply where a person holding office as a member of the Council has ceased to hold office at a time when the residue of his term does not exceed one year.

## **5. Financial provisions**

- (1) The Council shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Council.
- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-
- (a) such moneys as may be provided to the Council by way of grant or by way of loan or otherwise howsoever; and
  - (b) all other moneys that may accrue to the Council under this Act.
- (3) The Council shall prepare and submit to the Minister not later than the 30th of September in each year an estimate of its expenditure and income during the next succeeding year.
- (4) The Council shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause the accounts to be audited as soon as may be after the end of the year to which the accounts relate by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.
- (5) The Council shall prepare and submit to the Minister not later than twelve months after its establishment and once in each year thereafter, a report on the activities of the Council during the last preceding year and shall include in the report a copy of the audited accounts of the Council for that year and of the auditors report thereon.
- (6) The Council shall not have power to borrow money or dispose of any property except with the prior consent of the Minister and it shall not have power to pay remunerations (including pensions), allowances or expenses to any member, employee of the Council or to any other person except in accordance with the scales approved by the Minister.

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

The Minister may give to the Council directives of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directives.

*The register*

## **7. Appointment of the registrar, preparation and maintenance of the register**

- (1) It shall be the duty of the Council to appoint as the registrar for the purposes of this Act, a fit and proper person having not less than ten years experience as a qualified librarian.
- (2) The registrar shall also act as secretary to the Council.
- (3) It shall be the duty of the registrar to prepare and maintain, in accordance with rules made by the Council under this section, a register of librarians (in this Act referred to as "the register").
- (4) The register shall contain the names, addresses, approved qualifications and such other particulars as may be specified by the Council, of all persons who are entitled in accordance with the provisions of this Act to be registered as librarians and who apply in the specified manner to be so registered.
- (5) Subject to the following provisions of this section, the Council may make rules with respect to the form and keeping of the register and the making of entries therein, and in particular-
- (a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;

- (b) providing for the notification to the registrar, by the person to whom any registered particulars relate, or any change in those particulars;
- (c) authorising a registered person to have any qualification which is registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered;
- (d) specifying the fees to be paid to the Council in respect of the entry of names in the register and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid; and
- (e) specifying anything falling to be specified under the foregoing provisions of this section.

(6) Any rules made for the purposes of paragraph (d) of subsection (5) of this section shall not come into force until they are confirmed by the secretary.

(7) It shall be the duty of the registrar-

- (a) to correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
- (b) to make, from time to time, any necessary alterations to the registered particulars of registered persons; and
- (c) to remove from the relevant part of the register, the name of any registered person who has died or, as the case may be, has ceased to be entitled to be registered.

(8) If the registrar-

- (a) sends by post to any registered person, a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting; and
- (b) upon the expiration of that period, sends in like manner to the person in question a second similar and receives no reply to that letter within three months from the date of posting it, the registrar may remove the particulars relating to the person in question from the relevant part of the register, provided that the Council may, for any reason which seems to it to be sufficient, direct the registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

## 1. Publication of register and list of corrections

(1) It shall be the duty of the registrar-

- (a) to cause a list of persons whose names and qualifications are contained in the register to be printed, published and put on sale to members of the public not later than six months from the beginning of the year in which this Act comes into force;
- (b) in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or a list of corrections made to the register since it was last printed; and
- (c) to cause a print of each edition of the register and of each list of corrections to be deposited at all offices of the Council and the Council shall cause the registrar to keep the register and lists so deposited to remain open at all reasonable times for inspection by members of the public.

(2) A document, purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document or documents read together, as being registered, is so registered, and that any person not so specified is not so registered.

## *Registration*

### 2. Registration of librarians

(1) Subject to rules made under subsection (5) of section 7 of this Act, a person shall be entitled to be registered as a librarian if-

- (a) he possesses the requisite qualifications approved by the Council under this Act;
- (b) not being a Nigerian, he holds a qualification granted outside Nigeria which for the time being is accepted by the Council and he is by law entitled to practice for all purposes as a librarian in the country in which the qualification was granted; so however that the other country accords Nigerian professional librarians the same reciprocal

treatment and that he satisfies the Council that he has sufficient practical experience as a librarian.

(2) An applicant for registration under this Act shall, in addition to evidence of qualification, satisfy the Council that-

- (a) he is of good character; and
- (b) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.

#### **10. Approval of institutions and courses of training and qualification by the Council**

(1) For the purposes of section 9 of this Act, the Council may approve-

- (a) any institution whether in Nigeria or elsewhere which the Council considers is properly organized and equipped for conducting a course of training approved by the Council under this section;
- (b) any course of training which is intended for persons who are seeking to become or are already members of the profession and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession; and
- (c) any qualification which, as a result of examination taken in conjunction with the course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill for the practice of the profession.

(2) The Council shall, from time to time, publish in the *Gazette* a list of any qualifications in the profession of librarianship approved by it, subject thereto, the Council shall not approve for the purposes of subsection (1) of this section a qualification granted by an institution in Nigeria unless such qualification has been included in the list published by the Council.

(3) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval, the Council shall-

- (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
- (b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and
- (c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this subsection.

(4) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument; and the Council shall-

- (a) as soon as may be, publish a copy of every such instrument in the *Gazette*; and
- (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

#### **11. Appeal to the Federal High Court**

(1) Where for any reason an application for registration is refused by the Council, the applicant may, within the prescribed period and in the prescribed manner, appeal from the decision of the Council to the Federal High Court; and where such an appeal is brought, the Federal High Court may, after considering the representation made in the matter, either confirm or set aside the decision of the Council.

(2) Where the Federal High Court sets aside the decision of the Council, the Court shall direct the Council to register the applicant in the manner provided for in section 9 of this Act.

#### **12. Supervision of instruction and examinations leading to approved qualifications**

(1) It shall be the duty of the Council to keep itself informed of the nature of the instructions given at approved institutions and examinations taken by persons attending approved courses of training and for the purposes of performing that duty, the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to oversee such examinations.

(2) It shall be the duty of a Visitor appointed under this section to report to the Councilon-

- (a) the adequacy or otherwise of the instruction given to persons attending approved courses of training at institutions visited by him;
- (b) the adequacy or otherwise of the examinations conducted at any institution inspected by him; and
- (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but no Visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Council shall, as soon as may be, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

### **13. Certificate of experience**

(1) Any person who, having qualified as a librarian by examination after the commencement of this Act or within two years before its commencement, as the case may be, satisfies the conditions specified in subsection (2) of this section, may apply for and be entitled to receive, free of charge, a certificate of professional competence from the person mentioned in subsection (2) of this section, entitling him to be fully registered as a librarian under this Act and such certificate shall, when received by the person, be filed with his application for full registration.

(2) The conditions referred to in subsection (1) of this section are that-

- (a) he shall have served his time for the prescribed period in Nigeria in an approved library with a view to obtaining a certificate of experience;
- (b) he shall, during his service in the approved library, have acquired practical experience under the personal supervision and guidance of at least one or more registered librarians for such period as may be prescribed; and
- (c) the manner in which he carried out the duties in the approved office and his conduct shall have been satisfactory.

(3) It shall be the duty of the employer, being a librarian supervising the work of a person employed with a view to obtaining a certificate of experience, to ensure that a person so employed is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (a) of subsection (2) of this section.

(4) Where, after having completed the prescribed period, a person affected applies for and is refused a certificate of experience he shall be entitled-

- (a) to receive from his employer particulars in writing of the grounds of the refusal; and
- (b) to appeal from the refusal to a committee of the Council in accordance with rules made by the Council in that behalf (including rules as to the time within which appeals are to be brought), and on any such appeal, the committee may either dismiss the appeal or itself issue the certificate of experience in question or give such other direction in the matter, as it considers just.

### **14. Certificate by the registrar to be evidence of registration, etc.**

A certificate under the hand of the registrar to the effect that any person was or was not registered as a librarian under this Act at any time or during any period specified in the certificate or as to any entry in the register or as to any act or proceedings of the Council shall, until the contrary is proved, be sufficient evidence of the matters specified therein.

### **15. Registrar to notify the Association of entries in register**

The registrar shall, as soon as practicable, after the entry in the register of any person's name, or after the removal of such name from the register, give notice in writing to the Association of the entry or removal, as the case may be, together with all the particulars relevant thereto.

### *Professional discipline*

### **16. Establishment of the Librarians Disciplinary Committee, etc.**

(1) There shall be established a committee to be known as the Librarians Disciplinary Committee (in this Act referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the Panel established by the following provisions of this section and any other case of which the Disciplinary Committee has cognisance under the following provisions of this Act.

(2) The Disciplinary Committee shall consist of the chairman of the Council and ten other members of the Council appointed by the Council of whom not less than four shall be members of the Council holding office by virtue of paragraph (c) of section 3 (1) of this Act or where the number of those members is for the time being less than four of all those members.

(3) There shall be a body to be known as the Librarians Investigating Panel (in this Act referred to as "the Investigating Panel") which shall be charged with the duty of-

- (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a librarian or should for any other reason be the subject of proceedings before the Disciplinary Committee;
- (b) deciding whether the case should be referred to the Disciplinary Committee; and
- (c) submitting a report on any action taken by the Investigating Panel to the Disciplinary Committee.

(4) The Investigating Panel shall be appointed by the Council and shall consist of seven members of the Council.

(5) The registrar shall act as secretary to the Disciplinary Committee.

(6) The provisions of the Second Schedule to this Act shall, so far as applicable to the Disciplinary Committee and the Investigating Panel respectively, have effect with respect to those bodies.

*[Second Schedule.]*

**17. Penalty for unprofessional conduct, etc.**

(1) Where-

- (a) a registered person under this Act is adjudged by the Disciplinary Committee to be guilty of infamous conduct in a professional respect; or
- (b) a person registered under this Act is convicted in Nigeria or elsewhere by any court or tribunal having power to award punishment for an offence (whether or not such an offence is punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of a librarian; or
- (c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered, the Disciplinary Committee may, if it thinks fit, give a direction reprimanding that person; or ordering the registrar to strike his name off the register permanently or for a shorter period as the case may be.

(2) The Disciplinary Committee may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Disciplinary Committee, but-

- (a) no decision shall be deferred under this subsection for periods exceeding six months in the aggregate; and
- (b) no person shall be a member of the Disciplinary Committee for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a member of the Disciplinary Committee when the decision was deferred.

(3) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (a) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the Disciplinary Committee gives a direction under subsection (1) of this section, it shall give notice of the direction to be served on the person to whom it relates.

(5) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the direction, appeal against the direction to the Federal High Court and the Disciplinary Committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal before the Federal High Court, the Disciplinary Committee shall be deemed to be a party thereto, whether or not it appears on the hearing of the appeal.

(6) A direction of the Disciplinary Committee under subsection (1) of this section shall take effect-

- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time; or
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and not otherwise howsoever.

(7) A person whose name is removed from the register in pursuance of a direction of the Disciplinary Committee under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Disciplinary Committee on the application of that person.

(8) A direction under this section for the removal of a person's name from the register may prohibit an application under subsection (7) of this section by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

#### *Miscellaneous*

### **18. Offences**

(1) Any person, not being a person duly registered under this Act, who-

- (a) for or in expectation of a reward, practices or holds himself out to practice as a registered librarian; or
  - (b) without reasonable excuse, takes or uses any name, title, addition or description implying that he is authorised by law to practice as a registered librarian,
- shall be guilty of an offence under this section.

(2) If any person, for the purpose of procuring the registration of any name, qualification or other matter-

- (a) makes a statement which is false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular he shall be guilty of an offence under this Act.

(3) If the registrar or any other person employed by the Council wilfully makes any falsification in any matter relating to the register maintained under this Act, he shall be guilty of an offence.

(4) A person guilty of an offence under this Act shall be liable-

- (a) on conviction in a magistrate's court to a fine not exceeding ₦500 and, where the offence is a continuing one, to a further fine not exceeding ₦50 for each day during which the offence continues;
- (b) on conviction in a High Court, to a fine not exceeding ₦1,000 or imprisonment for a term not exceeding two years or to both such fine and imprisonment and, where the offence is a continuing one, to a further fine not exceeding ₦100 for each day during which the offence continues.

(5) Where an offence under this section has been committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary, or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

### **19. Entitlement to practice, etc.**

(1) A registered librarian shall (but to the extent only of his particular qualifications) be entitled to practice as a librarian throughout the Federation.

(2) It shall be the duty of the person in charge of each university or other institution of higher learning in Nigeria having a faculty by whatever name called, at which there is held a course of training intended for persons who are seeking to become registered librarians under this Act, to furnish to the registrar, not later than the 31<sup>st</sup> day of March in each year, a list of the names and such other particulars as the Council may specify, of all persons who attended any such courses at the institution in question at any time during the last preceding year.

### **20. Regulations**

In addition to any other power to make regulations under this Act, the secretary may make all such regulations as may in his opinion, be necessary or expedient for giving full effect to the provisions of this Act and for the administration thereof.

### **21. Interpretation**

(1) In this Act, unless the context otherwise requires-

**"approved qualification"** means any qualification which is for the time being approved by the Council;

**"Council"** means the Librarians (Registration, etc.) Council of Nigeria established under section I of this Act;

**"librarianship"** means the art and science of selecting, acquiring, organising, describing, classifying, administering, preserving, conserving, utilising books, journals, non-book materials, audio visual, print and non-print materials and including the dissemination of information and knowledge;

**"librarian"** means any person registered or deemed to be registered as such under this Act;

"**Minister**" means the Minister for the time being charged with responsibility for matters relating to library services and "Ministry" shall be construed accordingly;

"**profession**" means the profession of librarianship;

"**register**" means the register maintained under section 7 of this Act and "registered" shall be construed accordingly;

"**registrar**" means the registrar appointed in pursuance of section 7 of this Act.

(2) For the purposes of this Act, a person is registered if his name is for the time being entered in the register.

## 22. Short title

This Act may be cited as the Librarians (Registration, etc.) Council of Nigeria Act.

### SCHEDULES

#### FIRST SCHEDULE [Section 3 (3).]

##### *Supplementary provisions relating to the Council*

##### *Proceedings of the Council*

1. Subject to the provisions of this Act and of section 27 of the Interpretation Act, the Council may make standing orders regulating the proceedings of the Council or of any committee thereof.

[Cap. 123.]

2. The quorum of the Council shall be eight and the quorum of any committee of the Council shall be determined by the Council.

3. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the chairman of the Council and in any case not less than four times in any year and if the chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Council, the chairman shall preside, but in his absence, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may eo-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister who may give such direction as he thinks fit as to the procedure which shall be followed at the meeting.

##### *Committees*

4. (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, and not more than one-third of those persons may be persons who are not members of the Council, and a person other than a member of the Council shall hold office in the committee in accordance with the terms of the letter by which he is appointed.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

##### *Miscellaneous*

5. (1) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or of some other members authorised generally or specially by the Council to act for that purpose by the Council.

(2) Any contract or instrument, which if made or executed by a person not being a body corporate would not be required to

- (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;
- (d) for enabling any party to the proceedings to be represented by a legal practitioner;

(e) subject to the provisions of section 17 (5) of this Act, as to the costs of proceedings before the Disciplinary Committee;

(f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Committee adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates; and

(g) for publishing in the *Gazette* notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be struck off a register or that a person shall be suspended from practice.

(3) For the purposes of any proceedings before the Disciplinary Committee, any member of the Disciplinary Committee may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court, as the case may require, writs of subpoena *ad testificandum* and *duces tecum*, but no person appearing before the Disciplinary Committee shall be compelled-

- (a) to make any statement before the Disciplinary Committee tending to incriminate himself; or
- (b) to produce any document under such writ which he could not be compelled to produce at the trial of an action.

#### *Assessor*

4. (1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Council on the recommendation of the Attorney- General of the Federation and shall be a legal practitioner of not less than seven years standing.

(2) An assessor, when nominated in accordance with sub-paragraph (1) of this paragraph, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in the instrument and where the appointment is not a general one, it shall have effect only in respect of a particular meeting of the Disciplinary Committee.

(3) Subject to the terms of his appointment, an assessor shall attend any meeting of the Disciplinary Committee as and when requested to do so by notice in writing given to him by the registrar not later than three clear days before the date appointed for the meeting, and he shall thereat advise the Disciplinary Committee on questions of law arising in proceedings before it.

(4) Except where the Disciplinary Committee is deliberating in private, the advice of the assessor on questions of law as to evidence, procedure and as to compliance with this Act shall be tendered in the presence of every party or of his counsel.

(5) If the advice by the assessor to the Disciplinary Committee is given otherwise than in the presence of all parties or, as the case may be, of their counsel, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice given and the reaction thereto of the Disciplinary Committee.

#### *The Investigating Panel*

5. The quorum of the Investigating Panel shall be three.

6. (1) The Investigating Panel may, at any meeting attended by not less than six members thereof, make standing orders with respect to the Investigating Panel.

(2) Subject to the provisions of any such standing orders, the Investigating Panel may regulate its own procedure.

#### *Miscellaneous*

7. (1) A person ceasing to be a member of the Disciplinary Committee or the Investigating Panel shall be eligible for re-appointment as a member of that body for one further term and thereafter he shall no longer be eligible for re-appointment.

(2) A person may, if otherwise eligible, be a member of both the Disciplinary Committee and the Investigating Panel, but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.

8. The Disciplinary Committee or the Panel may act notwithstanding any vacancy in its membership and the proceeding of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to sub-paragraph (2) of paragraph 7 of this Schedule) by reason of the fact that any person who was not entitled to do so took part in

the proceedings of that body.

9. The Disciplinary Committee and the Investigating Panel may each sit in two or more divisions.

10. Any document authorised or required by virtue of this Act to be served on the Disciplinary Committee or the Investigating Panel shall be served on the registrar.

11. Any expenses of the Disciplinary Committee or the Investigating Panel shall be defrayed by the Council.

LIBRARIANS (REGISTRATION, ETC.) COUNCIL OF NIGERIA ACT

**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

# NATIONAL BOARD FOR TECHNICAL EDUCATION ACT

## ARRANGEMENT OF SECTIONS

### *Establishment, etc., of National Board for Technical Education*

#### SECTION

#### I. Establishment of the National Board for Technical Education.

2. Membership of the Board.
3. Tenure of office.
4. Removal from office of members of the Board.
5. Functions of the Board.
6. Provisions supplementary to section 5.
7. Executive secretary to the Board.
8. Staff of the Board.
9. Application of Pensions Act.

#### *Finance*

#### 10. Establishment of the National Boards for Technical Education Fund.

#### 11. Maintenance of separate fund by the Board.

12. Expenditure of the Board.
13. Annual estimates and accounts.

#### *Miscellaneous and supplementary*

14. Annual reports.
15. Power to obtain information.
16. Power of Minister to give directions to the Board.
17. Interpretation.
18. Short title.

#### SCHEDULE

#### *Supplementary provisions relating to the Board, etc.*

*An Act to establish the National Board for Technical Education as a body corporate to advise the Federal Government on all aspects of technical education which fall outside the scope of the universities and other matters ancillary thereto.*

[1977 No. 9.]

[11th January, 1977]

[Commencement.]

### *Establishment, etc., of National Board for Technical Education*

#### **1. Establishment of the National Board for Technical Education**

(1) There is hereby established a body to be known as the National Board for Technical Education (in this Act, referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

[Schedule.]

## 2. Membership of the Board

(1) The Board shall consist of a chairman who shall be appointed by the President and the following other members, that is-

- (a) one person to represent the Ministry of Education;
- (b) one person to represent the Ministry of Labour and Productivity;
- (c) one person to represent the Ministry of Agriculture and Water Resources;
- (d) one person to represent the Ministry of Industry;
- (e) two persons to represent the polytechnics;
- (f) one person to represent technical colleges;
- (g) two persons to represent the Colleges of Agriculture;
- (h) one person to represent the States of the Federation;
- (i) one person to represent the Industrial Training Fund;
- (j) one person to represent employers organisations;
- (k) one person to represent the National Manpower Board;
- (l) two persons to represent professional bodies;
- (m) one person to represent the National Commission for Women;
- (n) two persons to be appointed on individual merit on a nationwide basis who should have wide experience of service in the public or private sector; and
- (o) the executive secretary of the Board who shall be an *ex-officio* member of the Board but shall not have the right to vote at meetings of the Board.

[1993 No. 8.]

(2) The chairman and the members of the Board, not mentioned under paragraphs (a), (b), (c) and (d) of subsection (1) of this section, shall be appointed by the President.

[1993 No. 8.]

## 3. Tenure of office

(1) Subject to the provisions of this Act, a person appointed to be a member of the Board, not being a public officer or appointed under paragraph (h) of section 2 (1) of this Act, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment.

(2) Any member, not being a public officer, may resign his appointment by a notice in writing under his hand addressed to the Minister.

(3) Members of the Board, not being public officers, shall be paid such remuneration and allowances as the President may determine.

## 4. Removal from office of member of the Board

(1) The Minister may at any time remove any member of the Board from office if he is of the opinion that it is not in the interest of the Board for the member to continue in office and shall notify the member in writing to that effect.

(2) Where the Board is satisfied that the continued presence on the Board of any member is not in the national interest or the interest of the Board, the Board may recommend to the Minister that the member concerned be removed from his office.

## 5. Functions of the Board

The functions of the Board shall be-

- (a) to advise the Federal Government on, and to co-ordinate all aspects of, technical and vocational education falling outside the universities and to make recommendations on the national policy necessary for the full development of technical and vocational education for the training of technicians, craftsmen and other middle-level and skilled manpower;
- (b) to determine, after consultation with the National Manpower Board, the Industrial Training Fund and such bodies as it considers appropriate, the skilled and middle-level manpower needs of the country in the industrial, commercial and other relevant fields for the purpose of planning training facilities and in particular to prepare periodic master plans for the balance and co-ordinated development of polytechnics

and colleges of technology and such plans shall include-

(I) the general programmes to be pursued by polytechnics and colleges of technology in order to maximise the use of available facilities and avoid unnecessary duplication while ensuring that they are adequate to the manpower needs of the country; and

(ii) recommendations for the establishment and location of new polytechnics and colleges of technology as and when considered necessary;

(c) to inquire into and advise the Federal Government on the financial needs, both recurrent and capital, of polytechnics and colleges of technology and other technical institutions to enable them meet the objective of producing the trained manpower needs of the country;

(d) to receive block grants from the Federal Government and allocate them to polytechnics and colleges of technology in accordance with such formula as may be laid down by the President;

(e) to act as the agency for channelling all external aid to polytechnics and colleges of technology in Nigeria;

(f) to advise on, and take steps to harmonise entry requirements and duration of courses at technical institutions;

(g) to lay down standards of skill to be attained and to continually review such standards as necessitated by technological and national needs;

(h) to review methods of assessment of students and trainees and to develop a scheme of national certification for technicians, craftsmen and other skilled personnel in collaboration with Ministries and organisations having technical training programmes;

(i) to undertake periodic reviews of the terms and conditions of service of personnel in polytechnics and colleges of technology and to make recommendations thereon to the Federal Government;

(j) to collate, analyse and publish information relating to technical and vocational education;

[1993 No. 8.]

(k) to recommend to the Visitor of a polytechnic that a visitation be made to the polytechnic as and when it considers necessary;

(l) to consider any matter pertaining to technical or technological education as may be referred to it from time to time by the Minister; and

(m) to carry out such other activities as are conducive to the discharge of its functions under this Act.

## **6. Provisions supplementary to section 5**

In its role of advising on all aspects of technical education, the Board shall make recommendation as to how best-

(a) to stimulate and encourage pre-vocational and general technical education in secondary schools not only as a basis for creating early technological awareness, but also to provide suitable orientation for further education and training in technology and to provide direct practical skills for earning a living;

(b) to inculcate in the public the attitude of respect for, and appreciation of, the role of technology in society;

(c) to advise on and take measures to improve the immediate and long-term prospects of technicians and technical teachers with respect to status and remuneration;

(d) to expand the facilities for the training of technical teachers and ensure that these teachers are exposed, both during and after training, to industrial experience;

(e) to involve experts both in government and industry in the design of courses relevant to the practical needs of the country in all fields; and

(j) to provide encouragement for women to enter a wider range of fields of technical education.

## **7. Executive secretary to the Board**

(1) There shall be appointed by the President on the recommendation of the Minister, an executive secretary who shall have appropriate qualifications.

(2) The executive secretary shall be the chief executive officer of the Board and shall be responsible for the execution of the policy of the Board and the day-to-day running of the affairs of the Board.

(3) The executive secretary shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further terms as the President may determine.

(4) Subject to this section, the executive secretary shall hold office on such terms as to emolument and otherwise as may be specified in his letter of appointment, and as may, from time to time, be approved by the President.

#### **8. Staff of the Board**

(1) The Board may appoint other employees of the Board to assist the executive secretary in the exercise of his functions.

(2) The remuneration and tenure of office of the other employees of the Board shall be determined by the Board after consultation with the Federal Civil Service Commission.

(3) Notwithstanding the provisions of subsection (1) of this section, employees of the Board may be appointed by the Board of the transfer or secondment from any of the civil services of the Federation.

#### **9. Application of Pensions Act**

(1) The Federal Civil Service Commission may by order published in the Federal *Gazette* declare the office of any person employed by the Board to be a pensionable office for the purposes of the Pensions Act.

[Cap. P4.]

(2) Subject to subsections (3) and (4) of this section, the Pensions Act shall in its application by virtue of the foregoing subsection to any office have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria.

(3) For the purpose of the application of the Pensions Act in accordance with subsection (2) of this section-

(a) paragraph (1) of section 7 of that Act (which confers on the Minister power to waive the requirement to give notice of desire to retire at the age of forty-five) shall have effect as if for the references to the Minister there were substituted references to the Board; and

(b) the power under section 9 (1) of the Act to require an officer to retire at any time after attaining the age of forty-five, subject to his being given six months' notice in writing, shall be exercisable by the Board and not by any other authority.

(4) Nothing in the foregoing provisions shall prevent the appointment by the Board of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

#### *Finance*

#### **10. Establishment of the National Board for Technical Education Fund**

(1) There shall be established by the Board, a fund to be known as the National Board for Technical Education Fund.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section-

(a) such sums as may be made available to the Board for the purpose of making grants to polytechnics and colleges of technology in pursuance of paragraph (d) of section 5 of this Act; and

(b) such sums as may, from time to time, be credited to the fund by way of payment of the principal and interest on and other charges in respect of any loan made out of the fund, and also any interest from investments made from the fund.

(3) The fund shall be managed in accordance with rules made by the Minister for Finance; and, without prejudice to the generality of the power to make rules under this sub-section, the rules shall in particular contain provisions-

(a) specifying the manner in which the assets of the funds are to be held, and regulating the making of payments into and out of the fund; . "

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules;

(c) requiring copies of the accounts to be audited periodically by the Auditor-General for the Federation; and

(d) requiring copies of accounts and of the auditor's report on them to be furnished to the President through the Minister.

#### **11. Maintenance of separate fund by the Board**

(1) The Board shall establish and maintain a separate fund from which shall be defrayed all expenditure incurred by the Board except such expenditure as may be incurred pursuant to section 10 of this Act.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section such payments as may be made to it by the Federal Government for the running expenses of the Board and all other assets from time to time accruing to the Board otherwise than in pursuance of section 10 of this Act.

## **12. Expenditure of the Board**

(1) The Board may, from time to time, apply the proceeds of the fund established in pursuance of section II (1) of this Act-

- (a) to the cost of administration of the Board;
- (b) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to members or employees of the Board, so however that no payment of any kind under this paragraph shall be made to any person who is in receipt of emoluments from the Government of the Federation or the Government of a State;
- (c) for the maintenance of any property vested in the Board; and
- (d) for and in connection with any of its functions under this Act.

## **13. Annual estimates and accounts**

(1) The Board shall submit to the Minister not later than 31 December in each financial year an estimate of its expenditure and income (including payments from the National Board for Technical Education Fund) during the next succeeding financial year.

(2) The Board shall keep proper accounts in respect of each financial year (and proper records in relation thereto) and shall cause the accounts to be audited by the Auditor-General for the Federation.

### *Miscellaneous and supplementary*

## **14. Annual reports**

The Board shall prepare and submit to the President through the Minister, not later than 31 December in each financial year, a report in such form as he may direct on the activities of the Board during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Board for that year and the Auditor-General's report thereon.

## **15. Power to obtain information**

(1) For the purpose of carrying out the functions conferred on the Board under this Act, the executive secretary or any other officer of the Board authorised in that behalf-

- (a) shall have a right of access to all the records of any institution to which this section applies;
- (b) may by notice in writing served on any person in charge of any such institution require that person to information on such matters as may be specified in that notice.

(2) It shall be the duty of any person required to furnish information pursuant to sub-section (1) of this section to comply with the notice within a reasonable period of time.

(3) In this section, the reference to an institution to which this section applies is a reference to any polytechnics, colleges of technology or technical institution.

## **16. Power of Minister to give directions to the Board**

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

## **17. Interpretation**

In this Act, unless the context otherwise requires-

"**Board**" means the National Board for Technical Education established under section I of this Act;

"**chairman**" means the chairman of the National Board for Technical Education;

"**executive secretary**" means the person appointed as the executive secretary to the Board in pursuance of section 7 (1) of

this Act;

"**member**" means a member of the Board and includes the chairman; "**Minister**" means the Minister charged with responsibility for Education.

## 18. Short title

This Act may be cited as the National Board for Technical Education Act.

### SCHEDULE [Section I (2).]

#### *Supplementary provisions relating to the Board, etc., proceedings*

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

[Cap. 123.]

2. Every meeting of the Board shall be presided over by the chairman or, if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum at a meeting of the Board shall consist of the chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members.

4. Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

#### *Committees*

5. (1) Subject to its standing orders, the Board may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Board is concerned.

(2) Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

(3) The quorum of any committee set up by the Board shall be as may be determined by the Board.

6. Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Board to consist of or co-opt persons who are not members of the Board, the committee may advise the Board on any matter referred to it by the Board.

7. The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of the executive secretary of the Board.

8. Any contract or instrument which, if made 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 Board by the executive secretary or by any other person generally or specially authorised to act for that purpose by the Board.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and, unless the contrary be proved, be presumed without further proof to have been so signed or sealed.

10. The validity of any proceedings of the Board or a committee thereof shall not be affected-

- (a) by any vacancy in the membership of the Board or committee; or
- (b) by any defect in the appointment of a member of the Board or committee.

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

### SUBSIDIARY LEGISLATION

*No Subsidiary Legislation*

**NATIONAL BUSINESS AND TECHNICAL EXAMINATIONS BOARD ACT**  
**ARRANGEMENT OF SECTIONS**

PART I

*Establishment of the National Business and Technical Examinations Board, etc.*

SECTION

1. Establishment of the National Business and Technical Examinations Board.
2. Membership of the Board.
3. Functions of the Board.
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*Registrar and other staff*

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*Transitional provisions, etc.*

### SECTION

20. Transitional provisions.
21. Power of the Minister to give directives.
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### SCHEDULE

*Supplementary provisions relating to the Board*

**An Act to establish the National Business and Technical Examinations Board to have responsibility for the general control of the conduct of technical and business examinations hitherto conducted by the Royal Society of Arts of London City and Guilds of London and the West African Examinations Council and matters connected therewith.**

[1993 No. 70.]

[23rd August, 1993]

[Commencement.]

## PART I

*Establishment of the National Business and Technical Examinations Board, etc.*

### **1. Establishment of the National Business and Technical Examinations Board**

There is hereby established a body to be known as the National Business and Technical Examinations Board (in this Act referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

### **2. Membership of the Board**

(1) The Board shall consist of a chairman and the following other members, that is-

- (a) two persons to represent the technical colleges in Nigeria in rotation;
- (b) one person to represent the universities in Nigeria in rotation;
- (c) one person to represent the polytechnics in Nigeria in rotation;
- (d) one person to represent colleges of education (technical) in Nigeria in rotation;
- (e) one representative of the Federal Ministry of Education;
- (f) one representative of the West African Examinations Council;
- (g) the Registrar of the National Board for Educational Measurements or his representative;
- (h) the Registrar of the Joint Admissions and Matriculation Board or his representative;
- (i) one person to represent the Professional Technical and Business Teachers Association;

- (j) one representative of the Nigerian Employers Consultative Association;
- (k) one person to represent the interest of women;
- (l) one person to represent interests not otherwise represented as above; and
- (m) the Registrar of the Board.

(2) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

[Schedule.]

### 3. Functions of the Board

Notwithstanding the provisions of any other enactment the Board shall have responsibility to-

- (a) conduct examinations leading to the award of the-
  - (i) National Technical Certificate;
  - (ii) Advanced National Technical Certificate;
  - (iii) National Business Certificate;
  - (iv) Advanced National Business Certificate;
- (b) take over the conduct of technical and business examinations hitherto conducted by the Royal Society of Arts of London, City and Guilds of London and the West African Examinations Council;
- (c) issue results and certificates and make awards in examinations conducted by the Board;
- (d) conduct other specified examinations on behalf of or in collaboration with other examination bodies or agencies such as the London Chamber of Commerce or the Institute of Chartered Accountants of Nigeria, etc.;
- (e) conduct entrance examinations into technical colleges and allied institutions;
- (f) monitor, collect and keep records of continuous assessment in technical colleges and allied institutions towards the award of certificates in national business and technical examinations;
- (g) conduct research, publish statistics and other information in order to develop appropriate examinations, tests and syllabi in technical and business studies;
- (h) prepare and submit to the Minister an annual report on standards of examinations and other related matters; and
- (i) carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under or pursuant to this Act.

### 4. Tenure of office of members of the Board

(1) The chairman of the Board shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for a further period of three years and no more.

(2) A member of the Board, other than an *ex-officio* member-

- (a) shall hold office for a period of three years; and
- (b) may resign his appointment by a letter under his hand addressed to the Minister.

(3) The members of the Board shall be paid such remuneration and allowances as the Minister may, from time to time, determine.

## **5. Removal from office of member of the Board**

(1) The Minister may, with the approval of the President, at any time remove any member from office, if he is of the opinion that it is not in the interest of the Board for the member to continue in office and shall notify the member in writing to that effect.

(2) Where the Board is satisfied that the continued presence on the Board of any member is not in the national interest or the interest of the Board, the Board may recommend to the Minister that the member concerned be removed from his office; and if the Minister, after making such inquiries as he considers necessary, approves of the recommendations, he may in writing declare the office of the member vacant.

## **PART II**

### *Registrar and other staff*

## **6. Registrar to the Board**

(1) The President shall, on the recommendation of the Minister, appoint for the Board a Registrar who shall have appropriate qualifications.

(2) The Registrar shall be the chief executive of the Board and shall be responsible for the execution of the policy of the Board, and the day-to-day administration of the affairs of the Board subject to the general control of the Board.

(3) The Registrar shall hold office in the first instance for a period of four years and shall be eligible for re-appointment for one further term of four years and no more.

(4) Subject to this section, the Registrar shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment, and as may, from time to time, be approved by the President.

## **7. Other staff of the Board**

(1) The Board may, from time to time, appoint such other persons to assist the Registrar in the performance of his functions under this Act.

(2) Where the Board thinks it expedient that a staff vacancy in the Board should be filled by a person holding an office in the civil service of the Federation, the Board may appoint that person by way of transfer or secondment.

(3) The remuneration and tenure of office of the other staff of the Board shall be determined by the Board.

## **8. Application of Pensions Act**

(1) It is hereby declared that service in the Board shall be approved service for the purpose of the Pensions Act, and accordingly, employees of the Board shall, in respect of their service in the Board, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

[Cap. P4.]

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall preclude the appointment of a person to any office on terms which preclude the grant of a pension or gratuity or other retirement benefits in respect of that office.

(3) For the purpose of the application of the Pensions Act, any power exercisable thereunder by a Minister or authority of the Federal Government (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

## **9. Office and premises**

(1) For the purpose of providing offices and premises necessary for the performance of its functions under this Act, the Board may-

(a) subject to the Land Use Act, purchase or take on lease any land; and

[Cap. L5.]

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

(2) The Board may, subject to the Land Use Act, sell or lease any land, offices or premises held by it and no longer required for the performance of its functions under this Act.

## **10. Acquisition of land**

(1) Wherever there is any hindrance to the acquisition by the Board of any land required for any purpose of the Board under this Act (including any failure by the Board to reach an agreement as to the amount to be paid in respect of the acquisition), the Minister may, on the application of the Board and after such enquiry as he may think fit, declare that the land is required for the service of the Board.

(2) Where a declaration is made under subsection (1) of this section, the land to which the declaration relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Land Use Act and the President, may cause action to be taken under section 28 of the Land Use Act for acquiring the land for the Federal Government and the Governor of the State in which the land is situated may grant to the Board a certificate of occupancy on such terms and conditions as he may think fit in the circumstance.

[Cap. L5.]

(3) The compensation, if any, payable under the Land Use Act for the acquisition of any land under this section or for the revocation of any rights relating to the land shall, in the first instance, be paid by the Federal Government of Nigeria.

(4) The Board shall cause to be refunded to the Federal Government any compensation paid under subsection (3) of this section and all incidental expenses incurred by the Federal Government.

(5) The plan of any land referred to in subsection (1) of this section-s-

(a) containing measurements of the boundaries of the land;

(b) showing the relationship of the land to any sufficient identifying mark; and

(c) signed by the Registrar to the Board, shall be a sufficient description of the land for the purposes of an application under that subsection.

## **11. Staff regulations**

(1) The Board may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the staff of the Board and without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the appointment, promotion, termination, dismissal and disciplinary control of the staff of the Board; and

(b) appeals by such staff against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the staff of the Board.

(2) Staff regulations made under subsection (1) of this section, shall not have effect until approved by

the Minister and when so approved the same shall not be published in the *Gazette* but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

### PART III

#### *Financial provisions*

#### **12. Fund of the Board**

(1) The Board shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Board.

(2) There shall be paid into the fund established pursuant to subsection (1) of this section-

- (a) all fees and other money payable to the Board in pursuance of this Act;
- (b) such money as may be payable to the Board in the course of the discharge of its functions;
- (c) such money as may, from time to time, be lent or granted to the Board by the Government of the Federation or a State or local government.

(3) There shall be paid out of the fund of the Board-

- (a) the cost of administration of the Board;
- (b) reimbursement of members of the Board or of any committee set up by the Board for such expenses as may be expressly authorised by the Board in accordance with such rates as may be approved, from time to time, by the Minister;
- (c) the payment of salaries, fees or other remuneration or allowances, pensions, superannuation allowances and gratuities payable to the employees of the Board and fees to agents;
- (d) maintenance of any property acquired or vested in the Board; and
- (e) such other expenses incurred by the Board in the discharge of its functions under this Act.

#### **13. Power to accept gifts, etc.**

(1) The Board may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person making the gift.

(2) The Council shall not accept, any gift if the conditions attached by the person making the gift to the acceptance thereof are inconsistent with the functions of the Board under this Act.

#### **14. Power to borrow**

The Board may, with the consent of or in accordance with the authority of the Minister, borrow on such terms and conditions, such sums of money as the Board may require in the exercise of the functions conferred on it under this Act.

#### **15. Annual estimates, accounts and audit**

(1) The Board shall prepare and submit to the Minister not later than 30 September of each year or such other time as may be directed by the Minister, an estimate of its expenditure and income during the next succeeding year.

(2) The Board shall keep proper accounts and proper records in relation thereto and when certified by the Board such accounts shall be audited by an auditor to be appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

## PART IV

### *Establishment and functions of the Post-Examinations Investigation Committee, etc.*

#### **16. Establishment and functions of the Post-Examination Investigation Committee**

(1) There is hereby established a committee to be known as the Post-Examination Investigation Committee (in this Act referred to as "the Committee") which shall be charged with the duty of-

- (a) conducting a preliminary investigation into any case where it is alleged that a candidate at an examination had access to or used live question papers; and
- (b) recommending to the Board that the case should be referred to the Federal High Court, the High Court of the State or the High Court of the Federal Capital Territory, Abuja, whichever is applicable in each circumstance.

[1999 No. 62.]

(2) The Committee shall consist of a chairman who shall be a legal practitioner of not less than seven years' post qualification experience and two other members.

(3) The chairman and members of the Committee shall be appointed by the Board on the approval of the Minister.

#### **17. Offences and penalties**

(1) The Committee established under section 16 of this Act shall have power to investigate any person for any of the offences specified in this section.

(2) If a candidate for an examination-

- (a) is found before or during the conduct of an examination to have had fore-knowledge of live questions or the contents of live question papers (whether or not such fore knowledge is in respect of one or more live questions or live question papers); or
- (b) In any manner unauthorised, makes use of live questions or live question papers, is guilty of an offence and shall not be entitled to take, be allowed to take or continue the examination.

(3) In addition to the penalty imposed by subsection (2) of this section, the candidate shall be prohibited from taking any examination held or conducted by or on behalf of the Board for a period of not less than three years immediately following such contravention and if the candidate had before the commission of the offence taken any papers at the examination, his results shall be cancelled.

(4) Any person engaged in-

- (a) setting, moderating, revising, vetting, printing; or
- (b) the collection, storage, distribution or custody, of live question papers or instructions; or
- (c) making drafts or copies thereof; or
- (d) supervising, invigilating, attending at an examination,

who, before or during the period of the conduct of an examination, knowingly or recklessly and without lawful authority, discloses the contents of any live question paper or instructions, or of any draft thereof to any person (whether a candidate for that examination or not), is guilty of an offence and liable on conviction to a fine of #5,000 or to imprisonment for a term of five years or to both such fine and imprisonment.

(5) Any person (whether a candidate at an examination or not) who knowingly makes use of the contents of any live question paper or instructions or of any draft or copy thereof in any manner howsoever, and without lawful authority, is guilty of an offence and liable on conviction to a fine of ₦5, 000 or to imprisonment for a term of five years or to both such fine and imprisonment.

(6) Where an offence under subsection (4) or (5) of this section is committed by a child or young person within the meaning of the Children and Young Persons Law, then the provisions of any law relating to children and young persons in force in the State in which the offence is committed or tried shall apply in relation to the offence as they apply in relation to offences under that law.

(7) No criminal prosecution under this section of this Act shall be instituted without the consent, in writing, of the Attorney-General of the Federation.

(8) For the purposes of this section-

**"child"** means a person who has attained the age of fourteen years but is under the age of seventeen years.

(9) A person who, for the purpose of an examination conducted by the Board pursuant to this Act-

- (a) falsely represents himself to be some other person; or
- (b) utters any document which has been issued by the Board or by any other lawful authority to another person whereby that other person is certified by the Board to be a person having a qualification recognised by the Board for the purpose of an examination or to be entitled to a right or privilege and falsely represents himself to be the person named in the document or certificate, is guilty of an offence and liable on conviction to a fine of ₦5, 000 or to imprisonment for a term of five years or to both such fine and imprisonment.

## PART V

### *Miscellaneous and supplementary*

#### **18. Power to obtain information**

(1) For the purposes of carrying out the functions conferred on the Board under this Act, the Registrar or any other employee of the Board authorised in that behalf-

- (a) shall have a right of access to all relevant records of any institution to which this Act applies; and
- (b) may by notice in writing served on any person in charge of any such institution require that person to furnish or cause to be furnished information on such matters as may be specified in the notice.

(2) It shall be the duty of any person required to furnish information pursuant to sub-section (1) of this section to comply with the notice within a reasonable period of

#### **19. Annual reports**

(1) The Board shall, not later than 30 July in each year prepare and submit to the Minister a report of its activities during the immediately preceding year and shall include in such report a copy of the audited accounts of the Board and the auditors' report thereon.

(2) The Minister shall, as soon as may be after the receipt of the report, present the report to the President together with any comments thereon as may be made by him.

## PART VI

### *Transitional provisions, etc.*

#### **20. Transitional provisions**

(1) At the commencement of this Act, the power of the West African Examinations Council over the conduct of the examinations, tests or issuance of certificates referred to in section 3 (a) of this Act, shall by virtue of this Act and without further assurance, be vested in the Board.

(2) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the West African Examinations Council in respect of any right, interest, obligation or liability of the West African Examinations Council in relation to the examinations, tests or issuance of certificates referred to in section 3 of this AC4 may be continued or commenced, as the case may be, by or against the Board.

(3) The determination of a court of law, tribunal or other authority or person made in a proceeding or cause of action referred to in subsection (2) of this section, may be enforced by or against the Board, to the same extent that the proceeding, cause of action or determination could have been continued, commenced or enforced by or against the West African Examinations Council as if this Act had not been made.

#### **21. Power of the Minister to give directives**

The Minister may give to the Board directives of a general nature with respect to any of the functions of the Board and it shall be the duty of the Board to comply with such directives or cause them to be complied with.

#### **22. Regulations**

The Board may, with the approval of the Minister, make regulations generally for the carrying into effect of the provisions of this Act and without prejudice to the generality of the foregoing, regulations may provide for-

- (a) the persons or categories of persons who may enter for examinations conducted by the Board;
- (b) the conduct of candidates during such examinations; and
- (c) the obligations of institutions involved in presenting candidates for the examinations conducted by the Board.

#### **23. Interpretation**

In this Act, unless the context otherwise requires-

**"Board"** means the National Business and Technical Examinations Board established by section 1 of this Act;

**"chairman"** means the chairman of the Board;

**"member"** means any member of the Board and includes the chairman;

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

**"Registrar"** means the Registrar of the Board appointed pursuant to section 6 of this Act.

#### **24. Short title**

This Act may be cited as the National Business and Technical Examinations Board Act.

SCHEDULE  
[Section 2 (2).]

*Supplementary provisions relating to the Board  
Proceedings of the Board*

1. (1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

[Cap. 123.]

(2) The quorum of the Board shall be the chairman and seven other members and the quorum of any committee of the Board shall be determined by the Board.

2. (1) The Board shall meet not less than two times in each year and subject thereto, the Board shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than eight other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Board the chairman shall preside, but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

*Committees*

3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Board) as may be determined by the Board; and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.

(3) Subject to this Act, a decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

4. The validity of any proceedings of the Board or of a committee thereof shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of a committee, or by reason that a person not entitled to do so took part in the proceedings of the Board or a committee.

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

(2) At any time while the office of the chairman is vacant or the chairman is in the opinion of the Board temporarily or permanently unable to perform the functions of his office, a member of the Board duly appointed by the Board shall perform those functions and references in this Act to the chairman shall be construed accordingly.

(3) At any meeting of the Board, the chairman or in his absence, any member duly appointed by the Board, shall preside at the meeting.

*Miscellaneous*

6. (1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman, the Registrar or of some other member authorised generally or specially to act for that purpose by the Board.

(2) 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 Board by the Registrar or any person generally or specially authorised to act for that purpose by the Board.

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

**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

# NATIONAL COMMISSION FOR COLLEGES OF EDUCATION ACT

## ARRANGEMENT OF SECTIONS

### SECTION

1. Establishment of National Commission for Colleges of Education.
2. Governing Board of the Commission.
3. Tenure of office.
4. Removal from office of member of the Board.
5. Functions of the Commission.
6. Supplementary functions of the Commission.
7. Executive secretary to the Commission.
8. Staff of the Commission.
9. Application of Pensions Act.
10. National Commission for Colleges of Education Fund.
11. Maintenance of separate fund by the Commission.
12. Expenditure of the Commission.
13. Annual estimates and accounts.
14. Annual reports.
15. Power to obtain information.
16. Power of Minister to give directives to the Commission.
17. Interpretation.
18. Short title.

### SCHEDULE

*Supplementary provisions relating to the proceedings of the Board*

**An Act to establish the National Commission for Colleges of Education to, amongst other things, advise the Federal Government on all aspects of teacher education falling outside the universities, and polytechnics and other matters ancillary thereto.**

[1989 No. 3.]

[13th January, 1989]

[Commencement.]

#### **1. Establishment of National Commission for Colleges of Education**

There is hereby established, a body to be known as the National Commission for Colleges of Education (in this Act referred to as "the Commission"), which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

#### **2. Governing Board of the Commission**

(1) There shall be established for the Commission a governing Board which shall consist of a chairman, who shall be appointed by the President, and the following other members, that is-

- (a) one person to represent the Ministry responsible for Education;
- (b) one person to represent the Ministry responsible for Finance;
- (c) one person to represent the Nigerian Union of Teachers;
- (d) two persons to represent the universities, one of whom shall represent the universities of technology;
- (e) three persons to represent the colleges of education, one of whom shall represent technical teacher education;
- (f) one person to represent Ministries of Education of the States of the Federation;

- (g) one person to represent the Nigerian Academy for Education;
- (h) one person knowledgeable in teacher education, to represent the Ministry responsible for Women Affairs;
- (i) three persons to be appointed on individual merit, on a nationwide basis, who should have wide experience of service in the public or private sector; and
- (j) the executive secretary who shall be an *ex-officio* member of the Board, but shall not have the right to vote at the meetings of the Board.

[1993 No. 12.)

(2) Members of the Board, other than those appointed under paragraphs (a) and (b) of subsection (1) of this section, shall be appointed by the President.

[1993 No. 12.)

### 3. Tenure of office

(1) Subject to the provisions of this Act, the chairman and other members who are not public officers, shall serve for a period of three years from the date of their appointments and shall be eligible for re-appointment for another term of three years.

(2) Any member, not being a public officer, may resign his appointment by a notice in writing under his hand, addressed to the Minister.

(3) Public officers shall be members of the Board at the pleasure of the Minister, of the Ministry they represent.

(4) Members of the Board, not being public officers, shall be paid such remuneration and allowances as the Federal Government may, from time to time, determine.

### 4. Removal from office of member of the Board

(1) The Minister may at any time remove any member of the Board from office, if the Minister is of the opinion that it is not the best interest of the Commission for the member to continue in office and shall inform the member in writing to that effect through the chairman.

(2) Where the Board is satisfied that the continued presence on the Board of a member is not in the national interest or the interest of the Commission, the Board may recommend to the Minister that the member concerned be removed from his office.

### 5. Functions of the Commission

The functions of the Commission shall be to-

- (a) advise the Federal Government through the Minister and co-ordinate all aspects of teacher education programmes below degree level;

[1993 No. 12.]

- (b) make recommendations on the national policy necessary for the full development of teacher education and the training of teachers;
- (c) lay down minimum standards for all programmes of teacher education and accredit their certificates and other academic awards after obtaining there for prior approval of the Minister;
- (d) approve guidelines setting out criteria for accreditation of all colleges of education in Nigeria;
- (e) determine, after consultation with the National Manpower Board and other bodies it considers appropriate, the qualified teachers' needs of the country, for the purpose of planning training facilities and in particular, prepare periodic master plans for the balanced and coordinated development of Colleges of Education and such plans shall include-

(i) the general programmes to be pursued by colleges of education, in order to maximize the use of available facilities and avoid unnecessary duplication, while ensuring that they are adequate to the manpower needs of the country;

(ii) recommendation to the Minister for the establishment and location of new Colleges of Education, as and when considered necessary;

(iii) recommendation to the Minister for upgrading of any college of education to or derecognition of any college of education, as a degree awarding institution;

- (f) inquire into and advise the Federal Government on the financial needs, both recurrent and capital, of colleges of education to enable them to meet the objective of producing the trained qualified teachers of the country;
- (g) receive block grants from the Federal Government, and allocate them to colleges of education in accordance with such formula as may be laid down, from time to time, by the President;
- (h) act as the agency for channelling all external aids to colleges of education in Nigeria;
- (i) advise on, and take steps to harmonise entry requirements and duration of courses at the colleges of education;
- (j) lay down standards to be attained and continually review such standards;
- (k) review methods of assessment of students and trainees and develop a scheme of national certification for the various products of colleges of education;

[1993 No. 12.]

- (l) undertake periodic review of the terms and conditions of service of personnel in colleges of education and make recommendations thereon, through the Minister, to the Federal Government;
- (m) collate, analyse and publish any published information relating to teacher education in Nigeria;
- (n) recommend to the Visitor of a college that a visitation be made to the college as and when it considers it necessary;
- (o) consider any matter pertaining to teacher education as may be referred to it, from time to time, by the Minister; and
- (p) carry out such other activities as are conducive to the discharge of its functions under this Act.

## **6. Supplementary functions of the Commission**

In its role of advising on all aspects of teacher education, the Commission shall make recommendation as to how best to-

- (a) stimulate and encourage pre-vocational technical, agricultural, business and home economics education and such other additional subjects considered necessary by the authority, as the case may be, in the primary schools and in junior and senior secondary schools, not only as a basis for creating early technological awareness, but also to provide suitable orientation for further education and training in technology and direct practical skills for earning a living;
- (b) advise on and take measures to improve the immediate and long-term prospects of technical and business education teachers with respect to status and remuneration;
- (c) expand the facilities for the training of technical and business education teachers and ensure that these teachers are exposed, both during and after training, to practical experience;
- (d) involve experts both in government and industry, in the design of courses relevant for technical and prevocational courses; and

(e) provide encouragement for women to enter a wide range of pre-vocational courses in technical teacher education.

## **7. Executive secretary to the Commission**

(1) There shall be appointed by the President, on the recommendation of the Minister, an executive secretary to the Commission, who shall have appropriate qualification and experience in teacher education.

(2) The executive secretary shall be the chief executive of the Commission and shall be responsible for the execution of the policy of the Commission and the day-to-day running of the affairs of the Commission.

(3) The executive secretary shall hold office in the first instance for a period of four years and shall be eligible for re-appointment for one further term of four years or such terms as the President may, from time to time, determine.

(4) Subject to this section, the executive secretary shall hold office on such terms as to emolument and otherwise, as may be specified in the letter of appointment, as approved by the President.

## **8. Staff of the Commission**

(1) The Commission may appoint other employees of the Commission to assist the executive secretary in the exercise of his functions under this Act.

(2) The remuneration and tenure of office of the other employees of the Commission shall be determined by the Commission after consultation with the Minister.

(3) Notwithstanding the provisions of subsection (1) of this section, employees of the Commission may be appointed by the Commission by way of transfer or secondment from any of the public services in the Federation.

## **9. Application of Pensions Act**

(1) It is hereby declared that services in the Commission shall be pensionable under the Pensions Act and, accordingly, employees of the Commission shall, in respect of their services in the Commission, be entitled to pensions, gratuities and other retirement benefits, as are prescribed thereunder.

[Cap. P4.)

(2) Notwithstanding the provisions of subsection (1) of this section, 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.

(3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by the Minister or authority of the Federal Government (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

[Cap. P4.)

(4) Subject to subsection (2) of this section, the Pensions Act shall in its application by virtue of the subsection (3) of this section to any office, have effect as if the office were in the civil service of the Federation, within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.)

## **10. National Commission for Colleges of Education Fund**

(1) There shall be established by the Commission a fund to be known as the National Commission for Colleges of Education Fund (in this section referred to as "the fund").

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section-

- (a) such sums as may be made available to the Commission for allocation to colleges of education in pursuance of paragraph (g) of section 5 of this Act; and
- (b) such other sums as may, from time to time, be credited to the fund by way of payment of the principal and interest on and other charges in respect of any loan made out of the fund and also any interest from investments made from the fund.

(3) The fund shall be managed in accordance with guidelines given by the Minister of Finance and without prejudice to the generality of the power to give guidelines under this subsection, the guidelines shall in particular contain provisions-

- (a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payment into and out of the fund;
- (b) requiring the keeping of the proper accounts and records, for purposes of the fund, in such form as may be specified in the guidelines;
- (c) requiring copies of the accounts to be audited periodically by the Auditor General for the Federation; and
- (d) requiring copies of the accounts and of the auditor's report on them to be furnished to the President, through the Minister.

### **11. Maintenance of separate fund by the Commission**

(1) The Commission shall establish and maintain a separate fund from which shall be defrayed all expenditure incurred by the Commission, other than such expenditure as may be incurred pursuant to section 10 of this Act.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section, such payments as may be made to the Commission by the Federal Ministry of Education for the running expense of the Commission and all other payments or monies, from time to time accruing to the Commission, otherwise than pursuant to section 10 of this Act.

### **12. Expenditure of the Commission**

The Commission may, from time to time, apply the proceeds of the fund established in pursuance of section 11 (1) of this Act-

- (a) to the cost of administration of the Commission;
- (b) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation, allowances and gratuities payable to members or employees of the Commission, so however that no payment of any kind under this paragraph shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;
- (c) for the maintenance of any property vested in the Commission; and
- (d) for and in connection with any of its functions under this Act.

### **13. Annual estimates and accounts**

(1) The Board shall submit to the Minister, not later than 30 September in each year, an estimate of its expenditure and income during the next succeeding year.

(2) The Board shall keep proper accounts in respect of each year (and proper records in relation thereto) and shall cause the account to be audited by an auditor appointed from the list, in accordance with the guidelines supplied by the Auditor General for the Federation.

### **14. Annual reports**

The Board shall prepare and submit to the President through the Minister, not later than 30 June in each year, a report in such form as he may direct on the activities of the Commission, on or during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor-General's report thereon.

### **15. Power to obtain information**

(1) For the purposes of carrying out the functions conferred on the Commission under this Act, the executive secretary or any other officer authorised in that behalf-

- (a) shall have a right of access to all the records of any institution to which this Act applies; and
- (b) may by notice in writing served on any person in charge of any such institution, require that person to furnish information on such matters as may be specified in that notice

(2) It shall be the duty of any person required to furnish information pursuant to subsection (1) of this section, to comply with the notice within a reasonable period of time.

(3) In this section, the reference to an institution which this Act applies, is a reference to any college of education or institution for the production of teachers.

### **16. Power of Minister to give directives to the Commission**

Subject to the provisions of this Act, the Minister may give to the Commission directives of a general character or relating generally to matter of policy with regards to the exercise by the Commission of its functions and it shall be the duty of the Commission to comply with such directives.

### **17. Interpretation**

In this Act, unless the context otherwise requires-

"**chairman**" means the chairman of the Commission;

"**Commission**" means the National Commission for Colleges of Education established by section 1 of this Act;

"**executive secretary**" means the person appointed as the executive secretary to the Commission, in pursuance of section 7 (1) of this Act;

**"member"** means a member of the Commission and includes the chairman;

**"Minister"** means the Minister charged with responsibility for education.

## **18. Short title**

This Act may be cited as the National Commission for Colleges of Education Act.

### SCHEDULE

[Section 2 (3).]

#### *Supplementary provisions relating to the proceedings of the Board*

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

(Cap. 123.)

2. Every meeting of the Board shall be presided over by the chairman or if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their numbers to preside at the meeting.

3. The quorum at a meeting of the Board shall consist the chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and eight other members.

4. Where upon any special occasion, the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt that person to be member for as many meetings as may be necessary, and that person, while coopted, shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

5. (1) Subject to its standing orders, the Board may appoint such number of standing and *ad hoc* committees as it thinks fit, to consider and report on any matter with which the Board is concerned.

(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

6. The decision of a committee shall be of no effect until confirmed by the Board.

7. The fixing of the seal of the Commission shall be authenticated by the signature of the chairman or of the executive secretary of the Commission.

8. Any contract or instrument which, if made 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 Commission by the executive secretary or by any other person generally or specifically authorized to act for that purpose by the Commission.

9. Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been so signed or sealed.

10. The validity of any proceedings of the Board or a committee thereof shall not be adversely affected-

(a) by any vacancy in the membership of the Board or committee; or

(b) by any defect in the appointment of a member of the Board or committee; or

(c) by reason that a person not entitled to do so took part in the proceedings.

11. Any member of the Board or a committee thereof, who has a personal interest in any contract or arrangement entered into or proposal to be considered by the Board or committee, shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

### **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

**NATIONAL COMMISSION FOR MASS LITERACY, ADULT  
AND NON-FORMAL EDUCATION ACT**

ARRANGEMENT OF SECTIONS

PART I

*Establishment, etc., of the National Commission for Mass Literacy, Adult and  
Non-Formal Education, etc.*

SECTION

1. Establishment of the National Commission for Mass Literacy, Adult and Non-Formal Education.
2. Establishment of the Governing Board of the Commission.

PART II

*Functions of the Commission*

3. Functions of the Commission.
4. Powers of the Commission.
5. Power to accept gifts.
6. Directives by the Minister to the Commission.

PART III

*Staff of the Commission*

7. Appointment of the executive secretary.
8. Appointment of other staff of the Commission.
9. Pensions.

PART IV

*Financial provisions*

10. Fund of the Institute.
11. Annual estimate and accounts.

PART V

*Establishment of the National Centre for Mass Literacy, Adult and  
Non-Formal Education, etc.*

12. Establishment of the National Centre for Mass Literacy, Adult and Non-Formal Education.
13. Objectives of the Centre.
14. Governing Board of the Centre.
15. Fund of the Centre.
16. Secretary and other employees of the Centre.
17. Meaning of certain words used in this Part.

PART VI

*Miscellaneous*

SECTION

18. Annual report.
19. Power to obtain information.

20. Regulations.
21. Interpretation.
22. Short title.

## SCHEDULE

### *Supplementary provisions relating to the Board*

#### **An Act to establish the National Commission for Mass Literacy, Adult and Non-Formal Education and to provide for matters connected therewith.**

[1990 No. 17.]

[25th June, 1990]

[Commencement. J

#### PART I

#### *Establishment, etc., of the National Commission for Mass Literacy, Adult and Non-Formal Education, etc.*

##### **1. Establishment of the National Commission for Mass Literacy, Adult and Non-Formal Education**

(1) There is hereby established a body to be known as the National Commission for Mass Literacy, Adult and Non-Formal Education (in this Act referred to as "the Commission").

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

##### **2. Establishment of the Governing Board of the Commission**

(1) There is hereby established for the Commission a Governing Board which shall provide the general policy guidelines for the day-to-day administration of the Commission and shall comprise-

- (a) a part-time chairman, who shall have appropriate qualifications;
- (b) one person to represent each of the following Federal Ministries and bodies, that is-
  - (i) Education;
  - (ii) Health;
  - (iii) Information and National Orientation;
  - (iv) Sports and Social Development;
  - (v) Agriculture and Rural Development;
  - (vi) the National Teachers Institute;
  - (vii) the Industrial Training Fund;
  - (viii) the National Primary Education Commission;
  - (ix) the National Commission for Nomadic Education;
  - (x) the Directorate of Food, Roads and Rural Infrastructure;
  - (xi) the National Orientation Agency;
- (c) one person to represent the Adult Education Department of each of three universities or colleges of education in rotation;
- (d) five representatives of State Governments in rotation for two years at a time;
- (e) five other persons who, in the opinion of the President, shall contribute significantly to the work of the Commission; and
- (f) the executive secretary of the Commission.

(2) The chairman and other members of the Board shall be appointed by the President, on the recommendation of the Minister.

(3) The provisions contained in the Schedule to this Act shall have effect with respect to the tenure of office of members, proceedings of the Board and the other matters mentioned therein.

[Schedule.]

PART II

*Functions of the Commission*

**3. Functions of the Commission**

(1) The Commission shall-

- (a) work in co-operation with all concerned to eradicate illiteracy in Nigeria;
- (b) design and promote strategies and programmes for the conduct and implementation of a National Mass Literacy Campaign in consultation with appropriate agencies of the Federal and State Governments, the universities and non governmental agencies;
- (c) monitor and co-ordinate activities relating to the National Mass Literacy Campaign in order to ensure the rapid and successful eradication of illiteracy in Nigeria;
- (d) monitor and co-ordinate the implementation of all activities for the eradication of illiteracy in Africa and ensure the collection and dissemination of information on the implementation;
- (e) organise in-service professional training courses for senior staff and operate training seminars for various levels of staff from government and non governmental organisations;
- (f) develop and disseminate teaching materials in distant education programmes aimed at primary school leavers as well as mass literacy, adult and non-formal education personnel;
- (g) request and receive from all Ministries of Education, in the States of the Federation and other mass literacy adult education organisations throughout Nigeria, annual reports and data on their adult education programmes;
- (h) conduct research in various fields such as curriculum development, learning and teaching methodologies, appropriate educational technologies motivation of learners and instructions and needs assessments;
- (i) organise annual conference of heads of adult education departments in State Ministries, agencies and institutions of higher learning;
- (j) organise writers' workshops in order to develop and promote teaching and learning materials in various languages, especially for primers, for graded readers, including follow-up reading materials, posters, demonstration kits, package courses, audio-visual materials and flash cards;
- (k) run national and international training workshops and seminars, and also act as a coordinator and clearing house for national training for mass literacy, adult and non-formal education;
- (l) organise conferences, workshops, symposia, lectures and seminars on topical issues related to mass literacy, adult and non-formal education on a regular basis;
- (m) serve as a general means of exchange of personnel information experience and materials on mass literacy, adult and non-formal education;
- (n) prescribe the manner and methods for integrating mass literacy, adult and non formal system of education and for this purpose grant such necessary accreditation to courses of studies;
- (o) lay down equivalent standards and negotiate with relevant institutions the acceptance of the standard accreditation and integration;
- (p) commission special research programmes and pilot projects in mass literacy, adult and non-formal education in Nigeria;
- (q) receive regular progress reports on the general situation on mass literacy, adult and non-formal education in Nigeria in relation to each national development plan;
- (r) allocate fund from the Federal Government to relevant institutions on all recognised mass literacy, adult and non-formal education programmes;

(s) liaise with the institutions of higher learning in Nigeria and with international organisations on matters concerning literacy, adult and non-formal education;

(t) motivate and mobilise people to participate in mass literacy, adult and non formal education programmes through the mass media, especially the mobile cinema;

(u) liaise with agencies concerned with nomadic education in order to accelerate the development of mass literacy, adult and non-formal education; and

(v) carry out such other activities as are conducive to the discharge of its functions under this Act.

(2) The Commission may, from time to time, collate materials and information on mass literacy, adult and non-formal education in Nigeria, for the use of-

(a) the Commission;

(b) the Federal Ministry of Education; and

(c) the United Nations Educational, Scientific and Cultural Organisation, through the Federal Ministry of Education.

(3) The Commission may delegate any of the functions of the Commission specified in subsection (1) of this section to any of the Centres established pursuant to section 12 of this Act.

#### **4. Powers of the Commission**

The Commission shall have power-

(a) subject to the Land Use Act, to acquire, purchase, hold and dispose of immovable property; and

[Cap. L5.]

(b) to acquire, purchase, hold and dispose of any movable property.

#### **5. Power to accept gifts**

(1) The Commission may accept any gift, grant or donation from any person upon such terms and conditions, if any, as may be specified by the person making the gift, grant or donation.

(2) The Commission shall not accept any gift, grant or donation under subsection (1) of this section if the conditions attached thereto are inconsistent with the functions of the Commission under this Act.

#### **6. Directives by the Minister to the Commission**

Subject to this Act, the Minister may give to the Commission directives of a general nature or specific directives relating generally to a particular matter with regard to the carrying out of the functions of the Commission under this Act and it shall be the duty of the Commission to comply with such directives.

### **PART III**

#### *Staff of the Commission*

#### **7. Appointment of executive secretary**

(1) There shall be appointed by the President, an executive secretary for the Commission.

(2) The executive secretary shall be the chief executive of the Commission and shall be responsible for the execution of the policy of the Commission and the day-to-day running of the affairs of the Commission.

(3) The executive secretary shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further terms of five years as the President may, from time to time, determine.

(4) Subject to the provisions of this section, the executive secretary shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment.

#### **8. Appointment of other staff of the Commission**

(1) The Commission may appoint heads of departments who shall be professional mass literacy and adult educators, and such other persons to be officers and employees of the Commission to assist the executive secretary in the exercise of his functions and the functions of the Commission under this Act.

(2) The remuneration and tenure of office of the heads of departments and the other officers and employees of the Commission shall be determined by the Board after consultation with the Federal Civil Service Commission.

(3) Notwithstanding the provisions of subsection (1) of this section, the heads of departments or any of the other officers and employees of the Commission may be appointed by the Commission by way of transfer or secondment from any of the public service in the Federation.

## 9. Pensions

(1) Service in the Commission shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the Commission shall be entitled 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, gratuity or other retirement benefit in respect of that office.

[1979 No. 102. Cap. P4.]

(2) For the purposes of the application of the provisions of the Pensions Act any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

## PART IV

### *Financial provisions*

## 10. Fund of the Commission

(1) The Board shall establish and maintain a fund which shall consist of-

- (a) all moneys received from the Federal Government;
- (b) subscriptions, fees and proceeds from sale of materials, publications and property;
- (c) subject to section 5 (2) of this Act, grants, gifts and donations made to the Commission; and
- (d) such other sum as may accrue, from time to time, to the Commission.

(2) The Board shall, from time to time, apply the proceeds of the fund established pursuant to subsection (1) of this section-

- (a) to the cost of administration of the Commission;
- (b) to the payment of the salaries, fees or other remuneration or allowances, pensions, and gratuities payable to the officers and employees of the Commission, so however that no payment of any kind under this paragraph (except such as may be expressly authorised) shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;
- (c) for reimbursing members of the Commission or of any committee set up by the Commission for such expenses as may be expressly authorised by the Board in accordance with the rates approved by the President;
- (d) for the maintenance of any property vested in the Commission; and
- (e) for and in connection with all or any of the functions of the Commission under this Act.

## 11. Annual estimates and accounts

(1) The Commission shall, not later than 31 October in each year, submit to the Minister an estimate of its expenditure and income (including payments into the fund of the Commission) during the next succeeding year.

(2) The Commission shall keep proper accounts in respect of each year (and proper records in relation thereto) and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

## PART V

### *Establishment of the National Centre for Mass Literacy, Adult and Non-Formal Education, etc.*

## 12. Establishment of the National Centre for Mass Literacy, Adult and Non-Formal Education

There shall, in addition to the centre already in existence in Kano, be established, from time to time, on the basis of proven need, centres each to be known as National Centre for Mass Literacy, Adult and Non-Formal Education (in this Act referred to as "the Centre") which shall be part of the Commission and be subject to its control.

### **13. Objectives of the Centre**

The objectives of each Centre shall, subject to section 3 of this Act, be to-

- (a) serve as National Mass Literacy, Adult and Non-Formal Education Library and Documentation Centre;
- (b) carry out, in collaboration with other agencies, public enlightenment campaigns for effective motivation and delivery of mass literacy, adult and non formal education programmes within the Centre;
- (c) monitor and co-ordinate the National Mass Literacy Campaign in collaboration with other agencies, for effective mass literacy, adult and non-formal education within the Centre;
- (d) serve as a national resource centre for mass literacy, adult and non-formal education and, in particular, provide prototype teaching and learning materials, both written and audio, for State and non-governmental agencies;
- (e) provide in-service training to senior staff of mass literacy, adult and non formal education agencies, both government and non-governmental;
- (f) organise distant teaching programme of general and civic education, skills improvement of graduates literacy programme and primary school leavers;
- (g) offer technical advice on-
  - (i) the planning, implementation and evaluation of mass literacy, adult and non-formal education or projects;
  - (ii) the training of workers at local levels; and
  - (iii) the development of curriculum and training for such workers;
- (h) carry out research in the fields of mass literacy, adult and non-formal education;
- (i) organise conferences, workshops, symposia, lectures and seminars on issues of mass literacy, adult and non-formal education; and
- (j) perform such other functions as may be delegated to it, from time to time, by the Commission under

#### **section 3 (3) of this Act.**

### **14. Governing Board of the Centre**

(1) There shall be for the Centre a governing board (in this Act referred to as "the Board") which shall-

- (a) provide the general policy guidelines for the administration of the Centre;
- (b) approve the short- and long-term plan of activities of the Centre; and
- (c) perform such other duties as may be assigned to it, from time to time, by the Commission.

(2) The Board shall comprise-

- (a) a part-time chairman to be appointed by the Minister;
- (b) one person to represent the Federal Ministry of Education;
- (c) one person to represent the Commission;
- (d) one person to represent the Nigerian Educational Research and Development Council;
- (e) one person to represent the Directorate of Food, Roads and Rural Infrastructure;
- (f) one person to represent the National Orientation Agency;
- (h) one person to represent universities which have Departments of Adult Education, in rotation for two years a time;
- (i) one person to represent colleges of education which have Departments of Adult Education, in rotation for two years at a time;
- (j) five persons, to represent the States in rotation for two years to be nominated by the Governors of the States concerned;
- (k) two other persons to be appointed by the Minister on their individual merit; and
- (l) the secretary of the Centre.

(3) The chairman and other members of the Board, except the member appointed under subsection (2) (c) of this section, shall not be drawn from the Governing Board of the Commission and shall hold office on such terms and conditions, as may be determined by the Minister.

(4) The Board shall, subject to any direction by the Commission, regulate its own proceedings.

#### **15. Fund of the Centre**

(1) Each Centre shall be funded by monies received from the Commission and such other sums as may accrue to the Centre from any other source.

(2) The Board shall establish a fund into which shall be paid all monies received pursuant to subsection (1) of this section.

(3) There shall be paid from the fund established pursuant to subsection (2) of this section all the expenses incurred by the Centre.

#### **16. Secretary and other employees of the Centre**

(1) There shall be, for each Centre, a secretary who shall be appointed by the Minister, and such other employees, as may be required, to be appointed by the Centre, for carrying out the functions of the Centre under this Part of this Act.

(2) The secretary and other employees of the Centre shall hold office on such terms and conditions as may be set out in their letters of appointment.

#### **17. Meaning of certain words used in this Part**

In this Part of this Act, unless the context otherwise provides

"**Board**" means the Governing Board of each Centre;

"**chairman**" means the chairman of the Board of each Centre;

"**member**" means a member of the Board of each Centre and includes the chairman.

### PART VI

#### *Miscellaneous*

#### **18. Annual report**

The Commission shall prepare and submit to the President through the Minister, not later than 30 June in each year, a report, in such form as he may direct, on the activities of the Commission during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor-General's report thereon.

#### **19. Power to obtain information**

(1) For the purpose of carrying out the functions conferred on the Commission under this Act, the executive secretary or any other officer of the Commission authorised in that behalf-

(a) shall have a right of access to all the records of any institution or authority to which this Act applies for the specific purpose of discharging his duties under this Act;

(b) may, by notice in writing served on any person in charge of any institution or authority responsible for mass literacy, adult and non-formal education, require that person to furnish information on such matters as may be specified in the notice.

(2) It shall be the duty of any person required to furnish information pursuant to subsection (1) of this section to comply with the notice within a reasonable period of time.

#### **20. Regulations**

The Board of the Commission may, with the approval of the Minister, make regulations for the purposes of this Act.

#### **21. Interpretation**

In this Act, unless the context otherwise requires "**Board**" means the Governing Board of the Commission established by section 2 (1) of this Act;

**section 2 (1) of this Act;**

"Centre" means a National Centre for Mass Literacy, Adult and Non-Formal Education established pursuant to section 12 of this Act; "Commission" means the National Commission for Mass Literacy, Adult and Non-Formal Education established by section I of this Act; "functions" include duties and powers; and "Minister" means the Minister charged with responsibility for matters relating to education.

**22. Short title**

This Act may be cited as the National Commission for Mass Literacy, Adult and Non-Formal Education Act.

SCHEDULE

[Section 2 (3).]

*Supplementary provisions relating to the Board*

*Tenure of office of members*

1.(1) A member of the Board, other than an *ex-officio* member, shall, subject to the following provisions of this paragraph, hold office for a period of four years beginning with the date of his appointment as a member and shall be eligible for re-appointment for one further period of four years.

(2) Any member of the Board, other than an *ex-officio* member, may by notice to the Board, resign his office.

*Proceedings of the Board*

2. (1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

[Cap. 123.]

(2) The quorum of the Board shall be eight and the quorum of any committee of the Board shall be as determined by the Board.

3 (1) The Board shall meet not less than four times in each year and, subject thereto, the Board shall meet whenever it is summoned by the chairman, and if the chairman is required to do so by notice given to him by not less than three other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman shall preside; but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, The Board may co-opt him as a member for such period as it thinks fit; provided that a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Minister.

*Committee*

4 (1) The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Board) as may be determined by the Board; and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

*Miscellaneous*

5. (1) The fixing of the seal of the Commission shall be authenticated by the signature of the chairman and of any other member authorised generally or specially by the Board to act for that purpose.

(2) Any contract or instrument which, if made 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 Commission by the executive secretary or any person authorised generally or specially by the Board to act for that purpose.

6. Members of the Board who are not public officers shall be paid out of monies at the disposal of the Commission such remuneration, fee or allowances in accordance with such scales as may be approved, from time to time, by the Minister.
7. The validity of any proceedings of the Board or of a committee thereof shall not be adversely affected by a vacancy in the membership of the Board or of a committee or by any defect in the appointment of any member of the Board or committee or by reason that a person not entitled to do so took part in the proceedings.
8. A member of the Board or of a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or the committee shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

#### **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

**NATIONAL COMMISSION FOR NOMADIC EDUCATION ACT**  
**ARRANGEMENT OF SECTIONS**

**PART I**

*Establishment of the National Commission for Nomadic Education, etc.*

**SECTION**

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2. Governing Board of the Commission.

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SCHEDULE

*Supplementary provisions relating to the Board*

**An Act to establish the National Commission for Nomadic Education which will, amongst other things, establish, manage and maintain primary schools for nomadic children.**

[1989 No. 41.]

[12th December, 1989]

[Commencement.]

PART I

*Establishment of the National Commission for Nomadic Education, etc.*

**1. Establishment of the National Commission for Nomadic Education**

(1) There is hereby established a body to be known as the National Commission for Nomadic Education (in this Act referred to as "the Commission") which shall have the functions assigned to it by this Act.

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

**2. Governing Board of the Commission**

(1) There is hereby established for the Commission, a Governing Board (in this Act referred to as "the Board"), which shall administer and direct the affairs of the Commission.

(2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the Board to exercise general control and superintendence over the policy, finances and property of the Commission, including its public relations.

(3) The Board shall consist of a chairman and a person each to represent each of the following Ministries and bodies, that is-

- (a) Education;
- (b) Information and National Orientation;
- (c) Internal Affairs;
- (d) Agriculture and Rural Development;
- (e) Culture and Tourism;

- (f) the Armed Forces of the Federation;
- (g) one person each to represent the States of the Federation having nomadic influence or to represent such other States as the Minister may consider necessary for the effective implementation of this Act;
- (h) five persons to represent other diverse interests, to be appointed on individual merit; and
- (i) the executive secretary of the Commission.

(4) The chairman and members of the Board who are not representing Ministries and other statutory bodies, shall be appointed by the President, on the recommendation of the Minister.

(5) A member of the Board, other than an *ex-officio* member, shall hold office for a term of four years, renewable for another term of four years only.

(6) The Minister may, with the approval of the President, and in writing, remove any member of the Board if he is satisfied that it is not in the interest of the Commission that the person concerned should continue in office.

(7) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

[Schedule.]

## PART II

### *Objectives and functions of the Commission, etc.*

### **3. Objectives of the Commission**

The objectives of the Commission are to-

- (a) formulate policy and issue guidelines in all matters relating to nomadic education in Nigeria;
- (b) provide funds for-
  - (i) the research and personnel development for the improvement of nomadic education in Nigeria;
  - (ii) the development of programmes on nomadic education;
  - (iii) equipment, other instructional materials (including teaching aids and amenities), construction of classrooms and other facilities relating to nomadic education;
- (c) arrange effective monitoring and evaluation of the activities of agencies concerned with nomadic education;
- (d) establish, manage and maintain primary schools for nomadic children.

### **4. Functions of the Commission**

In addition to the objectives set out in section 3 of this Act, the Commission shall-

- (a) implement guidelines and ensure geographical spread of nomadic education activities and targets for the nomadic people who cross State boundaries;
- (b) liaise with the Livestock Department of the Ministry of Agriculture and with the State Governments to form an effective inter-Ministerial Committee that will carve out reserves, settlements, grazing areas and dams for the nomadic people;

- (c) establish schools in the settlements carved out for nomadic people;
- (d) co-operate with other participating Ministries and agencies, including-
  - (i) the Ministry of Health;
  - (ii) the Ministry of Agriculture and Rural Development;
  - (iii) the Ministry of Water Resources;
  - (iv) the Ministry of Information and National Orientation;
  - (v) the Ministry of Culture and Tourism;
  - (vi) the Ministry of Internal Affairs;
- (e) ensure effective inspection of nomadic education activities in Nigeria, through the sections in Federal and State Ministries of Education, performing duties relating to nomadic education;
- (f) collate, analyse and publish information relating to nomadic education in Nigeria and obtain from the States and from other sources, such information as is relevant to the discharge of its functions under this Act;
- (g) determine standards of skills to be attained in nomadic schools established by the Commission, and review such standards from time to time;
- (h) prepare reliable statistics of nomads and their children of school age;
- (i) act as the agency for channelling all external aid to nomadic schools in Nigeria;
- (j) subject to the provisions of sections 11 and 12 of Part V of this Act, receive block grants and funds from the Federal Government or any agency authorised in that behalf, the National Primary Education Commission and allocate them to all nomadic schools in accordance with such formulas as may be laid down by the President;
- (k) ensure effective and equitable management of funds accruing to the Commission under this Act;
- (l) disburse funds for all authorised expenditure, including-
  - (i) payment of emoluments and overheads;
  - (ii) procurement of equipment and all other materials required by the Commission;
  - (iii) contribution towards provisions of settled or mobile classrooms and instructional materials;
  - (iv) contribution towards the acquisition of sites for the establishment of schools and supporting grazing reserves;
  - (v) all other payment relating to the performance of its functions under this Act; and
  - (m) undertake any other action desirable for the promotion of its responsibilities for nomadic education, including soliciting for funds and other support activities, organising activities to promote peaceful co-existence between the nomadic people and settled farmers and formation of interdisciplinary and sectoral committees with Ministries, agencies and communities.

## **5. Powers of the Commission**

The Commission shall, subject to any direction of the Minister, have power to do anything which in its opinion, is calculated to facilitate the carrying on of its objectives and functions under this Act.

## **6. Power of Minister to give directives to the Commission**

Subject to the provisions of this Act, the minister may give to the Commission, directives of a general character or relating generally to matters of policy, with regard to the exercise by the Commission of its

functions under this Act and it shall be the duty of the Commission to comply with such directives.

### PART III

#### *Staff of the Commission*

##### **7. Executive secretary of the Commission**

(1) There shall be appointed by the President on the recommendation of the minister, an executive secretary for the Commission, who shall have appropriate qualification and experience in education and teaching.

(2) The executive secretary shall be the chief executive of the Commission and shall be responsible for the execution of the policies of the Commission and the day-to-day running of the affairs of the Commission.

(3) The executive secretary shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further terms of five years as the President may, from time to time, determine.

##### **8. Other staff of the Commission**

(1) The Commission may appoint such other employees of the Commission as it may require, to assist the executive secretary, in the exercise of the functions of the Commission under this Act.

(2) The remuneration and tenure of office of the other employees of the Commission shall be determined by the Commission after consultation with the Minister.

(3) Notwithstanding the provisions of subsection (1) of this section, employees of the Commission may be appointed by the Commission by way of transfer or secondment from any of the public services in the Federation.

##### **9. Pensions**

(1) Service in the Commission shall be pensionable under the Pensions Act, and accordingly, employees of the Commission shall, in respect of their services in the Commission, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

P4.]

(2) Notwithstanding the provisions of subsection (1) of this section, 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.

(3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by the Minister or authority of the Federal Government (not being the power to make regulations under section 23 thereof), is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

(4) Subject to subsection (2) of this section, the Pensions Act shall in its application by virtue of the provisions of subsection (1) of this section to any office, have effect as if the office were in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria, as amended.

## PART IV

### *Nomadic Education Centres*

#### **10. Establishment of Nomadic Education Centres**

(1) The Commission shall establish four Nomadic Education Centres, that is-

- (a) one at the University of Jos;
- (b) one at the Usmanu Danfodio University, Sokoto;
- (c) one at the University of Maiduguri; and
- (d) one at such other place as the President may determine.

(2) Every Nomadic Education Centre (in this Act referred to as "the Centre"), shall be responsible to the Commission.

(3) The Centre at the University of Jos, shall conduct research into nomadic lifestyles, including their occupations, the role of women, economic activities, migratory patterns and their demographic distributions, relationship with sedentary community populations and attitudes to education, experimental education methodologies and evaluate programmes relating to nomads.

(4) The Centre at the Usmanu Danfodio University, Sokoto shall receive from the Centre at the University of Jos and from any other sources, such data as may be required by it to developed

- (a) the curriculum for nomadic education;
- (b) reading and teaching materials;
- (c) teacher training programme;
- (d) outreach programmes, including electronic; and
- (e) resource materials.

(5) The Centre at the University of Maiduguri shall receive from the Centre at the University of Jos and from any other sources, such data as may be required by it to-

- (a) develop and maintain nomadic education teacher training programmes; and
- (b) develop and maintain nomadic education outreach programmes, including electronically mediated ones, and to do this in collaboration with other Centres as well as other institutions, such as the National Teachers Institute and the National Educational Technology Centre.

## PART V

### *Funds and other financial provisions of the Commission*

#### **11. Establishment of National Nomadic Education Fund**

(1) The Commission shall establish a National Nomadic Education Fund (in this Act referred to as "the Fund") into which shall be paid all monies received from the Federal Government, particularly through the State Governments and other sources, including gifts, endowment and profits.

(2) The Fund shall be disbursed in accordance with the accepted rules and procedures and in pursuit of the objectives of nomadic education, as may be directed, from time to time, by the President, including the making of appropriate grants to State Governments, local governments, universities and other agencies and communities.

#### **12. Maintenance of separate fund by the Commission**

(1) The Commission shall establish and maintain a separate fund from which shall be defrayed all expenditure incurred by the Commission.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section such payments as may be made to the Commission by the Federal Ministry of Education, for the running expenses of the Commission and all other payments of monies, from time to time, accruing to the Commission.

### **13. Expenditure of the Commission**

The Commission shall, from time to time, apply the proceeds of a fund established in pursuance of section 12 (1) of this Act-

- (a) to the cost of administration of the Commission;
- (b) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation, allowances and gratuities payable to members of the Board and employees of the Commission, so however that no payment of any kind under this paragraph shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;
- (c) for the maintenance of any property vested in the Commission; and
- (d) for and in connection with any of its functions under this Act.

### **14. Annual estimates and accounts**

(1) The Board shall submit to the Minister, not later than 30 September in each year, an estimate of its expenditure and income during the next succeeding year.

(2) The Board shall keep proper accounts in respect of each year and proper records in relation thereto and shall cause the accounts to be audited by an auditor appointed from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

### **15. Annual reports**

The Board shall prepare and submit to the President, through the Minister, not later than 30 June in each year a report, in such form as he may direct, on the activities of the Commission during the immediately preceding year, and shall include in such report, a copy of the audited accounts of the Commission for that year and the Auditor-General's report thereon.

## **PART VI**

### *Miscellaneous*

### **16. Power to obtain information**

(1) For the purposes of carrying out the functions conferred on the Commission under this Act, the executive secretary or any other officer authorised in that behalf--

- (a) shall have a right of access to all the records of any institution to which this Act applies; and
- (b) may by notice in writing served on any person in charge of such institution, require that person to furnish information on such matters as may be specified in that notice.

(2) It shall be the duty of any person required to furnish information pursuant to sub section (1) of this section to comply with the notice within a reasonable period of time.

(3) In this section, the reference to an institution to which this Act applies is a reference to any regular school established for nomadic people.

## 17. Interpretation

In this Act, unless the context otherwise requires

"**chairman**" means the chairman of the Commission;

"**Commission**" means the National Commission for Nomadic Education, established by section I of this Act;

"**member**" means a member of the Board and includes the chairman;

"**executive secretary**" means the person appointed as the executive secretary of the Commission in pursuance of section 7 (1) of this Act;

"**Minister**" means the Minister charged with responsibility for matters relating to education.

## 18. Short title

This Act may be cited as the National Commission for Nomadic Education Act

### SCHEDULE [Section 2 (5).]

#### *Supplementary provisions relating to the Board*

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board and any committee thereof.

[Cap. 123.]

2. Every meeting of the Board shall be presided over by the chairman or if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at that meeting.

3. The quorum at a meeting of the Board shall consist of the chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members.

4. Where upon any special occasion, the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

#### *Committees*

5. (1) Subject to its standing orders, the Board may appoint such number of standing *ad hoc* committees as it thinks fit to consider and report on any matter with which the Board is concerned.

(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph, shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

6. The decision of a Committee shall be of no effect until it is confirmed by the Board.

## *Miscellaneous*

7. The fixing of the seal of the Commission shall be authenticated by the signature of the chairman and of the executive secretary of the Commission or such other member authorised generally or specially by the Board, to act for that purpose.

8. Any contract or instrument which if made 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 Commission by the executive secretary or by any other person generally or specifically authorised by the Board to act for that purpose.

9. Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Commission, shall be received in evidence and, unless the contrary is proved, be presumed, without further proof, to have been so signed or sealed.

10. The validity of any proceedings of the Board or a committee thereof, shall not be adversely affected-

- (a) by any vacancy in the membership of the Board; or
- (b) by any defect in the appointment of a member of the Board or committee; or
- (c) by reason that a person not entitled to do so, took part in the proceedings.

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

## **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

# NATIONAL EXAMINATIONS COUNCIL (NECO) (ESTABLISHMENT) ACT

## ARRANGEMENT OF SECTIONS

### PART I

Establishment of the National Examinations Council

#### SECTION

1. Establishment of the National Examinations Council.
2. Establishment and membership of the Governing Board.
3. Tenure of office, etc.
4. Removal from office.
5. Emoluments.
6. Disclosure of interest.

### PART II

#### *Functions and powers*

7. Functions of the Council.
8. Powers of the Council.

### PART III

#### *Registrar and other staff*

9. Registrar of the Council.
10. Other staff of the Council.
11. Staff regulations.
12. Pensions Act.

### PART IV

#### *Financial provisions*

13. Establishment and maintenance of a fund.
14. Application of the proceeds of the fund.
15. Annual estimates, accounts and audit.
16. Annual report.
17. Power to accept gifts.
18. Powers to borrow.

### PART V

#### *Legal proceedings*

19. Limitation of suits against the Council.
20. Service of documents.

#### SECTION

21. Restriction on execution against property of the Council.
22. Indemnity of members, registrar, officers, etc.

### PART IV

#### *Miscellaneous*

23. Offices and premises.
24. Acquisition of land.
25. Authorisation.
26. Power of Minister to give directive.
27. Transitional provision.

28. Regulations.
29. Interpretation.
30. Citation.

**An Act to provide for the establishment of the National Examinations Council and to make comprehensive provisions for its due administration.**

[2002 *No.* I.)  
[18 *th* February, 2002]  
[Commencement.]

***PART***

Establishment of the National Examination Council

**1. Establishment of the National Examinations Council**

(1) There is hereby established a body to be known as the National Examinations Council (in this Act referred to as "the Council").

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

**2. Establishment and membership of the Governing Board**

(1) There is hereby established for the Council a Governing Board which shall consist of-

- (a) a chairman;
- (b) one person to represent the Federal Ministry of Education;
- (c) six persons, one to represent each of the six geo-political zones of the country;
- (d) two persons to represent the All Nigeria Conference of Principals of Secondary Schools;
- (e) three persons to represent the Universities in Nigeria in rotation for one term at a time;
- (f) one person to represent the Nigeria Employers Consultative Association;
- (g) the registrar of the Joint Admission and Matriculation Board or his representative;
- (h) the registrar of the Council;
- (i) one person to represent the National Parents Teachers Association (NPTA); and
- (j) a representative of the Nigerian Educational Research and Development Council.

(2) The members of the Board, other than ex-officio members, shall be appointed by the President of the Federal Republic of Nigeria, on the recommendation of the Minister.

(3) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned in the Schedule.

[Schedule.]

**3. Tenure of office, etc.**

The chairman and other members of the Board, other than ex-officio members-

- (a) shall hold office for a period of four years on such terms and conditions as may be specified in their letters of appointment; and
- (b) may be reappointed for one further period of four years and no more.

**4. Removal from office**

(1) Notwithstanding the provisions of section 3 of this Act, a member may at any time be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other causes or for misconduct).

(2) A member of the Board may resign his appointment by a notice in writing under his hand, addressed to the President and that member shall, on the date of the receipt of the notice by the President, cease to be a member of the Board.

## **5. Emoluments**

A member of the Board shall be paid such emoluments, allowances and benefits as the Minister may, with the approval of the President, from time to time approve.

## **6. Disclosure of interest**

(1) A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board or is interested in any matter proposed to be considered proposed to be made by the Council shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under subsection (1) of this section shall be recorded in the minutes of meetings of the Board and the member concerned shall-

- (a) not, after the disclosure, take part in any deliberation or decision of the Board; and
- (b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

## **PART II**

### *Functions and power*

## **7. Functions of the Council**

The Council shall be responsible for-

- (a) revising and considering, annually, in the public interest the examinations to be held for admission into Federal Government colleges and other allied institutions;
- (b) collecting and disseminating information on all matters relating to admission into Federal Government colleges and other allied institutions;
- (c) the general control and conduct of the National Common Entrance Examinations for admission into Federal Government colleges and other allied institutions;
- (d) developing and administering selection examinations into the Suleja Academy in accordance with such guidelines as may be approved, from time to time, by the Minister;
- (e) developing, administering and conducting aptitude tests for all candidates into Federal Government colleges and other allied institutions;
- (f) monitoring, collecting and keeping records of continuous assessment in all Federal Government colleges and other allied institutions and in the Suleja Academy toward the award of the Junior and Secondary School Certificates;
- (g) the general control of the conduct of the Junior Secondary School Certificate Examinations in all Federal Government colleges, and other allied institutions and in the Suleja Academy;
- (h) the general control of the conduct of the internal and external Senior Secondary School Certificate Examinations in Nigeria without prejudice to the existing powers and functions of the West African Examination Council;
- (i) conducting a Standard National Assessment of Educational Performance at junior and senior secondary school levels;
- (j) conducting researches leading to national improvement of testing and examination procedures at junior and senior secondary school levels;
- (k) preparing and submitting to the Minister the annual report on standards of examinations and such other related matters as the Minister may, from time to time, require; and
- (l) carrying out such other activities as are expedient for the discharge of all or any of the functions conferred on the Council under or by this Act.

## **8. Powers of the Council**

The Council shall have power to carry out all the functions assigned to it in section 7 of this Act.

## PART III

### *Registrar and other staff*

#### **9. Registrar of the Council**

(1) There shall be a registrar of the Council who shall be appointed by the President, on the recommendation of the Minister.

(2) The registrar shall be the chief executive of the Council, and shall be responsible for the execution of the policy of the Council, and manage its affairs under its direction.

(3) The registrar shall hold office-

- (a) in the first instance, for a period of five years and may be reappointed for one further term of three years and no more; and
- (b) on such terms as to emoluments and conditions of service as may be specified in his letter of appointment, and as may, from time to time, be approved by Minister.

#### **10. Other staff of the Council**

(1) The Council may appoint such other persons to be officers and employees of the Council as the Council may determine to assist the registrar in the exercise of his functions under this Act.

(2) The Council may, by way of transfer or secondment, appoint a person holding an office in the civil service of the Federation or of a State to fill a staff vacancy in the Council.

(3) The remuneration of office and conditions of service of the other staff of the Council shall be determined by the Council with approval of the Minister.

#### **11. Staff regulations**

(1) The Council may, subject to the provisions of this Act, make staff regulations generally to the conditions of service of the staff of the Council and without prejudice to the generally of the foregoing, such regulations may provide for-

- (a) the appointment, promotion, termination, dismissal and disciplinary control of the staff of the Council; and
- (b) appeals by those staff against dismissal or other disciplinary measures.

(2) Until such regulations are made under subsection (1) of this section, any instrument relating to the conditions of service of the officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the staff of the Council.

(3) Staff regulations made under subsection (1) of this section shall not have effect unless approved by the Minister and when so approved they need not be published in the Gazette, but the Council shall cause them to be brought to the notice of all persons in such manner as it may, from time to time, determine.

#### **12. Pensions Act**

(1) It is hereby declared that service in the council shall be approved service for purposes of the Pensions Act and, accordingly, officers and employees of the Council shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act.

[Cap. P4.]

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(3) For the purpose of the application of the provisions the Pensions Act, any power exercisable by a Minister or other authority of the Federal Government under this Act, other than the power to make regulations under section 23, is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

## **PART IV**

### *Financial provisions*

#### **13. Establishment and maintenance of a fund**

- (1) The Council shall establish and maintain a fund into which shall be paid and credited all the income accruing to the Council under subsection (2) of this section and from which shall be defrayed all the expenditure incurred by the Council.
- (2) There shall be paid into the fund established pursuant to section (1) of this section-
- (a) such monies as may from time to time be lent or granted to the Council by the Government of the Federation or State or local government;
  - (b) all monies raised for the purposes of the Council by way of gifts, loans, grant-in-aid, testamentary dispositions or otherwise;
  - (c) such other monies as may be payable to the Council in the course of the discharge of its functions;
  - (d) all interest received in respect of monies invested by the Council; and
  - (e) all other assets as may, from time to time, accrue to the Council.

#### **14. Application of the proceeds of the Fund**

- (1) The Council may, from time to time, apply the proceeds of the fund established pursuant to section 13 of this Act-
- (a) to the cost of administration of the Council;
  - (b) for reimbursing members of the Council or of any committee set up by the Council for such expenses as may be expressly authorised by the Council in accordance with such rates as may be approved, from time to time, by the Minister;
  - (c) to the payment of salaries, fees or other remuneration or allowances, pensions, superannuation and gratuities payable to the officers and employees of the Council;
  - (d) to the repayment of any money borrowed under section 13 of this Act or of any interest payable thereon;
  - (e) for the maintenance of any property acquired by or vested in the Council; and
  - (f) for and in connection with all or any of the functions of the Council under this Act or any other written law.
- (2) The Council may, from time to time, place money standing to its credit in fixed deposits in such reputable banks as the Council may think necessary or expedient with a view to generating interest on the money.

#### **15. Annual estimates, accounts and audit**

- (1) The Council shall prepare and submit to the Minister, not later than 30 September of each year or such other time as may be directed by the Minister, accounts and an estimate of its income and expenditure during the succeeding year.
- (2) The Council shall keep proper accounts and other records relating thereto, and shall cause to be prepared, not later than 30 June in each year, a statement of accounts relating to the last preceding year.
- (3) The statement of accounts, together with records relating thereto, shall be certified by the Council and the accounts shall be audited by the auditors to be appointed by the Council from the list and in accordance with the guidelines, supplied by the Auditor-General of the Federation.

#### **16. Annual report**

- (1) As soon as the accounts of the Council have been audited, the Council shall prepare a report of its activities during the preceding year and shall include in such report a copy of the audited accounts of the Council and the auditors' report thereon.
- (2) The Minister shall, soon after the receipt of the report, present the report to the Federal Executive Council together with any comments thereon as may be made by him.

#### **17. Power to accept gifts**

- (1) The Council may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person making the gift.
- (2) The Council may not accept gifts if the conditions attached by the person making the gift to its acceptance are inconsistent with the functions of the Council under this Act.

## **18. Powers to borrow**

The Council may, with the consent of or in accordance with the authority of the Minister, borrow on such terms and conditions such sums of money as the Council may require in the exercise of the functions conferred on it under this Act.

## **PART V**

### *Legal proceedings*

## **19. Limitation of suits against the Council**

(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an officer or employee of the Council.

(2) Notwithstanding anything contained in any other enactment, no suit against a member of the Board or the registrar or any other officer or employee of the Council done in pursuance or execution of this Act or any enactment or law, or of any public duty authority in respect of any alleged neglect or default in the execution of this Act or any other enactment or law, duty or authority, shall lie or be instituted in any court unless it is commenced-

(a) within three months next after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall be commenced against a member of the Board or the registrar or any other officer or employee of the Council before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Council by the intending plaintiff or his agent.

(4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

## **20. Service of documents**

A notice, summons or other document required or authorised to be served on the Council under the provisions of this Act or any other enactment or law may be served by delivering it to the registrar or by sending it by registered post addressed to the registrar at the principal office of the Council.

## **21. Restriction on execution against property of the Council**

(1) In any action or suit against the Council, no execution or attachment of process in the nature thereof shall be issued against the Council unless not than three months' notice of the intention to execute or attach has been given to the Council.

## **22. Indemnity of members, registrar officers, etc.**

A member of the Board or the registrar or any officer or employee of the Council shall be indemnified out of the assets of the Council against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, registrar or other officer or employees of the Council.

## **PART VI**

### *Miscellaneous*

## **23. Offices and premises**

(1) For the purpose of providing offices and premises necessary for the performance of its functions under this Act, the Council may-

(a) subject to the Land Use Act, purchase, take on lease or otherwise acquire any land; and

[Cap. L5.]

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

(2) The Council may, subject to the Land Use Act, sell or lease any land, offices or premises held by it and no longer required for the performance of its functions under this Act.

## 24. Acquisition of land

(1) Whenever there is any hindrance to the acquisition by the Council of any land required for any purpose of the Council under this Act (including any failure by the Council to reach agreement as to the amount to be paid in respect of the acquisition), the Minister may, on the application of the Council and after such inquiry as he may think fit, declare that the land is required for the service of the Council.

(2) Where a declaration is made under subsection (1) of this section, the land to which the declaration relates shall be deemed to be land required for a public purpose of the Federation and, accordingly, shall be acquired under the Land Use Act.

(3) The compensation, if any, payable for the acquisition of any land under this section or payable under the Land Use Act for the revocation of any right relating to the land, as the case may be, shall in the first instance be paid by the Federal Government.

(4) The Council shall refund to the Federal Government any compensation paid under subsection (3) of this section and all incidental expenses incurred by the Federal Government.

## 25. Authorisation

(1) For the purpose of carrying out the functions conferred on the Council under this Act, the registrar or any other officer or employee of the Council, authorised on the Council behalf-

(a) shall have a right of access to all relevant records of any institution to which this Act applies; and

(b) may notice in writing served on any person in charge of any such institution require that person to furnish or cause to be furnished information on such matter as may be specified in the notice.

(2) It shall be the duty of any person required to furnish information pursuant to sub-section (1) of this section to comply with the notice within a reasonable period of time

## 26. Power of Minister to give directives

The Minister may give to the Council directives of a general nature with respect to any of the functions of the Council to comply with such directives or cause them to be complied with.

## 27. Transitional provision

(1) At the commencement of this Act, the powers of the National Board for Educational Measurement over the conduct of examinations, lists, or issuance of certificates referred to in section 7 of this Act shall, without prejudice to any examinations already conducted by the Council, be vested in the Council.

(2) The National Board for Educational Measurement Act No. 69 of 1993 is hereby repealed.

## 28. Regulations

(1) The Council may, with the approval of the Minister, make regulations generally for the carrying into effect of the provisions of this Act and without prejudice to the generality of the foregoing, the regulations may provide for-

(a) the person or categories of persons who may enter for examinations conducted by the Council;

(b) the conduct of candidates during such examinations;

(c) the obligations of educational institutions involved in presenting candidates for the examinations conducted by the Council.

(2) Where regulations are made pursuant to subsection (1) of this section, it shall be necessary, for their validity, to cause them to be published in the Gazette but the Council shall bring them to the notice of such interested persons (including the officers and employees of the Council) in such manner as the Council may, from time to time, determine.

## 29. Interpretation

In this Act, unless the context otherwise requires-

**"allied institutions"** includes the Command Secondary School, Air Force Secondary Schools and such private secondary schools as may be admitted by the Council, from time to time, to undertake any of the examinations conducted by the Council;

**"Board"** means the National Examinations Council established by section (2) of this Act;

**"Council"** means the National Examinations Council established by section I of this Act;

**"chairman"** means the chairman of the Board;

**"examination"** means any examination held or conducted by or on behalf of the Council or on behalf of any other body by the Council pursuant to this Act;

**"external candidates"** means candidates who in their capacity as individual students sit for the examinations held usually in the months of November and December leading to the award of Senior Secondary School Certificates;

**"external Senior Secondary School Certificate Examinations"** means the examinations that candidates as individual students sit for which are usually held in the months of November and December leading to the award of Senior Secondary School Certificates;

**"internal candidates"** means candidates who in their capacity as students of particular secondary schools sit for the examinations held usually in the months of May and June leading to the award of Senior Secondary School Certificates;

**"internal Senior Secondary School Certificate Examinations"** means the examinations that candidates as students of particular secondary schools sit for which are held usually in the months of May and June leading to the award of Senior Secondary School Certificates;

**"member"** means any member of the Board and includes the chairman;

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

**"registrar"** means the registrar of the Council appointed pursuant to section 9 of this Act.

### 30. Citation

This Act may be cited as the National Examinations Council (NECO) (Establishment) Act, 2002.

## SCHEDULE

### *Supplementary Provisions Relating To The Board, Etc.*

#### Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

[Cap. 123.]

2. The chairman shall preside at every meeting of the Board and in his absence the members present at the meeting shall appoint one of their number to preside at that meeting.

3. Subjected to the provisions of this Act and any standing orders made under it, the quorum of the Board shall be the chairman and six other members and the quorum of any committee of the Council shall be determined by the Board.

4. The Board shall meet not less than four times in each year and subject thereto, the Board shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than seven other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

5. (1) Where the Board desires to obtain the advice of any person on any particular matter it may co-opt that person as a member for such period as it may think necessary.

(2) A person co-opted shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

#### *Committees*

6. (1) Subject to its standing orders, the Board may appoint such committees to consider and report upon any matter with which the Board is concerned.

(2) A committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by such person as the Board may appoint and shall be made up of such number of persons, all of whom may not necessarily be members of the Board, as the Board may determine in each case.

(3) A person who is a member of a committee by virtue of sub-paragraph (2) of this paragraph shall hold office on the committee in accordance with the terms of his appointment by the Board.

(4) A decision of a committee set up by the Board shall have no effect until it is confirmed by the Board.

#### *Miscellaneous*

7. The validity of any proceedings of the Board or of a committee thereof shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of committee, or by reason that a person not entitled to do so took part in the proceedings of the Board or a committee.

8. Any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Committee shall forthwith disclose his interest to the committee and shall not vote on any question relating to the contract or arrangement.

9. At any time while the office of the chairman is vacant or the chairman is in the opinion of the Board temporarily unable to perform the functions of his office, a member of the Board duly appointed by the Board, with the approval of the Minister, shall perform those functions and reference in this Act to the chairman shall be construed accordingly.

10. The fixing of the seal of the Council shall be authenticated by the signature of the chairman and the registrar or any other person generally or specifically authorised by the Board to act in that behalf.

11. 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 Council by the registrar or any other person generally or specifically authorised to act for that purpose by the Board.

## **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

# NATIONAL INSTITUTE FOR NIGERIAN LANGUAGES ACT

## ARRANGEMENT OF SECTIONS

### PART I

#### *Establishment of the National Institute for Nigerian Languages*

#### SECTION

1. Establishment of the National Institute for Nigerian Languages.
2. Objectives of the Institute.
3. Membership of the Governing Council of the Institute.
4. Tenure of office of members of the Council.
5. Remuneration of the members of the Council.
6. Removal from office of a member of the Council.

### PART II

#### *Functions and powers*

7. Functions of the Institute.
8. Functions of the Council.
9. Powers of the Institute.
10. Powers of the Council.
- II. Power of the President to give directives.

### PART III

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12. Appointment of principal officers of the Institute.
13. Appointment of the Executive Director of the Institute.
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17. Director of Works.
18. Librarian.
19. Appointment of other employees of the Institute.
20. Conditions of service of employees of the Institute.
21. Removal from office of the Executive Director.
22. Removal and discipline of senior staff.
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#### *Academic Board of the Institute*

24. Establishment of the Academic Board of the Institute

#### SECTION

25. Functions of the Academic Board.
26. Congregation.

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28. Composition and functions of the Finance, General Purposes and Tenders Committee.
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SCHEDULE  
*Supplementary provisions relating to the Council, etc.*

NATIONAL INSTITUTE FOR NIGERIAN LANGUAGES ACT  
An Act to establish the National Institute for Nigerian Languages with the responsibility to promote the study and use of Nigerian languages.

[1993 No. 117.]  
[30th December, 1993]  
[Commencement.]

PART I  
*Establishment of the National Institute for Nigerian Languages*

**1. Establishment of the National Institute for Nigerian Languages**

(1) There is hereby established a body to be known as the National Institute for Nigerian Languages (in this Act referred to as "the Institute").

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

**2. Objectives of the Institute The objects of the Institute shall be to-**

- (a) promote the study and use of Nigerian languages;
- (b) explore all relevant and available avenues, potential and resources to make the

Institutes

- (i) an active teaching and learning centre for the study of Nigerian languages;
- (ii) a resource centre for specialised professional services to the public and private sectors of the Nigerian economy;
- (iii) a Nigerian centre for research into Nigerian languages.

### 3. Membership of the Governing Council of the Institute

(1) The Institute shall be governed by a Governing Council (in this Act referred to as "the Council") which shall consist of-

- (a) a chairman;
- (b) the Permanent Secretary of the Federal Ministry of Education or his representative;
- (c) five persons representing a variety of interests but with experience in Nigerian language studies and teacher education, one of whom shall be a woman;
- (d) one representative of the National Commission for Colleges of Education;
- (e) one representative of the Academic Board of the Institute in rotation for one term of two years at a time;
- (f) one representative each of the following institutions in rotation, for one term of two years at a time--
  - (i) the Federal Universities;
  - (ii) the State Universities; and
  - (iii) the Colleges of Education;
- (g) one representative of the Linguistics Association of Nigeria;
- (h) the Executive Secretary of the Nigerian Educational Research and Development Council or his representative;
- (i) the Executive Director of the Institute or his representative;
- (j) one representative of the Institute's Congregation; and
- (k) the Registrar of the Institute who shall be the secretary.

(2) The chairman and members of the Council, who are not *ex-officio* members, shall be appointed by the President on the recommendation of the Minister.

(3) The President, on the recommendation of the Minister, shall appoint a person to act in place of the chairman during a long absence or temporary incapacity by illness of the chairman and that person while so acting may exercise all the functions of the chairman under this Act.

(4) Subject to subsection (2) of this section, if any member of the Board is incapacitated by illness or long absence in the performance of his official duties, a temporary member may be appointed, in the same manner and in accordance with the same procedure under which the incapacitated member was appointed, and while the appointment subsists, he may exercise all the functions of the member under this Act.

(5) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters contained therein.

[Schedule.]

### 4. Tenure of office of members of the Council

(1) The chairman shall hold office for a period of three years and may be appointed by the President for a further period of three years and no more.

(2) A member of the Council, other than an *ex-officio* member, shall hold office for three years and may be re-appointed for a further term of three years and no more.

### 5. Remuneration of the members of the Council

(1) The chairman and members of the Council shall be paid such emoluments as may be specified in their letter of appointment.

(2) The allowances payable to members of the Council shall be in accordance with such rates as may be specified and approved by the Federal Government from time to time.

## **6. Removal from office of a member of the Council**

(1) If it appears to the Council that the chairman or any other member of the Council should be removed from office on the grounds of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to the President through the Minister.

(2) If the President, after making such inquiries as he considers necessary approves the recommendation, the Minister shall, in writing, declare the office of the chairman or of such a member vacant.

(3) Notwithstanding the provisions of subsection (1) of this section, the President may remove a member of the Council if he is satisfied that it is in the public interest to do so.

## **PART II**

### *Functions and powers*

#### **7. Functions of the Institute**

The functions of the Institute shall be to-

- (a) encourage the learning of Nigerian languages in an environment which shall prepare the students in the Institute to-
  - (i) speak Nigerian languages fluently;
  - (ii) acquire proficiency in the teaching of Nigerian languages;
  - (iii) acquire competence in research on problems of teaching Nigerian languages at all levels of education in Nigeria;
  - (iv) adapt the theories and practice of using Nigerian languages into classroom practices especially for secondary schools, colleges and the teaching and learning for non-native speakers of the Nigerian languages; and
  - (v) stimulate general concepts, practices and interests in communicating in Nigerian languages;
- (b) hold out to all persons without distinction, race, creed, sex or political conviction, the opportunity of acquiring proficiency in the learning and pragmatic use of the Nigerian languages as a means of communication among different language groups in Nigeria;
- (c) provide courses of instruction and other facilities for the pursuit of learning Nigerian languages;
- (d) develop appropriate curricula to suit the needs of the various users of the Institute;
- (e) award testimonials, certificates, diplomas and degrees to persons who complete the courses of study at the Institute;
- (f) operate for the benefit of-
  - (i) primary and secondary school teachers of Nigerian languages;
  - (ii) tertiary educational institution teachers of Nigerian languages;
  - (iii) government and non-governmental personnel interested in acquiring communication skills in Nigerian languages;
  - (iv) diplomats, foreigners, business associates, etc., willing to learn Nigerian languages; and such other persons interested in research into Nigerian languages;
- (g) serve as a centre for the exchange of information in the study of Nigerian languages and research centre in teaching and learning of Nigerian languages;
- (h) encourage research into problems of learning and teaching of Nigerian languages, with a view to carrying out research into those problems and finding solutions to them;
- (i) compile, assemble and publish the results of researches into Nigerian language studies and make popular those findings where their general recognition, in the opinion of the Institute, is of importance to Nigerian languages; and
- (j) carry out other activities which are necessary for the performance of its functions under this Act.

#### **8. Functions of the Council**

The Council shall-

- (a) subject to the provisions of this Act and relating to the directives of the President, be the governing body of the Institute and shall be charged with the general control and superintendence of the policy, finances and property of the Institute;

- those
- (b) ensure that the Institute is staffed by persons with high communicative competence in Nigerian languages;
  - (c) ensure that proper accounts of the Institute are kept and that those accounts are audited annually as specified in this Act;
  - (d) organise and control courses of studies of the Institute and the examinations held in conjunction with courses;
  - (e) organise and control the halls of residence and the other facilities provided by the Institute;
  - (f) perform such other duties as the President may, from time to time, assign to it.

## 9. Powers of the Institute

For carrying out its objectives and functions under this Act, the Institute shall have power-

- (a) to establish such units within the Institute as may, from time to time, be deemed necessary or desirable;
- (b) to institute professorships, readerships, lectureships and other posts and offices and make appointments thereto;
- (c) to institute and award fellowships, scholarships, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance;
- (d) to provide for the residence, discipline and welfare of staff of the Institute;
- (e) to hold examinations and grant diplomas, degrees, certificates and other distinctions to persons approved by the Institute and have satisfied such other requirements as the Institute may require;
- (f) to grant fellowships or titles to deserving individuals;
- (g) to determine and demand from any student or any other person attending the Institute for the purpose of instruction, such fees as the Institute may, from time to time, determine;
- (h) to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situated;
- (i) not to accept gifts, legacies and donations for a particular purpose unless it approves the terms and conditions attached to it;
- (j) to enter into contracts, establish trusts, act as trustees solely or jointly with any other persons and employ and act through agents;
- (k) to erect, provide, equip and maintain libraries, lecture halls or residence, sport grounds, dining halls and other buildings suitable for the objectives of the Institute;
- (l) to undertake publishing and book sales and liaise constantly with the Nigerian Educational Research and Development Council in respect of book publishing;
- (m) subject to any limitation or condition imposed by this Act-
  - (i) to invest any money accruing to the Institute by way of endowment, whether for general or special purposes, and such other money as may not be immediately required for current expenditure in investments, securities or in the purchase or improvement of land, with power from time to time to vary any such investments; and
  - (ii) to deposit money, for the time being not invested, with a bank approved by the Federal Government, on deposit or current account;
- (n) to make gifts for any charitable purpose; and
- (o) to do all such other things which are incidental to the foregoing.

## 10. Powers of the Council

Subject to the provisions of this Act, the Council shall--

- (a) exercise on behalf of the Institute, the powers conferred on it under this Act; and
- (b) do such other things as are necessary for the successful performance of its functions and those of the Institute.

## 11. Power of the President to give directives

The President may give to the Institute or the Council, directives of a general nature or relating generally to matters of policy with regard to the performance by the Institute or the Council and it shall be the duty of the Institute or the Council to comply with those directives.

PART III  
*Staff of the Institute*

**12. Appointment of principal officers of the Institute**

(1) The principal officers of the Institute shall consist of--

- (a) the Executive Director;
- (b) the Deputy Director;
- (c) the Registrar;
- (d) the Bursar;
- (e) the Director of Works;
- (f) the Librarian; and
- (g) such other officers as may, from time to time, be appointed.

(2) The principal officers of the Institute, other than the Executive Director, shall be appointed by the Council.

**13. Appointment of the Executive Director of the Institute**

(1) There shall be appointed for the Institute by the President, an Executive Director with appropriate general qualifications.

(2) The Executive Director shall be the chief academic officer of the Institute and shall be responsible for the day-to-day administration of the Institute.

(3) The Executive Director shall hold office for a period of five years and shall be eligible for re-appointment for such further period of five years and no more.

(4) Subject to the provisions of this section, the Executive Director shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment and as may, from time to time, be approved by the President.

**14. Deputy Director of the Institute**

(1) There shall be for the Institute a Deputy Director who shall assist the Executive Director of the Institute in the execution of his duties.

(2) The Deputy Director-

- (a) shall be appointed by the Council on the recommendation of the Executive Director;
- (b) shall hold office for a period of two years beginning with the date of his instrument;
- (c) may be re-appointed for a further term of two years.

(3) A person who has held office as Deputy Director for a continuous period of four years or more, or would so have held office but for his resignation, shall not be eligible for re-appointment as Deputy Director during the two years immediately following the end of that period.

**15. Registrar of the Institute**

(1) There shall be for the institute a Registrar who shall be the chief administrative officer of the Institute and shall be responsible to the Executive Director for the day-to-day administrative work of the Institute.

(2) The person holding the office of a Registrar shall, by virtue of that office, be the secretary to the Council.

**16. Bursar of the Institute**

The Bursar shall be the chief financial officer of the Institute and shall be responsible to the Executive Director for the day-to-day administration and control of the financial affairs of the Institute.

**17. Director of Works**

The Director of Works shall supervise and monitor the works and services of the Institute and be responsible to the Executive Director for the general maintenance of the Institute's infrastructure.

### **18. Librarian**

The Librarian shall be responsible to the Executive Director for the administration of the Institute's Library.

### **19. Appointment of other employees of the Institute**

(1) The Council may, from time to time, appoint for the Institute, such other staff, as it may deem necessary, to assist the Executive Director in the performance of his functions under this Act.

(2) The remuneration and tenure of office of employees of the Institute, other than the Executive Director, shall be determined by the Council.

### **20. Conditions of service of employees of the Institute**

The Institute shall operate under the ambit of the National Universities Commission and the salary structures and conditions of service of the employees of the Institute shall be similar to those obtained in the universities.

### **21. Removal from office of the Executive Director**

If it appears to the Council that the Executive Director should be removed from office, the Council shall make a recommendation to the Minister and if the Minister, after making such inquiries as he may consider necessary, approves the recommendation, the Minister may, with the written approval of the President, declare the office of the Executive Director vacant.

### **22. Removal and discipline of senior staff**

(1) If it appears to the Council that there are reasons for believing that a person employed as a member of the senior staff of the Institute, other than the Executive Director, should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Council through its appropriate committee, shall--

- (a) give notice of those reasons to the person concerned;
- (b) afford him an opportunity of making representations on the matter to the Council in person;
- (c) if the person concerned or any other member of the Council so requests, within the period of one month beginning with the date of the notice, make arrangements--

(i) for the Appointments and Promotion Committee of the Council or *ad hoc* committee of Council to investigate the matter and to report on it to the Council; and

(ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee on the matter.

(2) If the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may remove the person concerned by an instrument in writing signed by the chairman of the Council.

(3) The Executive Director may, in a case of misconduct by a member of the staff which in the opinion of the Executive Director is prejudicial to the interest of the Institute, suspend that member, and the suspension shall forthwith be reported to the Council.

(4) For good cause, an employee may be suspended from office or his appointment may be terminated by the Council and for the purpose of this subsection "good cause" means--

- (a) physical or mental incapacity, which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
- (b) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person unfit to continue to hold his office; or
- (c) conduct which the Council considers to be such as to constitute a failure or inability of the person to discharge the functions of his office or to comply with the terms and conditions of his service.

(5) A person suspended pursuant to subsection (3) or (4) of this section shall be placed on half pay and the Council shall before the expiration of a period of six months after the period of suspension against that person come to the decision as to--

- (a) whether to continue that person's suspension (including the proportion of his emoluments to be paid to

him);

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

(c) whether to terminate that person's appointment, in which case the person shall not be entitled to proportion of his emoluments which might have been withheld during the period of suspension or as the Council may determine;

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

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

(7) It shall be the duty of the person who signed the instrument of removal by virtue of subsection (2) of this section to serve or cause to be served on the person concerned, a copy of the instrument.

(8) Nothing in this section shall prevent the Council from making such regulations for the discipline of other categories of employees and workers of the Institute as it may think fit.

### **23. Discipline of junior staff**

(1) Where a junior member of staff is accused of misconduct and inefficiency, the Executive Director may suspend him for not more than three months and shall further refer the matter to the Junior Staff Disciplinary Committee--

(a) to consider the case; and

(b) to make recommendations as to the appropriate action to be taken by the Executive Director.

(2) In all cases under this section, the junior member of staff shall be informed in writing of the charges against him and be given reasonable opportunity to defend himself.

(3) The Executive Director may, after considering recommendation made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or downgrade the junior officer concerned.

(4) A person aggrieved by a decision of the Executive Director under subsection (3) of this section may, within a period of 21 days from the date of the receipt of the letter communicating the decision to him, address a petition to the Council to reconsider his case and the Council's decision thereon shall be final.

## **PART IV**

### *Academic Board of the Institute*

### **24. Establishment of the Academic Board the Institute**

(1) There is hereby established for the Institute, an Academic Board which shall consist of-

(a) the Executive Director of the Institute as chairman;

(b) the Deputy Director of the Institute;

(c) all Deans of Schools;

(d) all Heads of Departments;

(e) all Heads of Academic Units;

(f) two members elected by Congregation;

(g) the Librarian; and

(h) the Registrar of the Institute who shall be the secretary of the Academic Board.

(2) The Executive Director shall preside at the meetings of the Academic Board and in his absence, the Deputy Director shall preside at the meeting but in their absence the members present at the meeting shall elect one of their number to preside at the meeting.

(3) The Academic Board shall meet at least once in a semester.

(4) Subject to subsections (2) and (3) of this section, the Academic Board shall regulate its own procedure.

### **25. Functions of the Academic Board**

(1) The Academic Board shall-

(a) subject to subsection (2) of this section, formulate, regulate and continuously evaluate the academic

- programmes of the Institute; and
- (b) perform such other functions as the Council may, from time to time, assign to it.

(2) The Academic Board shall ensure that, where the Institute wishes to provide programmes aimed at specific categories of students from certain institutions, the particulars of those programmes are first sent-

- (a) in the case of the National Diploma and Higher National Diploma programmes, to the National Board for Technical Education;
- (b) in the case of the National Certificate of Education programmes, to the National Commission for Colleges of Education;
- (c) in the case of professional programmes, to the relevant professional body;
- (d) in the case of any other programme, to the recognised body responsible for supervising the programme, for information input and output.

## **26. Congregation**

(1) Congregation shall consist of-

- (a) the Executive Director of the Institute as the chairman;
- (b) the Deputy Director;
- (c) members of the Academic Board;
- (d) the Registrar;
- (e) the Bursar;
- (f) the Librarian; and

(g) every member of the administrative staff who holds a degree of any university recognised for the purposes of this Act not being an honorary degree.

(2) The Executive Director shall be the chairman at all meetings of Congregation when he is present; and in his absence such other member of Congregation present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.

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

(4) Subject to the foregoing provisions of this Act, Congregation may regulate its own procedure.

(5) Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the Institute and shall have such other functions in addition to the function of electing a member of the Council.

## **PART V**

### *Committees of the Council*

## **27. Establishment of the Finance, General Purposes and Tenders Committee and Appointments and Promotion Committee**

There shall be for the Council-s-

- (a) a Finance, General Purposes and Tenders Committee; and
- (b) an Appointments and Promotion Committee.

## **28. Composition and functions of the Finance, General Purposes and Tenders Committee**

(1) The Finance, General Purposes and Tenders Committee shall consist of-

- (a) the chairman of the Council as chairman;
- (b) the Executive Director of the Institute;
- (c) the Deputy Director;
- (d) four members of the Council to be selected by the Council;
- (e) two members of the Academic Board to be selected by the Board;
- (f) the Bursar;
- (g) the Registrar of the Institute who shall act as the secretary to the Committee.

(2) The Finance, General Purposes and Tenders Committee shall, subject to the direction of the Council--

- (a) exercise control over the property and expenditure of the Institute;
- (b) be responsible for elaborating the general plans of the Institute and coordinating the work of such other committees of the Council as the Council may direct; and
- (c) perform such other functions of the Council as the Council may, from time to time, delegate to it.

(3) The Finance, General Purposes and Tenders Committee shall meet as and when necessary for the performance of its functions under this Act and shall regulate its own procedure.

### **29. Composition and functions of the Appointments and Promotion Committee**

(1) The Appointments and Promotion Committee shall consist of-

- (a) the Executive Director of the Institute as chairman;
- (b) the Deputy Director;
- (c) three members of the Council to be selected by the Council;
- (d) the Dean of Schools;
- (e) the Librarian; and
- (f) the Registrar who shall act as the secretary to the Committee.

(2) Subject to such policies as may be laid down, from time to time, by the Council, the Appointments and Promotion Committee shall-

- (a) co-ordinate and regulate the appointment and promotion of members of staff of the Institute;
- (b) consider applications for special training, sabbatical leave, leave of absence and for fellowships; and
- (c) perform such other functions ancillary to those in paragraphs (a) and (b) of this subsection as the Council may, from time to time, assign to it.

(3) The Appointments and Promotion Committee shall regulate its own procedure.

### **30. Appointment of other committees**

(1) The Council may subject to its standing orders, appoint such other standing and *ad hoc* committees as the Council may think fit to consider and report on any matter with which the Institute is concerned.

(2) Subject to the provisions of subsection (1) of this section, a committee appointed by virtue of that subsection shall be presided over by a member of the Council, and shall consist of such number of persons, not necessarily members of the Council, as the Council may determine.

## PART VI

### *Financial provisions*

### **31. Fund of the Institute**

(1) The Institute shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Institute.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section--

- (a) such monies as may, from time to time, be lent or granted to the Institute by the Government of the Federation or of a State or any of their agencies;
- (b) all monies raised for the purposes of the Institute by way of gifts, grants-in-aid, testamentary disposition or otherwise;
- (c) all subscriptions or fees and charges for services rendered by the Institute;
- (d) all interests received in respect of monies invested by the Institute; and
- (e) all other assets, from time to time, accruing to the Institute.

(3) The fund shall be managed in accordance with guidelines given by the Minister through the National Universities Commission, and without prejudice to the generality of the power to give guidelines under this subsection, the guidelines shall in particular contain such provisions specifying the manner in which the assets of the Institute are to be held, and regulating the making of payments into and out of the fund.

### **32. Expenditure of the Institute**

(1) The Institute may, from time to time, apply the funds at its disposal-

- (a) to the cost of the administration of the Institute and of any research centre under the Institute's administration;
- (b) for reimbursing a member of any committee set up by the Institute for expenses expressly authorised by the Institute;

(2) Except as provided in subsection (1) of this section, no other remuneration shall be paid to any member of any committee appointed by the Institute pursuant to this Act.

### **33. Annual estimates, accounts and audit**

(1) The Council shall cause to be prepared, not later than 30 September in each year, an estimate of the expenditure and income of the Institute during the next succeeding year, and when prepared, they shall be submitted to the President.

(2) The Council shall cause to be kept proper accounts of the Institute and proper records in relation thereto and when certified by the Council the accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Institute shall be audited within six months after the end of each year by auditors appointed by the Council from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation; and the fees of the auditors and the expenses of the auditors generally shall be paid from the funds of the Institute.

### **34. Annual report**

The Council shall, not later than 31 July in each year, submit to the President a report, in such form as the President may, from time to time, direct on the activities of the Institute during the preceding year and shall include in the report the audited accounts of the Institute.

## **PART VII**

### *Miscellaneous*

### **35. Office and premises**

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

- (a) purchase or take on lease any interest in land, building or property;
- (b) build, equip and maintain offices and premises.

(2) The Institute may, subject to the Land Use Act, sell or lease out any land, office or premises held by it, which is no longer required for the performance of its functions under this Act.

[Cap. LS.]

### **36. Power to borrow**

(1) The Institute may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Act.

(2) The Institute shall not, without the approval of the President, borrow money which exceeds, at any time, the limit set by the President.

(3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Institute shall not borrow the sum without the prior approval of the President

### **37. Power to accept gifts**

(1) The Institute may accept gifts of land, money or other property, on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Institute shall not accept a gift if the conditions attached by the person or organisation making the gift are inconsistent with the objectives and functions of the Institute.

### **38. Regulations**

The Council may, with the approval of the President, make regulations for giving effect to the provisions of the Act and without prejudice to the foregoing regulations shall provide for-

- (a) the entry into and the type of courses and programmes approved by the Institute;
- (b) the duration of the courses and programmes; and
- (c) the certificates, if any, to be awarded by the Institute.

### **39. Interpretation**

In this Act, unless the context otherwise requires----

"chairman" means the chairman of the Council of the Institute;

"Council" means the Council of the Institute;

"Institute" means the National Institute for Nigerian Languages established by section I of this Act;

"member" means a member of the Council and includes the chairman;

"Minister" means the Minister charged with responsibility for education;

"principal officers" means the principal officers of the Institute appointed under

Part III  
of this Act.

**40. Short title**

This Act may be cited as the National Institute for Nigerian Languages Act.

SCHEDULE

*Supplementary provisions relating to the Council, etc.*

[Section 3 (5).]

1. Subject to the provisions of this Act and section 27 of the Interpretation Act, the Council shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings and those of any of its committees, the notice to be given, the proceedings thereat, the keeping of minutes of those proceedings and the custody and production for inspection of the minutes.

[Cap. 123.]

2. The quorum of the Council shall be five and the quorum of a committee of the Council shall be determined by the Council.

3. (1) Subject to the provisions of any applicable standing orders, the Council shall meet whenever it is summoned by the chairman and if the chairman is required so to do by notice given to him by not less than six other members he shall summon a meeting of the Council to be held within twenty-one days from the date on which the notice is given.

(2) At any meeting of the Council the chairman shall preside but if he is absent the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Council wishes to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

*Committees*

4. The Council may appoint one or more committees to carry out on behalf of the Council such of its functions as the Council may determine.

5. A committee appointed under this Schedule shall consist of such number of persons (not necessarily members of the Council) as may be determined by the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.

6. A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

*Miscellaneous*

7. The fixing of the seal of the Institute shall be authenticated by the signature of the chairman or of some other person authorised generally to act for that purpose.

8. The validity of a proceeding of the Council or any of its committees shall not be affected by-

- (a) a vacancy in the membership of the Council or of the committee; or
- (b) reason that a person not entitled to do so took part in the proceedings; or
- (c) a defect in the appointment of a member.

9. A member of the Council and a person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or the committee-

- (a) shall forthwith disclose his interest to the Council or committee, as the case may be; and
- (b) shall not vote on any question relating to the contract or arrangement.

**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

# NATIONAL INSTITUTE FOR POLICY AND STRATEGIC STUDIES ACT

## ARRANGEMENT OF SECTIONS *Establishment of National Institute*

### SECTION

1. Establishment of the National Institute for Policy and Strategic Studies.
2. Governing Board of the Institute, etc.
3. Objectives and functions of the Institute.
4. Provision of library facilities.

### *Staff of the Institute*

5. The Director-General of the Institute.
6. Appointment of Secretary, Directors and other staff of the Institute.
7. Service in the Institute to be pensionable.

### *Financial provisions*

8. Establishment of fund of the Institute.
9. Power to accept gifts.
10. Borrowing power.
11. Annual estimates, accounts and audit.

### *Miscellaneous and supplementary*

12. Annual reports.
13. Staff regulations.
14. Interpretation.
15. Short title.

### SCHEDULE

#### *Proceedings of the Board*

#### NATIONAL INSTITUTE FOR POLICY AND STRATEGIC STUDIES ACT

An Act to establish the National Institute for Policy and Strategic Studies, to serve as a center where representatives from all walks of the Nigerian national life could come together by way of workshops, seminars and other action-oriented courses, studies and conferences, to analyse and exchange views as to long-term national goals.

[1979 No. 20.]

[1st January, 1979]

[Commencement.]

#### *Establishment of National Institute*

#### **1. Establishment of the National Institute for Policy and Strategic Studies**

(1) There is hereby established a body to be known as the National Institute for Policy and Strategic Studies (in this Act referred to as "the Institute"), which shall have the functions assigned to it by this Act.

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

#### **2. Governing Board of the Institute, etc.**

(1) The government of the Institute and the direction of its affairs shall vest in the Board of Governors of the Institute (in this Act referred to as "the Board").

## **(2) Without prejudice to the generality of subsection**

(1) of this section, it shall be the responsibility of the Board to consider and approve-

- (a) the long-range plan of activities of the Institute;
- (b) the programme of studies, courses and research to be undertaken by the Institute;
- (c) the annual budget of the Institute; and
- (d) the investment plans of the Institute.

(3) The Board shall consist of a chairman, to be appointed by the President and the following other members, that is-

- (a) the Chief of Defence Staff or other senior member of the armed forces;
- (b) the Director-General of the Institute;
- (c) an eminent economist;
- (d) an eminent political scientist;
- (e) the adviser to the Federal Government on science and technology;

(f) four persons to be appointed by the President, being persons who by reason of their ability, experience or specialised knowledge of administration or of professional or business attainments, are capable of making useful contributions to the work of the Institute.

(4) Subject to subsection (5) of this section, a person appointed as a member of the Board (not being an *ex-officio* member), shall hold office for three years and shall be eligible for reappointment for one further period of three years.

(5) The President may terminate the appointment of a member of the Board (not being an *ex-officio* member), if satisfied that it is not in the interest of the Institute that the person concerned should continue in office.

(6) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters therein mentioned.

[Schedule.]

## **3. Objectives and functions of the Institute**

(1) The Institute shall serve as a high-level centre of reflection, research, and dialogue, where academics of intellectual excellence, policy initiators and executors and other citizens with high level of practical experience and wisdom, drawn from different sectors of national life in Nigeria would meet, to reflect and exchange ideas on the great issues of society, particularly as they relate to Nigeria and Africa, in the context of the dynamics of a constantly changing world.

(2) For the purposes of subsection (1) of this section, the Institute is hereby empowered-

- (a) to conduct courses for top-level policy makers and executors, drawn from different sectors of the national policy, with a view to expanding their outlook and perspective and stretching their conceptual capacity and qualities of discernment and analysis and thereby helping to improve their overall performance in their different fields of action;
- (b) to award certificates of attendance to those who participate in a sufficient and satisfactory manner in any of its courses;
- (c) to conduct seminars, workshops and other action-oriented programmes, whether on a continuing or *ad hoc* basis, for leaders in the public services (including the armed forces and other disciplined forces), the private sector, political organisations, professional and other groups, with a view to promoting and defining, and enhancing appreciation for, long-range national plans and objectives;
- (d) to identify, encourage, stimulate, assemble, organise and help deploy to the best national advantage, the country's intellectual talents and experienced policy analysts who are likely to make positive contributions to the treatment of complex policy problems;
- (e) to organise and carry out, on an inter-disciplinary basis, in intellectual support of those charged with making and implementing policy for Nigeria, research in depth into the social, economic, political, security, scientific, cultural and other problems facing the country, and to formulate and present, in usable form, the available options of their solution;
- (f) to disseminate by way of publication of books, records, reports or otherwise, information about any part of its activities to the extent deemed justified by the Board in the interest of the nation, and generally as a contribution towards knowledge and for better national and international understanding; and
- (g) to promote or undertake any other activity that in the opinion of the Board is calculated to help achieve the purposes of the Institute.

(3) The Institute shall carry out its tasks and responsibilities in an objective, nonpartisan manner, independently of any group in the body politic.

#### **4. Provision of library facilities**

The Institute shall establish and maintain a library comprising such books, records, reports and other publications as may be directed by the Board for the advancement of knowledge in the areas of work undertaken by it, for research purposes and for other purposes connected with the functions conferred on the Institute by or pursuant to this Act.

#### *Staff of the Institute*

#### **5. The Director-General of the Institute**

- (1) There shall be an officer of the Institute to be known as the Director-General.
- (2) The Director-General shall be appointed by the President and the appointment shall be subject to confirmation by the Senate.

[S.1. 14 of 2002.]

- (3) The Director-General shall be the chief executive officer of the Institute and responsible to the Board for the detailed management of the affairs of the Institute.
- (4) The Director-General shall hold office on such terms and conditions as may be specified in his letter of appointment and on such other terms and conditions as may be determined from time to time by the Board with the concurrence of the Federal Government.

#### **6. Appointment of Secretary, Directors and other staff of the Institute**

- (1) There shall be appointed by the Board the following officers of the Institute, that is-
  - (a) a Secretary and Director of Administration;
  - (b) a Director of Studies; and
  - (c) a Director of Research.
- (2) The Secretary and Director of Administration shall be responsible to the Director-General for the day-to-day administration and for the finances of the Institute.
- (3) The Director of Studies shall be responsible to the Director-General for organising and conducting the courses and other studies undertaken by the Institute, including the collation and publication of course materials and other publications relating thereto.
- (4) The Director of Research shall be responsible to the Director-General for coordinating the research staff and research projects of the Institute and the collation and publication of research materials.
- (5) There may be appointed from time to time by the Board such other staff as may be required for the purposes of the efficient performance of the functions conferred on the Institute under or pursuant to this Act.

#### **7. Service in the Institute to be pensionable**

(1) Notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Institute shall be approved service for the purposes of that Act and, accordingly, officers and other persons employed in the Institute shall in respect of their service in the Institute be entitled to pensions, gratuities and other retirement benefits, as are enjoyed by persons holding equivalent grades in the public service of the Federation, 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.

[Cap. P4.]

(2) For the purposes of the application of the provisions of the Pensions Act in accordance with this Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Board and not by any other authority.

#### *Financial provisions*

#### **8. Establishment of fund of the Institute**

- (1) The Institute shall establish and maintain a fund, which shall be applied towards the promotion of the objectives specified in this Act.
- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

- (a) such sums as may be provided by the Government of the Federation or of a State for payment into the fund;
- (b) fees charged for services rendered by the Institute; and
- (c) subject to section 9 (2) of this Act, all sums accruing to the Institute by way of gifts, testamentary dispositions and endowments or contributions from philanthropic persons or organisations or otherwise howsoever.

### **9. Power to accept gifts**

- (1) The Institute may accept gifts of land, money or other property upon such trusts and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Institute shall not accept any gift if the conditions attached by the persons or organisation making the gift to the acceptance thereof are inconsistent with the functions of the Institute or its position as a non-partisan institution, free from any undue external influence.

### **10. Borrowing power**

- (1) The Institute may, with the consent or in accordance with the general authority given by the Federal Government, borrow by way of loan or overdraft, from any source any monies required by the Institute for meeting its obligations and discharging its functions under this Act, so however that where the sum or the aggregate of the sums involved at anyone time does not exceed N 100, 000, no such consent or authority shall be required.
- (2) The Institute may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds with the like consent or general authority.
- (3) The Board may invest any surplus funds of the Institute in such securities as may be approved by the Federal Government.

### **11. Annual estimates, accounts and audit**

- (1) The Board shall cause to be prepared, not later than 31 October in each year, an estimate of the expenditure and income of the Institute during the next succeeding financial year and when prepared they shall be submitted to the President.
- (2) The Board shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Board, such accounts shall be audited as provided in subsection (3) of this section.
- (3) The accounts of the Institute shall be audited as soon as may be after the end of each financial year by auditors appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation (after consultation with the Minister for Finance), by the Board with the approval of the President, and the fees of the auditors and the expenses of the audit generally shall be paid from the funds of the Institute.

### *Miscellaneous and supplementary*

### **12. Annual reports**

The Board shall, not later than 30 September in each year, submit to the President a report on the activities of the Institute and its administration during the immediately preceding year and shall include in such report the audited accounts of the Institute.

### **13. Staff regulations**

- (I) The Board may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Institute and without prejudice to the generality of the foregoing, such regulations may provide for:
  - (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Institute; and
  - (b) appeals by such employees against dismissal or other disciplinary measures and until such regulations are made, any instrument relating to the conditions of service of public officers shall be applicable, with such modifications as may be necessary, to the employees of the Institute.
- (2) Staff regulations made under subsection (I) of this section shall not have effect until approved by the President. When so approved, they need not be published in the Federal *Gazette*, but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

### **14. Interpretation**

In this Act, unless the context otherwise requires-

**"Board"** means the Board of Governors of the Institute constituted as provided in section 2 of this Act;  
**"chairman"** means the chairman of the Board;  
**"Director-General"** means the Director-General of the Institute;  
**"Institute"** means the National Institute for Policy and Strategic Studies, established by section 1 of this Act;  
**"member"** includes the chairman of the Board.

## 15. Short title

This Act may be cited as the National Institute for Policy and Strategic Studies Act.

### SCHEDULE [Section 2 (6).]

#### *Proceedings of the Board*

1. (1) Subject to this Act and to section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or of any committee thereof.

[Cap. 123.]

(2) The quorum of the Board shall be the chairman and four other members, and the quorum of any committee of the Board, shall be determined by the Board.

2. (1) The Board shall meet not less than four times in each year and, subject thereto, the Board shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than three other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Board the chairman shall preside; but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph, shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

#### *Committees*

3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.

(2) A committee appointed under this paragraph, shall consist of such number of persons (not necessarily all members of the Board), as may be determined by the Board; and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

4. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the chairman or of some other member authorised generally or specially to act for that purpose by the Board.

(2) 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 Institute by the Director-General or any person generally or specially authorised to act for that purpose by the Board.

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

5. Members of the Board who are not public officers shall be paid out of monies at the disposal of the Board such remuneration, fees or allowances, in accordance with such scales, as may be approved from time to time by the President.

6. The validity of any proceedings of the Board or of a committee thereof, shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of a committee, or

by reason that a person not entitled to do so took part in the proceedings.

7. Any member of the Board, and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof, shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

8. A person shall not by reason only of his membership of the Board be treated as holding an office of emolument under the State.

## **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

**NATIONAL LIBRARY ACT**  
**ARRANGEMENT OF SECTIONS**

SECTION

1. Establishment of the National Library Board.
2. Functions and powers.
3. The Director.
4. Deposit obligations.
5. General financial provisions.
6. General reserve.
7. Power to borrow and invest.
8. Accounts and audit.
9. Annual report, etc.
10. Legal proceedings, service of documents, etc.
11. Compulsory acquisition of land.
12. Repeal, etc., of 1964 No.6.
13. Interpretation.
14. Short title.

SCHEDULES  
FIRST SCHEDULE

*Supplementary provisions relating to the Board*

SECOND SCHEDULE

*Transitional and saving provisions*  
NATIONAL LIBRARY ACT

An Act to set up the National Library Board, charged with the responsibility of establishing and maintaining the National Library of Nigeria and to provide such services as in the opinion of the Board are usually provided by national libraries of the highest standing.

[1970 No. 29.]

*[1st June, 1970]*

[Commencement.]

[L.N. 61 of 1970.]

1. Establishment of the National Library Board

(I) There is hereby established a body to be known as the National Library Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the constitution and procedure of the Board and the other matters therein mentioned.

[First Schedule.]

2. Functions and powers

(I) The functions of the Board shall be-

(a) to establish and maintain, in accordance with this Act, the National Library of Nigeria; and

(b) to provide in accordance with this Act such services as in the opinion of the Board are usually provided by national libraries of the highest standing.

(2) For the purpose of carrying out the general functions imposed on the Board by subsection (1) of this section, it shall be the duty of the Board, so far as its resources permit-

- (a) to assemble, maintain and extend a collection of books, periodicals, pamphlets, newspapers, maps, musical scores, films and recordings and such other matter as the Board considers appropriate for a library of the highest standing;
- (b) to establish and maintain a branch of the National Library in each State;
- (c) to make the facilities of the National Library available to members of the public and others on proper terms, which may include provision for-
  - (i) the imposition of a scale of fees, subject to the approval of the Minister, for services rendered to the public;
  - (ii) safeguarding the property of the Board; and
  - (iii) specifying the categories of persons who may be admitted to premises under the control of the Board;
- (d) to make such arrangements as the Board considers appropriate with respect to-
  - (i) the exchange of matter included in the collection aforesaid;
  - (ii) the preparation and publication of catalogues, indexes and similar aids;
  - (iii) the provision of assistance to other persons in the organisation of libraries and with respect to the manner of using facilities under the control of libraries;
- (e) to make recommendations and give advice on library development or organisation to any department or agency of government of the Federation or a State or to any local government council;
- (f) to be responsible for the development of the National Bibliography of Nigeria and national bibliographical services, either in a national bibliographical centre or elsewhere.

(3) The Board shall have such powers as may be necessary or desirable for the proper exercise of its functions; and in particular, without prejudice to the generality of the fore-going, the Board may-

- (a) sue and be sued in its corporate name;
- (b) acquire, hold and dispose of movable and immovable property in general, and in particular-
  - (i) acquire, construct, maintain or repair any property required for the purposes of the National Library; and
  - (ii) let on lease or otherwise dispose of any property which appears to the Board to be unnecessary for the time being for the purposes of the Board;
- (c) do anything for the purpose of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or of the manner in which that equipment is operated (including the provision by the Board, and the assistance of the provision by others, of facilities for training, education and research);
- (d) provide houses, hostels and other like accommodation for persons employed by the Board-
  - (i) for purposes specifically approved by the Board, as being likely to increase the effectiveness of those persons in the service of the Board; or
  - (ii) otherwise for the purpose of exercising the functions of the Board;
- (e) make loans to any person employed by the Board for the purpose of building a house, purchase a plot of land on which a house for such a person may be built or purchase a house for the residential use of any such person or his family; and
- (f) otherwise promote the welfare of persons employed by the Board.

(4) Subject to this Act, the Minister may give the Board directions of a general character or relating generally to particular matters (but not to any individual person or case), with regard to the exercise by the Board of its functions and powers, and it shall be the duty of the Board to comply with the directions.

### **3. The Director**

(1) There shall be a Director of the National Library who, subject to subsection

(2) of this section, shall be appointed by the Board and shall be a person appearing to the Board to have shown exceptional capacity in the organisation and administration of a library and services comparable to those envisaged by this Act.

(2) A person shall not be appointed as the Director unless his appointment is approved by the Minister.

(3) The Director shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

(4) Subject to the Board's financial, operational and administrative policy programmes, the Director shall have the general function of organising and managing the National Library and the services provided in pursuance of this Act, and, in particular, the function of directing the activities of the officers and servants of the Board and managing the Board's financial affairs.

(5) Subject to subsection (4) of this section, the Director shall be free to manage the National Library as he thinks fit, in accordance with this Act, and the Board shall not interfere with his methods or with the manner in which he deploys the material and human resources of the Board in order to obtain results in accordance with this Act.

#### **4. Deposit obligations**

(1) The publisher of every book published in Nigeria shall, within one month after the publication, deliver at his own expense to the National Library three copies of the book, two of which shall be kept in the National Library for permanent preservation and one of which shall be sent by the Director to the Ibadan University Library.

(2) The copies of the book delivered to the National Library under subsection (1) of this section-

- (a) shall be perfect copies of the whole book, with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published; and
- (b) shall be bound, sewed or stitched together and in the best paper on which the book is printed.

(3) Where any printed matter (other than matter of such descriptions as the Director may specify from time to time) is published by or on behalf of any department of Government of the Federation or of a State, it shall be the duty of the official in charge of the department to deliver forthwith to the Director for the purposes of the National Library-

- (a) 25 copies of the publication, if it is published by or on behalf of a department of Government of the Federation; or
- (b) ten copies of the publication, if it is published by or on behalf of a department of Government of a State, or such smaller numbers of copies as the Director may determine in any particular case.

(4) If a publisher fails to comply with any provision of subsection (1) or (2) of this section, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N100; and the court before which he is convicted may in addition order him to deliver to the Director three copies of the book in question or to pay to the Director the value of those copies.

(5) The President may, by order in the Federal *Gazette*, exclude any publisher or book, or any class of publisher or book, from the operation of subsections (1) and (2) of this section.

(6) The obligations imposed by this section are additional to any similar obligations which may be imposed by any law in force in a State other than this Act.

(7) In this section "book" includes-

- (a) all literary works such as books, pamphlets, sheets of music, maps, charts, plans, tables and compilations;
- (b) dramatic works;
- (c) collective works such as encyclopaedias, dictionaries, year books or similar works, newspapers, magazines and similar periodicals;
- (d) any work written in distinct parts by different authors or in which a part or parts of work of different authors is or are incorporated, and every part or division of such a work; and
- (e) all forms in which documentary or oral records are published; "publisher", in relation to a book, means any person authorising or causing the book to be printed and distributed in Nigeria, excluding the Federal Government and the Governor of a State (or any person acting on its or his behalf), a public officer acting in his capacity as such and any person distributing in Nigeria a book published elsewhere.

#### **5. General financial provisions**

(1) The Board is hereby empowered-

- (a) to receive all funds which may, from time to time, be granted to it by the Federal Government and to apply and administer those funds in accordance with such terms and conditions as may be attached to the grant and in accordance with this Act; and
- (b) to receive all other monies otherwise obtained by the Board and to apply and administer those monies in furtherance of the purpose of this Act and in accordance with any terms and conditions upon which those monies may have been obtained.

(2) The Board shall submit to the Minister, not later than 31 October in each financial year, an estimate of its expenditure and income during the next succeeding financial year; and it shall be the duty of the Director to prepare for the consideration of the Board, the estimate which in his opinion it would be proper for the Board to submit to the Minister in pursuance of this subsection.

(3) The receipts of the Board on revenue account in any financial year shall be applied in payment of the following charges-

- (a) the remuneration and allowances payable to members of the Board;

- (b) the salaries, fees or other remuneration or allowances, and pensions, superannuation allowances and gratuities, payable to the Director and officers of the Board;
- (c) expenditure on the maintenance of any property vested in the Board;
- (d) provision for the depreciation or the renewal of any assets vested in the Board;
- (e) interest due on any debenture stock or other stock issued or any temporary loan raised by the Board;
- (f) the sums required to be transferred to a sinking fund or otherwise, set aside for the purpose of making provision for the repayment of debenture stock or the repayment of other borrowed monies;
- (g) such allocation to any general reserve established under section 6 of this Act and to contingencies or any other reserve as may in the opinion of the Board, be appropriate;
- (h) grants for purposes conducive to the welfare of persons employed by the Board;
- (i) such contributions to such charitable objects as the Board, with the approval of the Minister, may determine;
- (j) the purchase of books, equipment and other related material; and
- (k) such other charges as may be reasonably incurred in the exercise of the Board's functions, and the balance, if any, shall be applied to such charitable or public purposes and in such manner as the Minister may direct.

(4) The financial year of the Board shall coincide with that of the Federal Government.

## **6. General reserve**

(1) Without prejudice to the power of the Board to set aside from revenue appropriate amounts for replacements, contingencies or other purposes, the Board may establish and maintain a general reserve.

(2) The management of the general reserve, the sums to be carried from time to time to the credit of the general reserve, the charges to be made against the general reserve and any other application of the monies comprised therein, shall be as the Board may with the approval of the Minister determine: Provided that no part of the monies comprised in the general reserve shall be applied otherwise than for the purposes of the Board.

## **7. Power to borrow and invest**

(1) The Board may, with the consent of or in accordance with any general authority given by the President, borrow by way of loan from the Federal Government, or by way of temporary overdraft approved by the Minister, sums required by the Board for meeting its obligations and discharging its functions under this Act.

(2) The Board may invest all or any of its funds in such manner as may be approved by the Minister.

(3) Subject to section 5 of this Act, the Minister may, with the approval of the President, issue to the Board directives as to the disposal of surplus funds.

## **8. Accounts and audit**

(1) The Board shall keep proper accounts and other records relating thereto and shall prepare in respect of each financial year a statement of accounts in such form, as the Minister may direct.

(2) The accounts of the Board shall be audited by auditors appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(3) As soon as the accounts of the Board have been audited, the Board shall furnish a copy of the statement of accounts to the Minister, together with a copy of any report made by the auditors on their statement or on the accounts of the Board.

## **9. Annual report, etc.**

(1) The Board shall prepare and submit to the Minister not later than 30 May in each financial year, a report in such form as the Minister may direct on the activities of the Board during the last preceding financial year, and shall include in the report a copy of the audited accounts of the Board for the last preceding financial year and of the auditors' report on those accounts.

(2) The Minister shall cause a copy of each report made to him under this section to be laid before the Federal Government.

(3) The Minister may, by notice in writing served on the Director, require the Board to furnish the Minister with all information within its power relating to such matters connected with any activity of the Board as may be specified in the notice; and it shall be the duty of the Board to comply with the requirements of the notice.

## 10. Legal proceedings, service of documents, etc.

(1) No suit against the Board, and no suit against any member, officer or servant of the Board in his capacity as such, shall lie or be instituted in any court unless it is commenced within the twelve months following the act, neglect or default complained of or, in the case of a continuance of damage or injury, within the twelve months following the cessation thereof.

(2) No suit shall be commenced against the Board or against any member, officer or servant of the Board in his capacity as such, until one month at least after there has been served on the Board by or on behalf of the intending plaintiff, written notice of intention to commence the suit, stating-

- (a) the cause of action;
- (b) the particulars of the claim; and
- (c) the name and place of abode of the intending plaintiff and the relief claimed.

(3) The notice referred to in subsection (2) of this section and any summons, notice or other document required or authorised to be served on the Board may, except where there is express provision to the contrary, be served-

- (a) by delivering it to the chairman or the Director; or
- (b) by sending it by registered post, addressed to the Director, at the principal office of the Board.

(4) In any suit, the Board, without prejudice to any other right of representation, may be represented at any stage of the proceedings by any member, officer or servant of the Board who is duly authorised in writing by the Board in that behalf.

(5) In any suit against the Board, no execution or attachment or process in the nature thereof shall be issued against the Board, but any sums of money which may by the judgment of the court be awarded against the Board shall (subject to any directions given by the court where notice of appeal has been given by the Board in respect of the judgment), be paid by the Board from the funds of the Board.

(6) In this section, "suit" means any civil proceedings however commenced.

## 11. Compulsory acquisition of land

(1) Whenever there is any hindrance to the acquisition by the Board of any land required for any purpose of the Board under this Act (including any failure by the Board to reach agreement as to the amount to be paid in respect of the acquisition), the Minister, on the application of the Board and after such enquiry as he may think fit, may declare that the land is required for the service of the Board.

(2) Where a declaration is made under subsection (1) of this section, the land to which the declaration relates shall be deemed to be land required for a public purpose of the Federation, within the meaning of the Land Use Act, and the President-

[Cap. LS.]

- (a) may cause action to be taken under that Act for acquiring the land for the Federal Government; or
- (b) if the land is customary land, may issue a requisition under section 28 (3) of the Land Use Act for the revocation of any rights relating to the land.

(3) Where a declaration has been made under subsection (1) of this section in respect of any land other than customary land and-

- (a) the land has been acquired pursuant to subsection (2) (a) of this section; or
- (b) the President is satisfied that there are no rights subsisting in respect of the land, the President may vest the land in the Board by means of a certificate under the hand and seal of the Registrar of Deeds.

(4) Where a declaration has been made under subsection (1) of this section in respect of any customary land and-

- (a) the rights relating thereto have been revoked pursuant to subsection (2) (b) of this section; or
- (b) the Governor of the State in which the land is situated is satisfied that there are no rights subsisting in respect of the land, the Governor in question may grant to the Board a right of occupancy of the land on such terms and conditions as he thinks fit.

(5) The compensation, if any, payable under the Land Use Act for the acquisition of any land under this section or payable under the Land Use Act for the revocation of any rights relating to the land, as the case may be, shall in the first instance be paid by the Federal Government, but the Board shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

[Cap. LS.]

- (6) A plan of any land referred to in subsection (I) of this section-
- (a) containing measurements of the boundaries of the land;
  - (b) showing the relationship of the land to any sufficient identifying mark; and
  - (c) signed by the Director, shall be a sufficient description of the land for the purposes of an application under that subsection.
- (7) The Board shall not, without the approval in writing of-
- (a) the President; or
  - (b) in the case of customary land, the Governor of the State in which the land is situated, alienate, mortgage, charge or demise any immovable property which has been vested in the Board under this section or in respect of which a right of occupancy has been so granted to the Board.
- (8) In this section "customary land" has the same meaning as in the Land Use Act.

## 12. Repeal, etc., of 1964 No.6

- (1) The National Library Act 1964 is hereby repealed, and the National Library Board established by that Act, is hereby dissolved.
- (2) The transitional and saving provisions in the Second Schedule to this Act, shall have effect notwithstanding any other provision of this Act.

*[Second Schedule.]*

## 13. Interpretation

In this Act, unless the context otherwise requires-

"**Board**" means the National Library Board, established by this Act;

"**chairman**" means the chairman of the Board;

"**Director**" means the Director of the National Library;

"**Minister**" means the Minister charged with responsibility for information;

"**National Library**" means the National Library of Nigeria, established and maintained by the Board;

"**State**" means a State of the Federation.

## 14. Short title

This Act may be cited as the National Library Act.

### SCHEDULES FIRST SCHEDULE [Section I (3).]

#### *Supplementary provisions relating to the Board*

##### *Membership* [1987 No. 26.]

1. (I) Subject to this Schedule, the Board shall consist of twelve members, one of whom shall be the Director and the others shall be appointed by the Minister with the prior approval of the President and shall comprise-

(a) one member to represent each zone of States and the Federal Capital Territory, Abuja as listed in sub-paragraph (2) of this paragraph, rotating every two years within the zones in alphabetical order, who shall be appointed after consultation with the Governors of the States in question and shall be a person appearing to the Minister to have wide experience in at least one of the following fields, that is to say-

- (i) newspapers, broadcasting and other media of communication;
- (ii) university education and research;
- (iii) education other than university;
- (iv) law;

- (v) the activities of legislatures;
- (vi) business and industry;
- (vii) trade unions;
- (viii) finance relating to the provision of public services;
- (ix) science and technology;
- (x) the creative arts; and
- (xi) the book industry;

- (b) one person appearing to the Minister to represent the interest of the Nigeria Library Association or any other body or association of librarians established in Nigeria and approved by the Minister;
- (c) three persons (additional to those appointed under sub-paragraph (a) of this paragraph), appearing to the Minister to have wide experience in at least one of the fields mentioned in that paragraph, one of whom shall be a person appearing to the Minister to have wide experience in the handling of financial matters;
- (d) the Permanent Secretary, Federal Ministry of Education or his representative;
- (e) one representative of the Armed Forces Education Corps; and
- (f) one representative of the Nigerian Association of University Librarians.

(2) The States in each zone referred to in sub-paragraph (1) of this paragraph are as follows-

*Zone States*

- A Adamawa, Benue, Kaduna, Katsina, Nasarawa, Plateau, Taraba.
- B Bauchi, Borno, Gombe, Jigawa, Kana, Kebbi, Sakata, Yobe and Zamfara.

*Zones States*

- C Ekiti, Federal Capital Territory, Abuja, Kogi, Kwara, Niger, Ondo.
- D Delta, Edo, Lagos, Ogun, Osun, Oyo.
- E Abia, Akwa-Ibom, Anambra, Bayelsa, Cross River, Ebonyi, Enugu, Imo, Rivers.

2. The Minister shall, with the prior approval of the President, nominate one of the members of the Board appointed by him to be the chairman of the Board.

*Terms of service*

3. (1) Subject to the provisions of this Act, a person appointed to be a member of the Board, not being a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for reappointment for one further period of three years.

(2) Any member, not being a public officer, may resign his appointment by a letter addressed to the Minister.

4. (1) If it appears to the Minister that a member of the Board should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Minister shall, after consultation with the interests, if any, represented by that member, make a recommendation to that effect to the President and if the President approves the recommendation the Minister shall declare, in writing, the office of that member vacant.

(2) Subject to sub-paragraph (1) of this paragraph-

(a) any member who is absent from two consecutive ordinary meetings of the Board, shall file his explanation in writing with the secretary for consideration by the Board and if the explanation is not accepted by the Board, the Board may recommend to the Minister that the member be removed, and the Minister may declare, in writing, the office of that member vacant;

(b) where the Board is satisfied that the continued presence on the Board of any member is not in the national interest or the interest of the Board, the Board may recommend to the Minister that the member be removed, and the Minister may declare, in writing, the office of that member vacant.

5. There shall be paid to members of the Board out of monies at the disposal of the Board such remuneration and such travelling and subsistence allowances in respect of any periods of time spent on the business of the Board as the President may determine.
6. References in paragraphs 3, 4 and 5 to this Schedule to members of the Board do not include references to the Director.

[1979 No.6.]

*Proceedings*

7. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof.
8. The quorum of the Board shall be seven, and the quorum of any committee of the Board shall be determined by the Board.
9. The Board shall elect a member of the Board to be the deputy chairman of the Board for such period as the Board may determine, so however that a deputy chairman who ceases to be a member shall cease to be deputy chairman.
10. At any time while the office of the chairman is vacant or the chairman is in the opinion of the Board, permanently or temporarily unable to perform the functions of his office, the deputy chairman shall perform those functions, and the references in this Act to the chairman shall be construed accordingly.
11. The Board shall meet at least twice in each calendar year.
12. Subject to paragraph 14 of this Schedule and standing orders of the Board, the Board shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than seven other members, he shall summon a meeting of the Board to be held within fifteen days from the date on which the notice is so given.
13. At any meeting of the Board the chairman, or in his absence the deputy chairman, shall preside, but if both are absent, the members present at the meeting shall elect one of their number to preside at that meeting.
14. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this paragraph, shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

*Committees*

15. The Board shall appoint an Executive Committee to which the Board shall delegate its executive functions and which shall meet as often as may be determined by the Board or by the chairman acting on behalf of the Board.
16. The Executive Committee shall consist of the chairman of the Board (who shall be chairman of the Executive Committee) and six other members of the Board, at least two of whom shall be members of the Board, nominated for membership of the Executive Committee by the Minister.
17. The Executive Committee shall have the power to implement its decisions without prior approval by the Board, but the proceedings of the Executive Committee shall be reported to the Board as soon as possible.
18. The Board shall be responsible for all acts of the Executive Committee done in the lawful exercise of its delegated powers, and accordingly, the Board shall have the power to review and, if it thinks fit, to rescind any decision taken by the Executive Committee.
19. Subject to its standing orders, the Board may appoint such other committees as it thinks fit, but the decision of a committee appointed under this paragraph shall be of no effect until it is confirmed by the Board.

*The Director, officers and servants*

20. The Board-
- (a) shall appoint a secretary to the Board, who shall be an officer but not a member of the Board and shall perform such duties as the Board or the Director may determine; and
  - (b) may appoint such other officers and servants as it thinks fit.
21. Without prejudice to the generality of the powers conferred by section 2 (3) of this Act, the Board shall have power-
- (a) to pay to the Director and to any officer or servant of the Board, such remuneration and allowances as the Board may determine;
  - (b) to pay to or in respect of the Director, and (subject to any regulations made under sub-paragraph (c) of this

4. In this Act "financial year", in relation to the new Board, includes the financial year in which this Act comes into force.
- S. Within the twelve months next following the commencement of this Act, the Minister, if he thinks fit, may by order in the Federal *Gazette* make additional transitional or saving provisions not inconsistent with this Schedule; and, without prejudice to the generality of the foregoing, any such order may provide for service under the former Board to be regarded as service under the new Board for pensions purposes.
6. As part of its functions under section 2 (2) *if* of this Act, the Board shall on the commencement of this Act, in accordance with arrangements to be made between the Director and the librarian of the Ibadan University Library, assume responsibility for continuing the National Bibliography heretofore known as Nigerian Publications which, before the commencement of this Act, was compiled in the Ibadan University Library and published by the Ibadan University Press.

#### **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

# NATIONAL MATHEMATICAL CENTRE ACT

## ARRANGEMENT OF SECTIONS

### PART I

#### *Establishment of the National Mathematical Centre, etc.*

#### SECTION

1. Establishment of the National Mathematical Centre.
2. Establishment and membership of the Governing Council of the Centre.
3. Tenure of office, etc.
4. Power of the Minister to give directives.

### PART II

#### *Functions and powers of the Centre*

5. Functions of the Centre.
6. Powers of the Centre.

### PART III

#### *Staff of the Centre*

7. Director and other staff of the Centre.
8. Staff regulations.
9. Pensions

### PART IV

#### *Academic Board*

10. Establishment of an Academic Board for the Centre.

### PART V

#### *Financial provisions*

11. Fund of the Centre.
12. Annual estimate, accounts and audit.
13. Annual report

### PART VI

#### *Miscellaneous*

14. Regulations.
15. Interpretation.
16. Short title.

### SCHEDULE

*Proceedings of the Council*  
NATIONAL MATHEMATICAL CENTRE ACT

An Act to establish the National Mathematical Centre to, amongst other, train and develop a high level of personnel in mathematical sciences, create a resource center to serve national and international communities and provide for other matters ancillary thereto.

[1989 No. 40.]

[1st January, 1988]

[Commencement.]

PART I

*Establishment of the National Mathematical Centre, etc.*

**1. Establishment of the National Mathematical Centre**

(1) There is hereby established in the Federal Capital Territory, Abuja, a body to be known as the National Mathematical Centre (in this Act referred to as "the Centre"), which shall have the functions assigned to it by this Act.

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

**2. Establishment and membership of the Governing Council of the Centre**

(1) There is hereby established for the Centre, a Governing Council (in this Act referred to as "the Council"), which shall be responsible for directing the affairs of the Centre.

(2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the Council to exercise general control and superintendence of the policy, finances and property of the Centre, including its public relations.

(3) The Council shall consist of--

- (a) a chairman;
- (b) one representative of the Federal Ministry of Education;
- (c) one representative of the National Universities Commission;
- (d) one representative of the Federal Ministry of Science and Technology;
- (e) one representative of the Nigerian Academy of Science;
- (f) two representatives of the Nigerian universities, appointed in rotation for two years at a time;
- (g) one representative of the polytechnics;
- (h) one representative of the colleges of education;
- (i) three members to represent professional and other interests in mathematical sciences, statistics, computer science and theoretical physics; and
- (j) the Director of the Centre.

(4) The chairman and the other members of the Council who are not representing Ministries, shall be appointed by the President on the recommendation of the Minister.

(5) The supplementary provisions set out in the Schedule to this Act, shall have effect with respect to

**3. Tenure of office, etc.**

4. (1) Subject to the provisions of this Act, a member of the Council not being a public officer, shall hold office for a period of four years from the date of his appointment and shall be eligible for reappointment for one further period of four years; thereafter, he shall no longer be eligible for reappointment.

(2) Any member of the Council, not being a public officer, may resign his office by a letter addressed to the Minister and the resignation shall have effect from the date of the receipt of the letter by the Minister.

(3) The Minister may, with the approval of the President, terminate the appointment of a member of the Council (not being an *ex-officio* member), if he is satisfied that it is not in the interest of the Centre that the person concerned should continue in office.

(4) Members of the Council not being public officers, shall be paid such remuneration and allowances as the Minister may, with the approval of the President, determine.

**4. Power of the Minister to give directives**

to the provisions of this Act, the Minister may give to the Council directives of a general character or relating generally to particular matters, 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 directives

**PART II**

*Functions and powers of the Centre*

**5. Functions of the Centre**

The Centre shall-

(a) train and develop high-level personnel in mathematical sciences, including mathematics, statistics, computer science and theoretical physics, for Nigerian and African institutions;

(b) create a resource centre to serve national and international communities as a focal point for advanced research and training in mathematical sciences and applications;

- (c) enhance collaboration among mathematical scientists, especially between young Nigerian scientists, and other advanced and experienced scientists from within and outside Nigeria;
- (d) identify and encourage young talents in mathematical sciences;
- (e) stimulate enthusiasm for the physical sciences in young Nigerian students and scholars;
- (f) prepare Nigeria for a leading role in mathematical sciences;
- (g) attract good mathematical scientists from all over the world into the service of Nigeria;
- (h) encourage and support activities leading to the improvement of the teaching and learning of mathematical sciences at all levels;
- (i) provide facilities for scientific conferences and the publication of the proceedings arising therefrom;
- (j) tackle national set goals in the development of mathematical sciences;
- (k) conduct series of specialised lectures or courses, for the purpose of up-grading postgraduate students in the field of mathematical sciences to a level where they can begin to understand research papers and seminars;
- (l) conduct series of research lectures for advanced postgraduate as well as post-doctoral and other participants, based on a set of pre-assigned research papers, with the objective of generating questions that would be collated, discussed and used to determine new research directions for the participants;
- (m) conduct seminars, workshops and symposia in such areas as the Academic Board of the Centre may, from time to time, determine or plan;
- (n) establish and execute a visiting programme for mathematical scientists, under which mathematical scientists can visit the Centre for short periods, to work on their individual research problems using the library, computing and other facilities of the Centre; and
- (o) perform such other functions that are related to those set out in this section and do such other things as are, in the opinion of the Council, necessary or expedient for carrying out the functions of the Centre under this Act.

## **6. Powers of the Centre**

The Centre shall have power to-

- (a) award certificates of attendance and of full participation at lectures and courses conducted under this Act;
- (b) establish and maintain a library comprising such books, journals, records, reports and other publications and information systems as may be required for the discharge of the functions conferred on the Centre by this Act;
- (c) accept gifts of land, money or other property, upon such terms and conditions if any, as may be specified by the person or organisation making the gift: Provided that the conditions attached by the person or organisation making the gift are not inconsistent with the functions of the Centre or its position as a non-partisan institution, free from undue external influence.

## **PART III**

### *Staff of the Centre*

## **7. Director and other staff of the Centre**

(1) There shall be for the Centre a Director who shall possess appropriate qualifications and be appointed by the President, on the recommendation of the Minister.

(2) The Director shall-

- (a) hold office for a period of five years and shall be eligible for re-appointment; and
- (b) enjoy conditions of service equivalent to those of the Vice-Chancellor of a Federal university.

(3) The Director shall be the chief executive and academic officer of the Centre and shall be charged with general responsibility for matters relating to the day-to-day management and operations of the Centre.

(4) There shall be for the Centre a Deputy Director who shall be appointed by the Council and act in place of the Director when the office of the Director is vacant or the Director is for any reason (including absence from the precincts of the Centre), unable to perform his functions as the Director.

(5) There shall be for the Centre a librarian who shall be appointed by the Council and be responsible to the Director for the development and administration of the library services of the Centre.

(6) There may be appointed, from time to time, by the Council, such other employees as may be required for the purposes of the efficient performance of the functions conferred on the Centre by this Act.

## **8. Staff regulations**

(1) The Council may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Centre and, without prejudice to the generality of the foregoing, such regulations may provide for-

- (a) the appointment, promotion and discipline (including dismissal) of employees of the Centre; and
- (b) appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instruments relating to the conditions of service of public officers in the university system shall be applicable, with such modifications as may be necessary, to employees of the Centre.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the President; and when so approved, they need not be published in the Federal *Gazette*, but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

## **9. Pensions**

(I) Service in the Centre shall be approved service for the purposes of the Pensions Act.

[Cap. P4.]

(2) Officers and other persons employed in the Centre shall be entitled to pensions, gratuities and other retirement benefits as are prescribed in the Act, 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, gratuity or other retirement benefit, in respect of that office.

(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable

thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

#### PART IV

##### *Academic Board*

#### 10. Establishment of an Academic Board for the Centre

(1) There is hereby established as an integral part of the Centre, an Academic Board which shall consist of-

- (a) the Director of the Centre;
- (b) the Deputy Director;
- (c) the librarian;
- (d) four representatives drawn in rotation from among the universities in Nigeria in the discipline of mathematical sciences; and
- (e) five other persons, for the time being holding such appointments on the staff of the Centre as the Director of the Centre may, with the approval of the Council, specify.

(2) A person other than an *ex-officio* member shall hold an appointment on the Academic Board under paragraphs (d) and (e) of subsection (1) of this section for a period of two years and shall be eligible for reappointment for one further period of two years.

(3) The Academic Board shall-

- (a) formulate and continuously evaluate the academic programme of the Centre; and
- (b) perform such other functions as are traditional to such bodies as the Council may, from time to time, direct.

(4) The Director shall be the chairman at the meeting of the Academic Board and in his absence, the Deputy Director shall preside at such meeting but, in the absence of both, the members present at the meeting shall appoint one of their number to preside at the meeting.

(5) Subject to subsection (4) of this section, the Academic Board shall have power to regulate its own procedure.

#### PART V

##### *Financial provisions*

#### 11. Fund of the Centre

(1) The Centre shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Centre in the performance of its functions under this Act.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

- (a) such sums as may, from time to time, be granted to the Centre by the Federal Government;
- (b) fees charged for services rendered by the Centre; and

© subject to section 6 (c) of this Act, all sums accruing to the Centre by way of gifts, grants-in-aid, testamentary disposition and endowments or contribution from philanthropic persons or organisations or otherwise howsoever.

#### 12. Annual estimate, accounts and audit

(1) The Council shall cause to be prepared, not later than 30 September in each year, an estimate of the

expenditure and income of the Centre during the next succeeding year, and when prepared, they shall be submitted to the President

(2) The Council shall cause to be kept proper accounts of the Centre and proper records in relation thereto and when certified by the Council, such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Centre shall be audited within six months after the end of each year by auditors appointed by the Council from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation; and the fees of the auditors and the expenses of the auditors generally shall be paid from the funds of the Centre.

### **13. Annual report**

The Council shall, not later than 31 December in each year, submit to the President a report in such form as the Minister may, from time to time, direct, on the activities of the Centre during the preceding year and shall include in such report the audited accounts of the Centre.

## PART VI

### *Miscellaneous*

#### **14. Regulations**

The Minister may make regulations for the purpose of giving effect to the provisions of this Act.

#### **15. Interpretation In this Act,**

unless the context otherwise requires-

"**Centre**" means the National Mathematical Centre, established by section I (I) of this Act;

"**chairman**" means the chairman of the Council;

"**Council**" means the Governing Council of the Centre, established by section 2 of this Act;

"**Director**" means the Director of the Centre, appointed under section 7 of this Act;

"**member**" means a member of the Council and includes the chairman;

"**Minister**" means the Minister charged with responsibility for matters relating to higher education.

#### **16. Short title**

This Act may be cited as the National Mathematical Centre Act.

## SCHEDULE

[Section 2 (5).]

### *Proceedings of the Council*

1. (I) Subject to this Act and to section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or of any committee thereof.

[Cap. /23.]

(2) The quorum of the Council shall be seven and the quorum of any committee of the Council shall be as determined by the Council.

2. (1) The Council shall meet not less than three times in each year and, subject thereto, the Council shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than three other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Council, the chairman shall preside, but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.

#### *Committees*

3. (1) The Council may appoint one or more committees to carry out, on its behalf, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Council), as may be determined by the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

#### *Miscellaneous*

4. (1) The fixing of the seal of the Centre shall be authenticated by the signature of the chairman or of some other members authorised generally or specially to act for that purpose by the Council.

(2) 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 Centre by the Director or any person generally or specially authorised to act for that purpose by the Council.

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

(4) Members of the Council who are not public officers shall be paid out of monies at the disposal of the Council such remunerations, fees or allowances in accordance with such scales as may be approved, from time to time, by the President.

(5) The validity of any proceeding of the Council or of a committee thereof, shall not be affected by any vacancy in the membership of the Council or a committee or by any defect in the appointment of any member of the Council or a committee, or by reason that a person not entitled to do so, took part in the proceedings.

(6) Any member of the Council or any person holding office on a committee of the Council 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 the contract or arrangement.

### **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

# NATIONAL OPEN UNIVERSITY ACT

## ARRANGEMENT OF SECTIONS

### *Constitution and objects of the University and its constituent bodies*

#### SECTION

1. Incorporation and objects of the National Open University
2. Constitution and principal officers of the University.
3. Powers of the University and their exercise.
4. Functions of Chancellor and Pro-Chancellor.
5. Functions of the Council and its Finance and General Purposes Committee.
6. Functions of the Senate.
7. Functions of the Vice-Chancellor.
8. Transfer of property to the University.

### *Statutes of the University*

9. Power of the University to make statutes.
10. Mode of exercising power to make statutes.
11. Proof of statutes.

### *Supervision and discipline*

12. Visitor.
13. Removal of certain members of the Council.
14. Removal and discipline of academic, administrative and technical staff.
15. Removal of examiners.
16. Discipline of students.

### *Miscellaneous and supplementary*

17. Exclusion of discrimination on account of race, religion, etc.
18. Restriction on disposal of land by the University.
19. Quorum and procedure of bodies established by this Act.
20. Appointment of committees, etc.
21. Miscellaneous administrative provisions.
22. Interpretation.
23. Short title.

## SCHEDULES

### FIRST SCHEDULE

#### *Principal officers of the University*

### SECOND SCHEDULE

#### *Transitional provisions as to property and functions. etc.*

THIRD SCHEDULE  
*National Open University Statute No. 1*  
NATIONAL OPEN UNIVERSITY ACT

**An Act to provide for the establishment of the National Open University and for its general administration; for the transfer thereto of property held on its behalf by the Provisional Council and for other purposes connected therewith.**

[1983 No.6.]

[22nd July, 1983]

[Commencement. ]

*Constitution and objects of the University and its constituent bodies*

**1. Incorporation and objects of the National Open University**

(1) There is hereby established a university to be known as the National Open University, which shall be a body corporate with perpetual succession and a common seal.

(2) The University may sue or be sued in its corporate name.

(3) The objects of the University shall be-

- (a) to encourage the advancement of learning throughout Nigeria by means of tuition carried out mainly by correspondence and closely supplemented by lectures, broadcasts by radio and television, as well as by occasional seminars, tutorial and counselling services, organised through a network of local study centres and to hold out to all persons without distinction of race, creed, sex, or political conviction the opportunity of acquiring a higher and liberal education;
- (b) to provide courses of instruction and other facilities for the pursuit of learning in all its branches and to make those facilities available on proper terms to such persons as are equipped to benefit from them, especially those who may not by the nature of their special circumstances enrol for residential full-time university education;
- (c) to encourage and promote scholarship and conduct research in all fields of learning and human endeavours;
- (d) to relate its activities to the social, cultural and economic needs of the people of Nigeria; and
- (e) to undertake any other activities appropriate for a university of the highest standard.

**2. Constitution and principal officers of the University (1) The University shall consist of-**

- (a) a Chancellor;
- (b) a Pro-Chancellor and a Council;
- (c) a Vice-Chancellor and a Senate;
- (d) a body to be called Congregation;
- (e) a body to be called General Assembly;
- (f) a body to be called Convocation;
- (g) the headquarters, regional offices and local study centres of the University;
- (h) the faculties, 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; [First Schedule.]
- (j) all undergraduates, graduates and postgraduates; and
- (k) all other persons who are members of the University in accordance with provision 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 therein mentioned.

(3) Provision shall be made by statute with respect to the constitution of the following bodies, namely the Council, the Senate, Congregation, the General Assembly and Convocation.

### 3. Powers of the University and their exercise

(1) For the carrying out of its objects as specified in section I of this Act, the University shall have power-

- (a) to establish such regional offices, local study centres, 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) to institute professorships, readerships, lectureships, tutorships and other posts and offices and to make appointments thereto;
- (c) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance
- (d) to provide for the discipline and welfare of members of the University;
- (e) to hold examinations and grant 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) to grant honorary degrees, fellowships or academic titles;
- (g) subject to section 18 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situated;
- (h) to 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;
- (i) to enter into contracts, establish trust, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (j) to erect, provide, equip and maintain libraries, laboratories, lecture halls, refectories, playing fields and other buildings or things necessary or suitable or convenient for any of the projects of the University;
- (k) to hold public lectures and to undertake printing, publishing and book selling;
- (l) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the University by way of endowment, whether for general or special purposes, and such other moneys not 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 uninvested, with any bank on deposit or current account;
- (m) to 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 it necessary or expedient to borrow or to guarantee any loan, advance or credit facility;
- (n) to make gifts for any charitable purpose;
- (o) to arrange for the general welfare of children of members of staff;
- (p) to demand and receive from any student or any other person enrolled with the University for the purpose of instruction, such fees as the University may from time to time determine, subject to the overall direction of the Minister;
- (q) to do anything which it is authorised or required by this Act or by statute to do; and
- (r) to 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 and without prejudice to section 7 (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 authorised by statute.

(3) The power of the University to establish regional offices and local study centers thereof shall be exercisable by statute and not otherwise.

### 4. Functions of Chancellor and Pro-Chancellor

(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 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.

## **5. Functions of the Council and its Finance and General Purposes Committee**

(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 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 University and perform such other functions 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 that proper accounts of the University are kept and that the accounts of the University are audited annually in such manner as may be specified by law 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 of or 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 in so far and to the extent that any rules so made by that Committee conflict with any directions given by the Council (whether before or after the coming into force of the rules in question), the directions of the Council shall prevail.

(7) There shall be paid to the members respectively of the Council, of the Finance and General Purposes Committee and other committees 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 the Minister.

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

(9) If requested in writing by any members of the Council, the chairman shall within

28 days after the receipt of such request, call a meeting of the Council. The request shall specify business to be considered at the meeting and no business not so specified shall be transacted at that meeting.

## **6. Functions of the Senate**

(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 organise and control the teaching by the University, the admission (where no other enactment provides to the contrary) of students and the discipline of students and to promote research at the University.

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

- (a) the establishment, organisation and control of the headquarters, regional offices, local study centres, schools, faculties, departments, institutes and other teaching and research units of the University and the allocation or responsibility for different branches of learning;
- (b) the organisation and control of courses of study at the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
- (c) the award of degrees and such other qualifications as may be prescribed in connection with examinations held as aforesaid;
- (d) the 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) the supervision of the welfare of students of the University and regulation of their conduct;
- (f) the granting of fellowships, scholarships, prizes and similar awards, in so far as the awards are within the control of the University;
- (g) determining what descriptions of dress shall be academic dress for the purposes of the University and regulating the use of the academic dress.

(3) The Senate shall not establish any new regional office, local study centre, school, faculty, department, institute or other teaching or research unit of the University, without the approval of the Council.

(4) 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 foregoing provisions of this section or otherwise or for the purpose of making provisions for any matter for which provision by regulations is authorised or required by this Act or by statute.

(5) Regulations shall 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 at the University, is not a teacher at the University, but is a teacher of the branch of learning to which the course relates at some other University of high repute.

(6) Subject to a right of appeal to the Council on 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 upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

## **7. Functions of the Vice-Chancellor**

(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 4 of this Act, except the Pro-Chancellor and any other person for the time being acting as chairman of the Council.

(2) Subject to sections 5, 6 and 12 of this Act, the Vice-Chancellor shall have the 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 be the chief executive and chief academic officer of the University and *ex-officio* chairman of the Senate.

## **8. Transfer of property to the University**

(1) All property held by or on behalf of the University by the provisional council shall, by virtue of this subsection and without further assurance, vest in the University and be held by it for the purposes of the University.

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

[Second Schedule.]

*Statutes of the University*

## **9. Power of the University to make statutes**

(1) Subject to this Act, the University may make statutes for any of the following purposes, that is to say-

- (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 a non-academic matter, for the purposes of this Act and of any statute, regulation or other instrument made thereunder; or
- (e) making provision for any other matter for which provision by statute is authorised or required by this Act.

(2) Subject to section 21 (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 37 (1) of that Act.

[Cap. 123.]

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

[Third Schedule.]

(4) The power to make statutes 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.

## **10. Mode of exercising power to make statutes**

(1) The power of the University to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.

(2) A proposed statute shall not become law unless it has been approved-

- (a) at a meeting of the Senate, by the vote of not less than two thirds of the members present and voting; and
- (b) at a meeting of the 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 in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies before the other.

(4) A statute which makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University, shall not come into operation, unless it has been approved by the President.

(5) A statute shall be treated as being made on the date on which it is duly approved by the Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council, as the case may be, 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.

## **11. Proof of statutes**

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

### *Supervision and discipline*

## **12. Visitor**

(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 the Visitor may deem 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-

- (a) to make available to the Visitor, and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may require for the purposes of a visitation; and
- (b) to give effect to any directives consistent with the provisions of this Act which may be given by the Visitor in consequence of a visitation.

## **13. Removal of certain members of the Council**

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

(2) It shall be the duty of the Minister to use his best endeavours 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.

## **14. Removal and discipline of academic, administrative and technical staff**

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

- (a) give notice of those reasons to the person in question;
- (b) afford him an opportunity of making representations in person on the matter to the Council; and
- (c) if he or any three members of the Council so request within the period of one month, beginning with the date of the notice, make arrangements-

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

(ii) for the person in question to be afforded an opportunity of appearing before and being heard by the 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 as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(2) The Vice-Chancellor may, in a case of misconduct by a member of the 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 forthwith be reported to the Council.

(3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by Council; 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; or
- (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 his office; or
- (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to hold his 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.

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

- (a) whether to continue such person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him);
- (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
- (c) whether to terminate the appointment of the person concerned, in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (d) whether to 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, and in any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall, before the expiration of a period of three months from such decision, come to a final determination in respect of the case concerning any such person.

(5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of 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.

(6) Nothing in the foregoing provisions of this section shall-

- (a) apply to any directive given by the Visitor, in consequence of any visitation; or
- (b) prevent the Council from making regulations for the discipline of other category of workers of the University, as may be prescribed.

## **15. Removal of examiners**

(1) If, on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, except in such case as may be prescribed, he may, after affording the examiner an opportunity of making representations in person on the matter to the Vice-Chancellor, remove the examiner from the appointment by an instrument in writing signed by the Vice-Chancellor and, subject to the provisions of regulations made in pursuance of section 6 (5) of this Act, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in the place of the examiner removed in pursuance of this subsection.

(2) It shall be the duty of the Vice-Chancellor, on signing an instrument of removal in pursuance of 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 which it relates.

## **16. Discipline of students**

(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by statute or regulations, direct-

- (a) that the 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; or
- (b) that the 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; or
- (c) that the student be expelled from the University.

(2) Where a direction is given under subsection (1) (c) 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 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 thinks fit.

(3) The fact that an appeal against a direction is brought in pursuance of the last fore-going subsection, shall not affect the question of the direction while the appeal is pending.

(4) 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.

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

(6) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.

*Miscellaneous and supplementary*

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

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 or of family origin, or religious or political persuasion as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University, of a member of any body established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the University, by reference to any of these matters: Provided that nothing in this section shall be construed as preventing the University from imposing any disability or restriction on any of the aforementioned persons where such person wilfully refuses or fails 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 pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

**18. Restriction on disposal of land by the University**

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 President:

[Cap. L5.]

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 21 years or any lease or tenancy to a member of the University for residential purposes.

**19. Quorum and procedure of bodies established by this Act**

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

**20. Appointment of committees, etc.**

(1) Any body 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 to authorise a committee established by it-

- (a) to exercise, on its behalf, such of its functions as it may determine; and
- (b) to co-opt members, and may direct whether or not co-opted members (if any), 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 of dealing with it or of reporting on it to those bodies or any of them.

(3) Except as may otherwise be provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of 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) Nothing in the foregoing provisions of this section shall be construed as-

- (a) enabling statutes to be made otherwise than in accordance with section 10 of this Act; or
- (b) enabling the Senate to empower any other body to make regulations or to award degrees or other qualifications.

(5) 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 a person pursuant to section 14 of this Act) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

## 21. Miscellaneous administrative provisions

(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 be authenticated by any member of the Council and by the Vice-Chancellor, a Deputy Vice-Chancellor, Registrar or any other person authorised 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 presumed 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 authorised to do so by the Council.

(4) The validity of any proceedings of any body established in pursuance of this Act, shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason only that any person not entitled to do so, took part in the proceedings.

(5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body, shall forthwith 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 in pursuance of this Act; but the power conferred by this Act to make statutes or regulations shall include power to revoke or vary any statute, including the statute contained in the Third Schedule to this Act or any regulation by a subsequent statute or, as the case may be by a subsequent regulation and statute and regulations may make different provision in relation to different circumstances.

[Cap. 123.]

(7) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 8 and 18 of this Act or the Second Schedule to this Act.

[Second Schedule.]

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

## 22. Interpretation

(1) In this Act, unless the context otherwise requires-

**"Council"** means the Council established by this Act for the University;

**"graduate"** means a person on whom a degree (other than an honorary degree) has been conferred by the University;

**"headquarters"** means the headquarters of the University;

**"local study centre"** means any local study centre which may be established by the University;

**"Minister"** means the Minister charged with responsibility for higher education;

**"notice"** means notice in writing;

**"officer"** does not include the Visitor;

**"prescribed"** means prescribed by statute or regulation;

**"President"** means the President of the Federal Republic of Nigeria;

**"professor"** means a person designated as a professor of the University in accordance with provisions made in that behalf by statute or regulations;

**"property"** includes rights, liabilities and obligations;

**"the provisional council"** means the provisional council appointed for the University by the President;

**"regulations"** means the regulations made by the Senate or the Council;

**"Senate"** means the Senate of the University established pursuant to section 2 (I) (c) of this Act;

**"statute"** means a statute made by the University under section 9 of this Act and in accordance with the provisions of section 10 of this Act, and "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;

**"undergraduate"** means a person in *statu pupillari* at the University, other than-

(a) a graduate; and

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

**"University"** means the National Open University, as incorporated and constituted by this Act

(2) It is hereby declared that 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 proposal or recommendation received by it in pursuance of that provision, to the appropriate authority; but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon.

### 23. Short title

This Act may be cited as the National Open University Act.

## SCHEDULES

### FIRST SCHEDULE

[Sections 2 (1) (i) and 2 (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 by the President.

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

#### *The Vice-Chancellor*

3. (1) The Vice-Chancellor shall be appointed or removed from his office by the President after consultation with the University Council.

(2) The Vice-Chancellor shall hold office for four years in the first instance and shall be eligible for reappointment for a second term of three years; thereafter he shall no longer be eligible for appointment, until at least four years have elapsed since he last held office as Vice-Chancellor.

(3) The Vice-Chancellor shall hold office on such terms as to emoluments and otherwise, as may be specified in his instrument of appointment.

#### *Other principal officers of the University*

4. (1) There shall be the following other officers of the University, who shall each be responsible to the Vice-Chancellor, that is to say-

- (a) Deputy Vice-Chancellors;
- (b) Registrar;
- (c) Bursar; and
- (d) Librarian.

(2) The scope of responsibilities of those officers and how they relate to each other shall be determined by statute.

(3) The Deputy Vice-Chancellor, Registrar, Bursar and Librarian, shall be appointed in such manner as may be specified by statute and shall hold office for such period and on such terms as to the emoluments of their offices and otherwise as may be specified.

(4) Any question as to the scope of the responsibilities of the aforesaid officers shall, subject to sub-paragraph (2) of this paragraph, be determined by the Vice-Chancellor.

#### *Resignation and reappointment*

5. (1) Any officer mentioned in the foregoing provisions of this Schedule, may resign his office-

- (a) in the case of the Chancellor or Pro-Chancellor, by notice to the President; and
- (b) in any other case, by notice to the Council and the Council shall immediately notify the Minister, in the case of the Vice-Chancellor.

(2) Subject to paragraph 4 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct, shall be eligible for reappointment to that office.

#### SECOND SCHEDULE [Sections 8 (2) and 21 (7).]

##### *Transitional provisions as to property and functions, etc.*

##### *Transfer of property to University*

1. Without prejudice to the generality of section 8 (I) of this Act-

- (a) the reference in that subsection to property held by the provisional Council, 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;

(b) all debts and liabilities of the provisional Council outstanding shall become debts or liabilities of the University.

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 had been a party thereto in place of the provisional council.

(2) Documents not falling within sub-paragraph (1) of this paragraph, including enactments which refer, whether specially or generally, to the provisional council, shall be construed in accordance with that sub-paragraph, 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.

##### *Registration of transfers*

3. 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 or any other matter), apply with the necessary modifications to the transfer of the property aforesaid; and 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 (0 the proper officer of the registration authority, and of that office to register the transfer accordingly.

##### *Transfe r of functions*

4. (I) 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 shall have been duly constituted.

(3) The first meeting of the Senate, as constituted by the 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 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 to this Act, shall 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 constituted by this Act.

(6) Persons who were Deans or associate Deans of faculties or members of faculty board, shall continue to be Deans or associate Deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the statutes.

(7) Any person who was a member of the staff of the University as established or was otherwise employed by the provisional council, shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be, to those which appertained to him as a member of that staff or as such an employee.

THIRD SCHEDULE  
[Sections 9 (3) and 21 (3).]  
*National Open University Statute No.1*  
ARRANGEMENT OF ARTICLES

ARTICLE

1. The Council.
2. The Finance and General Purposes Committee.
3. The Senate.
4. Congregation.
5. General Assembly.
6. Convocation.
7. Organisation of faculties and branches thereof.
8. Faculty Boards.
9. Deans of faculties.
10. Selection of certain principal officers.
11. Creation of academic posts.
12. Appointment of academic staff.
13. Appointment of administrative and technical staff.
14. Interpretation.
15. Short title.

*The Council*

**1. (1) The Council shall consist of-**

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor and the Deputy Vice-Chancellors;
- (c) fifteen persons representing a variety of interests and broadly representative of the whole Federation, appointed by the President;
- (d) four persons appointed by the Senate, from among the members of that body;
- (e) one person appointed by Congregation, from among the members of that body;
- (f) one person appointed by the General Assembly, from among the members of that body
- (g) one person appointed by Convocation, from among the members of that body; and
- (h) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.

(2) Any member of the Council holding office otherwise than in pursuance of sub-paragraph (1) (a), (b) or (h) of this paragraph may, by notice to the Council, resign his office.

(3) A member of the Council holding office otherwise than in pursuance of subparagraph (1) (a), (b) or (h) of this paragraph shall, unless he previously vacates it, vacate that office on the expiration of the period of four years, beginning with effect from the 1st of August in the year in which he was appointed.

(4) Where a member of the Council holding office otherwise than in pursuance of subparagraph (1) (a), (b) or (h) of this paragraph vacates office before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.

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

(6) The quorum of the Council shall be five, at least one of whom shall be a member appointed pursuant to sub-paragraph (1) (c) and (h) of this paragraph.

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

(8) Where the Council desires to obtain 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.

#### *The Finance and General Purposes Committee*

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

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

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

(c) ten other members of the Council appointed by the Council, one of whom shall be selected from among the four members of the Council appointed by the Senate and one member appointed to the Council by the Congregation and the remaining eight shall be from among members appointed by the President;

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

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

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

#### *The Senate*

### **3. (1) The Senate shall consist of-**

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

(b) the Deans of the several faculties;

(c) the Directors of the several institutes;

(d) the Professors;

(e) the Heads of academic departments;

(f) the Librarian;

(g) the persons for the time being holding such appointments on the staff of the University as may be specified by the Vice-Chancellor;

(h) one representative elected by each Faculty Board; and

(i) elected members of Congregation, whose total number shall be limited to not more than five per cent of all the members specified in sub-paragraphs (a) to (j) of this sub-paragraph.

(2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present; and in his absence, a Deputy Vice-Chancellor 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 sub-paragraph (2) of this paragraph, the Senate may regulate its own procedure.

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

(5) Subject to sub-paragraph (7) of this paragraph, there shall be elections for the selection of elected members which shall

be held in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may, from time to time, determine.

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

(7) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance of sub-paragraph (9) of this paragraph does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during the year in pursuance of sub-paragraph (6) of this paragraph; but for the avoidance of doubt, it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of a reduction in the total of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as an elected member.

(8) If so requested in writing by 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.

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

#### *Congregation*

#### **4. (1) Congregation shall consist of-**

- (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
- (b) the full-time members of the academic staff
- (c) the Registrar;
- (d) the Bursar and
- (e) every member of the administrative staff who holds a degree of any university recognised for the purposes of this statute by the Vice-Chancellor, not being an honorary degree.

(2) Subject to section 4 of the Act, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence, a Deputy Vice-Chancellor shall be the chairman at the meeting.

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

(4) A certificate signed by the Vice-Chancellor specifying-

- (a) the total of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or
- (b) the names of the persons who are members of Congregation during the particular period, shall be conclusive evidence of that number or, as the case may be, of the names of those persons.

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

(6) Congregation shall be entitled to express, by resolution or otherwise, its opinion on all matters affecting the interest and welfare of the University and shall have such other functions, in addition to the functions of electing a member of the Council, as may be provided by statute or regulations.

#### *General Assembly*

#### **5. (1) The General Assembly shall consist of-**

- (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
- (b) all Professors and Heads of departments;
- (c) the Registrar;
- (d) the Bursar;
- (e) one academic staff representative of each faculty; and
- (f) five students from each faculty, appointed by the Dean on a departmentally representative basis.

(2) Subject to section 4 of the Act, the Vice-Chancellor shall be the chairman at all meetings of the General Assembly when he is present, and in his absence, a Deputy Vice-Chancellor shall be the chairman at the meeting.

(3) The quorum of the General Assembly shall be one third (or the whole number nearest to one third) of the total number of members of the general assembly, provided that no less than five students are present.

(4) Subject to the foregoing provisions of this article, the General Assembly may regulate its own procedure.

(5) The General Assembly shall be entitled to express, by resolution or otherwise, opinion on all matters affecting the interest and welfare of students and shall have such other functions, in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

#### *Convocation*

##### **6. (1) Convocation shall consist of-**

- (a) the officers of the University mentioned in the First Schedule to the Act;
- (b) all teachers within the meaning of the Act; and
- (c) all other persons whose names are registered in accordance with sub-paragraph

(2) of this paragraph.

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

- (a) he is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
- (b) he applies for the registration of his name in the prescribed manner and pays the prescribed fees, and regulations shall provide for the establishment and maintenance of a register, for the purposes of this paragraph and, subject to sub-paragraph (3) of this paragraph, may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

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

(4) A person who reasonably claims that he is entitled to have his name on the register, shall be entitled on demand to inspect the register or a copy of the register at the principal office of the University at all reasonable times.

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

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

(7) Subject to section 4 of the Act, the Chancellor shall be chairman at all meetings of Convocation when he is present, and in his absence, the Vice-Chancellor shall be the chair- man at the meeting.

(8) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute.

#### *Organisation of faculties and branches thereof*

##### **7. Each faculty shall be divided into such number of branches as may be prescribed.**

#### *Faculty Boards*

##### **8. (1) There shall be established in respect of each faculty,**

a Faculty Board which, subject to the provisions of this statute, and subject to the 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 any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
- © advise the Vice-Chancellor or the Senate on any matters referred to it by the Vice-Chancellor or the Senate.

(2) Each Faculty Board shall consist of-

- (a) the Vice-Chancellor;
- (b) the Dean;
- (c) the persons severally in charge of the branches of the faculty;
- (d) such of the teachers assigned to the faculty and having the prescribed qualifications, as the board may determine; and

(8) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute.

*Organisation of faculties and branches thereof*

7. Each faculty shall be divided into such number of branches as may be prescribed.

*Faculty Boards*

8. (1) There shall be established in respect of each faculty, a Faculty Board which, subject to the provisions of this statute, and subject to the 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 any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
- (c) advise the Vice-Chancellor or the Senate on any matters referred to it by the Vice-Chancellor or the Senate.

(2) Each Faculty Board shall consist of-

- (a) the Vice-Chancellor;
- (b) the Dean;
- (c) the persons severally in charge of the branches of the faculty;
- (d) such of the teachers assigned to the faculty and having the prescribed qualifications, as the board may determine; and
- (e) such persons, whether or not members of the University, as the Board may determine with the general or special approval of the Senate.

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

(4) In the conduct of examinations connected with the subjects assigned to the faculty, each Faculty Board shall make adequate arrangement for the correct identification of candidates presenting themselves for the examinations.

*Deans of faculties*

9. (1) The Board of each Faculty shall at a meeting in the third term of any academic year in which the term of office of the Dean expires, nominate one of its members, being a senior academic staff not below the rank of a senior lecturer and who is or has been a head of department, for appointment by the Senate as Dean of the faculty. The person so appointed shall act as Dean of the faculty and chairman at all meetings of the Faculty Board when he is present and shall be a member of all committees and other Boards appointed by the faculty.

(2) The Dean shall hold office for two years and shall be eligible for re-appointment for one further period of two years, after which he shall not be eligible for re-appointment, until two years have elapsed.

(3) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty. It shall be the function of the Dean to present to 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.

(4) There shall be a committee to be known as the Committee of Deans, consisting of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matter referred to the University Council by the Senate.

(5) The Dean of a faculty may be removed from office for 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 a 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.

(6) In this article, "good cause" has the same meaning as in section 14 (3) of the Act.

Bursar, Librarian or Director of Works, a selection board shall be constituted by the Council and shall consist of-

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) two members appointed by the Council, not being members of the Senate; and
- (d) two members appointed by the Senate.

(2) The Selection Board shall, after making such inquiries as it thinks fit, 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.

#### *Creation of academic posts*

11. Recommendation for the creation of posts other than those mentioned in article 10 of this statute, shall be made by the Senate to the Council through the finance and general purposes committee.

#### *Appointment of academic staff*

12. Subject to the Act and the statutes, the filling of vacancies in academic posts (including newly created ones), shall be as prescribed from time to time by the Senate.

#### *Appointment of administrative and technical staff*

13. (I) The administrative and technical staff of the University, other than those mentioned in article 10 of this statute, shall be appointed by the Council or on its behalf by the Vice-Chancellor or a Deputy Vice-Chancellor, in accordance with any delegation of powers made by the Council in that behalf.

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

#### *Interpretation*

14. In this statute, the expression "the Act", means the National Open University Act and any expression defined in the Act, has the same meaning in this statute.

#### *Short title*

15. This statute may be cited as the National Open University Statute No.1.

### SUBSIDIARY LEGISLATION

#### *No Subsidiary Legislation*

# NATIONAL TEACHERS' INSTITUTE ACT

## ARRANGEMENT OF SECTIONS

1. Establishment of the National Teachers' Institute and the Council.
2. Composition of the Council.
3. General duties of the Council.
4. Director of the Institute.
5. Registrar and other staff of the Institute.
6. Application of the Pensions Act, etc.
7. Duties of the Council in relation to the Institute.
8. Power to accept gifts.
9. Offices and premises.
10. Financial provisions.
11. Accounts and audit.
12. Annual report.
13. Establishment of certain bodies within the Institute.
14. Discipline of students.
15. Power of the Minister to give directions to the Council.
16. Regulations.
17. Interpretation.
18. Short title.

## SCHEDULE

*Supplementary  
provisions relating to the Council, etc.*

## NATIONAL TEACHERS' INSTITUTE ACT

An Act to establish the National Teachers' Institute to be managed by a National Teachers' Institute Council and to be responsible for the organisation and provision of programmes for the training, development, upgrading and certification of teachers and to provide for other matters related thereto.

[1978 No.7.]

[10th April,  
1978] [Commencement.]

### **1. Establishment of the National Teachers' Institute and the Council**

(1) There is hereby established an institute to be known as the National Teachers' Institute (in this Act referred to as "the Institute").

(2) There shall be established for the management of the affairs of the Institute a council to be known as the National Teachers' Institute Council (in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal.

### **2. Composition of the Council**

(1) The Council shall consist of a chairman and the following other members, that is-

- (a) the Permanent Secretary, Federal Ministry of Education of Nigeria or his representative;
- (b) the Director-General of the Federal Radio Corporation of Nigeria or his representative;
- (c) the Director-General of the Nigerian Television Authority or his representative;
- (d) two persons selected from universities in Nigeria;

- (e) the Director of the Institute;
  - (f) two persons chosen on the basis of their individual contributions to the development of education in Nigeria;
  - (g) a representative from each State Ministry of Education; and
  - (h) a representative of the Nigerian Union of Teachers.
- (2) The chairman and members of the Council shall be appointed by the President on the recommendation of the Minister.
- (3) The members specified in paragraphs (a) to (d) of subsection (1) of this section are hereafter referred to as “ex-officio members”.
- (4) The provisions of the Schedule to this Act shall have effect with respect to the constitution of the Council and the other matters therein mentioned.
3. General duties of the Council It shall be the duty of the Council to-
- (a) organise and provide programmes for the training, development, upgrading and certification of teachers;
  - (b) conduct postgraduate courses and examinations in education for graduate teachers;
  - (c) carry out research in conjunction with other bodies on any matter relevant to educational development in Nigeria;
  - (d) formulate policies and initiate programmes at all levels of education designed to improve, by way of research, the quality and content of education in Nigeria;
  - (e) assess, from time to time, the training programmes offered by institutions controlled by or associated with the Institute with a view to ascertaining the professional competence of those institutions;
  - (f) offer such assistance, either alone or in co-operation with educational bodies, as may be requested by the institutions controlled by or associated with the Institute;
  - (g) foster and enhance international co-operation in the education of teachers; and
  - (h) perform such other functions as are necessary or expedient for the full discharge of any of the functions of the Institute under this

#### 5. Director of the Institute

- (1) There shall be a Director of the Institute (in this Act referred to as “the Director”) who shall be appointed by the President on the recommendation of the Minister.
- (2) Subject to the general control of the Council, the Director shall be the chief executive of the Institute and shall be charged with general responsibility for matters relating to the day-to-day management and operations of the Institute.

#### 19. Registrar and other staff of the Institute

- (1) The Council shall appoint a registrar to the Institute (in this Act referred to as “the registrar”) who shall be an officer but not a member of the Council and who shall keep the records and conduct the correspondence of the Council and shall perform such other duties as the Director or the Council may, from time to time, direct.
  - (2) The registrar shall, in addition to the other duties conferred on him by or under this Act, act as the secretary to the Council and every committee thereof and in his absence, the Council or any of its committees may appoint some other person to act as secretary.
  - (3) The Council may appoint such other persons to be employees of the Council as the Council may determine to assist the Director in the exercise of his functions under this Act.
  - (4) The remuneration and tenure of office and conditions of service of the registrar and other employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission.
6. Application of the Pensions Act, etc.
- (1) The Federal Civil Service Commission may by order published in the Federal Gazette declare the office of the Director or of any person employed by the Council to be a pensionable office for the purposes of the Pensions Act.
  - (2) Subject to the provisions of subsections
  - (3) and (4) of this section, the Pensions Act shall, in its application by virtue of subsection (1) of this section to any office, have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.
  - (3) For the purposes of the application of the provisions of the Pensions Act in accordance with subsection (2) of this section-

- (a) section 21 of that Act shall have effect as if for references to the Minister there were substituted references to the Council; and
- (b) the power under section 4 (2) of that Act shall be exercisable by the Council.

(4) Nothing in the foregoing provisions of this section shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

## **7. Duties of the Council in relation to the Institute**

(1) Subject to the provisions of this Act, the Council shall be the governing body of the Institute and shall have the general management of the affairs of the Institute, and in particular, the general control of the Institute and power to do anything which in its opinion is calculated to facilitate the carrying out of the objects of the Institute and to promote its best interests.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Council shall have and exercise the following powers to-

- (a) establish and maintain such schools, extra-mural departments and other teaching units within the Institute as the Council may, from time to time, decide;
- (b) provide such courses of instruction either alone or in association with such universities and other institutions, whether in Nigeria or not, as the Council may determine, and conduct examinations and award such diplomas and certificates to those reaching a certain standard as a result of those examinations as may seem appropriate to the Council;
- (c) institute and award fellowships, medals, prizes and other titles;
- (d) mount exhibitions and displays designed to foster an appreciation of trends in, and the scope and requirements of education;
- (e) erect, provide, equip and maintain such educational, recreational and residential facilities as the Institute may require;
- (f) create lectureships and other academic posts and offices and to make appointments thereto; and
- (g) encourage and make provision for research in the Institute.

## **8. Power to accept gifts**

(1) The Council may accept gifts of land, money or other property upon such trusts and conditions, if any, as may be specified by the person making the gift.

(2) The Council shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Council under this Act.

## **9. Offices and premises**

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

- (a) purchase 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 or lease any land, offices or premises held by it and no longer required for the performance of its functions.

## **10. Financial provisions**

(1) The Council shall submit to the Minister not later than three months before the end of the financial year an estimate of its revenue and expenditure for the next succeeding financial year.

(2) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

(3) There shall be paid and credited to the fund established under subsection (2) of this section-

- (a) such sums as may, from time to time, be granted to the Council by the Federal Government;
- (b) all moneys raised for the purposes of the Council by way of gifts, grants-in-aid, testamentary dispositions and sales of publications; and
- © all subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to

the Council from any source.

### **11. Accounts and audit**

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 by auditors approved, as respects that year, by the Minister of Finance appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation.

### **12. Annual report**

(1) The Council shall prepare and submit to the Minister not later than 30 June in each year a report in such form as the Minister may direct on the activities of the Council during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Council for that year and of the auditor's report on the accounts.

(2) The Minister shall cause a copy of the report made to him under this section to be laid before the President so soon after the receipt thereof as may be convenient.

### **13. Establishment of certain bodies within the Institute**

(1) There shall be established as an integral part of the Institute, the following bodies, that is-

- (a) the School of General Studies;
- (b) the School of Educational Innovation;
- (c) the School of Advanced Studies;
- (d) the Facilities Department;
- (e) the Field Centres.

(2) The School of General Studies shall be charged with the duty of-

- (a) providing courses of instruction leading to the development, upgrading and certification of teachers as specified in the relevant syllabus and using distance education and techniques;
- (b) providing special courses, whether or not directed towards the Institute's certificates, for all students at institutions controlled by the Institute and taking into account the educational requirements of Nigeria;
- (c) arranging educational conferences, seminars and workshops and other activities of a similar nature as are relevant to its duties under this Act; and
- (d) performing such other functions as the Council may, from time to time, direct.

(3) The School of Educational Innovation shall be charged with the duty of—

- (a) conducting research in the field of education and co-ordinating the research activities of the Institute;
- (b) continuously evaluating apparatus, materials and methods and modes of instruction at institutions controlled by, or in association with the Institute; and
- (c) studying and adapting new methods and techniques of instruction to meet the requirements of education in Nigeria.

(4) The School of Advanced Studies shall be charged with the duty of-

- (a) conducting courses of instruction leading to the award of diplomas, certificates and other qualifications as the Council may, from time to time, direct;
- (b) conducting other courses, whether leading to the Institute's recognised certificates or not, as the educational requirements in Nigeria may demand;
- (c) arranging conferences, seminars and study groups as are relevant to its duties under this Act; and
- (d) performing other duties as the Council may, from time to time, direct.

(5) The Facilities Department shall be charged with the responsibility for

- (a) the procurement, development and distribution of all educational materials to institutions controlled or associated with the Institute;
- (b) maintaining a register each in respect of teachers and students of the Institute;
- (c) making available to all institutions controlled by or associated with the Institute data collected or processed by the Department;

(d) making available data processing and production facilities as the institutions controlled by or associated with the Institute may require.

(6) The Field Centres shall be charged with responsibility for-

- (a) providing practical teaching services for students registered at any of the institutions controlled by or associated with the Institute;
- (b) providing educational facilities for students registered at any of the institutions controlled or associated with the Institute;
- (c) distributing equipment for practical teaching to students registered at any of the institutions controlled or associated with the Institute; and
- (d) providing liaison services between the Institute, local government administrative organs and other bodies.

#### **14. Discipline of students**

(1) The Council may make rules providing for a proper person to conduct enquiries 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 to be followed and the evidence to be observed at enquiries under this section.

(3) The Council may, if it finds the allegations proved, impose on the student concerned one or more of the following penalties, that is-

- (a) expulsion from all or any of the institutions controlled by the Council;
- (b) suspension for a specified period of his entitlement to use any of the facilities controlled by the Council;
- (c) a fine in an amount not exceeding NIOO, and shall send a report of the enquiry to the Minister.

(4) Any student to whom any of the penalties provided for in subsection (3) of this section is imposed may, at any time within 28 days from the date of imposition of such penalty, appeal to the Minister.

(5) The decision of the Council shall have effect from the date of making of the decision unless reversed by the Minister on an appeal.

#### **15. Power of Minister to give directions to the Council Subject to the provisions of this 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.

#### **16. Regulations**

(1) The Minister may make regulations generally for the purposes of this Act.

(2) Without prejudice to the general power conferred by subsection (1) of this section, the regulations may-

- (a) prescribe the procedure to be followed in respect of disciplinary actions against any member of the staff;
- (b) prescribe any other thing falling to be prescribed.

#### **17. Interpretation**

“**chairman**” means the chairman of the Council;

“**Council**” means the National Teachers' Institute Council established by section 1 (2) of this Act;

“**Director**” means the Director of the Institute appointed under section 4 of this Act;

“**function**” includes powers and duties;

“**Institute**” means the National Teachers' Institute established by section I (I) of this Act;

“**Minister**” means the Minister responsible for matters relating to education.

**18. Short title This Act may be cited as the National Teachers' Institute Act.**

SCHEDULE

[Section 2]

(4). Supplementary provisions relating to the Council, etc. Terms of service

(1) A member of the Council shall hold office for a term of three years and, subject to the provisions of sub-paragraph (2) of this paragraph, shall be eligible once again for reappointment.

(2) The office of a member shall become vacant if-

- (a) he resigns his office by notice in writing under his hand, addressed to the Minister; or
- (b) the Minister is satisfied that it is not in the interest of the Council for the person appointed to continue in office and notifies the member in writing to that effect.

2. There may be paid to the members of the Council or any committee, not being members who are public officers, such remuneration and allowances (if any) as may, from time to time, be determined by the President.

3. Where a vacancy occurs in respect of the membership specified in section 2 (I) (g) of this Act, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office, so however that the successor shall represent the same interest as his predecessor and shall be appointed by the President on the recommendation of the Minister.

4. 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. Committees

5. (1) The Council may appoint one or more committees to advise it on the exercise and performance of its functions under this Act.

(2) The Council shall in particular appoint the following committees that is-

- (a) a Finance and General Purposes Committee;
- (b) a Tenders Board;
- (c) an Appointments and Promotions Committee;
- (d) a Planning and Development Committee;
- (e) a Professional and Academic Committee.

(3) Each committee or Board shall consist of a chairman appointed by the Council from among its own members and such other members, whether or not members of the Council, as the Council may determine.

(4) A person not being a member of the Council appointed to serve on any committee under sub-paragraph (2) of this paragraph, shall enjoy all the privileges of a member of the Council except the right to vote or to count towards a quorum.

(5) The Council shall establish a committee to be known as the steering committee which shall co-ordinate the functions of the other committees of the Council established under this Act.

(6) The steering committee shall consist of the chairman of the Council, who shall be its chairman, the Director and five other members elected by the Council from amongst its own members.

(7) If the steering committee wishes to obtain the advice of any person on any point, it may co-opt him as a member for such period as the Council may determine; but a person who is a member of the Committee by virtue of this section shall not vote nor count towards a quorum.

6. Every other committee appointed under paragraph 5 (I) of this Schedule shall consist of-

- (a) a chairman who shall be appointed by the Council from among the members of the Council; and
- (b) subject to paragraph 5 (4) of this Schedule, not more than five other members (who may or may not be members of the Council).

7. (1) In this Schedule, unless the context otherwise requires,

**“chairman”** means the chairman of a committee.

(2) Unless specifically empowered by the Council, the decision of any committee or board appointed under this Schedule shall be of no effect until it is so confirmed by the Council.

8. (1) The Council shall meet for the conduct of business at such times, places and on such days as the chairman may appoint but shall meet not less than once in every four months.

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

Council.

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

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

*Miscellaneous*

9. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Director or of some other member authorized generally or specially by the Council to act for that purpose.

(2) 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 Council by any person generally or specially authorised to act for that purpose by the Council.

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

SUBSIDIARY LEGISLATION

*No Subsidiary Legislation*

NOTES ON THE ACT

ARTICLES ON THE ACT

# NATIONAL UNIVERSITIES COMMISSION ACT

## ARRANGEMENT OF SECTIONS

### *National Universities Commission*

#### SECTION

1. Establishment of the National Universities Commission.
2. Membership of the Commission.
3. Tenure of office.
4. Functions of the Commission.

### *Staff of the Commission*

5. Executive Secretary of the Commission.
6. Staff of the Commission.
7. Application of Pensions Act.

### *National Universities Commission Fund, etc.*

8. Establishment of the National Universities Commission Fund.
9. Maintenance of separate fund by the Commission.
10. Expenditure of the Commission.
11. Annual estimates and accounts.
12. Annual report.
13. Power to obtain information.
14. Regulations.
15. Interpretation.
16. Short title.

#### SCHEDULE

### *Supplementary provisions relating to the Commission, etc.*

#### NATIONAL UNIVERSITIES COMMISSION ACT

An Act to set up the National Universities Commission as a body corporate charged with the responsibility of advising the Federal and State Governments of all aspects of university education and the general development of universities in Nigeria.

[1974 No.1.]

[15th January, 1974]

[Commencement.]

### *National Universities Commission*

#### **1. Establishment of the National Universities Commission**

(1) There is hereby established, a body to be known as the National Universities Commission, which under that name shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name.

(2) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Commission and the other matters mentioned therein.

[Schedule.]

#### **2. Membership of the Commission**

(1) The Commission shall consist of a chairman and the following other members, that is-

- (a) one representative each from the following Federal Ministry-

- (i) Education and Youth Development;
- (ii) Health and Human Services;
- (iii) Finance and Economic Development; and
- (iv) Establishment and Management Services.
  - (b) one representative of the National Commission for Women;
  - (c) six persons with wide knowledge and experience representing both private and public sector interests, to be appointed on individual merit and on a nationwide basis;
  - (d) one representative each of the following academic disciplines, that is-
    - (i) Agriculture and Veterinary Sciences;
    - (ii) Education;
    - (iii) Environmental Sciences;
    - (iv) Humanities, Social and Management Sciences;
    - (v) Health Sciences;
    - (vi) Engineering Sciences and Technology;
    - (vii) Earth, Mineral and Natural Sciences; and
    - (viii) Law;
  - (e) the Executive Secretary, who shall be an *ex officio* member of the Board.

[1993 No. 10.]

(2) The chairman and the other members of the Commission shall be appointed by the President.

### 3. Tenure of office

(1) Subject to the provisions of this Act, a person appointed to be a member of the Commission, not being a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for reappointment for such other period as may be specified in his instrument of appointment.

(2) Any member, not being a public officer, may resign his appointment, by a letter addressed to the President.

(3) Members of the Commission, not being public officers, shall be paid such remuneration and allowances as the President may determine.

### 4. Functions of the Commission

(1) The functions of the Commission shall be to--

- (a) advise the President and the Governors of the States, through the Minister, on the creation of new universities and other degree-granting institutions in Nigeria;
- (b) prepare, after consultation with all the State Governments, the universities, the National Manpower Board and such other bodies as it considers appropriate, periodic master plans for the balanced and co-ordinated development of all universities in Nigeria and such plans shall include-
  - (i) the general programmes to be pursued by the universities, in order to ensure that they are fully adequate to meet national needs and objectives;
  - (ii) recommendations for the establishment and location of new universities as and when considered necessary, and in accordance with the Commission's approved guidelines;
  - (iii) recommendations for the establishment of new academic units in existing universities or the approval or disapproval of proposals to establish such academic units;
- (c) make such other investigations relating to higher education as the Commission may consider necessary in the national interest;
- (d) make such other recommendations to the Federal and State Governments, relating to universities and other degree-awarding institutions as the Commission may consider to be in the national interest;
- (e) inquire into and advise the Federal Government on the financial needs, both recurrent and capital, of university education in Nigeria and, in particular, to

investigate and study the financial needs of university research and ensure that adequate provision is made for this in the universities;

- (f) receive block grants from the Federal Government and allocate them to Federal universities, in accordance with such formula as may be laid down by the Federal Government;
- (g) take into account, in advising the Federal and State Governments on university finances, such grants as may be made to the universities by State Governments and by persons and institutions in and outside Nigeria;
- (h) collate, analyse and publish information relating to university education in Nigeria and from other sources, where such information is relevant to the discharge of its functions under this Act;
- (i) undertake periodic reviews of the terms and conditions of service of personnel engaged in the universities and to make recommendations thereon to the Federal Government, where appropriate;
- (j) recommend to the visitor of a university that a visitation be made to such university as and when it considers it necessary;
- (k) act as the agency for channelling all external aid to the universities in Nigeria; and
- (i) carry out such other activities as are conducive to the discharge of its functions under this Act.

[1993 No. 10.]

(2) The Minister may give the Commission directives of a general character or relating generally to particular matters, with regard to the exercise by the Commission of its functions under this Act, and it shall be the duty of the Commission to comply with such directives.

#### *Staff of the Commission*

### **5. Executive Secretary of the Commission**

- (i) There shall be appointed by the President an Executive Secretary to the Commission, who shall have appropriate qualifications.

(2) The Executive Secretary shall be the chief executive officer of the Commission and shall be responsible for the execution of the policy of the Commission and the day-to-day running of the affairs of the Commission.

(3) The Executive Secretary shall hold office in the first instance for a period of five years and shall be eligible for reappointment for such further terms of five years as the President may determine.

(4) Subject to this section, the Executive Secretary shall hold office on such terms as to emoluments and otherwise as may be specified in his instrument of appointment.

### **6. Staff of the Commission**

(1) The Commission may appoint a Deputy Executive Secretary and such other persons to be officers and servants of the Commission, to assist the Executive Secretary in the exercise of his functions.

(2) The remuneration and tenure of office of the Deputy Executive Secretary and the other officers and servants of the Commission, shall be determined by the Commission after consultation with the Minister responsible for establishments.

(3) Notwithstanding the provisions of subsection (1) of this section, the Deputy Executive Secretary or any of the other officers and servants of the Commission, may be appointed by the Commission by way of transfer or secondment from any of the public services in the Federation.

### **7. Application of Pensions Act**

(1) The Federal Civil Service Commission may, by order published in the Federal *Gazette*, declare the office of any person employed by the Commission to be a pensionable office for the purposes of the Pensions Act.

[Cap. P4.]

(2) Subject to subsections (3) and (4) of this section, the Pensions Act shall, in its application by virtue of subsection (1) of this section to any office, have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

(3) For the purpose of the application of the Pensions Act and in accordance with subsection (2) of this section-

- (a) section 21 of that Act shall have effect as if, for the references to the Minister, there were substituted references to the Commission; and
- (b) the power under section 4 (2) of that Act shall be exercisable by the Commission and not by any other authority.

(4) Nothing in the foregoing provisions shall prevent the appointment by the Commission of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

*National Universities Commission Fund, etc.*

## **8. Establishment of the National Universities Commission Fund**

(1) There shall be established by the Commission a fund to be known as the National Universities Commission Fund.

[L.N. 49 of 1959.]

(2) There shall be paid into the Fund established in pursuance of subsection (1) of this section-

- (a) such sums as may be made available to the Commission for the purpose of making grants to the universities in pursuance of paragraphs *if*) and *(g)* of section 4 (1) of this Act; and
- (b) such sums as may, from time to time, be credited to the Fund by way of payment of the principal and interest on and other charges in respect of any loan made out of the fund, and also interest from investments made from the Fund.

(3) Disbursements from the Fund shall be made in accordance with rules made under section 23 of the Finance (Control and Management) Act and, without prejudice to the foregoing, rule (26) of the Public Funds of the Federation (Disbursement) Rules, shall continue in force and have effect, as if made under this subsection.

[Cap. F26.]

## **9. Maintenance of separate fund by the Commission**

(1) The Commission shall establish and maintain a separate fund from which there shall be defrayed all expenditure incurred by the Commission, except such expenditure as may be incurred by it pursuant to section S of this Act.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section, such payments as may be made to it by the Federal Government, for the running expenses of the Commission and all other assets from time to time accruing to the Commission otherwise than in pursuance of section S of this

## **10. Expenditure of the Commission**

The Commission may, from time to time, apply the proceeds of the fund established in pursuance of section 9 (1) of this section-

- (a) to the cost of administration of the Commission;
- (b) for reimbursing members of the Commission or members of any committee set up by the Commission, for such expenses as may be expressly authorised by the Commission, in accordance with the rates approved by the President;
- (c) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities, payable to the officers and servants of the Commission, so however that no payment of any kind under this paragraph (except such as may be expressly authorised as aforesaid), shall be made to any person who is in receipt of emoluments from the Government of the Federation or the Government of a State;
- (d) for the maintenance of any property vested in the Commission; and
- (e) for and in connection with all or any of its functions under this Act.

## 11. Annual estimates and accounts

(1) The Commission shall submit to the Minister, not later than 31 October in each financial year, an estimate of its expenditure and income (including payments to the National Universities Commission Fund) during the next succeeding financial year.

(2) The Commission shall keep proper accounts in respect of each financial year (and proper records in relation thereto) and shall cause its accounts to be audited as soon as may be after the end of each financial year by the Auditor-General for the Federation.

## 12. Annual report

The Commission shall prepare and submit to the President through the Minister, not later than 30 June in each financial year a report in such form as he may direct on the activities of the Commission during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor-General's report thereon.

## 13. Power to obtain information

(1) For the purpose of carrying out the functions conferred on the Commission under this Act, the Executive Secretary or any other officer of the Commission authorised in that behalf-

- (a) shall have a right of access to all the records of any institution to which this Act applies;
- (b) may by notice in writing served on any person in charge of any such institution require that person to furnish information on such matters as may be specified in the notice.

(2) It shall be the duty of any person required to furnish information pursuant to subsection (1) of this section to comply with the notice within a reasonable period of time.

(3) In this section, the reference to an institution is a reference to a university or any other degree-granting institution in Nigeria recognised for that purpose by the Commission.

## 14. Regulations

The Minister may by regulations published in the Federal *Gazette* prescribe anything falling to be prescribed generally for the purposes of this Act.

## 15. Interpretation

In this Act, the context otherwise requires

"**academic units**" includes departments, faculties, schools, colleges, institutes, centres and all such academic divisions in the universities at the postgraduate, undergraduate, pre-degree and non-degree levels;

"**accreditation**" means a system for recognising educational institutions and programmes offered in these institutions for a level of performance, integrity and quality which entitles them to the confidence of the educational community, the public they serve and employers of labour;

"**chairman**" means the chairman of the National Universities Commission;

"**Commission**" means the National Universities Commission established under section 1 of this Act;

"**Executive Secretary**" means the person appointed as the Executive Secretary to the Commission in pursuance of section 5 (1) of this Act;

"**member**" means a member of the Commission and includes the chairman;

"**Minister**" means the Minister charged with responsibility for higher education.

## 16. Short title

This Act may be cited as the National Universities Commission Act.

### SCHEDULE [Section I (2).]

*Supplementary provisions relating to the Commission, etc. Proceedings*

orders regulating the proceedings of the Commission or any committee thereof.

[Cap. 123.]

2. Every meeting of the Commission shall be presided over by the chairman or, if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.
3. The quorum at a meeting of the Commission shall consist of the chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and five other members of whom at least two shall be members appointed pursuant to paragraphs (a) and (c) of section 2 (I) of this Act.
4. Where upon any special occasion the Commission desires to obtain the advice of any person on any particular matter, the Commission may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

#### *Committees*

5. (1) Subject to its standing orders, the Commission may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Commission is concerned.  
(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Commission and shall be made up of such number of persons, not necessarily members of the Commission, as the Commission may determine in each case.  
(3) The quorum of any committee set up by the Commission shall be as may be determined by the Commission.
6. Where standing orders made pursuant to sub-paragraph 1 of this paragraph provide for a committee of the Commission to consist of or co-opt persons who are not members of the Commission, the committee may advise the Commission on any matter referred to it by the Commission.

#### *Miscellaneous*

7. The fixing of the seal of the Commission shall be authenticated by the signature of the chairman or of the Executive Secretary of the Commission.
8. Any contract or instrument which, if made 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 Commission by the Executive Secretary or by any other person generally or specially authorised to act for the purpose by the Commission.
9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
10. The validity of any proceedings of the Commission or a committee thereof shall not be affected-
  - (a) by any vacancy in the membership of the Commission; or
  - (b) by any defect in the appointment of a member of the Commission or committee.
11. Any member of the Commission or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or committee shall forthwith disclose his interest to the Commission or committee and shall not vote on any question relating to the contract or arrangement.

### **SUBSIDIARY LEGISLATION**

#### *No Subsidiary Legislation*

# NIGERIAN EDUCATIONAL RESEARCH AND DEVELOPMENT COUNCIL ACT

CAP. 302 L.F.N. 1990 ACT CAP. N105 L.F.N. 2004

COMMENCEMENT 1/3/87

AMENDMENT

SECTION 6 REPEALED BY

National Institute for Nigerian Languages Decree No. 117 1993

ARRANGEMENT OF SECTIONS

## SECTION

PART I.—ESTABLISHMENT OF THE NIGERIAN EDUCATIONAL RESEARCH AND DEVELOPMENT COUNCIL

1. Establishment of the Council and merger with certain bodies.
2. Membership of the governing Board.
3. Responsibility of the Council.
4. Curriculum development.
5. Book development.
6. General duty of the Council.

## PART II—

*Executive Secretary and Other Employees of the Council*

7. Appointment of Executive Secretary to the Council.
8. Other employees of the Council.
9. Remuneration of other employees of the Council.
10. Application of Pensions Act.
11. Removal from office of member of the Board and the Executive Secretary.
12. Removal and discipline of senior staff.
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## PART III

*Financial Provisions*

14. Power to borrow.
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18. Annual report.
19. Preservation of pension and other rights.
20. Research Institute to deposit project with the Council.
21. Offence and penalty.
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23. Regulations.
24. Interpretation.
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## SCHEDULE

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An Act to establish the Nigerian Educational Research and Development Council to, amongst other things, encourage, promote and co-ordinate educational research programmes in Nigeria, identify educational problems and determine the priority to be given to them, and to undertake book language and curriculum development and other ancillary matters.

1988 No. 53.  
Commencement  
[1<sup>st</sup> March, 1987]

### PART I.

#### ESTABLISHMENT OF THE NIGERIAN EDUCATIONAL RESEARCH AND DEVELOPMENT COUNCIL, ETC.

#### **1. Establishment of the Council and merger with certain bodies.**

(1) There is hereby established a body to be known as the Nigerian Educational Research and Development Council (hereinafter in this Act referred to as “the Council”) which shall have the functions assigned to it by this Act.

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

(3) The bodies or institutions known as—

- (a) the Nigerian Educational Research Council;
- (b) the Comparative Education Study and Adaptation Centre;
- (c) the Nigerian Book Development Council; and
- (d) the Nigerian Language Centre, shall, as from the commencement of this Act, be merged with the Council established by subsection (1) of this section.

#### **2. Membership of the governing board.**

(1) Subject to the provisions of this Act, there shall be a governing Board of the Council which shall consist of a Chairman to be appointed by the President on the recommendation of the Minister and the following other members to be appointed by the Minister, that is to say—

- (a) one representative from the Federal Ministry of Education;
- (b) five representatives from the State Ministries of Education appointed in rotation amongst the States;
- (c) four representatives selected from the Universities in the Federation in rotation;
- (d) two representatives from the Colleges of Education; and
- (e) one representative each of the following, that is—
  - (i) the Association of Principals of Secondary Schools;
  - (ii) the Nigerian Academy of Education;
  - (iii) the West African Examination Council;
  - (iv) the Nigerian Union of Teachers;
  - (v) the Book League;
  - (vi) the Linguistic Association of Nigeria;
- (f) four Nigerians with relevant knowledge and experience selected on individual merit; and
- (g) the Executive Secretary.

(2) The President may, on the recommendation of the Minister, appoint a person to act in the place of the Chairman during a long absence or during the temporary incapacity by illness of the Chairman and that person while so acting may exercise all the functions of the Chairman under this Act.

(3) Subject to subsection (2) of this section, if any other member of the Board is incapacitated by illness or long absence in the performance of his official duties, a temporary member may be appointed, in the same manner and in accordance with the same procedure under which the incapacitated member was appointed, and while the appointment subsists, he may exercise all the functions of a member under this Act.

(4) The President may by order published in the Federal Gazette increase, reduce or vary the composition of the membership of the Board.

(5) The provisions of the Schedule to this Act shall have effect with respect to tenure of office of members of the Board and proceedings of the Board and the other matters therein mentioned.

### **3. Responsibility of the Council.**

The Council shall be charged with the general responsibility for the following, that is to say—

- (a) encouragement, promotion and co-ordination of educational research programmes carried out in Nigeria;
- (b) identification of educational problems in Nigeria in which research is needed, and the establishment of the order of priority therefore;
- (c) encouragement of research into educational problems and for that purposes to undertake, commission, incorporate and finance such research projects as the Council thinks fit;
- (d) periodical compilation and publication of a list of completed research projects;
- (e) compilation, publication or sponsorship of the publication of the results of educational research particularly in relation to Nigerian educational problems, and the popularisation of such results where their general recognition is in the Council's opinion of a national importance;
- (f) assessment, surveying or investigation of any educational matter considered necessary, either independently or in co-operation with individuals, organisations or agencies;
- (g) identification of language problems for the purpose of carrying out research into such problems and finding solutions thereto;
- (h) establishment and maintenance of a research and development library to which new educational books and other related publications may be disposed.

### **4. Curriculum development.**

The Council shall—

- (a) promote the development of curricula at all levels of the educational system;
- (b) develop new techniques and approaches to curriculum development;
- (c) produce syllabuses and instructional materials;
- (d) carry out studies in comparative curriculum;
- (e) develop and encourage the development of materials for various languages taught in schools.

### **5. Book development.**

The Council shall—

- (a) formulate and implement a national policy on book development;
- (b) undertake and promote book development and local authorship ensuring the provision of adequate infra-structural facilities for book manufacture;
- (c) encourage the expansion of local printing and publishing industry in order to facilitate book production;
- (d) encourage and promote a reading culture through a continuous research into the needs of Nigerian readers;
- (e) develop an effective book distribution sector so as to ensure a nationwide circulation;
- (f) encourage the establishment of and strengthen professional association of the book industry in Nigeria;
- (g) serve as a centre for the exchange of information on books and all related issues.

### **6. General duty of the Council.**

It shall be the general duty of the Council to—

- (a) sponsor national or international educational conferences as may be relevant to the functions of the Council under this Act;
- (b) maintain relationships with corresponding educational research and development bodies in Nigeria and in other countries;

- (c) set up pilot curriculum projects in educational institutions;
- (d) organise teacher educational programmes for new techniques;
- (e) carry out such other activities likely to assist in the performance of the functions imposed on the Council under this Act.

PART II. —  
EXECUTIVE SECRETARY AND OTHER EMPLOYEES OF THE COUNCIL

**7 Appointment of Executive Secretary to the Council.**

- (1) The President shall appoint a person with the appropriate qualification to be the Executive Secretary to the Council.
- (2) The Executive Secretary shall be the chief executive of the Council and shall be responsible for the execution of the policy of the Council and the day-to-day running of affairs of the Council.
- (3) The Executive Secretary shall hold office for a period of five years and shall be eligible for re-appointment for a further term not exceeding five years as the President may determine.
- (4) Subject to the provisions of this section, the Executive Secretary shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment, and as may from time to time be approved by the President.

**8. Other employees of the Council.**

The Board may appoint such other persons to be employees of the Council as the Board may determine to assist the Executive Secretary in the discharge of his functions under this Act.

**9. Remuneration of other employees of the Council.**

The remuneration and tenure of office of employees of the Council other than the Executive Secretary shall be determined by the Board.

**10. Application of Pensions Act. Cap. P4**

- (1) It is hereby declared that services in the Council shall be pensionable under the Pensions Act, and accordingly, employees of the Council shall, in respect of their services in the Council be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.
- (2) Notwithstanding the provisions of subsection (1) of this section, 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.
- (3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by the Minister or authority of the Federal Government (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Board and not by any other person or authority.
- (4) Subject to subsection (2) of this section, the Pensions Act shall, in its application by virtue of the subsection (3) of this section to any office, have effect as if the office were in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

**11. Removal from office of member of the Board and the Executive Secretary.**

- (1) If it appears to the Board that a member of the Board (other than an ex-officio member) or the Executive Secretary should be removed from office on the grounds of misconduct or inability to perform the functions of his office, the Board shall make a recommendation to the Minister and if the Minister, after making such inquiries as he considers necessary, approves the recommendation, the Minister shall, in writing, declare the office of such member or Executive Secretary vacant.
- (2) The Minister may remove any member of the Board if he is satisfied that it is not in the public interest to retain him.

**12. Removal and discipline of senior staff.**

If it appears to the Board that there are reasons for believing that any person employed as a member of the senior staff of the Council other than the Executive Secretary, should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Board shall—

- (a) give notice of those reasons to the person concerned;
- (b) afford him an opportunity of making representations on the matter to the Board in person;
- (c) if the person concerned or any three members of the Board so request within the period of one month beginning with the date of the notice, make arrangements—
  - (i) for a committee of the Board to investigate the matter and to report on it to the Board, and
  - (ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating

committee on the matter; and

(iii) if the Board after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid,

the Board may remove the person concerned by an instrument in writing signed by the Chairman of the Board.

(2) The Executive Secretary may, in a case of misconduct by a member of the staff which in the opinion of the Executive Secretary is prejudicial to the interest of the Council suspend such member, and any such suspension shall forthwith be reported to the Board.

(3) For good cause, any member of staff may be suspended from office or his appointment may be terminated by the Board and for the purposes of this subsection, "good cause" means—

- (a) any physical or mental incapacity which the Board, after obtaining medical advice, considers to render the person concerned unfit for the discharge of the functions of his office; or
- (b) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
- (c) conduct which the Board 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.

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

- (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him); or
- (b) whether to reinstate such person to his office, in which case the Board shall restore his full emoluments to him with effect from the date of the suspension; or
- (c) whether to terminate the appointment of the person in question in which case such a person shall not be entitled to the proportion of his emolument withheld during the period of the suspension; or
- (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Board may determine, and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall, before the expiration of a period of three months from such decision, come to a final determination in respect of the case concerning any such person.

(5) It shall be the duty of the person who signed the instrument of removal by virtue of subsection (1) of this section to serve or cause it to be served on the person concerned, a copy of the instrument.

(6) Nothing in the foregoing provisions of this section shall prevent the Board from making such regulations for the discipline of other categories of staff and workers of the Council as it may think fit.

### **13. Discipline of junior staff.**

(1) If any junior staff is accused of misconduct or inefficiency, the Executive Secretary may suspend him for not more than three months and forthwith shall direct the matter to the Junior Staff Appointment and Promotion Committee—

- (a) to consider the case; and to make recommendations as to the appropriate action to be taken by the Executive Secretary.

(2) In all cases under this section, the junior officer shall be informed in writing of the charges against him and be given reasonable opportunity to defend himself.

(3) The Executive Secretary may, after considering the recommendation made pursuant to subsection (1)(b) of this section, dismiss, terminate, retire or downgrade the junior officer concerned.

(4) Any person aggrieved by the Executive Secretary's decision under subsection (3) of this section, may within a period of twenty-one days from the date of the receipt of the letter communicating the decision to him address a petition to the Board to reconsider his case and the Board's decision thereon shall be final

## PART III.

### *Financial Provisions*

### **14. Power to borrow.**

The Council may with the consent of the Minister borrow money on such terms and conditions as the Council may require in the exercise of its functions conferred on it under this Act or any other written law.

**15. Fund of the Council.**

(1) The Council shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Council

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section.

- (a) such moneys as may from time to time be lent or granted to the Council by the Government of the Federation or of a State;
- (b) all moneys raised for the purposes of the Council by way of gift, grant-in-aid, testamentary disposition or otherwise;
- (c) all subscriptions or fees and charges for services rendered by the Council (except than no charges shall be made for services performed for the Government of the Federation or of a State or for such other public bodies or institutions as may be exempted by the Board);
- (d) all interests received in respect of moneys invested by the Council; and
- (e) all other assets from time to time accruing to the Council.

(3) The fund shall be managed in accordance with guidelines given by the Minister and without prejudice to the generality of the power to give guidelines under this subsection, the guidelines shall in particular contain such provisions—

- (a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payments into and out of the fund;
- (b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the guidelines;
- (c) securing the accounts to be audited annually by auditors appointed from the list approved by the Auditor-General for the Federation, and requiring copies of the accounts and of the auditor's report to be furnished to the President through the Minister, immediately after the end of the period to which the accounts relate

**16. Expenditure of the Council.**

(1) The Council may, from time to time, apply the funds at its disposal—

- (a) to the cost of the administration of the Council and of any research institute under the Council's administration;
- (b) for reimbursing a member or members of any committee set up by the Council for expenses expressly authorised by the Board;
- (c) to the provision of scholarship and other awards for the training of person in educational research and development;
- (d) to the payment of salaries, fees or other remuneration, allowances, pensions gratuities or superannuation payable to the employees of the Council (including the Executive Secretary) or any research and development institute under its administration, except that no payment of any kind under this paragraph (except such as may be expressly authorised by the Minister) shall be made to any person who receive emoluments from the Government of the Federation or of a State;
- (e) for the maintenance of any property vested in the Council or any research institute under its administration; and
- (f) for and in connection with all or any of the functions of the Council under this Act or any other enactment.

(2) Except as provided for in subsection (1) of this section, no other remuneration shall be paid to any member of any committee appointed by the Board pursuant to this Act.

PART IV.

Miscellaneous Provisions

**17. Office and premises. Cap.**

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

- (a) subject to the Land Use Act, purchase or take on lease any interest in land; and
- (b) build, equip and maintain offices and premises.

(2) The Council may, subject to the Land Use Act, sell or lease out any land, office or premises held by it which is no longer required for the performance of its functions under this Act.

**18. Annual report.**

The Board shall at the end of each year submit to the President through the Minister, a report on the activities of the Council and research institutes under its administration during the preceding year.

**19. Preservation of pension and other rights.**

All appointments of officers made by the Nigerian Education Research Board, the Comparative Education Study and Adaptation Centre, the Nigerian Book Development Board and the Nigerian Language Centre prior to the date of commencement of this Act shall be deemed to have been validly made and the existing rights of such officers, if any, to pension and gratuities shall by virtue of this section be preserved.

**20. Research institute to deposit project with Council.**

Any person in charge of any research institute or development project shall, within one month after the completion of the project, deposit with the Council three copies of his completed research projects.

**21. Offence and penalty.**

(1) Any person who fails to comply with the provision of section 21 of this Act shall be guilty of an offence and shall upon a summary conviction be liable to a fine of N100.

(2) In addition to the penalty imposed by subsection(1) of this section, the person accused of an offence under this Act shall deliver to the Council three copies of the publication.

(3) The obligation imposed by section 21 of this Act shall be in addition to any similar obligation, which may be imposed by or under any enactment or law.

(4) Notwithstanding subsection (1) of this section, no person shall be convicted of any offence under this Act committed before the making of this section.

**22. Power of Minister to give directives to the Board.**

Subject to this Act, the Minister may give the Board and the Council directives of a general character relating to the functions of the Board and of the Council and it shall be the duty of the Board and the Council to comply with such directives.

**23. Regulations**

(1) The Minister may make regulations for the effective implementation of this Act and may, by such regulations, provide for the functions and responsibilities of the Executive Secretary.

(2) Regulations made under section (1) of this section shall not come into operation until after receiving the approval of the President and published in the Federal Gazette.

**24. Interpretation.**

In this Act, unless the context otherwise requires Council” means the Nigerian Educational Research and Development Council established by section 1 of this Act;

**Board**” means the governing board of the Council constituted under section 2 of this Act;

**“Executive Secretary”** means the person appointed under section 8(1) of this Act;

**“member”** means a member of the Board and includes the Chairman;

**“Minister”** means the Minister charged with responsibility for education.

**25. Short title.**

This Act may be cited as the Nigerian Educational Research and Development Council Act.

SCHEDULE

section 2(5)

## Tenure of Office

1. Subject to paragraph 2 of this Schedule, a member of the Board who is not a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for a further period of three years; thereafter he shall no longer be eligible for re-appointment.

2. (1) Any member, who is not a public officer, may resign his appointment by a letter addressed to the appointing authority and that member's resignation shall take effect from the date of the receipt of the letter by the appointing authority.

2. The appointing authority may at any time by a notice in writing remove any member from his office for inability to perform the functions of the office.

(3) In this Schedule "appointing authority" means—

- (a) in the case of the Chairman, the President; and
- (b) in the case of any other member, the Minister. Proceedings of the Board

## Cap. I23

3. Subject to this Act and to section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

4. The quorum of the Board shall be ten and the quorum of any committee of the Board shall be determined by the Board.

5. At any meeting of the Board, the Chairman or any person appointed to act in that behalf shall preside but if neither of them is present, the members present at the meeting shall elect one of their number to preside at the meeting.

6. The following persons, that is to say—

- (a) the Permanent Secretary, Federal Ministry of Education; and
  - (b) the Directors of centres and developments,
- may attend any meeting of the Board and may take part in the deliberations of the Board but shall not be entitled to vote and shall not count towards a quorum.

7. The Board shall meet not less than twice in each year and at other times as the Minister or the Chairman may direct to deliberate and to discuss important issues

## Committees

8. (1) There shall be a body to be known as the Executive Committee of the Board which shall consist of—

- (a) the Chairman of the Board;
- (b) the Executive Secretary to the Board; and
- (c) four other persons elected by the Board from amongst its members.

(2) Subject to the policy laid down by the Board, the Executive Committee shall be responsible for the elaboration of the general plans of the Council and the co-ordination of the work of such other committees as may be constituted by the Board.

(3) There shall be four specialist committees to advise the Board in the areas of research, curriculum development, book development and languages.

(4) Each committee shall consist of—

- (a) the Executive Secretary to the Board as Chairman;
- (b) four members of the Board;
- (c) the Director in charge of the relevant area;
- (d) three persons appointed by the Board by virtue of their experience and knowledge on educational matters.

(5) Subject to the Board's standing orders, the Board may appoint such other standing and ad-hoc committees as the Board may think fit to consider and report on any matter with which the Council is concerned.

(6) Subject to the provisions of this section, every committee appointed by virtue of the provisions of this section shall be presided over by a member of the Board, and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

## Miscellaneous

9. The affixing of the seal of the Council shall be authenticated by the signature of the Chairman or the Executive Secretary to the Council.

10. Any contract or instrument executed by a person other than a corporate body, which has no seal, may be made or executed by any person authorized specifically for that purpose by the Council.

11. Any document purporting 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 presumed to be so executed.

12. The validity of any proceedings of the Board or its committees shall not be adversely affected—

- (a) by any vacancy in the membership of the Board or of any committee thereof; or
- (b) by any defect in the appointment of a member; or
- (c) by reason that a person not entitled to do so took part in the proceedings.

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

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**RETIREMENT AGE OF STAFF OF POLYTECHNICS AND COLLEGES OF EDUCATION  
(HARMONIZATION) ACT, 2012.**

Explanatory memorandum

This Act harmonizes the retirement age of staff of Polytechnics and Colleges of Education to be 65 years.

**RETIREMENT OF AGE OF STAFF OF POLYTECHNICS AND COLLEGES OF  
EDUCATION (HARMONIZATION) ACT, 2012.**

**Arrangement of sections**

**Section**

1. Harmonization of staff retirement age
2. Exemption from Public Service Rules
3. Retirement age for academic staff
4. Citation.

**RETIREMENT OF AGE OF STAFF OF POLYTECHNICS AND COLLEGES  
OF EDUCATION (HARMONIZATION) ACT, 2012.**

A Bill

For

An act to harmonize the retirement age of staff of Polytechnics and Colleges of Education and for related matter.

[ ] Commencement

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

- |   |                                       |
|---|---------------------------------------|
| 1. The retirement age for staff of Polytechnic and colleges of Education is harmonized.   | Harmonization of staff retirement age |
| 2. A law or rule requiring a person to retire from the Public Service after serving 35 years shall not apply to staff of Polytechnics and Colleges of Education.                          | Exemption from Public Service Rules   |
| 3. (1) Notwithstanding anything to the contrary in the pension Reform Act, the compulsory retirement age of an academic staff of Polytechnics and Colleges of Education shall be 65 years | Retirement age for Academic staff     |
| (2) A law or rule requiring a person to retire from the Public Service after serving for 35 years shall not apply to an academics and Colleges of Education                               |                                       |
| 4. This Bill may be cited as the Retirement Age of Staff of Polytechnics and Colleges of Education (Harmonization) Act, 2012.   |                                       |

**RETIFY IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS IDENTIFICATION ACT, CAP, A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY**

SALISU ABUBAKAR MAIKASUWA, mni  
CLERK TO THE NATIONAL ASSEMBLY  
3<sup>RD</sup> DAY OF MAY, 2012.

## Schedule to retirement age of staff of polytechnics and colleges of education bill, 2012

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVE
Retirement age of staff of polytechnics and colleges of education bill, 2012	An Act of harmonize the retirement age of staff of Polytechnics and Colleges of Education; and for related matters	This Bill harmonizes the retirement age of staff Polytechnics and Colleges of Education to be 65 years	28 <sup>th</sup> March, 2012	29 <sup>th</sup> March, 2012

I certify that this bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2 Laws of the Federation of Nigeria, 2004.

SALISU ABUBAKAR MAIKASUWA, mni  
Clerk to The National Assembly  
3<sup>rd</sup> Day of May, 2012.

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Dr. Goodluck Ebele Jonathan, GCFR  
President of the federal republic of Nigeria  
11<sup>th</sup> day of May, 2012.

# SCHOOL YEAR (VARIATION) ACT

## ARRANGEMENT OF SECTIONS

### SECTION

#### I. School year period for schools and colleges.

2. Power of Minister to extend application of the provisions of this Act.
3. Power of Minister to give directions.
4. Interpretation.
5. Short title.

**An Act to stipulate the school year for all schools and colleges other than a higher institution established by an enactment.**

[1991 No. 27.1

[27th June, 1991]

[Commencement.]

#### **1. School year period for schools and colleges**

(1) As from 1991, all schools and colleges shall begin the school year in the month of September of each year and end in the month of June of the following year.

(2) The provisions of subsection (1) of this section shall not apply to a higher educational institution established under any enactment or law.

#### **2. Power of Minister to extend application of the provisions of this Act**

The Minister may, by an order published in the *Gazette*, extend the provisions of section I of this Act to any institution of learning if he is of the opinion that it is necessary to so.

#### **3. Power of Minister to give directions**

The Minister may give such directions as he may in his discretion consider necessary to any school or college, other than a university or other higher educational institution, to enable full effect to be given to the provisions of section 1 of this Act.

#### **4. Interpretation**

In this Act, "the Minister" means the Minister charged with responsibility for matters relating to education.

#### **5. Short title**

This Act may be cited as the School Year (Variation) Act.

### SUBSIDIARY LEGISLATION

*No Subsidiary Legislation*

**TEACHERS REGISTRATION COUNCIL OF NIGERIA ACT**  
**ARRANGEMENT OF SECTIONS**

SECTION

1. Establishment of the Teachers Registration Council of Nigeria.
  2. Membership of the Council.
  3. Establishment and management of the fund.
  4. Appointment of the registrar, other staff and preparation of the register.
  5. Publication of register and lists of corrections.
  6. Registration of teachers.
  7. Approval of qualifications, etc.
  8. Supervision of instructions and examinations leading to approved qualifications.
  9. Establishment of the Disciplinary Committee and Investigating Panel.
  10. Penalties for unprofessional conduct, etc.
  11. Duty to report.
  12. When person is deemed registered member.
  13. Rules as to practising fees, etc.
  14. Honorary membership.
  15. Provision of library facilities, etc.
  16. Regulations and rules.
  17. Offences.
  18. Interpretation.
  19. Short title.

SCHEDULES

FIRST SCHEDULE

*Supplementary provisions relating to the Council*

SECOND SCHEDULE

*Supplementary provisions relating to the Disciplinary Committee and Investigating Panel*

**An Act to establish the Teachers Registration Council of Nigeria charged with the duty of determining the standards of knowledge and skill to be attained by persons seeking to become registered as teachers and for matters connected therewith.**

[1993 No. 31.]

[4th May, 1993]

[Commencement.]

**1. Establishment of the Teachers Registration Council of Nigeria**

(1) There is hereby established a body to be known as the Teachers Registration Council of Nigeria (in this Act referred to as "the Council") which shall be a body corporate under that name and be charged with the general duty of-

- (a) determining who are teachers for the purposes of this Act;
- (b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as teachers under this Act and raising those standards, from time to time, as circumstances may permit;

- (c) securing in accordance with the provisions of this Act the establishment and maintenance of a register of teachers and the publication from time to time of the lists of those persons;
- (d) regulating and controlling the teaching profession (in this Act referred to as "the profession") in all its aspects and ramifications;
- (e) classifying from time to time members of the teaching profession according to their level of training and qualification;
- (f) performing through the Council established under this Act the functions conferred on it by this Act.

(2) The Council shall have perpetual succession and a common seal which shall be kept in such custody as the Council may, from time to time, authorise.

(3) The Council may sue and be sued in its corporate name and may, subject to the Land Use Act, hold, acquire and dispose of any property, movable or immovable.

[Cap. L5.]

## **2. Membership of the Council**

(1) The Council shall consist of a chairman to be appointed by the President and the following other members, that is-

(a) a representative each of the Committee of-

- (i) Deans of Education and of Directors of Education in Nigerian universities;
- (ii) Provosts of colleges of education;
- (iii) Rectors of polytechnics;

(b) one person to represent each of the following bodies, that is-

(i) the National Universities Commission;

(ii) the National Commission for Colleges of Education;

(iii) the National Board for Technical Education;

(iv) the National Teachers Institute;

(c) a representative of the Federal Ministry of Education;

(d) six persons to represent the State Ministries of Education to be elected in rotation among the States of the Federation to be appointed by the Federal Ministry of Education every two years;

(e) two persons to represent the Nigerian Academy of Education;

(f) five persons elected by the Nigeria Union of Teachers in the manner for the time being provided by the constitution or that Association; and

(g) the registrar.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters therein mentioned.

[First Schedule.]

(3) The Council may make regulations providing for an increase or reduction in the membership of the Council and may make such consequential amendments to paragraph (1) of the First Schedule to this Act as the Minister considers expedient in consequence of the increase or reduction.

## **3. Establishment and management of the fund**

(1) The Council shall establish and maintain a fund, the management and control of which shall be in the hands of the Council.

(2) There shall be paid into the fund established pursuant to subsection (1) of this section-

(a) all fees and other moneys payable to the Council whether in the course of the discharge of its functions or not;

(b) such moneys as may be provided by the Federal Government to the Council by way of grant or by way of loan or otherwise.

(3) There shall be paid out of the fund of the Council-

- (a) the remuneration and allowances of the registrar and other employees of the Council;
- (b) all other expenditure incurred by the Council in the discharge of its functions under this Act; and
- (c) such reasonable travelling and subsistence allowance of members of the Council in respect of the time spent on the business of the Council as the Council may determine.

(4) The Council may invest moneys in the fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Council.

(5) The Council may, from time to time, borrow money for the purposes of the Council and any interest payable on moneys so borrowed shall be paid out of the fund.

(6) The Council shall keep proper accounts in respect of each year and proper records in relation to those accounts; and the Council shall cause the accounts to be audited by an auditor appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(7) The audited accounts shall be submitted to the registered members for approval by them at the general meeting of the Council.

(8) The auditor, appointed for the purpose of this section, shall not be a member of the Council.

#### **4. Appointment of the registrar, other staff and preparation of the register**

(1) There shall be appointed by the President for the Council a registrar.

(2) The registrar shall be the chief executive and secretary to the Council and be responsible for the day to day administration of the Council.

(3) The registrar shall hold office for a term of five years in the first instance and shall be eligible for re-appointment for one further term of five years and no more.

(4) The Council may, from time to time, appoint such other persons as the Council may deem fit to assist the registrar in the performance of his functions under this Act.

(5) It shall be the duty of the registrar to prepare and maintain, in accordance with rules made by the Council, a register of the names, addresses, approved qualifications and such other qualifications and particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Act to be registered as members of the profession and who apply to be so registered.

(6) Subject to the following provisions of this section, the Council may make rules with respect to the form and keeping of the register and the making of entries therein, and in particular-

- (a) the making of the applications for registration;
- (b) providing for notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;
- (c) authorising a registered person to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Act, entered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered;
- (d) specifying the fees, including any annual subscription to be paid to the Council in respect of the entry of a name on the register and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid;
- (e) specifying anything falling to be specified under the foregoing provisions of this section: Provided that rules for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed at a special meeting of the Council convened for the purpose thereafter or at the next general meeting of the registered members as the case may be.

**(7) It shall be the duty of the registrar to-**

- (a) correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
- (b) make, from time to time, any necessary alteration to the registered particulars of registered persons;
- (c) remove from the register the name of any registered person who has died;
- (d) record the names of any registered members of the profession who are in default for more than four months in the payment of the annual subscriptions, and to take such action in relation thereto (including

removal of the names of defaulters from the register) as the Council under this Act may direct or require.

**(8) If the registrar-**

- (a) sends by post to any registered person, a registered letter addressed to him at his address on the register inquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and
  - (b) upon the expiration of that period, sends in the like manner to the person in question, a second similar letter and receives no reply to that letter within three months from the date of posting it,
- the registrar may remove the particulars relating to the person in question from the register: Provided that the Council directs the registrar to restore to the appropriate part of the register any particulars removed there from under this subsection.

**5. Publication of register and lists of corrections**

(1) It shall be the duty of the registrar-

- (a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the appointed day; and
- (b) thereafter in each year after that in which the register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or list of corrections made to the register since it was last printed; and
- (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Council, and it shall be the duty of the Council to keep the register and lists so deposited available at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of the register published under this section by authority of the registrar, or documents purporting to be prints of an edition of the register so published and of the list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.

(3) Where in accordance with subsection (2) of this section, a person is, in any proceedings, shown to have been, or not to have been registered at a particular date, he shall, unless the contrary is proved be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so registered.

**6. Registration of teachers**

(1) Subject to rules made under section 4 (6) of this Act, a person shall be entitled to be registered as a member of the profession if-

- (a) he passes a qualifying examination accepted by the Council and completes the practical teaching prescribed by the Council under this Act; or
- (b) not being a Nigerian, he holds a qualification granted outside Nigeria which for the time being is recognised by the Council and he is by law entitled to practise the profession in the country in which the qualification was granted provided that the other country accords Nigerian professional teachers the same reciprocal treatment and that he satisfies the Council that he has sufficient practical experience as a teacher.

(2) An applicant for registration shall, in addition to evidence of qualification, satisfy the Council that-

- (a) he is of good character;
- (b) he has attained the age of 21 years; and
- (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.

(3) The Council shall, from time to time, publish in the Federal *Gazette* particulars of qualifications for the time being accepted by the Council for purposes of registration.

**7. Approval of qualifications, etc.**

(1) The Council may approve an institution for the purposes of this Act, and may for those purposes approve-

- (a) any course of training at any approved institution which is intended for persons who are seeking to become or are already teachers and which the Council considers is designed to confer

on persons completing it sufficient knowledge and skill for admission as professional teachers;

- (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practice the profession.

(2) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such an approval the Council shall-

- (a) give notice that it proposes to withdraw such approval to each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be; and
- (b) give each such person an opportunity of making representation to the Council with regard to the proposal; and
- (c) take into consideration any representation made in respect of the proposal in pursuance of paragraph (b) of this subsection.

(3) Any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument; and the Council shall-

- (a) publish as soon as possible a copy of every such instrument in the newspaper; and
- (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

## **8. Supervision of instructions and examinations leading to approved qualifications**

(1) It shall be the duty of the members of the Council to keep themselves informed of the nature of--

- (a) the instruction given at approved institutions to persons attending approved courses of training; and
- (b) the examinations as a result of which approved qualifications are granted, and for the purposes of performing that duty, the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions, or to observe such examinations.

(2) It shall be the duty of a person appointed under subsection (1) of this section to report to the Council on-

- (a) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him;
- (b) the adequacy of the examinations attended by him; and
- (c) any other matters relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall if so required by the registered members, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

## **9. Establishment of the Disciplinary Committee and Investigating Panel**

(1) There is hereby established a tribunal to be known as the Teachers Disciplinary Committee (in this Act referred to as "the Committee") which shall be charged with the duty of considering and determining any case referred to it by the Teachers Investigating Panel (in this Act referred to as "the Panel") established by the following provisions of this section, and any other case of which the Committee has cognisance under the following provisions of this Act.

(2) The Committee shall consist of the chairman of the Council and ten other members appointed by the Council.

(3) There shall be established in each State of the Federation and the Federal Capital Territory, Abuja a body, to be known as the State Teachers Investigating Panel and the Federal Capital Territory, Abuja Teachers Investigating Panel as the case may be (in this Act referred to as "the Panel") which shall be charged with the duty of--

- (a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a professional teacher, or should for any other reason be the subject of proceedings before the

Committee; and

(b) deciding whether the case should be referred to the Committee.

(4) A panel shall be appointed by the Council after consultation with the State Ministry of Education or the Federal Ministry of Education in the case of the Federal Capital Territory, Abuja and shall consist of five members one of whom shall be a legal practitioner.

(5) The provisions of the Second Schedule to this Act shall, so far as they are applicable to the Committee and Panel respectively, have effect with respect to those bodies. [Second Schedule.]

(6) The Council may make rules not inconsistent with this Act as to acts which constitute professional misconduct.

## **10. Penalties for unprofessional conduct, etc.**

(1) Where-

- (a) a member is judged by the Committee to be guilty of infamous conduct in any professional respect; or
- (b) a member is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not punishable with imprisonment) which in the opinion of the Committee is incompatible with the status of a teacher; or
- © the Committee is satisfied that the name of any person has been fraudulently registered, the Committee may, if it thinks fit, give a direction reprimanding that person or ordering the registrar to strike his name off the relevant part of the register.

(2) The Committee may, if it thinks fit, defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Committee; but-

- (a) no decision shall be deferred under this subsection for any period exceeding two years in the aggregate; and
- (b) no person shall be a member of the Committee for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Committee when the decision was deferred.

(3) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted as therein mentioned, unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the Committee gives a direction under subsection (1) of this section, the Committee shall cause notice of the direction to be served on the person to whom it relates.

(5) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of notice of the direction, appeal against the direction to the Court of Appeal; and the Committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Committee, the Committee shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the Committee under subsection (1) of this section shall take effect-

- (a) where no appeal under this section is brought against the direction within the time limited for such an appeal, on the expiration of that time; or
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, or the withdrawal or striking out of the appeal; or
- © where such an appeal is brought and it is not withdrawn or struck out as afore said, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.

(7) A person whose name is removed from the register in pursuance of a direction of the Committee under this section, shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Committee on the application of that person; and a direction under this section for the removal of a person's name from the register, may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

## **11. Duty to report**

(1) It shall be the duty of the head of an educational institution to report any misconduct by a registered member to the Panel.

(2) A person in breach of the provisions of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of NI 000 or to imprisonment for a term of three months.

## **12. When person is deemed a registered member**

A person shall be deemed to practice as a registered teacher if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person-

- (a) he engages himself in teaching or holds himself out to the public as a teacher; or
- (b) he renders any other service which may by regulations made by the Council with the approval of the Minister be designated as service constituting teaching.

## **13. Rules as to practising fees, etc.**

(1) The Council may make rules-

- (a) for the training of suitable persons in teaching practice and method;
- (b) for the supervision and regulations of the engagement, training and transfer of such persons; and
- (c) for the fees to be paid by registered members.

(2) The Council may also make rules prescribing the amount and due date for payment of the annual subscription and for such purposes different amounts may be prescribed by the rules according to whether the registered member of the profession is a qualified or an auxiliary teacher.

(3) Rules when made under this section shall, if the chairman of the Council so directs, be published in the newspapers.

## **14. Honorary membership**

The Council may, if it thinks fit, award honorary membership of the profession to persons whom it considers worthy of such honour, on terms and conditions as may be prescribed by the Council.

## **15. Provision of library facilities, etc.**

The Council shall-

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of teaching, and such other books and publications as the Council may think necessary for the purpose;
- (b) encourage research into teaching methods and allied subjects to the extent that the Council may, from time to time, consider necessary.

## **16. Regulations and rules**

Any regulations made under this Act shall be published in the newspaper as soon as may be after they are made.

## **17. Offences**

(1) If any person for the purpose of procuring the registration of any name, qualification or other matter-

- (a) makes a statement which he believes to be false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.

(2) If, on or after the commencement of this Act, any person not being a registered member of the profession practices as a registered member of the profession or in expectation of reward, or takes or uses any name, title, addition or description implying that he is in practice as a registered member of the profession, he shall be guilty of an offence:

Provided that, in the case of a person falling within section 10 of this Act-

- (a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
- (b) if within that period he duly applies for membership of the profession, then, unless within that period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or is notified as aforesaid.

(4) If the registrar or any other person employed by or on behalf of the Council wilfully makes any falsification in any matter relating to the register, he shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable-

- (c) on conviction to a fine of an amount not exceeding NI ,000; or
- (b) on conviction on indictment to a fine of an amount not exceeding N5,000 or to imprisonment for a term not

exceeding two years, or to both such fine and imprisonment.

(6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

### 18. Interpretation

In this Act, unless the context otherwise requires-

"Committee" means the Teachers Disciplinary Committee established by section 9 of this Act;

"Council" means the Teachers Registration Council of Nigeria established by section 1 of this Act;

"fees" includes annual subscriptions;

"member" means a member of the Council and includes the chairman;

"Panel" means the Teachers Investigating Panel established by section 9 of this Act;

"register" means the register maintained in pursuance of section 4 of this Act;

"Minister" means the Minister charged with responsibility for matters relating to education.

### 19. Short title

This Act may be cited as the Teachers Registration Council of Nigeria Act.

## SCHEDULES

### FIRST SCHEDULE

[Section 2 (2) and 3.]

#### *Supplementary provisions relating to the Council Qualification and tenure of office of member*

1. (1) Subject to the provisions of this paragraph every elected member of Council shall hold office for one year in the first instance and shall be eligible for re-election for a further term of two years in the same office beginning with the date of his appointment or election.

(2) Any elected member may by notice in writing under his hand addressed to the chairman resign his office, and any appointed member may, likewise so resign his office.

(3) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible to become a member of the Council, and any appointed member may be re-appointed.

(4) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council, and until so prescribed they shall be decided by a show of hands.

(5) If for any reason there is a vacation of office by a member and such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Council appears to warrant the filling of the vacancy, co-opt some other fit person for such time as aforesaid.

#### *Powers of Council*

2. The Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

#### *Proceedings of the Council*

3. (1) Subject to the provisions of this Act the Council may make standing orders regulating its proceedings, and may appoint such Committee as it deems fit, and may make standing orders therefor.

(2) Standing orders shall provide for decisions to be taken by a majority of the members, and, in the event of equality of votes, the chairman shall have a casting vote.

(1) Standing orders made for a Committee shall provide that the Committee shall report to the Council on any matter not

within its competence to decide.

(4) The quorum of the Council shall be eight and the quorum of a Committee of the Council shall be fixed by the Council.

#### *Meeting of the Council*

4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice in writing given to him by not less than five other members of the Council, he shall summon a meeting of the council to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Council, the chairman, or in his absence the vice-chairman, shall preside; but if both are absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Council desires to obtain advice from any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council, and shall not count towards a quorum.

#### *Committees*

5. (1) The Council may appoint one or more Committees to carry out on its behalf such function as the Council may determine.

(2) A Committee appointed under this paragraph shall consist of the number of persons determined by the Council, and a person other than a member of the Council shall hold office on the Committee in accordance with the terms of the instrument by which he is appointed.

(1) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

#### *Miscellaneous*

6. (1) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or of some other member of the Council authorised generally or specially by the Council to act for that purpose.

(2) 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 Council by any person generally or specially authorised to act for that purpose by the Council.

(3) Any document purporting to be 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.

7. The validity of any proceedings of the Council or of a Committee of the Council shall not be affected by any vacancy in the membership, or by any defect in the appointment of a member of the Council or of a person to serve on the Committee or by reason that a person not entitled to do so took part in the proceedings.

8. A member of the Council, or any person holding office on a Committee of the Council,

who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or on behalf of the Council or a Committee thereof, shall forthwith disclose his interest to the chairman or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

9. A person shall not by reason only of his membership of the Council be required to disclose any interest relating solely to the audit of the accounts of the Council.

### SECOND SCHEDULE

[Section 9 (5).]

#### *Supplementary provisions relating to the Disciplinary Committee and Investigating Panel The Committee*

1. The quorum of the Committee shall be four of whom at least two shall be registered members.

2. (1) The Attorney-General of the Federation shall make rules as to the selection of members of the Committee for the

purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Committee.

(2) The rules shall in particular provide-

- (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
- (b) for determining who in addition to the person aforesaid, shall be a party to the proceedings;
- (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;
- (d) for enabling any party to the proceedings to be represented by a legal practitioner;
- (e) subject to the provisions of section 9 of this Act, as to the costs of proceedings before the Committee;
- (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Committee adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
- (g) for publishing in the newspapers notice of any direction of the Committee which has taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the Committee, any member of the Committee may administer oaths and any party to the proceedings may sue out of the registry of the High Court writs of subpoena *ad testificandum* and *duces tecum*; but no person appearing before the Committee shall be compelled-

- (a) to make any statement before the Committee tending to incriminate himself; or
- (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the Committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Committee who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of no less than seven years' standing.

(2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for ensuring-

- (a) that where an assessor advises the Committee on any question of law as to evidence, procedure or any other matters specified by the rule, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Committee is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;
- (b) that every such party or person as aforesaid shall be informed if in any case the Committee does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

#### *The Panel*

**5. The quorum of the Panel shall be three.**

6. (1) The Panel may, at any meeting of the Panel attended by the members of the Panel, make standing orders with respect to the Panel.

(2) Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.

#### *Miscellaneous*

7. (1) A person ceasing to be a member of the Committee or the Panel shall be eligible for reappointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Committee and the Panel; but no person who acted as a member of the Panel with respect to any case shall act as a member of the Committee with respect to that case.

- 8.** The Committee or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 7 (2) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
- 9.** Any document authorised or required by virtue of this Act to be served on the Committee or the Panel shall be served on the registrar appointed in pursuance of section 4 of this Act.
- 10.** Any expenses of the Committee or the Panel shall be defrayed by the Council.

#### **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

**TERTIARY EDUCATION TRUST FUND (ESTABLISHMENT, ETC.)  
ACT, 2011**



**ARRANGEMENT OF SECTIONS**

**SECTION :**

1. Imposition of tertiary education tax.
2. Assessment and collection of tax.
3. Establishment of the Tertiary Education Trust Fund.
4. Establishment of the Board of Trustees.
5. Cessation of membership.
6. Functions of the Board of Trustees.
7. Management and administration of the Fund.
8. Appointment of the Executive Secretary and other staff of the Fund.
9. Pension.
10. Offences.
11. Penalties.
12. Jurisdiction.
13. Limitation of suits against the Fund, etc..
14. Service of documents.
15. Restriction on execution against property of the Fund.
16. Indemnity of officers.
17. Regulations.
18. Repeal.
19. Savings.
20. Interpretation.
21. Citation.

**SCHEDULE.**

**TERTIARY EDUCATION TRUST FUND (ESTABLISHMENT, ETC.)  
ACT, 2011  
ACT No. 16**

AN ACT TO REPEAL THE EDUCATION TAX ACT CAP. E4 LAWS OF THE  
FEDERATION OF NIGERIA, 2004 AND EDUCATION TAX FUND (AMENDMENT) ACT  
NO. 17, 2003 AND ESTABLISH THE TERTIARY EDUCATION TRUST FUND CHARGED  
WITH THE RESPONSIBILITY FOR IMPOSING, MANAGING AND DISBURSING THE  
EDUCATION TAX TO PUBLIC TERTIARY EDUCATION INSTITUTIONS IN NIGERIA ; AND  
FOR RELATED MATTERS.

[3rd Day of June, 2011]

Commence-  
ment.

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

**1.—(1)** As from the commencement of this Act, there shall be charged and payable an annual tertiary education tax which shall be assessed, collected and administered in accordance with the provisions of this Act.

Imposition  
of tertiary  
education  
tax.

(2) The tax at the rate of 2 percent shall be charged on the assessable profit of a company registered in Nigeria (in this Act referred to as “a company”).

(3) The assessable profit of a company shall be ascertained in the manner specified in the Companies Income Tax Act or the Petroleum Profits Tax Act (in this Act referred to as “the Act”) as the case may be.

(4) Without prejudice to the provision of subsection (3) of this section, section 60 of the Petroleum Profit Tax Act shall not apply to the assessment, collection and payment of tertiary education tax and all companies chargeable to tax under the Petroleum Profit Tax Act shall be liable to pay the full extent of the tax imposed under this Act.

**2.—(1)** The Federal Inland Revenue Service (in this Act referred to as “the Service”) shall assess and collect from a company the tax imposed by this Act and accordingly—

Assessment  
and  
collection of  
tax.

(a) shall, when assessing a company, for companies income tax or petroleum profit tax for an accounting period of the company, also proceed to assess the company for the tax due under this Act ; and

(b) the provisions of the Act relating to the collection of companies income tax or petroleum profit tax shall, subject to this Act, apply to the tax due under this Act.

(2) The tax imposed by this Act shall be due and payable within 60 days after the Service has served notice of the assessment on a company.

(3) The Service may, for the purpose of assessment and collecting the tax imposed by this Act, devise such forms as it may deem necessary.

Establishment  
of the  
Tertiary  
Education  
Trust Fund.

3.—(1) There is established the Tertiary Education Trust Fund (in this Act referred to as “the Fund”) for the rehabilitation, restoration and consolidation of tertiary education in Nigeria which shall be managed by the Board of Trustees established under section 4 of this Act.

(2) The Fund—

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

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

(3) The Service shall pay the tax collected under this Act into the Fund and shall, when doing so, submit to the Fund, in such form as the Board of Trustees shall approve, a return showing—

(a) the name of the company making the payment ;

(b) the amount collected ;

(c) the assessable profit of the company for the accounting period ; and

(d) such other information as may be required by the Fund for the proper administration of the tax.

(4) The Fund shall, before disbursement of the amount in the Fund, set aside in each year, an amount not exceeding 5 per cent of the total monies accruing to the Fund in the preceding year which shall be applied—

(a) for the cost of administration and management of the Fund ;

(b) for the maintenance of any property acquired by or vested in the Fund and generally to pay for services rendered to the Fund ;

(c) for project monitoring ;

(d) to meet all the needs of the Fund necessary for the due administration and implementation of the purpose of this Act.

Establishment  
of the Board  
of Trustees  
Schedule.

4.—(1) There is established for the Fund, a Board of Trustees (in this Act referred to as “the Board of Trustees”) which shall consist of—

(a) a chairman who shall—

(i) be a person with good knowledge in finance and administrative matters ;

(ii) have qualifications and experiences as are required to perform the functions of that office under this Act.

(b) 6 persons, each representing a geo-political zone in the country ;  
(c) a representative each of the following Federal Ministries, who shall not be below the rank of a Director—

(i) Education ; and

(ii) Finance ;

(d) a representative each from the Universities, Polytechnics and Colleges of Education ; and

(e) the Executive Secretary, who shall be the Secretary to the Board of Trustees.

(2) The membership of the Board of Trustees shall reflect the six geo-political zones of the Federation.

(3) The members Board of Trustees shall—

(a) be persons with considerable experience from both the public and private sectors to represent the business, financial and education sectors ;

(b) be appointed by the President on the recommendation of the Minister ;

(c) other than the ex-officio members, each hold office for a term of 4 years in the first instance and may be eligible for re-appointment for a further term of 4 years and no more ;

(d) be paid such remuneration and allowances as the President may, from time to time, determine.

(4) The Board of Trustees shall meet for the conduct of its ordinary meetings 4 times in a calendar year.

(5) Notwithstanding subsection (4) of this section, the Board of Trustees may meet to conduct such other business as exigency demands. Schedule.

(6) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board of Trustees and other matters contained therein.

5.—(1) A member of the Board of Trustees shall cease to hold office if he— Cessation of membership.

(a) becomes of unsound mind ;

(b) becomes bankrupt or makes a compromise with his creditors ;

(c) is convicted of a felony or any offence involving dishonesty ; or

(d) is guilty of serious misconduct in relation to his duties.

(2) A member of the Board of Trustees may be removed from office by the President if he is satisfied that it is not in the interest of the Fund or public that the member should continue in that office.

(3) A member of the Board of Trustees, other than an ex-officio, may resign his appointment by a notice in writing under his hand, addressed to the President.

(4) Where a vacancy occurs in the membership of the Board of Trustees, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so that the successor shall represent the same interest and shall be appointed by the President.

Functions of  
the Board of  
Trustees..

6. The Board of Trustees shall—

(a) monitor and ensure collection of education tax by the Service and ensure transfer of same to the Fund ;

(b) manage and disburse the tax imposed by this Act ;

(c) liaise with the appropriate ministries or bodies responsible for collection or safe keeping of the tax ;

(d) receive requests and approve admissible projects after due consideration ;

(e) ensure disbursement of funds to various public tertiary educational institutions in Nigeria ;

(f) monitor and evaluate execution of the projects ;

(g) invest funds in appropriate and safe securities ;

(h) update the Federal Government on its activities and progress through annual and audited reports ;

(i) review progress and suggest improvement within the provisions of this Act ;

(j) do such other things as are necessary or incidental to the objects of the Fund under this Act or as may be assigned by the Federal Government ;

(k) make and issue guidelines, from time to time, to all beneficiaries on disbursement from the Fund on the use of monies received from the Fund ;  
and

(l) generally to regulate the administration, application and disbursement of monies from the Fund under this Act.

Management  
and  
administration  
of the Fund.

7.—(1) The Board of Trustees shall administer the tax imposed by this Act and disburse the amount in the Fund to Federal and State tertiary educational institutions specifically for the provision or maintenance of—

(a) essential physical infrastructure for teaching and learning ;

(b) instructional material and equipment ;

(c) research and publication ;

(d) academic staff training and development ; and

(e) any other need which, in the opinion of the Board of Trustees, is critical and essential for the improvement of quality and maintenance of standards in the higher educational institutions.

(2) The Board of Trustees shall administer, manage and disburse the tax imposed by this Act on the basis of—

(a) funding of all public tertiary educational institutions ;

(b) equality among the 6 geo-political zones of the Federation in the case of special intervention ; and

(c) equality among the States of the Federation in the case of regular intervention.

(3) The distribution of funds shall be in the ratio of 2:1:1 as between Universities, Polytechnics and Colleges of Education.

(4) The Board of Trustees shall have power to give due consideration to the peculiarities of each geo-political zone in the disbursement and management of the tax imposed by this Act between the various levels of tertiary education.

(5) The Minister shall, on the recommendation of the Board of Trustees and subject to approval by the President, make guidelines for disbursement of funds under this Act.

8.—(1) There shall be for the Fund an Executive Secretary who shall—

(a) be appointed by the President on the recommendation of the Minister ;

(b) be the Chief Executive and Accounting Officer of the Fund ;

(c) be a person with good knowledge and cognate academic and administrative experience in tertiary education ;

(d) have qualifications and experience as are appropriate for a person required to perform the functions of that office under this Act ; and

(e) hold office for a period of 5 years in the first instance and may be eligible for re-appointment for a further term of 4 years only and on such terms and conditions as to emoluments, and conditions of service as may be specified in his letter of appointment ;

(2) The Executive Secretary shall, subject to the general direction of the Board of Trustees, be responsible for—

(a) the day- to- day administration of the Fund ;

(b) keeping the books and proper records of the proceedings of the Board of Trustees ;

Appointment  
of the  
Executive  
Secretary  
and other  
staff of the  
Fund.

(c) the administration of the secretariat of the Board of Trustees ; and  
(d) the general direction and control of all other employees of the Fund.

(3) The Board of Trustees shall have power to—

(a) employ either directly or on transfer or secondment from any civil or public service in the Federation such number of employees as may, in the opinion of the Board, be required to assist the Board of Trustees and the Executive Secretary in the discharge of their functions under this Act ; and

(b) pay to persons so employed such remuneration (including allowances) as the Board of Trustees may, with the approval of the National Salaries, Incomes and Wages Commission, determine.

Pension.

9.—(1) Service in the Fund shall be approved service for purposes of pension.

(2) Employees of the Fund shall be entitled to pension, gratuity and other retirement benefits as are enjoyed by persons holding equivalent grades in the Civil Service of the Federation.

(3) Notwithstanding in subsection (1) or (2) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

Act No. 2,  
2004.

(4) For the purposes of the application of the provisions of the Pension Reform Act, any power exercisable by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is vested in and shall be exercisable by the Board of Trustees.

Offences.

10.—(1) A person who contravenes or fails to comply with provisions of this Act is guilty of an offence under this Act.

(2) Subject to the provisions of subsection.

(3) of this section—

(a) if a tax due under section 2 of this Act is not paid within the time specified in that section, the Service shall serve on the company, a demand note for the unpaid tax plus a sum which is equal to 5 per cent of the tax ; and

(b) if a sum demanded under paragraph (a) of this subsection is not paid within 2 months of the demand, the company is guilty of an offence under this Act ; and

(3) Notwithstanding any other provision in this Act, it shall be the duty and responsibility of every company liable to pay education tax to ensure that

its annual returns are filed with the Service for the purpose of assessment of education tax.

(4) The Board of Trustees shall, remit in whole or in part a sum added to the unpaid tax under subsection (2) (a) of this section.

(5) Where an offence under this Act is committed by a body corporate or firm or other association of individuals—

(a) every director, manager, secretary or other similar officer of the body corporate ;

(b) every partner or officer of the firm ;

(c) every person concerned in the management of the affairs of the association ; or

(d) every person who was purporting to act in that capacity is severally guilty of that offence and liable to be proceeded against and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

11.—(1) Except as otherwise provided in this Act, a person guilty of an offence under this Act shall, on conviction, be liable—

Penalties.

(a) for a first offence, to imprisonment for a term of 6 months or to a fine of up to ₦1,000,000.00 or both ; and

(b) for a second and subsequent offence to imprisonment for a term of 12 months or to a fine of up to ₦2,000,000.00 or both.

(2) The institution of proceedings or imposition of a penalty under this Act shall not relieve a company from liability to pay to the Service a tax which is or may become due under this Act.

(3) Notwithstanding subsection (1)(a) and (b) of this section, where any company or corporate body liable to file an education tax return under this Act fails in any year to file such return, the Service, if it is of the opinion that such a company or corporate body is liable to pay education tax, may, according to the best of its judgment, determine the amount of assessable profit of such company and make an assessment of education tax in accordance with the provisions of this Act.

12. The Federal High Court shall have jurisdiction to try offenders under this Act.

Jurisdiction.

Limitation of suits against the Fund, etc. Cap. P 41 LFN, 2004.

**13.—**(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Fund.

(2) Notwithstanding anything contained in any other law or enactment, no suit against any member of the Board of Trustees, the Executive Secretary or any other officer or employee of the Fund for any act done in pursuance or execution of the Act or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or such law or enactment, duty or authority, shall lie or be instituted in any court unless—

(a) it is commenced within 3 months next after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within 6 months next after the ceasing thereof.

(3) No suit shall be commenced against a member of the Board of Trustees, the Executive Secretary, officer or employee of the Fund before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Fund by the intending plaintiff or his agent.

(4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

Service of documents.

**14.** A notice, summons or other document required or authorized to be served upon the Fund under the provisions of this Act or any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and addressed to the Executive Secretary at the principal office of the Fund.

Restriction on execution against property of the Fund.

**15.—**(1) In any action or suit against the Fund, no execution or attachment of process in the nature thereof shall be issued against the Fund.

(2) Any sum of money which may, by the judgment of any court, be awarded against the Fund shall, subject to any direction given by the court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Fund.

Indemnity of officers.

**16.** A member of the Board of Trustees, the Executive Secretary, any officer or employee of the Fund shall be indemnified out of the assets of the Fund against any proceeding, whether civil or criminal, in which judgment is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board of Trustees, the Executive Secretary, officer or employee of the Fund.

17. The Minister may, on the recommendation of the Board of Trustees and subject to the approval of the President, make regulations generally for the purposes of this Act and the due administration thereof. Regulations.

18. The Education Tax Act, CAPE4, Laws of the Federation of Nigeria, 2004 and the Education Tax Fund (Amendment) Act No. 17, 2003 are repealed. Repeal.

19.—(1) Without prejudice to section 6 of the Interpretation Act, the repeal of the enactment specified in section 18 of this Act shall not affect anything done under or pursuant to that enactment. Savings.

(2) The rights, interests, obligations and liabilities of the Fund existing before the commencement of this Act under any contract or instrument, or in law or in equity, apart from any contract or instrument, shall, by virtue of this Act, be assigned to and vested in the Fund established by this Act.

(3) Any such contract or instrument as is mentioned in subsection (2) of this section shall be of the same force and effect against or in favour of the Fund established by this Act and shall be enforceable as fully and effectively, as if the Fund established by this Act has been named therein or had been a party thereto.

(4) The Fund established by this Act shall be subject to all the obligations and liabilities to which the Fund established under the repealed Acts was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Fund established by this Act, as they had against the Fund established under the repealed Act immediately before the commencement of this Act.

(5) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Fund established by the repealed Act in respect of any right, interest, obligation or liability of the former Fund may be continued or as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Fund established by this Act, to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the former Fund as if this Act had not been made.

(6) All assets, funds, resources and other movable property which immediately before the commencement of this Act were vested in the former Fund shall, by virtue of this Act and without further assurance, be vested in the Fund established by this Act.

(7) Persons who immediately before the coming into force of this Act were holders of offices in the repealed Education Trust Fund shall—

Act No. 2,  
2004.

(a) continue in office ;

(b) have their previous service in the repealed Education Trust Fund counted as service for the purposes of pension payable under the Pension Reform Act ; and

(c) be deemed to have been appointed to the offices by the statutory body established by this Act.

Interpretation.

**20.—(1)** In this Act—

“*Act*” means the Companies Income Tax Act or the Petroleum Profits Tax Act, as the case may be ;

“*Board of Trustees*” means the Board of Trustees established under section 4 of this Act ;

“*company*” means a company registered in Nigeria ;

“*Fund*” means the Tertiary Education Trust Fund established under section 3 of this Act ;

“*Minister*” means the Minister charged with responsibility for matters relating to education ;

“*the Service*” means the Federal Inland Revenue Service established under the Federal Inland Revenue Service (Establishment) Act, 2007 ;

“*Tertiary Educational Institution*” means a University, a Polytechnic or a College of Education ;

(2) Where no provision is made in this Act for a matter relating to the assessment and collection of the tax imposed by this Act, the provisions of the Acts relating to the assessment and collection of companies income tax or petroleum profit tax, as the case may be, shall apply *mutatis mutandis* to that matter.

Citation.

**21.** This Act may be cited as the Tertiary Education Trust Fund (Establishment, Etc.) Act, 2011.

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF TRUSTEES

1.—(1) Subject to this Act and section 27 of the Interpretation Act, the Board of Trustees may make standing orders regulating its proceedings or those of any of its committees.

Proceedings  
of the Board  
of Trustees.

(2) The quorum of the Board of Trustees shall be 5 members and the quorum of any committee of the Board of Trustees shall be determined by the Board of Trustees.

2.—(1) The Board of Trustees shall meet not less than 4 times in each year and subject thereto, the Board of Trustees shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given to him by not less than 3 other members, he shall summon a meeting of the Board of Trustees to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board of Trustees, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at that meeting.

(3) Where the Board of Trustees desires to obtain the advice of any person on a particular matter, the Board of Trustees may co-opt him to the Board of Trustees for such period as it thinks fit ; but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

3.—(1) The Board of Trustees may appoint one or more committees to carry out, on behalf of the Board of Trustees, such of its functions as the Board of Trustees may determine.

Committees.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board of Trustees) as may be determined by the Board of Trustees ; and a person other than a member of the Board of Trustees shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board of Trustees shall be of no effect until it is confirmed by the Board of Trustees.

4.—(1) The fixing of the seal of the Fund shall be authenticated by the signature of the Chairman and any other person authorized generally or specially to act for that purpose by the Board of Trustees.

Miscellaneous.

(2) 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 Fund by the Executive Secretary or any person generally or specially authorized to act for that purpose by the Board of Trustees.

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

5. The validity of any proceeding of the Board of Trustees or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Board of Trustees or committee, or by any defect in the appointment of a member of the Board of Trustees or of a committee, or by reason that a person not entitled to do so took part in the proceedings of the Board of Trustees or committee.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, mni  
*Clerk to the National Assembly*  
*2nd day of June, 2011.*

EXPLANATORY MEMORANDUM

This Act repeals the Education Tax Act Cap. E4, Laws of the Federation of Nigeria, 2004 and Education Tax Fund Act No. 17, 2003 and establishes the Tertiary Education Trust Fund charged with the responsibility for imposing, managing and disbursing the tax to public tertiary institutions in Nigeria.

**SCHEDULE TO TERTIARY EDUCATION TRUST FUND (ESTABLISHMENT, ETC.) ACT, 2011**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Tertiary Education Trust Fund (Establishment, Etc.) Bill, 2011.	An Act to repeal the Education Tax Act Cap. E4 Laws of the Federation of Nigeria, 2004 and Education Tax Fund (Amendment) Act No. 17, 2003 and establish the Tertiary Education Trust Fund charged with the responsibility for imposing, managing and disbursing the Education Tax to public tertiary education institutions in Nigeria; and for related matters.	This Act repeals the Education Tax Act Cap. E4, Laws of the Federation of Nigeria, 2004 and Education Tax Fund Act No. 17, 2003 and establishes the Tertiary Education Trust fund charged with the responsibility for imposing, managing and disbursing the education tax to public tertiary institutions in Nigeria.	26th May, 2011.	25th May, 2011.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSIST:



SAUSU AMURUOKAI MASSESSWA, FMI  
*Clerk to the National Assembly*  
2nd Day of June, 2011.

DR GORRUCK ERILL JONATHAN, OCM  
*President of the Federal Republic of Nigeria*  
3rd Day of June, 2011.

UNIVERSITIES (MISCELLANEOUS PROVISIONS) DECREE 1993



Decree No. 11

{ 1st January 1993 } Commencement.

**THE FEDERAL MILITARY GOVERNMENT** hereby decrees as follows:-

1. Notwithstanding anything to the contrary contained in any law, the provisions of this Decree shall apply to a university controlled by the Government of the Federation and listed in the Schedule to this Decree. Application of Decree to Federal Universities.

2. the Council of any University shall consist of Composition of the Council

(a) the Pro- Chancellor

(b) the Vice- Chancellor,

(c) the Deputy Vice- Chancellor:

(d) one person from the Federal Ministry responsible for Education

(e) four Persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the National Council of Ministers:

(f) four persons appointed by the Senate from among its members

(g) two persons appointed by Congregation from among its members

(h) one person appointed by convocation from among its members

3. - (1) There shall be a Vice-Chancellor of a University (in this Act referred to as "the Vice-Chancellor") who shall be appointed by the President, Commander-in-Chief of the Armed Forces in accordance with the provisions of this section Vice-Chancellor of a University

(2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall:-

*Universities Miscellaneous Provisions*

---

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

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

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

and thereafter draw up a shortlist of suitable candidates for the post for consideration;

(b) constitute a Search Team consisting of -

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

(ii) two members of the Senate who are not members of the Council, one of whom shall be a professor,

(iii) two members of Congregation who are not members of the Council, one of whom shall be a professor,

to identify and nominate for consideration, suitable person who are not likely to apply for the post on their own volition because they feel that it is not proper to do so.

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

(a) the Pro-Chancellor, as chairman;

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

(c) two members of the Senate who are professors,

but who were not members of the Search Team, shall consider the candidate 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 to the Council three candidates for further consideration.

(4) The Council Shall select one candidate from among the three candidates recommended to it under subsection (3) of this section and forward his name to the President, Commander in-Chief of the Armed Forces

(5) The President, Commander in-Chief of the Armed Forces may appoint or reject, as Vice-Chancellor, the candidate recommended to him under the provisions of subsection (4) of this section.

*Universities Miscellaneous Provisions)*

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(6) If the President, Commander-in-Chief of the Armed Forces rejects a candidate under sub section (5) of this section, the Council shall forward another name.

(7) The Vice-Chancellor-

(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 one further period of four years and no more.

(8) The Vice-Chancellor may be removed from office by the visitor after due consultation with the Council and the Senate acting through the Minister of Education.

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

Deputy Vice-Chancellors

(2) Where a vacancy occurs in the post of Deputy Vice-Chancellor the Vice-Chancellor shall forward to the Senate a list of two candidate for each post of Deputy Vice-Chancellor that is vacant

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

(4) Where-

(a) the Senate rejects the two candidates forwarded to it by the Vice-Chancellor under subsection (2) of this section, the Vice-Chancellor shall submit another list.

(b) the Council rejects the name sent to it under subsection (3) of this section, the Senate shall send the name of other candidate on the list forwarded to it by the Vice-Chancellor under subsection (2) of this section.

(4) The Deputy Vice-Chancellor shall-

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

(b) act in the 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

*Universities Miscellaneous Provisions)*

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( c ) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him,

(5) The Deputy Vice-Chancellor

(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.

office of the Registrar

5. (1) There shall be 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 administrative work of the University except as regards matters for which the bursar is responsible in accordance with section 6 (2) of this Decree.

(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) A Registrar -

(a) shall hold office for a period of five 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 five years and no more.

(2) Where on the commencement of this Decree, a Registrar appointed before the commencement of this Decree has held office

(a) for five years or less, he shall be deemed to be serving his first term of office and may be re-appointed for another term of five years

(d) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the University.

(e) for ten years or more the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall, relinquish his post and be assigned to other duties in the University

Other principal officers for each of the University

6. There shall be for each University the following Principal officers in addition to the Registrar, that is -

*Universities Miscellaneous Provisions)*

---

(a) the Bursar; and

(b) the University Librarian,

who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 6 of this Decree.

(2) The Bursar shall be the chief financial officer of the University and 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 the library services in the University and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.

(4) A Bursar or Librarian

(a) shall hold office for a period of five years from the effective date of his appointment 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 five years and no more

(5) Where on the commencement of this Decree a Bursar or Librarian has held office-

(a) for five years or less, he shall be deemed to be serving his first term of office and may be re-appointed for another term of five years;

(b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the University;

(c) for ten years or more, the Council may allow him to serve as Bursar or librarian for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the University

7.- (1) There shall be, for each University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of -

Selection Board for other Principal officers.

(a) the Pro-Chancellor, as chairman;

(b) the Vice-Chancellor;

*Universities Miscellaneous Provisions)*

---

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

(d) two members of the Senate.

Board constituted under subsection (1) of this section shall be as the Council may, from time to time determine.

Retiring age of  
academic staff of the  
University.  
Cap 3.16 LFN

8.- (1) Notwithstanding anything to the contrary in the Pensions Act the compulsory retiring age of an academic staff of a University shall be sixty five years.

Special provisions  
relating to pension of  
professors.

(2) A law or rule requiring a person to retire from the public service after serving for thirty-five years shall not apply to an academic staff of a University.

9. A person who retires as a professor having served -

(a) a minimum period of fifteen years as a professor in the University or continuously in the service of a University in Nigeria up to the retiring age; and

(b) who during the period of service was absent from the University only on approved national or University assignments.  
shall be entitled to pension at a rate equivalent to his last annual salary and such allowances, as the Council may, from time to time, determine as qualifying for pension and gratuity, in addition to any other retirement benefits to which he may be entitled

Provisions of  
Decree to  
prevail

10. If a provision of any other law is inconsistent with a provision of this Decree, the provision of this Decree shall prevail and the provision of that other law shall to the extent of the inconsistency be void.

Interpretation.

11. In this Decree -

“ Bursar” means the Bursar of a University;

“ Congregation” means Congregation of a University;

“ Council ” means the Council of a University ;

“ Council means the Council of a University ;

“ Librarian means the Librarian of a University ;

“ Registrar “ means the Registrar of a University ;

“ Senate” means the Senate of a University ;

*Universities Miscellaneous Provisions)*

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“ University “means a University listed in the Schedule to this Decree.

12. This Decree may be cited as the Universities ( Miscellaneous Provisions) Decree 1993.

Citation.

SCHEDULE

Sections 1 and 11

LIST OF FEDERAL UNIVERSITIES TO WHICH THIS DECREE APPLIES

1. Federal University of Agriculture, Abeokuta
2. University of Abuja, Abuja
3. Federal University of Technology, Akure
4. Nnamdi Azikiwe University, Awka
5. Abubakar Tafawa Balewa University, Bauchi
6. University of Benin, Benin
7. University of Calabar, Calabar
8. University of Ibadan, Ibadan
9. Obafemi Awolowo University, Ile-Ife
10. University of Ilorin, Ilorin
11. University of Jos, Jos
12. Bayero University, Kano
13. University of Lagos, Lagos
14. University of Maiduguri, Maiduguri
15. Federal University of Agriculture, Makurdi
16. Federal University of Technology, Minna
17. University of Nigeria, Nsukka
18. Federal University of Technology, Owerre
19. University of Port-Harcourt, Port-Harcourt

*Universities Miscellaneous Provisions*

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20. Usman Danfodiyo University, Sokoto
21. Federal University of Agriculture, Umudike
22. University of Uyo, Uyo
23. Federal University of Technology, Yola
24. Ahmadu Bello University, zaria

MADE at Abuja this 1st day of January 1993.

GENERAL I. B. BABANGIDA,  
President, Commander-in-Chief  
of the Armed Forces,  
Federal Republic of Nigeria.

EXPLANATORY NOTE

*(This note does not form part of the above Decree  
but is intended to explain its purpose)*

The Decree, among other things, reconstitutes the membership of the University Council of all Federal Universities and sets out uniform procedure for the appointment of Vice-Chancellors and Deputy Vice-Chancellors.

UNIVERSITIES MISCELLANEOUS PROVISIONS)  
(AMENDMENT) DECREE 1996

A 273



**Decree No. 25**

[21<sup>st</sup> August 1996]

Commencement

**THE FEDERAL MILITARY GOVERNMENT** here by  
decrees as follows

1. the universities (miscellaneous provision) decree  
(in this decree referred to as the principal decree)  
as ended is hereby further amended as set out in this decree.

Amendment  
of  
section 2

2. section 2 of the principal decree is amended in  
paragraph (e) thereof by substituting for the word our the nine .

Amendment  
of  
section 2

3. section 3 of the principal decree is amended

Amendment  
of  
section 2

(a) in subsection(3) by substituting for the words and recommend to the council  
three candidates for further considerring in line 4 after paragraph (e) thereof the  
following new words and recommend to the council suitable candidates for  
further consideration

(b) in subsection (4) by substituting thereby the following  
new subsection that is

(4) the council shall select three candidates from among the candidates  
recommended to it under subsection (3) of this section and may indicate  
its order of preference stating the reasons therefore and forward the  
names to the head of state commander- in- chief of the armed forces  
(e)in subsection (5) by substituting therefore the following  
new subsection that is

(5) the head of state , commander – in – chief of the  
armed forces may appoint as vice chancellor, any  
one of the candidates recommended to him in accordance  
with the provisions of subsection

(4) of this section. (d) by deleting subsection (6) thereof ,  
and renumbering the existing subsection (7) as subsection (6) ,

(e) in subsection (6) as renumbered , by sub-section  
therefore the following new subsection that is

(6) the vice – chancellor shall hold office for a  
single term of five years only on such term and  
conditions as may be specified in his letter of  
appointment.

(f) By inserting immediately after subsection (6), therefore  
the following new subsection, that is

(7) for the avoidance of doubt , the provisions of  
subsection (6) of this section shall:

(a) only be applicable to those appointed the office of vice – chancellor after the  
commencement of this decree:

(b) not confer on a person serving a first term  
of office as vice – chancellor before the commencement  
of this decree any right to the renewal of the appointment for  
a further term of four years

4. section 4 of the principal decree is amended by  
deleting the first subsection (4)(a) and (b) appearing ther

Amendment  
of  
section 2

5. The Universities Miscellaneous provisions)  
(amendment) decree 1993 is hereby consequentially repealed.

Repeal of  
1993 No. 55

6. this decree may be cited as the universities  
(miscellaneous provision) (amendment) decree 1996.

MADE at Abuja this 21<sup>st</sup> day of August 1996

GENERAL SANI ABACHA  
Head of state, commander – in – chief  
Of the armed forces  
Federal republic of Nigeria

#### **EXPLANATORY NOTE**

*(This note does not form part of the above decree but is  
intended to explain its purport)*

The decree amends the universities (miscellaneous  
provision) decree 1993 to provide among other things for:

- (a) the procedure for the appointment of vice  
chancellor
- (b) an increase in the number of candidate the council  
of each university may recommend to the head of state  
commander – in chief of the armed forces for appointment  
to the office of vice – chancellor
- (c) an increase in the membership of external members  
of the governing councils of federal universities.



Extraordinary



# Federal Republic of Nigeria

## Official Gazette

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No. 10

Lagos – 12<sup>th</sup> January, 2007

vol. 94

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Government Notice No. 8

The following is published as Supplement to this Gazette

Act No.	Short Title	Page
1.	The Universities (Miscellaneous Provisions) (Amendment) Act 2003	A1-6

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FGP 117/(06)22007/1,000 (OL 10)

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THE UNIVERSITIES (MISCELLANEOUS PROVISIONS)  
(AMENDMENT) **ACT**, 2003



ARRANGEMENT OF SECTIONS

SECTION:

1. Amendment of No. 11 of 1993
2. Amendment of Section 2
3. Insertion of New Sections 2A, 2AA. and 2AAA
4. Amendment of Section 3
5. Insertion of Subsections (9) - (14)
6. Amendment of Section 4
7. Insertion of Sections 7A, 7AA, 7AAA
8. Citation.

**THE UNIVERSITIES (MISCELLANEOUS PROVISIONS)  
(AMENDMENT) ACT, 2003  
2007 ACT No. I**

AN ACT TO AMEND THE UNIVERSITIES (MISCELLANEOUS PROVISIONS) ACT NO. 11  
OF 1993 AND PROVIDE FOR THE AUTONOMY OF UNIVERSITIES; AND  
OTHER RELATED MATTERS

[10th Day of July, 2003]

Commencement

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

- |   |  |
|---|--|
| <p>1. The Universities (Miscellaneous Provisions) Act 1993 (in this Act referred to as “the Principal Act”) as amended is further amended as set out in this Act</p>  | <p>Amendment of No. 11 of 1993.</p>                              |
| <p>2. Substitute Section 2 of the Principal Act for a new Section 2—</p>  | <p>Amendment of section 2</p>                                    |
| <p>2.—(1) There shall be a council for each of the Universities consisting of</p> <p>(a) the Pro-Chancellor;</p> <p>(h) the Vice-Chancellor;</p> <p>(c) the Deputy Vice-Chancellors;</p> <p>(d) one person from the Federal Ministry responsible for Education;</p> <p>(e) four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the National Council of Ministers;</p> <p>(i) four persons appointed by the Senate from among its members;</p> <p>(g) two persons appointed by the Congregation from among its members; and</p> <p>(h) one person appointed by Convocation from among its members.</p> | <p>“Composition of the Council</p>                               |
| <p>(2) Persons to be appointed to the Council shall be of proven integrity, knowledgeable and familiar with the affairs and tradition of the University”.</p>   | <p>Insertion of new sections 2A, 2AA and 2AAA</p>                |
| <p>3. Insert immediately after section 2 of the Principal Act sections—</p>   | <p>“Tenure of Council.</p>                                       |
| <p>2A. The Council so constituted shall have a tenure of four years 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.</p>   | <p>Powers of the Council</p>                                     |
| <p>2AA—The powers of the Council shall be exercised, as in the Law and Statutes of each University and to that extent establishment circulars that are inconsistent with the Laws and Statutes of the University shall not apply to the Universities.</p>   | <p>Independence of the council in exercise of its functions.</p> |
| <p>2AAA—(1) The Governing Council of a university shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the university.</p>   | <p>Independence of the council in exercise of its functions.</p> |

(2) The Council of a university in the discharge of its functions shall ensure that disbursement of funds of the University complies with the approved budgetary ratio for—

- (a) personnel cost;
- (b) overhead cost;
- (c) research and development;
- (d) library developments; and
- (e) the balance in expenditure between academic vis-a-vis non academic activities”.

Amendment of section 3.

4. Section 3 of the Principal Act is amended as follows—

(a) in sub-section (1) by substituting for the words—

“ Who shall be appointed by the President, Commander-in-Chief of the Armed Forces”

*appearing in*

*lines 2 and 3 the following words:*

“who shall be appointed by the Governing Council

(b) in subsection (4) by substituting for the words—

“The Council shall select one candidate from among the three candidates recommended to it under subsection (3) of this section and forward his name to the President, Commander-in-Chief of the Armed Forces,”

*the following word—*

“The Council shall select and appoint as the Vice-Chancellor one candidate from among the three candidates recommended to it under subsection (3) of this section and thereafter inform the Visitor,”

(c) in subsection (S) by substituting for the words —

“The Vice-Chancellor may be removed from office by the Visitor after due consultation with the Council and the Senate acting through the Minister of Education,”

*with the following words—*

“The Vice-Chancellor may be removed from office by the Governing Council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council. Senate or the Congregation after due process”.

Insertion of subsections (9) – (14)

5. Insert the following subsections immediately after the existing section 3 (8) of the Principal Act—

“(9) When the proposal for the removal of the Vice-Chancellor is made, the Council shall constitute a joint committee of Council and Senate consisting of— (I) three members of the Council one of whom shall be the Chairman of the committee, and

(ii) two members of the Senate. provided that where the ground for removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion.

(10) The Committee shall conduct investigation into the allegations made against the Vice Chancellor and shall report its findings to the Council.

(11) The Council may where the allegations are proved remove the Vice-Chancellor or apply any other disciplinary action it may deem fit and notify the Visitor accordingly provided that a Vice-Chancellor who is removed shall have right of appeal to the Visitor.

Amendment of section 4

(12) There shall be no sole administration in any Nigerian University

(13) In any case of a vacancy in the office of the Vice-Chancellor the Council shall appoint an acting Vice-Chancellor on recommendation of the Senate.

(14) An acting Vice-Chancellor in all circumstances shall not be in office for more than 6 months”.

6. Section 4 of the Principal Act is amended by inserting the following subsections —

(6) A Deputy Vice-Chancellor may be removed from office for good cause by the Council acting on the recommendations of the Vice-Chancellor and Senate;

Insertion of sections 7A, 7AA AND 7AAA

(7) “Good Cause” for the purpose of this section means gross misconduct or inability to discharge the functions of his office arising from infirmity of body or mind”:

7. Insert immediately after Section 6 (5) (c) of the Principal Act, the following Sections—

“Composition and Powers of a University Senate

7A— (I) There shall be a Senate for each of the Universities 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 head Bards 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 each University

(2) The Senate shall have powers in all academic matters including the organization and control of—

- (a) teaching and research;
- (b) admission of students;
- (c) award of degrees including Honoris Causa, Certificates and Diplomas;
- (a') promotion of research ; and

Visitor and  
visitation

7AA (1) There shall be a Visitor for each of the Universities.

(2) The Visitor shall cause a visitation to each University when necessary. at least every five years.

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

Students  
participation

7AAA. Students shall—

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

(b) participate in various aspects of curriculum development;

(c) participate in the process of assessing academics staff in respect of teaching ; and

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

Citation

8. This Act may be cited as the Universities (Miscellaneous Provisions) Amendment) Act, 2003. I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON  
Clerk to the National Assembly

3rd day of July 2003.

#### EXPLANATORY MEMORANDUM

This Act provides for the amendment of the Universities (Miscellaneous Provisions) Act No. 11 of 1993 and makes new provisions, among other things, for the autonomy management and re-organization of the Universities in Nigeria.

<i>(1)</i> <i>Short title of the Bill</i>	<i>(2)</i> <i>Long title of the bill</i>	<i>(3)</i> <i>Summary of the contents of the bill</i>	<i>(4)</i> <i>Date Passed by Senate</i>	<i>(4)</i> <i>Date Passed by House of Representative</i>
The Universities (Miscellaneous Provisions) (Amendment) Bill, 2003	An Act to amend the Universities (Miscellaneous Provisions) Act No. 11 of 1993 and provide for the autonomy of Universities and other related matters.	This Bill seeks to amend the Universities (Miscellaneous Provisions) Act No. 11 of 1993 and make new provisions, among other things, for the autonomy, management and re-organization of the Universities in Nigeria	28 <sup>th</sup> May, 2002	2 <sup>nd</sup> June, 2003

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria, 1990.

IBRAHIM SALIM, CON  
*Clerk to the National Assembly*  
3rd day of July 2003.

CHIEF OLUSEGUN OBASANJO, GCFR  
*President of the Federal Republic of Nigeria*  
10<sup>th</sup> day of July, 2003

*Extraordinary*



# Federal Republic of Nigeria Official Gazette

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**No. 62**

**Lagos-15th May, 2012**

**Vol. 99**

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*Government Notice No. 123*

The following is published as Supplement to this *Gazette* :

<i>Act No.</i>	<i>Short Title</i>	<i>Page</i>
3	Universities (Miscellaneous Provisions) (Amendment) Act, 2012	A 17 - A 20

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**UNIVERSITIES (MISCELLANEOUS PROVISIONS)  
(AMENDMENT) ACT, 2012**



**ARRANGEMENT OF SECTIONS**

**SECTION :**

1. Amendment of Act No. 11, 1993.
2. Amendment of section 5.
3. Amendment of section 6.
4. Amendment of section 8.
5. Substitution for section 9.
6. Citation

**UNIVERSITIES (MISCELLANEOUS PROVISIONS)  
(AMENDMENT) ACT, 2012**

**ACT No. 3**

AN ACT TO FURTHER AMEND THE UNIVERSITIES (MISCELLANEOUS PROVISIONS) ACT  
NO. 11, 1993 BY INCREASING THE RETIREMENT AGE FOR ACADEMIC STAFF IN THE  
PROFESSORIAL CADRE AND NON-ACADEMIC STAFF AND ; FOR RELATED MATTERS

[11th Day of May, 2012 ] Commence-  
ment.

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

1. The Universities (Miscellaneous Provisions) Act No. 11, 1993 (in this Act referred to as the “Principal Act”) is amended as set out in this Act. Amendment of Act No 11, 1993.
  
2. Section 5 of the Principal Act is amended by— Amendment of section 5.
  - (a) in subsections (3)(a), line 1, by substituting for the word “period” the words “single term” ; and
  - (b) substituting for subsection (4), a new subsection “(4)” :
 

“(4) Notwithstanding subsection (3) of this section, the Council may, upon satisfactory performance, extend the tenure of the Registrar for a further period of one year only and thereafter such Registrar shall relinquish his post and be assigned to other duties in the University.”
  
3. Section 6 of the Principal Act is amended by substituting for the existing subsections (4) and (5) new subsections “(4)” and “(5)” : Amendment of section 6.
  - (4) A Bursar or Librarian shall hold office for a single term of five years only beginning from the effective date of his appointment and on such terms and condition as may be specified in his letter of appointment.
  - (5) Notwithstanding subsection (4) of this section, the Council may, upon satisfactory performance, extend the tenure of the Bursar or Librarian for a further period of one year only and thereafter the Bursar or Librarian shall relinquish his post and be assigned to other duties in the University.”
  
4. Section 8 of the Principal Act is amended by inserting a new subsection “(3)” : Amendment of section 8.

“(3) As from the commencement of this Act, the compulsory retiring age for :

  - (a) academic staff in the professorial cadre shall be 70 years ; and
  - (b) non-academic staff shall be 65 years.”
  
5. Substitute for section 9 of the Principal Act a new section “9” : Substitution for section 9

"Special provision relating to Pension of professors.

9.—(1) An academic staff who retires as a professor in a recognized University shall be entitled to pension at a rate equivalent to his annual salary provided that the professor has served continuously in a recognized University up to the retirement age.

(2) Notwithstanding subsection (1), where the professor has not served up to the retirement age he shall be entitled to the rate of pension mentioned under subsection (1) provided that he has served a minimum of 20 years as professor in a recognized University.

(3) Where an academic joins a Nigerian University as a professor, such a professor shall have served continuously for at least 20 years in a recognized university."

Citation.

6. This Act may be cited as the Universities (Miscellaneous Provisions) (Amendment) Act, 2012.

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON mni  
*Clerk to the National Assembly*  
3rd Day of May, 2012.

#### EXPLANATORY MEMORANDUM

This Act amends the Universities (Miscellaneous Provisions) Act No.11, 1993 by limiting the tenure of principal officers to a single term of 5 years and increasing the retiring age of a staff in the professorial cadre and non-academic staff in the Universities in Nigeria.

**SCHEDULE TO UNIVERSITIES (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL, 2012**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date passed by the Senate</i>	(5) <i>Date passed by the House of Representatives</i>
Universities (Miscellaneous Provisions) (Amendment) Bill, 2012.	An Act to further amend the Universities (Miscellaneous Provisions) Act No. 11, 1993 by increasing the retirement age for academic staff in the professorial cadre and non-academic staff and ; for related matters.	This Bill further amends the Universities (Miscellaneous Provisions) Act No. 11, 1993 by limiting the tenure of principal officers to a single term of 5 years and increasing the retiring age of staff in the professorial cadre and non-academic staff in the universities in Nigeria.	28th March, 2012.	29th March, 2012.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT.



SALISU ABUBAKAR MAIKASUWA, OON mni  
 Clerk to the National Assembly  
 3rd Day of May, 2012.

Dr. GOODLUCK EBEBE JONATHAN, GCFR  
 President of the Federal Republic of Nigeria  
 11th Day of May, 2012.

**UNIVERSITY TEACHING HOSPITALS  
(RECONSTITUTION OF BOARDS, ETC.) ACT**  
ARRANGEMENT OF SECTIONS

*Composition of each University Teaching Hospital Management Board, etc.*

SECTION

1. Application of this Act.
2. Composition of each Board.
3. Qualification of chairman of the Board.
4. Tenure of office of members.
5. Appointment of Chief Medical Director, Director of Administration and other staff.
6. Chief Medical Director's tenure of office.

*Functions of the Board*

7. Functions of the Board. *Discipline*
8. Discipline of students.
9. Removal and discipline of clinical, administrative and technical staff.
10. Discipline of junior staff.

*Miscellaneous*

11. Bye-laws regulating behaviour of the public.
12. Inspection of institutions controlled by the Board.
13. Mode of giving directions, etc.
14. Financial provisions. 15. Annual report.
15. Powers of the Board in relation to expansion, staff, etc., of the hospital.
16. Power of Minister to give directions.
17. Savings, etc.
18. Interpretation.
19. Short title.

SCHEDULE

*List of Teaching Hospitals*

UNIVERSITY TEACHING HOSPITALS (RECONSTITUTION OF BOARDS, ETC.) ACT

**An Act to provide uniform administrative structure, composition and functions of the Management Board of all Teaching Hospitals controlled by the Federal Government.**

[1985 No. 10.] [1st January, 1985] [Commencement.]

*Composition of each University Teaching Hospital Management Board, etc.*

**1. Application of this Act s**

(1) As from the commencement of this Act, the Board of Management of the teaching hospitals (in this Act referred to as the "Board") controlled by the Government of the Federation and specified in the Schedule to this Act shall be constituted and have the functions and powers set out in the following provisions of this Act. (2) The President may, from time to time, by order published in the Federal *Gazette*- (a) increase, vary or delete the hospitals specified in the Schedule to this Act; (b) apply the provisions of this Act to other teaching hospitals that may come under the control of the Federal Government.

**2. Composition of each Board**

(1) Each Board shall consist of a chairman who shall be appointed by the President on the recommendation of the Minister and the following other members, that is to say-

- (a) the Chief Medical Director of the hospital;
- (b) one representative of the Federal Ministry of Health;
- © three persons nominated by the Minister to represent a wide variety of community interests in health matters;
- (d) one representative of the medical profession not being a person who is a member of the teaching staff of any university;
- (e) one representative of the senate of the associate University;
- (f) one representative of other professions in the health field, not being a staff of the Hospital concerned;
- (g) the Dean of the Medical School or the Provost, College of Medicine of the associate University, by whatever other name called;
- (h) one representative of the Ministry of Health of the State in which the Teaching Hospital is situate;

- (i) the chairman of the Medical Advisory Committee of the Hospital concerned; and
- (j) one representative of the Vice-Chancellor of the associate University.

(2) If the chairman is absent from any meeting of the Board, the members present shall appoint one of their number to preside at that particular meeting.

### **3. Qualification of chairman of the Board**

The chairman of the Board shall be a person of proven integrity coupled with experience and outstanding ability in administration or in professional or technical education.

### **4. Tenure of office of members**

(1) The chairman and any member of the Board other than *ex-officio* member shall-

- (a) hold office for such period, not exceeding four years and on such terms and conditions as may be specified in his letter of appointment;
- (b) unless he previously vacates his office, be eligible for re-appointment for one further term of four years: Provided that nothing in this paragraph shall be construed as entitling any person who has held office as chairman for a term and who is being re-appointed under this paragraph to be appointed again as chairman;
- (c) be paid out of money at the disposal of the Board such remuneration and allowances in accordance with scale approved in that behalf by the President.

(2) The office of a member of the Board shall become vacant if-

- (a) he resigns his office by notice in writing addressed to the Minister;
- (b) the period of his appointment has expired; or
- (c) there is passed by the Board a resolution declaring-

- (i) that he has become incapable, by reason of mental or bodily infirmity, of discharging his duties;
- (ii) that he has become unfit for membership of the Board by reason of the fact that he has an interest in a contract entered into by the Board and has not disclosed that fact;
- (iii) that he has been absent from three consecutive meetings of the Board without leave of the Board; or
- (iv) that he has been convicted of an offence which involves moral turpitude.

(3) Soon after the office of a member of the Board has become vacant, the authority by which he was appointed shall appoint another person in his place in accordance with the provisions of this Act.

### **5. Appointment of Chief Medical Director, Director of Administration and other staff**

(1) There shall be for each hospital a Chief Medical Director who shall be appointed by the President on such terms and conditions as may be specified in his letter of appointment or as may be determined from time to time by the Federal Government.

(2) The Chief Medical Director shall-

- (a) be a person who is medically qualified and registered as such for a period of not less than twelve years, and has had considerable administrative experience in matters of health and holds a post-graduate medical qualification obtained not less than five years prior to the appointment as Chief Medical Director; and
- (b) be charged with the responsibility for the execution of the policies and matters affecting the day-to-day management of the affairs of the Hospital.

(3) There shall be for each hospital a Director of Administration who shall-

- (a) be appointed by the Board and shall by virtue of that office also be the Secretary to the Board;
- (b) be responsible to the Chief Medical Director for the effective functioning of all the administrative divisions of the hospital;
- (c) conduct the correspondence of the Board and keep the records of the hospital; and
- (d) perform such other functions as the Board or the Chief Medical Director, as the case may be, may from time to time assign to him.

(4) There shall be for each hospital, a chairman of the Medical Advisory Committee who shall be appointed by the Board and responsible to the Chief Medical Director for all the clinical and training activities of the hospital

(5) Subject to this Act, the Board shall have power to appoint (including power to appoint on promotion and transfer and of confirmation of appointments), advance, terminate or discipline employees (including consultants) holding or acting in any office in the hospital; and any such appointment shall be made having due regard to any personnel establishment approved for the hospital.

(6) Notwithstanding any provision of this Act to the contrary, the Board may, from time to time, appoint consultants outside the University to perform such medical duties as the Board or the Chief Medical Director may assign to such consultants.

### **6. Chief Medical Director's tenure of office**

The Chief Medical Director shall hold office at the pleasure of the President.

## 7. Functions of the Board

(1) It shall be the duty of the Board-

- (a) to equip, maintain and operate the hospital so as to provide facilities for diagnosis, curative, promotion and rehabilitative service in medical treatment;
- (b) to construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for providing the hospital at all times with a proper staff of hospital technicians and nurses;
- (c) to construct, equip, maintain and operate such clinics, out-patient departments, laboratories, research or experimental stations and other like institutions as the Board considers necessary for the efficient functioning of the hospital.

(2) The duty of operating the hospital imposed by the foregoing subsection shall include, without prejudice to the extent of that duty apart from this subsection, the duty of providing proper courses of instruction for the medical students of the associate University, and the Board may perform the last-mentioned duty by arranging with the approval of the Minister, for students of such associate University to attend courses at other institutions not controlled by the Board.

(3) The Board shall ensure that the standards of teaching provided at all establishments controlled by itself and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of international repute.

(4) Subject to this Act, the Board shall have power to do anything which, in its opinion, is calculated to facilitate the carrying out of its functions under this

### *Act. Discipline*

## 8. Discipline of students

(1) Notwithstanding anything to the contrary contained in any other enactment, where it appears to the Board that any student of the hospital has been guilty of misconduct, the Board may, without prejudice to any other disciplinary powers conferred on it by regulations, direct-

- (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the hospital, or make use of such facilities of the hospital as may be so specified; or
- (b) that the activities of student shall, during such period as may be specified in the direction be restricted in such manner as may be so specified; or
- (c) that the student be rusticated for such period as may be specified in the direction; or
- (d) that the student be expelled from the hospital.

(2) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection shall not affect the operation of the direction while the appeal is pending.

(3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the hospital as the Board may nominate.

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

(5) A direction under subsection

(1)

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

(6) Nothing in this Act shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, midwives, nurses or members of any other profession or calling.

## 9. Removal and discipline of clinical, administrative and technical staff

(1) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the hospital, other than the Chief Medical Director, should be removed from his office or employment, the Board shall require the secretary to-

- (a) give notice of those reasons to the person in question;
- (b) afford him an opportunity of making representations in person on the matter to the Board; and
- (c) if the person in question so requests within a period of one month beginning with the date of the notice, make arrangements-

(i) for a committee to investigate the matter and report on it to the Board; and

(ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating

committee with respect to the matter, and if the Board, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Board may so remove him by a letter signed on the direction of the Board.

(2) The Chief Medical Director may, in a case of misconduct by a member of the staff which in the opinion of the Chief Medical Director is prejudicial to the interest of the hospital, suspend any such member and any such suspension shall forthwith be reported to the Board.

(3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated or he may be dismissed by the Board; and for the purposes of this section, "**good cause**" means-

- (a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
- (b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
- (c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
- (d) conduct which the Board 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.

(4) Any person suspended shall, subject to subsections

(2) and (3) of this section be on half pay and the Board shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to-

- (a) whether to continue such person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him); or
- (b) whether to reinstate such person, in which case, the Board shall restore his full emoluments to him with effect from the date of suspension; or
- (c) whether to terminate the appointment of the person concerned, in which case, such person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (d) whether to take such lesser disciplinary action against such person (including the restoration of his emoluments that might have been withheld), as the Board may determine, and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.

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

(6) Nothing in the foregoing provisions of this section shall prevent the Board from making such regulations not inconsistent with the provisions of this Act for the discipline of students and all other categories of employees of the hospital as the Board may prescribe.

(7) Regulations made under subsection (6) above need not be published in the Federal *Gazette* but the Board shall bring them to the notice of all affected persons in such manner as it may from time to time determine.

#### **10. Discipline of junior staff**

(1) If any junior staff is accused of misconduct or inefficiency, the Chief Medical Director may suspend him for not more than three months and forthwith shall direct a committee-

- (a) to consider the case; and
- (b) to make recommendations as to the appropriate action to be taken by the Chief Medical Director.

(2) In all cases under this section, the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.

(3) The Chief Medical Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, or take such other disciplinary action against the officer concerned.

(4) Any person aggrieved by the Chief Medical Director's decision under subsection (3) of this section may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case.

### **11. Bye-laws regulating behavior of the public**

(1) The Board may, with the approval of the Minister, make bye-laws-  
(a) as to the access of members of the public either generally or of a particular class, to premises under the control of the Board and as to the orderly conduct of members of the public on those premises; and  
(b) for safeguarding any property belonging to or controlled by the Board from damage by members of the public.

(2) Bye-laws under this section shall not come into force until they are confirmed (with or without modification) by the Minister and published in such manner as he may direct.

(3) Bye-laws made under this section may provide that a breach of the bye-laws or of a particular provision of the bye-laws shall be punishable by a fine (not exceeding N50) and in default of payment of the fine by imprisonment for such a term as may be specified, not exceeding seven days.

(4) Bye-laws made under this section shall not apply to any member of the Board and shall not, in their application to a particular institution, apply to an officer or servant of the Board employed in connection with the institution or to a student at the institution.

### **12. Inspection of institutions controlled by the Board**

(1) The Minister, the Permanent Secretary of the Ministry, the Director of Medical Services and Training and (on production if so required of his authority) any person authorised in that behalf by any of the persons aforesaid may at any time enter and inspect any institution controlled by the Board.

(2) The Board shall render to the Director of Medical Services and Training at such times and in such form as he may specify such statistical and other returns as he may from time to time require.

**13. Mode of giving directions, etc.** Any direction, notice, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service, be served by post.

### **14. Financial provisions**

(1) The Board shall prepare and submit to the Minister not later than the 30th day of June in each financial year, an estimate of its income and expenditure during the next succeeding financial year; (and such estimate shall be submitted by the Minister for approval by the President).

(2) The Board shall keep proper accounts in respect of each financial year (and proper records in relation to those accounts) and shall cause the accounts to be audited not later than six months after the end of the financial year to which the accounts relate.

(3) The Board shall with the approval of the Minister have power-

- (a) to borrow money; or
- (b) to charge fees for any facilities provided by or by arrangement with the Board (including in particular the provision of tuition, treatment and accommodation).

**15. Annual report** The Board shall prepare and submit to the President, through the Minister, not later than the 30th day of June in each year, a report in such form as the Minister may direct on the activities of the Board during the immediate preceding financial year and shall include in such report a copy of the audited accounts of the Board for that year and of the auditor's report thereon.

### **16. Powers of the Board in relation to expansion, staff, etc., of the hospital**

(1) The Board shall be responsible for laying down general policies and guidelines relating to major expansion programmes of the hospital and the provision of facilities for the training of medical students of the associate university and it shall be the duty of the Board to execute such policies and to keep within such guidelines.

(2) The Board shall subject to this Act have power of promotion, advancement, discipline and the determination of appointment of members of the staff of the hospital.

**17. Power of Minister to give directions** The Minister may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regards to exercise by the Board of its functions under this Act, and it shall be the duty of the Board to comply with the directions; but no direction shall be given which is inconsistent with the duties of the Board under this Act

**18. Savings, etc.** The President may, notwithstanding any provision of this Act, take such measures as occasion may warrant in order to improve the efficiency or due administration of the teaching hospital specified in the Schedule to this Act. [Schedule.]

**19. Interpretation** In this Act, unless the context otherwise requires- "**associate University**" means the University from which the hospital derived its name and whose medical students receive aspects of their training from the hospital; "**Board**"

means the University Teaching Hospital Management Board of each hospital; "**chairman**" means the chairman of the Board; "**functions**" includes powers and duties; "**hospital**" includes all institutions (however called) controlled by the Board; "**junior staff**" means staff of such grade as may be determined from time to time by the Board; "**medical student**" means a student whose course of instruction is- (a) designed (either alone or in conjunction with other courses) to enable him to qualify as a medical practitioner; (b) designed for the further training of medical practitioners; "**Minister**" means the minister charged with responsibility for matters relating to teaching hospitals; and "**Ministry**" shall be construed accordingly; and "**students**" means a person enrolled at an institution controlled by the Board for the purpose of pursuing a course of instruction at the institution.

**20. Short title** This Act may be cited as the University Teaching Hospitals (Reconstitution of Boards, etc.) Act.

SCHEDULE [Section 18.]  
*List of Teaching Hospitals*

- (a) the University College Hospital, Ibadan;
- (b) the Lagos University Teaching Hospital, Lagos;
- (c) the University of Nigeria Teaching Hospital, Enugu;
- (d) the Ahmadu Bello University Teaching Hospital, Zaria;
- (e) the University of Benin Teaching Hospital, Benin;
- (f) the Obafemi-Awolowo University Teaching Hospital Complex, Ile-Ife; (g) the Jos University Teaching Hospital, Jos;
- (h) the University of Maiduguri Teaching Hospital, Maiduguri; (i) the University of Calabar Teaching Hospital, Calabar;
- (j) the University of Ilorin Teaching Hospital, Ilorin;
- (k) the Usmanu Dan Fodio University Teaching Hospital, Sokoto;
- (l) the University of Port Harcourt Teaching Hospital, Port Harcourt;
- (m) the Nnamdi Azikiwe University Teaching Hospital, Nnewi;
- (n) the Irrua Specialist Teaching Hospital, Irrua; and
- (o) the Aminu Kano Teaching Hospital, Kano.

[1992 No. 68. 1993 No. 92. S.I. 8 of 2002.]  
*University Teaching Hospitals (reconstitution Of Boards, Etc.)*

*Act Subsidiary Legislation List Of Subsidiary Legislation I. Lagos University Teaching Hospital (hospital Fees) Regulations. Lagos University Teaching Hospital (hospital Fees) Regulations Arrangement Of Regulations Regulation 1. Repeal. 2. Short Title. Schedule Part I In-patients Part Ii Obstetrics Patients Part Iii Out-patients Part Iv Dental Out-patients Part V Special Levies Part*

*General*  
**LAGOS UNIVERSITY TEACHING HOSPITAL (HOSPITAL FEES)  
) REGULATIONS**

[L.N. 49 of 1971.] under sections 7, 11  
and  
14 (3) [1st November, 1970]

[Commencement.]

**1. Repeal**

The Lagos University Teaching Hospital (Hospital Fees) Regulations 1965 are hereby repealed. 2. **Short title** This instrument may be referred to as the Lagos University Teaching Hospital (Hospital Fees) Regulations.

SCHEDULE PART I  
*In-patients A. Exemption from all charges*

No charges shall be paid under Part I of this Schedule for accommodation, maintenance or medical or nursing attention by patients in the following categories-

- (a) members of the staff employed in either the College of Medicine of the University of Lagos or the Lagos University

Teaching Hospital, their wives and dependent children;

(b) persons considered indigent by such officer of the Lagos University Teaching Hospital staff as may be delegated this authority by the Lagos University Teaching Hospital Management Board;

(c) members of the Lagos University Teaching Hospital Management Board, their wives and dependent children;

(d) medical and dental students of the College of Medicine, University of Lagos;

(e) registered nurses and midwives and registered student nurses and pupil midwives, employed in their professional capacity by Federal or State Governments, Quasi-Government organisations or Mission Hospitals. *B. I. Charges for maintenance and accommodation only* Charges for maintenance and accommodation only shall be levied on the persons listed below-

(a) registered medical and dental practitioners and registered nurses other than nurses detailed in paragraph A

(e) of this Schedule and other hospital staff (not being members of the staff of this hospital), provided they are not entitled to free medical attention by virtue of any employment they may have;

(b) salaried members of the staff of the University of Lagos and full-time day students of the University of Lagos;

© members of the Board of Governors, College of Medicine, University of Lagos. Charges for accommodation and maintenance of persons referred to in paragraph B. I of this Part of this Schedule shall be at the following daily rates, together with such additional fees as may be payable under paragraph B. III of this Part of the Schedule, that is- Any patient-

N k (i) whose income exceeds N 10,000 per annum .....	4.00	(ii) whose income exceeds N 5,000 per annum but does not exceed N 10,000 per annum .....	2.50
.....	1.50	(iii) whose income exceeds N 3,000 per annum but does not exceed N 5,000 per annum .....	1.00
.....	0.50	(iv) whose income exceeds N 2,000 per annum but does not exceed N 3,000 per annum .....	0.50
.....	0.52	(v) whose income exceeds N 1,000 per annum but does not exceed N 2,000 per annum .....	0.50
.....		(vi) whose income does not exceed N 1,000 per annum .....	

Dependent children under sixteen years shall be charged at half the rates applicable to adult patients.

*B. II. Charges for treatment, accommodation and maintenance* Charges at the following daily rates shall be paid by all other in-patients in respect of accommodation, maintenance and treatment in accordance with the following, together with such additional fees as may be payable under paragraph B. III of this Part of the Schedule- (a) Basic Hospital Fees- Any patient-

N k (i) whose income exceeds N 10,000 per annum .....	20.00	(ii) whose income exceeds N 5,000 per annum but does not exceed N 10,000 per annum .....	10.00
.....	8.00	(iii) whose income exceeds N 3,000 per annum but does not exceed N 5,000 per annum .....	4.00
.....	2.00	(iv) whose income exceeds N 2,000 per annum but does not exceed N 3,000 per annum .....	0.50
.....		(v) whose income exceeds N 1,000 per annum but does not exceed N 2,000 per annum .....	
.....		(vi) whose income does not exceed N 1,000 per annum .....	

#### *Accommodation and maintenance - Treatment*

These charges shall be inclusive of all diagnostic procedures, including diagnostic operative procedures, but shall not include surgical operations. Patients on whom operations are performed other than diagnostic procedures, will be charged at double the basic rate for the first fourteen days' stay in hospital.

(b) *Fees payable by children under sixteen years* Dependent children under 16 years shall be charged at half the rates applicable to an adult patient, as calculated on the rates set out in paragraph B. II of this Part of the Schedule

(c) *Limitation and restriction of fees* The total fees charged to any patient under paragraph B. I and B. III of this Part of the Schedule for any calendar year shall not exceed 10% of the patient's annual income. *B. III Additional fees* Fees for additional services shall be paid by patients detailed below (except those referred to under Part I, paragraph A) for the services detailed below-

(a) *Single room accommodation:* Single room accommodation, that is not required for the time being for a patient on medical grounds, may be allocated to any patient, on request, on the undertaking that the patient shall pay, or payment shall be made on behalf of, a fee of N 14 per day during the period of occupancy of such accommodation.

(b) *Non-standard diet:* Non-standard diet may be provided for patients, on request, at a charge of N 2 per day, provided that this charge shall not be raised against patients whose basic hospital fees exceed N 8 per day or who are occupying single room accommodation for which fees are being raised.

(c) *Medical and surgical appliances:* Charges may be raised for the supply of special medical and surgical appliances. (d)

Persons specified under Part V: The fees which are payable under this paragraph shall be in addition to any fees raised pursuant to paragraphs B. I and B. II of this Part of the Schedule.

PART II

*Obstetrics patients A. I Partial exemption from payment of obstetrics fees*

(a) any person under paragraph A or B. I of Part I of this Schedule or the wife of any such person whose annual salary exceeds N 1,000 shall pay a block charge of N 30; and (b) any person aforesaid whose annual salary does not exceed N 1,000 shall pay a block charge of N 10. *A. II Basic obstetrics fees*

All other patients shall pay block fees as stated below, together with such additional fees as may be payable under paragraph A III of this Part of the Schedule, that is-

Any patient- N k (i) whose income exceeds N 10, 000 per annum .....300.00 (ii) whose income exceeds N 5, 000 per annum but does not exceed N 10, 000 per an- num .....150.00 (iii) whose income exceeds N 3, 000 per annum but does not exceed N 5, 000 per an- num .....120.00 (iv) whose income exceeds N 2,000 per annum but does not exceed N 3,000 per an- num .....70.00 (v) whose income exceeds N 1,000 per annum but does not exceed N 2,000 per an- num .....30.00 (vi) whose income does not exceed N 1,000 per annum ..... 20.00 The block charge will cover ante-natal care, delivery and post-natal hospital care. Half the block charge shall be payable on the second ante-natal visit, the balance payable at 28th week of pregnancy. *A.III Additional fees* Additional fees as set out in paragraph B. III of Part I of this Schedule shall be paid by maternity patients as they may be applicable; except that fees for non-standard diet shall be payable by all obstetric patients who are receiving that diet.

PART III

*Out-patients A. Exemption from charges*

(i) No charges shall be paid under this Part of the Schedule for consultation and out- patient treatment by the persons detailed in paragraphs A and B. I of Part I of this Schedule. (ii) Dependent children under sixteen years shall be charged at half the rates applicable to adult patients. B. Charges shall be paid as stated below by all other general out-patients, casualty patients and patients attending the consultant out-patients clinics in respect of consultation and treatment-(i) a weekly charge of 50k in the general out-patients clinics; (ii) a weekly charge of 50k in casualty except that a 10k charge shall be raised in respect of emergency cases brought in at night, that is between 7.00 p.m. and 7.00 a.m. or on a Sunday or a public holiday; (iii) charges for consultation and treatment on first attendance shall be paid as de- tailed below by all other patients referred to consultant clinics (including those referred direct from other hospitals and medical practitioners), that is- Any patient- N k (a) whose income exceeds N 10,000 per annum .....10.00 N k (b)whose income N5,000 per annum but does not exceed N10, 000 per annum ..... 6.00 (c) whose income exceeds N 3,000 per annum but does not exceed N 5,000 per an- num ..... 4.00 (d) whose income exceeds N 2,000 per annum but does not exceed N 3,000 per an- num ..... 2.00 (e) whose income exceeds N 1, 000 per annum but does not exceed N 2, 000 per an- num ..... 1.00 (f) whose income does not exceed N 1, 000 per annum ..... 0.50 (iv) no additional fee shall be payable at the consultant clinic by a patient whose income does not exceed N 1,000 per annum if such patient attends the general out-patient department and is referred to a consultant clinic within the same week; (v) the fees stated in paragraph B (ii) of this Part of the Schedule may be deferred at the discretion of the casualty officer or sister at the time of attendance of a seriously ill patient.

PART IV

*Dental out-patients A. I Partial exemption from payment of dental fees*

(i) No charges shall be paid under columns 1-5 of the Annex to this Part of the Schedule for consultation and out-patient treatment by the persons detailed in paragraphs A and B. I of Part I of this Schedule. (ii) Dependent children under sixteen years shall be charged at half the rates applicable to adult patients. B. Charges shall be paid as stated below by all other dental out-patients attending dental clinics in respect of examination, consultation and treatment- (i) the total charge for treatment to be provided shall be notified to patients after consultation. Half of this charge shall become payable and shall be paid before commencement of treatment, the balance shall be payable on the penultimate visit before completion of the particular course of treatment; (ii) dental in-patients on whom operations are performed, shall be charged at the rates applicable to general in-patients as prescribed under paragraph B. II of Part I of this Schedule.

# WEST AFRICAN EXAMINATIONS COUNCIL ACT

## ARRANGEMENT OF SECTIONS

### PART I

#### *General*

#### *West African Examinations Council*

#### SECTION

1. West African Examinations Council continued existence.
2. Functions of the Council.
3. Administrative and Finance Committee.
4. Staff of the Council.
5. Staff discipline.
6. Application of Pensions Act.

#### *Financial provisions. etc.*

7. Offices and premises.
8. Compulsory acquisition of land.
9. Power to accept gifts, etc.
10. Power to borrow.
11. Fund to be maintained by the Council.
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14. National Committees.
15. Duties of National Committees.

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16. Associated Countries.
17. Powers and privileges of Associated Countries.
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## PART II

### *Offences in relation to examinations*

19. Penalties for illegally using examination papers.
20. Leakage of examination papers, etc.
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#### SECTION

23. Regulations.
24. Interpretation.
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26. Short title.

#### SCHEDULE

### *Supplementary provisions relating to the Council, etc.*

#### WEST AFRICAN EXAMINATIONS COUNCIL ACT

**An Act to replace former legislation on the establishment of the West African Examinations Council in Nigeria, to give effect to changes resulting from the reconstitution of the Council and to introduce various penalties in connection with examination leakages and impersonation at examinations.**

[1973 No. 27.]

[22nd June, 1973]

[Commencement.]

## PART I

### *General*

#### *West African Examinations Council*

#### **1. West African Examinations Council continued existence**

(1) The institution known as the West African Examinations Council shall continue to be in existence in Nigeria and shall, in accordance with the provisions of this Act, continue to discharge its responsibility for holding such examinations in Nigeria as may be necessary in the public interest in the same manner as (pursuant to the laws respectively in force in the other territories of West Africa as defined in section 24 of this Act) it may hold examinations in such territories: Provided that the President may, after consultation with the Council, issue directives to the Council as to what examinations are in the public interest in Nigeria and the Council shall in Nigeria comply with such directives.

(2) The Council shall be a body corporate with perpetual succession and a common seal.

(3) The provisions of the Schedule to this Act shall have effect with respect to the constitution and procedure of the Council and the other matters therein mentioned.

*[Schedule.]*

## **2. Functions of the Council**

The functions of the Council shall be to-

- (a) review and consider annually the examinations to be held in West Africa in the public interest;
- (b) conduct such examinations as the Council may think appropriate pursuant to this Act and to award certificates and diplomas on the results of examinations so conducted;
- (c) consider the advisability of inviting and if thought fit to invite any other examining body to conduct examinations in West Africa and to-
  - (i) award certificates and diplomas on the results of such examinations;
  - (ii) advise any body so invited on such adaptations of their examinations as the Council may think necessary for the purposes of this Act; and
  - (iii) assist any body so invited in the conduct of such examinations in West Africa, so however that no examinations having a lower standard than any examination of equal status conducted pursuant to this Act shall be conducted in West Africa by any such body.

## **3. Administrative and Finance Committee**

(1) The Council shall appoint from among its members a committee to be known as the Administrative and Finance Committee to which it may delegate power to act between meetings of the Council in respect of any matter with which the Council is charged under this Act.

(2) The Administrative and Finance Committee may appoint a national sub-committee in each of the countries in which the Council is established and may delegate to any such sub-committee such powers as it thinks fit in regard to administrative and financial matters affecting only the country in which such sub-committee is established.

## **4. Staff of the Council**

(1) There shall be a Registrar to the Council to be appointed by the Council to manage the affairs of the Council under its direction.

(2) The Council may appoint such other persons to be officers and servants of the Council as the Council may determine to assist the Registrar in the exercise of his functions.

(3) The remuneration and tenure of office and conditions of service of the Registrar and other officers and servants of the Council shall be determined by the Council.

## **5. Staff discipline**

(1) Every employee of the Council whose salary is not less than the prescribed salary or, if his appointment contains provisions for increases in salary, who may receive a maximum annual salary thereunder exceeding the prescribed salary, shall be subject to the authority of the Council.

(2) Before dismissing any employee to whom subsection (1) of this section relates, the Council shall institute such inquiry as it shall deem fit.

(3) Any employee aforesaid who is dismissed by any committee under section 3 of this Act to which power of dismissal shall have been delegated in accordance with that section, shall have the right of appeal to the Council.

(4) Every other employee of the Council, other than an employee to whom subsection (1) of this section relates, shall be subject to the authority of the Registrar, so however that no pensionable member of the staff of the Council shall be dismissed by the Registrar without the approval of the Council.

(5) The Council may by order published in the Federal *Gazette* determine the prescribed salary for the purposes of subsection (1) above.

## **6. Application of Pensions Act**

(1) The President may by order published in the Federal *Gazette* declare the office of any person employed by the Council to be a pensionable office in Nigeria for the purposes of the Pensions Act.

[Cap. P4.]

(2) Subject to subsections (3) and (4) of this section, the Pensions Act shall in its application by virtue of the foregoing subsection to any office have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria, 1999.

[Cap. C23.]

(3) For the purposes of the application of the Pensions Act in accordance with subsection (2) of this section, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

(4) Nothing in the foregoing provisions shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

*Financial provisions, etc.*

## **7. Offices and premises**

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

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

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

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

## **8. Compulsory acquisition of land**

(1) Whenever there is any hindrance to the acquisition by the Council of any land required for any purpose of the Council under this Act (including any failure by the Council to reach agreement as to the amount to be paid in respect of the acquisition), the Minister for Education, on the application of the Council and after such enquiry as he may think fit, may declare that the land is required for the service of the Council.

(2) Where a declaration is made under subsection (1) of this section, the land to which the declaration relates shall be deemed to be land required for a public purpose of the Federation and shall be acquired under the Land Use Act.

(3) The compensation, if any, payable for the acquisition of any land under this section or payable under the Land Use Act for the revocation of any rights relating to the land, as the case may be, shall in the first instance be paid by the Federal Government, but the Council shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

(4) A plan of any land referred to in subsection (I) of this section-

- (a) containing measurements of the boundaries of the land;
- (b) showing the relationship of the land to any sufficient identifying mark; and
- (c) signed by the Registrar to the Council, shall be a sufficient description of the land for the purposes of an application under that subsection.

### **9. Power to accept gifts, etc.**

(1) The Council may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person making the gift.

(2) The Council shall not accept any gift if the conditions attached by the person making the gift to the acceptance thereof are inconsistent with the functions of the Council.

### **10. Power to borrow**

The Council may borrow on such terms or conditions such sums of money as the Council may require in the exercise of the functions conferred on it under this Act or any other written law.

### **11. Fund to be maintained by the Council**

(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section-

- (a) all monies raised for the purposes of the Council by way of gift, loan, grant-in-aid, testamentary disposition or otherwise;
- (b) all dues, fees or charges for services rendered by the Council;
- (c) all interest received in respect of monies invested by the Council; and
- (d) all other assets from time to time accruing to the Council.

### **12. Expenditure of the Council, etc.**

(1) The Council may from time to time apply the proceeds of the fund established pursuant to section 11 of this Act-

- (a) to the cost of administration of the Council;
- (b) for reimbursing members of the Council or of any committee set up by the Council for such expenses as the Council thinks fit;
- (c) to the payment of salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to the officers and servants of the Council, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Council) shall be made in Nigeria to any person

who is in receipt of emoluments from the Federal Government or a State;

- (d) to the repayment of any money borrowed under section 10 or of any interest payable thereon;
- (e) for the maintenance of any property acquired by or vested in the Council; and
- (f) for and in connection with all or any of the functions of the Council under this Act or any other written law.

(2) The Council may from time to time invest money standing to its credit in such manner and to such extent as the Council may think necessary or expedient.

### **13. Accounts**

(1) The Council shall keep proper accounts and other records relating thereto and shall cause to be prepared not later than 30 June in each year a statement of accounts relating to the last preceding financial year.

(2) The accounts of the Council shall be audited by auditors to be appointed by the Council.

(3) As soon as the accounts of the Council have been audited, the Council shall cause the statement of accounts together with the auditors' report thereon to be published in such manner as it thinks fit.

### *National Committees*

### **14. National Committees**

(1) A National Committee shall be established by the Council in each of the following countries, that is-

- (a) the Gambia, Ghana, Nigeria and Sierra Leone; and
- (b) any other country in West Africa (not being an Associated Country) as may accede to this Act or any other law pertaining to the Council, and each National Committee shall be composed of such persons or holders of certain offices as the Council shall think fit.

(2) Every National Committee shall elect one of its members to be the chairman thereof.

(3) Every member of a National Committee shall hold office for a period of four years from the date of his appointment and shall be eligible for re-appointment.

### **15. Duties of National Committees**

(1) It shall be the duty of every National Committee-

- (a) to advise the Council on any matter that may be referred to it for advice by the Council;
- (b) to elect such number of members to the Council as the Council may prescribe; and
- (c) to carry out such functions as the Council may from time to time delegate to it.

(2) A National Committee may at any time make a report or recommendation to the Council on any matter relevant to the provisions of this Act.

(3) A National Committee may from time to time appoint from among its members such sub-committees as it shall think fit to carry out such duties with which it may be charged by such National Committee.

### *Associate membership*

### **16. Associated Countries**

(1) The Council shall have power to admit as an Associated Country any West African country, other

than those mentioned in section 14 (1) of this Act, which wishes to be associated to a limited extent with the work of the Council.

(2) The power to admit an Associated Country shall be exercised by a resolution of the Council passed by a simple majority of members present at an annual general meeting of the Council but only after application for admission has been received from the country concerned and in such manner as the Council may approve.

### **17. Powers and privileges of Associated Countries**

(1) Every Associated Country shall have the right to appoint as many delegates as the Council may by resolution passed at a general meeting determine to attend any of the following meetings, that is-

- (a) annual general meetings of the Council; and
- (b) any meeting of any of the following bodies-

- (i) all International Committees except the Appointments Committee;
- (ii) all working parties engaged on revision of any examination syllabus;
- (iii) unless the Registrar directs otherwise, all National Sub-Committees of International Committees (except the Appointments Committee) of countries.

(2) An Associated Country shall be served with copies of the minutes and all other relevant documents of the proceedings of any meeting which it is entitled to attend under subsection (1) of this section, but the delegates of an Associated Country shall not be entitled to vote at any such meeting nor count towards a quorum.

(3) Every Associated Country shall bear the whole cost of sending its delegates to, and maintaining them at, meetings of the Council or any committee thereof.

(4) The privileges of an Associated Country shall include-

- (a) the use at cost of the research and development facilities of the Test Development and Research Division of the Council in such manner as the Director thereof may with the approval of the Registrar recommend;
- (b) the use of the data processing facilities of the Council in such manner as the Registrar may direct.

### **18. Termination of status of Associated Country**

Any right or privilege conferred upon an Associated Country by virtue of its association with the Council under this Act shall cease-

- (a) upon notice being served on the Council by the Associated Country that it no longer wishes to be associated with the Council; or
- (b) upon notice being served on the Associated Country by the Council that its association with the Council has been terminated, so however that the Council shall not serve notice unless it is satisfied that the Associated Country is no longer ready or able to discharge the obligations of an Associated Country under this Act or that its continued association with the Council shall not be in the best interest of the Council.

## **PART II**

### *Offences in relation to examinations*

## 19. Penalties for illegally using examination papers

(1) If a candidate for an examination-

- (a) is found before or during the examination to have had foreknowledge of live questions or the contents of live question papers (whether or not such fore-knowledge is in respect of one or more live questions or live question papers); or
- (b) in any manner unauthorised makes use of live questions or live question papers, such candidate shall not take or be allowed to take or continue the examination; in addition, he shall be prohibited from taking any examination held or conducted by or on behalf of the Council for a period of two years immediately following upon such contravention and if a candidate aforesaid has already taken any papers at the examination, his results therefrom shall be cancelled.

(2) The penalties contained in this section-

- (a) may be imposed whether or not a prosecution for an offence under section 20 or 21 of this Act has been brought or is being conducted or is contemplated; and
- (b) shall be in addition to such other penalties as a court may impose upon conviction for an offence under the aforesaid section 20 or 21, and the power to impose any of the penalties under this section shall be exercised by the Council or by any person authorised in that behalf by the Council.

## 20. Leakage of examination papers, etc.

(1) Any person engaged in setting, moderating, revising, vetting, printing or in the collection, storage, distribution or custody of live question papers or instructions, or in making drafts or copies thereof or engaged as a supervisor, invigilator, attendant or otherwise howsoever who, before or during the period of an examination knowingly or recklessly and without being lawfully authorised so to do, discloses the contents of any such live question paper or instructions, or of any draft or copy thereof to any person (whether a candidate for that examination or not) shall be guilty of an offence and shall be liable on conviction to a fine of ₦2,000 or imprisonment for a term of five years or to both such fine and imprisonment.

(2) Any person (whether a candidate at an examination or not) who knowingly makes use of the contents of any live question paper or instructions of any draft or copy thereof in any manner howsoever, and without being lawfully authorised so to do, shall be guilty of an offence and shall be liable on conviction to a fine of ₦ 2,000 or imprisonment for a term of five years or to both such fine and imprisonment.

(3) Where an offence under subsection (1) or (2) of this section is committed by a child or young person, then the provisions of any law relating to children and young persons in force in the State in which the offence is committed or tried shall apply in relation to the offence as they apply in relation to offences under that law.

(4) No prosecution for an offence under this section shall be instituted without the consent in writing of the Attorney-General of the Federation.

(5) For the avoidance of doubt, it is hereby declared that a prosecution for an offence under this section may be brought against a person notwithstanding that any of the penalties contained in section 19 of this Act has been imposed on that person in accordance with the provisions of that section or in pursuance of section 22 (3) of this Act.

(6) For the purposes of this section-

**"child"** means a person under the age of fourteen years; and

**"young person"** means a person who has attained the age of fourteen years but is under the age of seventeen years.

## **21. Impersonation, etc., at examinations**

Any person who, for the purpose of an examination conducted pursuant to this Act-

- (a) falsely represents himself to be some other person; or
- (b) utters any document which has been issued by the Council or by any other lawful authority to another person, and whereby that other person is certified to be a person possessed of any qualification recognised for any purpose or to be entitled to any right or privilege, and falsely represents himself to be the person named in the document, shall be guilty of an offence and shall be liable on conviction to a fine of ₦200 or imprisonment for a term of six months or to both such fine and imprisonment.

## **22. Post-examination investigating committee: constitution of, etc.**

(1) Whether or not a prosecution is brought under section 20 or 21 of this Act, the Council may, within sixty days after the conclusion of an examination, in any case where information reaches the Council subsequent to that examination that a candidate at that examination had access to or used live questions or question papers, without lawful authority so to do, constitute a committee to investigate the matter.

(2) Every committee set up in pursuance of subsection (1) of this section, shall consist of-

- (a) a chairman who shall be a legal practitioner of not less than seven years standing; and
- (b) two other persons, each being a person with wide experience in educational matters.

(3) The committee shall at the conclusion of its investigation make a report to the Awarding Committee of the Council containing such recommendations as to which of the penalties set out in section 19 of this Act, are to be imposed by the Council or otherwise and, subject to the approval of the Council, the Awarding Committee shall take such action thereon (including the cancellation of examination results in respect of, or of any certificate which might have been issued by the Council to, any candidate to whom subsection (1) of this section applies) as it thinks appropriate in the circumstances.

## **PART III**

### *Miscellaneous and supplementary*

## **23. Regulations**

(1) The Council may make regulations generally for its purposes under this Act; and without prejudice to the generality of the foregoing, regulations may provide for-

- (a) the persons or categories of persons who may enter for examinations held or conducted by the Council;
- (b) the conduct of entrants during such examinations.

(2) Where regulations are made pursuant to subsection (1) of this section, it shall not be necessary for their validity to cause them to be published in the Federal *Gazette* but the Council shall bring them to the notice of such interested persons (including the officers and servants of the Council) in such manner as the Council may, from time to time, determine.

## **24. Interpretation**

In this Act, unless the context otherwise requires-

"**Council**" means the West African Examinations Council as continued in existence by section 1 of this Act;

"**examination**" means any examination held or conducted by or on behalf of the Council or on behalf of

any other body by the Council pursuant to this Act;

**"West Africa"** means the Gambia, Ghana, Nigeria and Sierra Leone and any other country in West Africa which may accede for the purposes of paragraph (b) of section 14 ( I ) of this Act.

## **25. Repeals and saving**

(1) The West African Examination Council (Nigerian Status) Act is hereby repealed.

(2) Without prejudice to section 6 (I) (c) of the Interpretation Act, it is hereby declared that any subsidiary instrument in force by virtue of any of the repealed enactments shall, in so far as it is not inconsistent with the provisions of this Act and until such instrument is revoked, altered or otherwise modified pursuant to this Act, continue in force as if such instrument had been made under this Act.

[Cap. 123.]

## **26. Short title**

This Act may be cited as the West African Examinations Council Act.

### SCHEDULE [Section 1 (3).]

*Supplementary provisions relating to the Council, etc.*

#### *Membership*

- (b) four persons appointed by the Government of Ghana;
- (c) four persons appointed by the Government of the Federation of Nigeria;
- (d) three persons appointed by the Government of Sierra Leone;
- (e) one person appointed by the Senate or equivalent academic body of each university or university college in the countries served by the Council;
- (f) two persons appointed by the Chancellors of the Universities of Cambridge and London, each Chancellor nominating one person;
- (g) not more than seventeen persons to be elected by the National Committees in accordance with the provisions of this Act, the exact number from each National Committee to be determined by the Council: Provided that not more than nine members of the Council shall be appointed by anyone National Committee.

(2) Where a country is admitted to the membership of the Council after the commencement of this Act, that country shall be represented on the Council by not less than two nor more than five members, the exact number of such members to be determined by the Council.

(3) The chairman of the Council shall be elected by the Council from among its members or otherwise as the Council may determine.

(4) The Council may appoint from among its members a vice-chairman to act as chairman during a long absence from West Africa or during the temporary incapacity from illness or other sufficient cause of the chairman and at other times to exercise such powers as the chairman may delegate to him.

#### *Terms of service*

2. (1) The chairman of the Council shall hold office for a period not exceeding four years from the date of his election.

(2) A member elected by a National Committee shall retain his membership of the Council for a period not exceeding four years from the date of his election.

(3) A member appointed pursuant to paragraph 1 (1) (a) to (f) of this Schedule shall retain his membership of the Council during the pleasure of the appointing authority, and the termination of such membership shall take effect as soon as notice of such termination is received by the Council from the appointing authority.

(4) The chairman or any other member of the Council shall, on the termination of his membership, be eligible for re-appointment: Provided that where a member of the Council is elected to the Council by virtue of some office or his representation of a particular interest, he shall cease to be a member of the Council upon his ceasing to hold the said office or to represent the said interest.

3. (1) Any member of the Council appointed as the person for the time being holding a particular office shall be entitled to nominate from amongst his immediate subordinates in office, by written notice to the Council, an alternate member to attend any particular meeting or meetings of the Council in his place and every such alternate member shall have all the powers and authority of the member whom he has replaced until such member notifies the Council that he proposes to resume his attendance at meetings of the Council until the term of office of such member shall have terminated, whichever is earlier.

(2) If a member of the Council appointed otherwise than in accordance with sub-paragraph (1) above is incapacitated by illness, long absence from West Africa or other sufficient cause from performing the duties of his office, a temporary member may be appointed in the same manner as, and in accordance with the same procedure under which, the incapacitated member was appointed, to fill that office until the member's incapacity shall have ended or until the term of office of the member shall have terminated, whichever is earlier; and every such temporary member shall have during his tenure of office all the powers and authority of the incapacitated member.

#### *Proceedings of the Council*

4. Subject to this Act, the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

5. The chairman or, in his absence the vice-chairman, shall preside at every meeting of the Council and in the absence of both the members present at the meeting shall elect one of their number to preside.

6. Subject to the provisions of this Act and any standing orders made thereunder, the quorum of any body of persons established by or in pursuance of this Act (including the Council) shall be as may be determined by that body.

7. (1) Where any body of persons aforesaid desires to obtain the advice of any person on any particular matter, it may co-opt that person as a member for a meeting whether or not expressly convened for the purpose of considering that matter.

(2) A person co-opted shall not be entitled to vote nor shall he count towards a quorum.

#### *Committees*

members and officers of the Council as it may see fit.

10. 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 Council by any person specially or generally authorised to act for that purpose by the Council.

11. Any document purporting 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 presumed to be so executed.

12. The validity of the proceedings of the Council or of its committees shall not be affected-  
(a) by any vacancy in the membership of the Council or any such committee; or  
(b) by any defect in the appointment of any such member.

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

## **SUBSIDIARY LEGISLATION**

### *List of Subsidiary Legislation*

1. West African Examinations Council (Declaration of Pensionable Offices) Order.

#### **WEST AFRICAN EXAMINATIONS COUNCIL (DECLARATION OF PENSIONABLE OFFICES) ORDER**

[L.N. 85 of 1961.]  
under Cap. P4

[22nd June, 1961]  
[Commencement.]

##### **1. Short title**

This Order may be cited as the West African Examinations Council (Declaration of Pensionable Offices) Order.

##### **2. Declaration of pensionable offices**

The offices under the Council specified in the first column of the Schedule hereto held within Nigeria are declared to be pensionable offices for the purposes of the Pensions Act with effect from the date specified in the second column of such Schedule.

[Schedule. Cap. P4.]

#### **SCHEDULE**

[L.N. 40 of 1962. L.N. 69 of 1966.]

<i>Office</i>	<i>Effective Date</i>
Registrar	11/09/65
Senior Deputy Registrar	1/04/63
Deputy Registrar	1/10/63
	1/04/55
Senior Assistant Registrar	1/1 0/53
Assistant Registrar	

<i>Office</i>	<i>Effective Date</i>
Assistant Registrar-in-Training	1/01/64
Examinations Officer	1/10/53
Mechanisation Officer-in- Training	1/06/62
Senior Executive Officer	1/10/64
Senior Executive Officer (Accounts)	1/12/64
Higher Executive Officer	1/04/60
Higher Executive Officer (Accounts)	1/09/62
Store Officer	1/04/58
Accounting Officer	1/04/56
Machine Room Supervisor	1/12/62
Executive Officer Grade 1	1/04/58
Executive Officer Grade II	1/04/58
Assistant Executive Officer-in-Training	1/04/58
Chief Clerk	1/04/54
Assistant Chief Clerk	1/10/53
Senior Machine Operator Grade Grade 1 andII	1/04/62
Head Storekeeper	1/04/63
Punch Room Supervisor	1/01/63
All Graded Storekeepers	1/04/58
Store Assistant	1/04/58
Confidential Clerk	1/10/53
Secretary – Typist	1/01/56
First Class Clerk	1/10/53
Second Class Clerk	1/10/53
Third Class Clerk	1/10/53
Machine Operators Grade I and II	1/04/58
All Graded Stenographers	1/04/58



**FEDERAL MINISTRY OF EDUCATION**



**COMPENDIUM OF EDUCATION SECTOR LAWS  
IN NIGERIA**

Third Edition Vol. 1

## **ACKNOWLEDGMENT**

This is the Third Edition of this valuable book, ***Compendium of Education Sector Laws in Nigeria***. The book was put together to assist all those in the Education Sector to have quick and easy access to information on important laws in the Sector. This compilation provides a one-stop-shop easy access reference book containing most cross-cutting education sector laws. The essence is to reduce the stress and challenges faced by operators researchers and other stakeholders in education of scouting different volumes of Nigerian statute books to access the regulatory laws of the Parastatals, Departments and Agencies under the Federal Ministry of Education.

Since 2018 when the last edition of this compendium was printed, several of the Sector Laws have undergone amendment and other new laws have been enacted. This informs the need to compile and print a 3<sup>rd</sup> edition to incorporate the amendments and newly enacted laws. This 3<sup>rd</sup> edition comes in Two (2) Volumes (I & II) in order to maintain the slim and compact nature of the compilation.

We wish to express our profound gratitude to the Honourable Minister of Education, ***Mallam Adamu Adamu*** and the Honourable Minister of State Education, ***Hon. Chukwuemeka Nwajiuba (HCN)*** for their unflinching support. Our profound appreciation also goes to our Permanent Secretary, ***Arc. Sonny S.T. Echono fnia***, without whose support and guidance we could not have achieved this success.

The tireless effort and dedication of all staff of the Legal Unit and especially Mr. Ehimen Henry Anthony who worked with the printers tirelessly to proof read and produce accurate compilation is highly appreciated. The leadership given to the staff by the Director Legal Services, ***Mrs. Grace S. Ekanem*** in ensuring that the task was effectively and efficiently carried out is exemplary and highly commended.

It is our hope that you will find this Compendium useful and, we recommend this compilation to Chief Executives, educational institutions, administrators, researchers and other stakeholders as a quick reference material that will prove invaluable in their day to day work.

***Legal Unit***

***Federal Ministry of Education, Abuja***

***December, 2021***

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