

NATIONAL BUSINESS AND TECHNICAL EXAMINATIONS BOARD ACT

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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.

(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 subsection (1) of this section to comply with the notice within a reasonable period of time.

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