

# EDUCATION REFORM ACT

## ARRANGEMENT OF PARTS

PART	1	Preliminary
PART	2	Main provisions

### Chapters:

1. Basic and Secondary Education Commission
2. Tertiary Education Regulatory Commission
3. National Education Resource Commission
4. National Examination Certification Council
5. National Business and Technical Examination Board
6. National Examination Council
7. West African Examination Council
8. Joint Admissions and Matriculation Board
9. National Library and Information Centre
10. Special Education Commission
11. National Mathematical Centre
12. Teachers Regulatory Council of Nigeria
13. Education Trust Fund

PART	3	Administrative provisions
PART	4	Final provisions

## **PART 1 – PRELIMINARY**

**A Bill for an Act to give effect to the reforms in the education sector in Nigeria; enacting enabling legislations establishing certain bodies; amending, repealing, and consolidating the provisions of other existing education related legislations to achieve the purpose of the education sector reforms, and connected purposes**

*Commencement*

[ ]

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

### ***Power of Minister to formulate National Policy on Education***

**1.** (1) There shall be a National Policy on Education for the Federal Republic of Nigeria (the ‘Policy’).

(2) The Minister shall advise the President, Commander -in-Chief of the Armed Force of the Federal Republic of Nigeria on the National Policy on Education for Nigeria.

(3) In formulating the Policy the Minister shall consider the following matters –

- a. due cognizance shall be taken of the United Nations programmes on education, the Millennium Development Goals (MDGs) and the National Economic Empowerment and Development Strategy (NEEDS);
  - b. due cognizance shall be taken of the Educational Objectives under section 18 of the 1999 Constitution of the Federal Republic of Nigeria;
  - c. the views of stakeholder and the Nigerian public
- 2.** The Policy which is a statement of intent by the people and government of Nigeria shall include the following –

- a. general guidelines for holistic and integrated approach to education in Nigeria;
- b. an outline of the mission, aims, objectives, implementation strategies and plan of action for effective administration of the education sector in Nigeria;
- c. strategies for ensuring that Governments at all levels, the Organised Private Sector and International Development Partners contribute to the development of education in Nigeria; and
- d. the period of review of the Policy shall be five years..

***Short title***

3. This Act shall be known as Education Reform Act, 2007.

***Interpretation***

4. In this Act unless the Context otherwise admits –

‘academic units’ includes departments, faculties, schools, colleges, institutes, centres and all such academic divisions in the universities at the post-graduates, under-graduate, pre-degree and non-degree levels;

‘accreditation’ means a system for recognizing educational institutions and programmes offered in these institutions for a level of performance, integrity and quality which entitles them to confidence of the educational community, the public they serve and employers of labour;

‘author’ means the owner of the intellectual property in a book;

‘Basic education’ means the combination of six years of primary education and three years of junior secondary education;

‘body’ means a statutory body established under Part 2 of this Act, ‘bodies’ shall be construed accordingly;

‘Board’ means the Governing Board of a body established under this Act;

‘borrower’ means the person to whom a loan has been made in accordance with the provisions of this Act;

‘book’ includes –

- a. all forms in which documentary or oral records are published;
- b. all literary works such as books, pamphlets, sheets of music, maps charts, plans, tables and compilations;
- c. 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
- d. collective works or similar works such as encyclopedias, dictionaries, year books or similar works, newspapers, magazines and similar periodicals;
- e. dramatic works;

‘Centre’ means the National Mathematical Centre established by section (1) of this Act;

‘Chairperson’ means the Chairperson of the Council;

‘child’ means a person under the age of eighteen;

‘Community Accountability and Transparency Initiative’ means

‘Education Inspector’ means a person employed by the Basic and Secondary Education Commission to monitor Standards in Basic and Secondary Education institution and make recommendations to the Commission established under Chapter 2 of this Act;

‘Executive Secretary’ means the person appointed as the Executive Secretary to the Commission in pursuance of section 29 of this Act;

‘External Candidates’ means candidates who in their capacity as individual students sit for the examination held usually in the month 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 month of November and December leading to the award of Senior Secondary School Certificate;

‘functions’ includes powers and duties;

‘improvement notice’ has the meaning assigned to it in section..... of this Act;

‘Innovative Enterprise Institute’ means a recognised vocational training institute which is not academic based but train persons on entrepreneurial skill acquisition such as mechanics, tailors, caterers, GSM Phone repairers, bricklayers, furniture makers, artisans and technicians of all kinds;

‘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 month of May and June leading to the award of Senior Secondary School Certificate;

‘Member’ means a member of the Council and includes the Chairperson;

‘Minister’ means the Minister charged with responsibility for matters relating to higher education, and ‘Ministry’ shall be construed accordingly;

‘Registrar’ means the Registrar of the Board appointed in pursuant to section 6 of this Act;

‘repealed Act’ means any of the Acts listed in section 161 of this Act.

‘member’ means a member of the Commission and includes the Chairperson;

‘Minister’ means the Minister charged with responsibility for higher education.

‘National Library’ means the National Library of Nigeria established and maintained by the Board;

‘parent’ includes a father, mother, guardian of a child or any person who has

‘prescribed’ means prescribed by regulations made under this Act;

‘publisher’ means any person engaged with the printing and distribution of books within or outside Nigeria.

‘Pupil’ where used without qualification, means a persons of any for whom education is provided under this Act;

‘Registrar’ means the Registrar of the Board appointed pursuant to section 58 of 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, classroom, furniture and free lunch;

‘State’ includes the Federal Capital Territory, Abuja;

‘Universal Basic Education’ means early childhood care ad 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 woman, almajiri, street children and disabled groups.

‘Tertiary institutions’ means any University in Nigeria providing courses leading to the award of first degrees.

## PART 2 – MAIN PROVISIONS

### CHAPTER 1

#### BASIC AND SECONDARY EDUCATION COMMISSION

##### *Establishment*

3. (1) The Basic and Secondary Education Commission is established (the ‘Commission’)
- (2) The Commission is a body corporate with perpetual succession and a common seal and may:
  - a. acquire, hold and dispose of real and personal property;
  - b. sue and be sued; and
  - c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

##### *Consolidation of certain bodies*

4. The Universal Basic Education Commission and the Federal Inspectorate Service Department of the Federal Ministry of Education are hereby consolidated into one body known as Basic and Secondary Education Regulatory Commission established under section 3 of this Part of this Act.

##### *Purpose clause*

5. The main purposes of this Part of this Act are to –
  - a. repeal the Compulsory, Free Universal Basic Act, 2004 and the Education (National Minimum Standard and Establishment of Institutions) Act and all the amendments to the Act;
  - b. consolidate the functions of the Universal Basic Education Commission and the Federal Inspectorate Service of the Federal Ministry of Education now under the name Basic and Secondary Education Commission;

- c. strengthen and empowered the Basic and Secondary Commission to perform its regulatory responsibility more effectively; and
- d. ensure that Government at all levels in Nigeria provide free, compulsory and universal basic education for every child of school age.

**6.** 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 intervention under this Act shall only be an assistance to the States and Local Councils in Nigeria for the purposes of uniform and qualitative basic education throughout Nigeria;

**7.** (1) Subject to the provisions of this Act, the provisions of section 15 of the Child Rights Act 2003 shall apply in relation to the following -

- a. the duty of every government at all levels in Nigeria to provide free and compulsory basic education to every child in Nigeria;
- b. the duty of every parent or guardian to ensure that his child or ward attends and complete basic education; and
- c. the right of every child of school age in Nigeria to receives full-time basic education suitable to his age, ability and aptitude by regular attendance at school.

### ***Governing Board***

**8.** (1) The Governing Board of the Commission shall consist of a Chairperson and the following members -

- (a) one person to represent the Federal Ministry of Education;
- (b) one person to represent the Federal Ministry of Finance
- (c) one member representing each of the six geo-political zones of the Federation;
- (d) one representative of the National Resource Regulatory Education Commission;



- (e) one representative of the Languages and Non-Formal Education Commission;
- (f) one person representing Education Trust Fund; and
- (g) two other members appointed on personal merit to represent a variety of interest;
- (h) the Executive Secretary of the Commission.

***Executive Secretary and Staff of the Commission***

**9.** There shall appointed the Executive Secretary who shall be the Chief Executive and responsible for the day to day administration of the Commission.

**10.** The Commission shall appoint suitable qualified persons as staff of the Commission to assist the Executive Secretary in the performance of his functions under this Act.

**11.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the Board, Executive Secretary and Staff of the Commission shall be as contained in Part 3 of this Act.

***Financing of the universal basic education programme***

**12.** (1) The implementation of the Federal Government Universal Basic Education programme shall be financed from -

- (a) money received from Education Trust Fund;
- (b) contributions from States and the Federal Capital Territory;
- (c) donations from local and international donors, Grant-in-Aid, gifts, etc.

(2) The funding of the Universal Basic Education programme shall be based on counterpart funding between the Federal and State Government.

(3) For a State to qualify for the Federal Government intervention fund under sub-section 1(1) of this section, the State shall contribute half (50%)

of the total cost of projects to be executed in the State as its own commitment in the execution of the projects.

(4) The administration and disbursement of funds under the Universal Basic Education programme shall be through the State Basic and Secondary Education Board or any equivalent body in the State.

### **Functions of the Commission**

**13. The functions of the Commission shall include the following –**

(a) to implement the provisions of this Part of this Act;

(b) to ensure effective implementation, evaluation and monitoring of the Universal Basic Education programme of the Federal Government;

(c) to carry out the purpose of Basic and Secondary Education in Nigeria as contained in Schedule 3;

(d) to advise the Minister on the formulation of policies for the successful implementation of the Universal Basic Education programme in the Federal Government;

(e) to prescribe the minimum standards for basic education in Nigeria in compliance with the National Policy on Education and the directive of the National Council on education and ensure the effective monitoring of the standards;

(f) to enquire into and advise the Federal Government on the funding and orderly development of basic and secondary education In Nigeria;

(g) to collate and prepare after consultation with the States and Local Government Councils, and other relevant stakeholders, periodic master plans for a balanced and coordinated development of basic education in Nigeria including areas of possible intervention in the provision of adequate basic education facilities which include -

(i) proposal 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 secondary schools in Nigeria;

(h) to carry out in conjunction with the States and Local Governments at regular intervals, a personnel audit of teaching and non-teaching staff in all basic education institutions in Nigeria;

(i) to advise the Minister on the regulations necessary to stem the prevalence of all forms of social ills such as examination malpractices, cultism and sexual harassment in Basic and Secondary Education institutions in Nigeria and ensure that offenders under regulations made by the Minister are prosecuted by the appropriate authority under the appropriate law.

(j) to present periodic progress reports on the implementation of the Universal Basic Education programme to the President through the Minister;

(k) to collaborate with non-governmental and multi-lateral agencies in the implementation of the Universal Basic Education programme;

(l) to carry out on a regular basis inspection of Basic and Secondary School with a view to ensuring that they satisfy national minimum standards as prescribe by the Minister under this Part;

(m) to appoint and train Education Inspectors who would be responsible for effective monitoring of standards in the Basic and Secondary schools in the federation;

(n) to seek approval of the Minister to invest its funds in any form of investments and securities in accordance with the appropriate law; and

(o) to perform any other functions as may be directed by the Minister.

***Establishment, Etc of States Basic and Secondary Education Board and Local Council Basic and Secondary Education Authority***

**14.** (1) Each State of the Federation shall establish a body to be known as Basic and Secondary Education Board (the 'Board').

(2) The structure, functions, composition, remuneration, tenure of office and conditions of appointment of the Chairperson and members of the Board

shall be prescribed by a law enacted for that purpose, by the House of Assembly of the State.

**15.** (1) Each Local Government Council of the Federation and the Federal Capital Territory shall establish Local Government Basic and Secondary Education Authority (the ‘Authority’) which shall be subject to the supervision of the Board.

(2) The structure, functions, composition, remuneration, tenure of office and conditions of appointment of the Chairperson and members of the Authority shall be prescribed by a Bye-law enacted for that purpose, by the Legislative House of the Local Government Council.

***Power of Inspections and quality assurance***

**15.** (1) The Commission shall establish in every State of the Federation and the Federal Capital Territory the Quality Assurance Department (the ‘Department’).

(2) The Department shall be headed by the Chief Education Inspector who shall be appointed by the Minister on the recommendation of the Commission.

(3) The Department shall have power to appoint qualified persons as Education Inspectors.

(4) Only registered teachers who have acquired practical experience of teaching in Basic and Secondary institutions in Nigeria for at least 15 years or persons who have previously or are serving as Education Officers are qualified to be appointed Education Inspector.

(5) In the case of Education Officers, to qualify for appointment as Education Inspector, the Education Officer must have received induction training for a period exceeding seven days and a pupilage period exceeding six months.

**17.** The Department shall on behalf of the Commission exercise the following powers -

- (a) advise the Minister through the Commission on minimum standards and quality assurance in Basic and Secondary institutions in Nigeria;
- (b) carry out inspection visits to all Basic and Secondary Education institutions in Nigeria to ensure strict compliance with minimum standards prescribed by the Minister under this Act;
- (c) carry out inspection on the sufficiency or otherwise of the instructions given to pupils and the sufficiency or otherwise of the examinations conducted by the institution provided that no Inspector shall interfere with the giving of instructions or the holding of examinations;
- (d) carry out system evaluation and whole school evaluation of all Basic and Secondary Education institutions in Nigeria;
- (e) conduct school rating exercise of Basic and Secondary Education institutions in Nigeria;
- (f) to ask the authorities of any Basic and Secondary Education institutions in Nigeria or any employee of the institution to produce any books, registers or documents relating to any institution which he has been authorized 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 under it;
- (g) to require the authorities of any institution or any employee of the institution 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 the Minister under this Act;
- (h) 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 under it has been, or is being made;

- (i) encourage the establishment of School Based Management Committee in all Basic and Secondary Education institutions in Nigeria;
- (j) ensure that the standards maintained in Basic and Secondary Education institutions are of the highest standards;
- (k) help teachers, schools managers and other stakeholders in Basic and Secondary Education institutions in Nigeria to identify areas of deficiencies in achieving curriculum goals and help to remedy these deficiencies;
- (l) collaborate with State Education Inspectors and Local Council Education Inspectors and Supervisors in ensuring strict compliance with minimum standards and quality assurance in all Basic and Secondary Education institutions in Nigeria;
- (m) to advise the Commission on appropriate sanctions for Basic and Secondary Education institutions that fail to comply strictly with the minimum standards prescribed under this Act or any subsidiary legislation made under it;
- (n) to exercise any other power as the Commission may from time to time confer on the Department.

### ***Sanctions***

**18.** (1) Where after an inspection under this Act, the Commission receives a report that the provisions of this Act or of any subsidiary legislation made under it has been infringed, the Commission shall by notice in writing direct the authorities of the institution to improve or remedy the infringement within a period as the Commission may deem fit to improve or remedy the infringement (the ‘improvement notice’).

(2) Any person or institution that fails to comply with an improvement notice shall be sanctioned.

**19.** (1) Where a person or institution fails to furnish or obstructs an Education Inspector from obtaining information required for the purpose of

exercising its powers under this Act, the person or institution shall be sanctioned.

(2) Where a person or institution in compliance with a requirement to furnish information under this Act knowingly or recklessly makes any statement which is false in a material particular, the person or institution shall be sanctioned.

**20.** Where an Education Inspector who in the exercise of the powers under this Part inspects any institution or obtain information about an institution which he discloses to a third party with regard to any trade secret, the Education Inspector shall, unless the disclosure was made in the performance of his duty under this Act, be sanctioned.

**21.** Where a default under this Part is committed by a body corporate or firm or other association of individuals –

- (a) every director, manager, secretary or other principal officers of the body corporate;
- (b) every partner of the firm;
- (c) every person concerned in the management of the affairs of the company, firm or association; or
- (d) every person who was purporting to act in any such capacity as mentioned above,

shall be sanctioned as if he is himself liable for the default, unless he proves that the act or omission constituting the default took place without his knowledge, consent or connivance.

**22.** (1) Without limiting the provisions of the Child Rights Act 2005, a parent who contravenes the provision of section 7(b) of this Act is guilty of an offence and liable –

(a) on first conviction to be reprimanded and ordered to undertake community service;

(b) on second conviction to a fine of two thousand naira or imprisonment for a term not exceeding one month or to both; and

(c) on subsequent conviction to a fine of five thousand naira or imprisonment for a term not exceeding two months or both.

(2) The Minister shall make rules for the enforcement of acts sanctioned under this Chapter of this Act.

(3) The rules shall be published in the *gazette*.



## CHAPTER 2

### TERTIARY EDUCATION COMMISSION

#### *Establishment*

**23.** (1) The Tertiary Education Regulatory Commission is established (the ‘Commission’).

(2) The Commission is a body corporate with perpetual succession and a common seal and may –

- a. acquire, hold and dispose of real and personal property;
- b. sue and be sued; and
- c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

#### *Consolidation of tertiary institutions*

**24.** From the commencement of this Act, the 21 Federal Polytechnics (except the Yaba College of Technology and Kaduna Polytechnic which shall become ‘City Universities’) and the 20 Federal Colleges of Education shall be converted into campuses of neighbouring universities as may be directed by an order issued by the Minister and published in the *gazette*.

#### *Purpose clause*

**25.** The purposes of this Part of this Act are to –

- a. to merge the National Universities Commission (NUC), the National Board for Technical Education (NBTE) and the National Commission for Colleges of Education (NCCE) into one body to be known as Tertiary Education Commission which shall be charged with the responsibility of regulating all Federal Government owned tertiary institutions in Nigeria;

- b. to strengthen the Tertiary Education Commission to enable the body promote research and development in support of the industry in Nigeria;
- c. improve on the carrying capacity of the universities, particularly given their inability to accommodate a vast number of applicants;
- d. to eliminate the desperate desire for University education as against other tertiary institutions;
- e. to eliminate the perception that certain tertiary institutions are superior to others;
- f. to reduce huge overhead cost by consolidating the supervisory agencies (National Universities Commission, National Board for Technical Education and National Commission for Colleges of Education); the Boards of the three Parastatals and 37 Governing Councils, Chief Executives, Registrars and other principal officers;
- g. to improve funding to universities in area of infrastructural and instructional facilities, research, scholarly publications and staff training and development through the consolidation of Education Tax Fund intervention; and
- h. to facilitate the creative use of underutilized physical assets by converting under-populated tertiary institutions into campuses of Innovative Enterprise Institutes;

### ***Governing Board***

**26.** (1) The Governing Board of the Commission shall consist of a Chairperson and the following members -

- a. one member representing each of the following Federal Ministries -
  - (i) Education,
  - (ii) Finance,
  - (iii) Science and Technology,
  - (iv) Justice
  - (v) Labour and Productivity
  - (vi) Woman Affairs;

- b. one member representing each of the following disciplines-
  - (i) Agriculture and Veterinary Sciences,
  - (ii) Education,
  - (iii) Environmental Sciences,
  - (iv) Law,
  - (v) Health Sciences,
  - (vi) Humanities, Social and Management Science,
  - (vii) Engineering Science and Technology,
  - (viii) Earth, Mineral and Natural Sciences,
  - (ix) Vocational and Entrepreneurial Training;
- c. two persons, with wide knowledge and experience to be appointed on individual merit to represent private sector interest; and
- d. the Executive Secretary of the Commission.

***Executive Secretary and Staff of the Commission***

**27.** There shall appointed the Executive Secretary who shall be the Chief Executive and responsible for the day to day administration of the Commission.

**28.** The Commission shall appoint suitable qualified persons as staff of the Commission to assist the Executive Secretary in the performance of his functions under this Act.

**29.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the Board, Executive Secretary and Staff of the Commission shall be as contained in Part 3 of this Act.

***Functions of the Commission***

- 30.** (1) The functions of the Commission shall include –
- a. to takeover the functions which were before the commencement of this Act performed by the National University Commission, the National Business and Technical Education Board and the National

- Commission for Colleges of Education as they relate only to the training of high-level skilled manpower;
- b. to advise the President, the Governors of the States, through the Minister, on the creation of new universities;
  - c. to prescribe minimum standards for all universities in the Federation and to accredit their degrees and other academic awards in accordance with guidelines as may be laid down from time to time and approved by the President through the Minister;
  - d. to prepare, after consultation with all Governments in Nigeria and the universities, the industry, the National Manpower Board and such other bodies as it considers appropriate short and long term master plans for the balanced and coordinated development of all universities in Nigeria and such plans shall include-
    - (i) promote research and development in support of the industry in Nigeria;
    - (ii) the general programmes to be pursued by the universities in order to ensure that they are fully adequate to meet national needs and objectives;
    - (iii) recommendations for the establishment of new academic units in existing universities or the approval or disapproval of proposals to establish such academic units;
  - e. to 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 the university research and to ensure that adequate provision is made for this in the universities;
  - f. to 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;

- g. to 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;
- h. to 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;
- i. to make recommendations to the Minister on the regulations necessary to stem the prevalence of all forms of social ills such as examination malpractices, cultism and sexual harassment in tertiary education institutions in Nigeria and ensure that offenders under regulations made by the Minister are prosecuted by the appropriate authority under the appropriate law;
- j. to recommend to the visitor of a university that a visitation be made to such university as and when it considers it necessary;
- k. to act as the agency for channeling all external aid to the universities in Nigeria;
- l. with the approval of the Minister, to invest its funds in any form of investments and securities in accordance with the appropriate law; and
- m. to carry out such other activities as are conducive to the discharge of its functions under this Part; and

(2) In the exercise of the powers conferred on the Commission under subsection (1) of this section, the Commission shall have regard to the matters mentioned in schedule 4 of this Act.

(3) Without prejudice to the provision of any other law, the Commission shall have the power to develop and maintain minimum standards in tertiary education institutions in Nigeria.

(4) The Commission may recommend to the National Council of Ministers through the Minister the need to take any of the following actions with respect to any tertiary education institution in Nigeria-

- a. institute a Visitation Panel;

- b. suspend or withdraw its operating licence; or
- c. any other action as the Commission may deem fit in the circumstances.

## CHAPTER 3

### NATIONAL EDUCATION RESOURCE COMMISSION

#### *Establishment*

**31** (1) The National Education Resource Commission (the ‘Commission’) is established.

(2) The Commission is a body corporate with perpetual succession and a common seal and may:

- a. acquire, hold and dispose of real and personal property;
- b. sue and be sued; and
- c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

#### *Consolidation of certain bodies*

**32.** From the commencement of this Act, the National Teachers Institute (NTI) Kaduna, the Nigerian Educational Development Council (NERDC) Sheda, Abuja and the National Institute for Educational Planning & Administration (NIEPA) Ondo are consolidated into one body known as the National Educational and Planning Commission established under section 156 of this Act.

#### *Purpose clause*

**33.** The purposes of this Part of this Act are to –

- a. to consolidate the National Teachers Institute (NTI) Kaduna, the Nigerian Educational Development Council (NERDC) Sheda, Abuja and the National Institute for Educational Planning & Administration (NIEPA) Ondo are consolidated into one body known as National Education Resources Commission established under section 31 of this Act;

- b. to takeover the functions previously performed by the National Teachers Institute (NTI) Kaduna, the Nigerian Educational Development Council (NERDC) Sheda, Abuja and the National Institute for Educational Planning & Administration (NIEPA) Ondo;
- c. to provide effective management of the resources (Teachers, Curriculum and Administration) required in for the success of the Education Sector in Nigeria;

### ***Governing Board***

**34.** (1) The Governing Board of the Commission (the ‘Board’) shall consist of the Chairperson and the following members –

- a. one representative from the Federal Ministry of Education;
- b. one representative of the National Planning Commission,
- c. one representative of the United Nations Educational and Scientific Organisation country office in Nigeria;
- d. one representative of the Basic and Secondary Education Commission;
- e. one representative of the Tertiary Education Regulatory Commission;
- f. one representative of the National Examination Regulatory Council;
- g. one person representing the Teacher Registration Council of Nigeria;
- h. the Director-General of the Commission;
- i. one persons representing women group; and
- j. six person with relevant knowledge and experience selected on the basis of one from each geo-political zone of Nigeria.

### ***Director-General and Staff of the Commission***

**35.** There shall appointed the Director-General who shall be the Chief Executive and responsible for the day to day administration of the Commission.



**36.** The Commission shall appoint suitable qualified persons as staff of the Commission to assist the Director-General in the performance of his functions under this Act.

**37.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the Board, Director-General and Staff of the Commission shall be as contained in Part 3 of this Act.

### ***Functions of the Commission***

- 38.** (1) The functions of the Commission shall include to –
- a. takeover the functions previously performed by the National Teachers Institute (NTI) Kaduna, the Nigerian Educational Development Council (NERDC) Sheda, Abuja and the National Institute for Educational Planning & Administration (NIEPA) Ondo;
  - b. provide effective management of the resources (Teachers, Curriculum and Administration) required for the success of the Education Sector in Nigeria;
  - c. encouragement, promote, coordinate and compile a list of educational research programmes carried out in Nigeria;
  - d. promote the development of curricular at all levels of educational system;
  - e. formulate and implement a national policy on book development for Nigeria;
  - f. promote the development and publication of educational research materials;
  - g. maintain relationships with corresponding educational research development and planning bodies any where in the world;

- h. organize and provide programmes for the training, development, upgrading and certification of teachers at all levels of educational development in Nigeria;
- i. promote the study and practice of educational planning and administration in Nigeria and explore all relevant and available avenues, potentials and resources to make the Commission an active learning centre in skills acquisition in educational planning and administration;
- j. development and implementation of programmes for in-service training, re-training and orientation of workers of the education sector at all levels of the educational sector in Nigeria;
- k. award certificates of attendance, certificates and diplomas to persons who have completed the courses of study undertaken by the Commission;
- l. to act as the agency for channeling all external aid to the Commission in Nigeria;
- m. to invest its funds in any form of investments and securities in accordance with the appropriate law; and
- n. to carry out such other activities as may be directed by the Minister which are conducive to the discharge of its functions under this Part of this Act.

## CHAPTER 4

### NATIONAL EXAMINATION REGULATORY COUNCIL

#### *Establishment of the Council*

**39.** (1) The National Examination Regulatory Council is established (the ‘Council’).

(2) The Council is a body corporate with perpetual succession and a common seal and may -

- a. acquire, hold and dispose of real and personal property;
- b. sue and be sued; and
- c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

(3) Schedule 1 has effect with respect to the constitution and proceedings of the Council.

#### *Purpose Clause*

**40.** The purposes of this Part in this Act are –

- a. to establish a body that will serve as an umbrella institution responsible for driving the technological convergence of the Examination Bodies;
- b. to institute the application of Information and Communication Technology into examination management process in Nigeria with a view to reducing the occurrence of examination malpractices, overlaps, duplication and promote cost savings;
- c. to retain the existing four examination bodies by repealing and re-enacting incorporating amendments the National Business and Technical Examination Board Act 1993, the National Examination Council Act 2002, West African Examinations Council (WAEC) and the Joint Admissions and Matriculation Board 1978; and

d. if the need arises, to establish more examination bodies for Nigeria.

***Board of the Council***

**41.** (1) The Governing Board of the Council shall consist of a Chairperson and the following members -

- (a) one representative of the Federal Ministry of Education;
- (b) one representative of the National Business and Technical Board;
- (c) one representative of the National Examination Council;
- (d) one representative of the West African Examination Council;
- (e) one representative of the Joint Admission and Matriculation Board;
- (f) one representative of the Basic and Secondary Education Regulatory Commission;
- (g) one representative of the Tertiary Education Regulatory Commission;
- (h) one representative of the Teachers Registration Council of Nigeria;
- (i) one representative of the National Education Resource Commission; and
- (j) the Registrar of the Council.

***Registrar and Staff of the Council***

**42.** There shall appointed the Registrar who shall be the Chief Executive and responsible for the day to day administration of the Council.

**43.** The Council shall appoint suitable qualified persons as staff of the Council to assist the Registrar in the performance of his functions under this Act.

**44.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the Board, Registrar and Staff of the Council shall be as contained in Part 3 of this Act.

### *Functions of the Council*

**45.** The functions of the Council shall include the following –

- a. to establish a body that will serve as an umbrella institution responsible for driving the technological convergence of the Examination Bodies;
- b. to institute the application of Information and Communication Technology into examination management process in Nigeria with a view to reducing the occurrence of examination malpractices, overlaps, duplication and promote cost savings;
- c. to retain the existing four examination bodies by repealing and re-enacting incorporating amendments the National Business and Technical Examination Board Act 1993, the National Examination Council Act 2002, West African Examinations Council (WAEC) and the Joint Admissions and Matriculation Board 1978; and
- d. to coordinate the activities of the Examination bodies in Nigeria;
- e. to invest its funds in any form of investments and securities in accordance with the appropriate law;
- f. to develop and enforce a Code of Conduct for examination conducted by the Examination Bodies established under this Act; and
- g. to advise the National Council of Minister through the Minister on the need to establish more examination bodies for Nigeria.

### *Establishment and functions of the examinations investigation committee, etc*

**46.** (1) The Board shall establish the Examination Investigation Committee is established (the ‘Committee’)

(2) The Committee shall consist of a Chairperson who shall be a legal practitioner of not less than 15 years post-call experience in active practice and four other members with high proven integrity.

(3) The Board shall with the approval of the Minister appoint the Chairperson and members of the Committee.

(4) The tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson and members of the Committee shall be contained in their letter of appointment.

**47.** The functions of the Committee include -

- a. to conduct preliminary investigation into all reported cases of examination malpractices; and
- b. make appropriate recommendations to the Board.

**48.** (1) Where the Committee has established a *prima facie* case against a candidate or any person or institution alleged to be engaged in any form of examination malpractices, the Board shall recommend the candidate or persons or institution involved for prosecution under the appropriate law.

## CHAPTER 5

### NATIONAL BUSINESS AND TECHNICAL EXAMINATIONS BOARD DECREE 1993

#### *Establishment*

**49.** (1) The body corporate constituted under section 1 of the National Business and Technical Examination Board Act 1993 as the National Business and Technical Examination Board (the 'Board') is preserved and continues to be a body corporate for the purposes of this Act so that its corporate identity and its rights and obligations are not affected by the repeal of that Act.

(2) The Board shall continue to be a body corporate with perpetual succession and a common seal and may -

- a. acquire, hold and dispose of real and personal property;
- b. sue and be sued; and
- c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

#### *Governing Board*

**50.** (1) The Governing Board of the National Business and Technical Examination Board shall consist of a Chairperson and the following members-

- a. one representative of the Federal Ministry of Education;
- b. one representative of the Examination Regulatory Council of Nigeria;
- c. one representative of the Basic and Secondary Education Regulatory Commission;
- d. one representative of the Tertiary Education Regulatory Commission;
- e. one representative of the Teachers Registration Council of Nigeria;
- f. one representative of the National Education Resource Commission;
- g. one representative of the Nigerian Employees Consultative Association;
- h. one representative of the interest of women;

- i. one representative of COR Engineers of Nigeria;
- j. the Registrar of the Joint Admission and Matriculation Board or his representative;
- k. one representative of interests not otherwise represented as above; and
- l. the Registrar of the Board.

### ***Registrar and Staff of the Board***

**51.** There shall appointed the Registrar who shall be the Chief Executive and responsible for the day to day administration of the Council.

**52.** The Council shall appoint suitable qualified persons as staff of the Council to assist the Registrar in the performance of his functions under this Act.

**53.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the Board, Registrar and Staff of the Council shall be as contained in Part 3 of this Act.

### ***Functions of the Board***

**54.** The functions of the Board shall include the following –

a. to conduct examinations leading to the award of the -

- (1) National Technical certificate / National Business Certificate for certified craftsmen in all fields covering all sectors of the Nigerian economy,,
- (2) Advanced National Technical Certificate / Advanced National Business Certificate for master craftsmen, technicians and foremen/supervisory cadres,
- (3) Modular Certificate for artisans, non-formal learners, apprentices, etc.
- (4) Higher National Technical Certificate / Higher National Business Certificate for middle level manpower and Advanced Enterprise Institutions / Career Institutions and holders Advanced National Technical Certificate / Advanced National Business Certificate;



- b. implement Federal Government policy of repositioning Technical and Vocational Education as the driving force for Nigeria's economic development and an antidote to the prevailing unemployment and poverty in the country;
- c. establish and empower regional offices in the six geo-political zones to make for greater efficiency and effectiveness in the performance of its functions;
- d. collaborate with the Royal Society of Arts of London, City and Guilds of London and other international examination bodies with the aim of working together and / or jointly issuing vocational qualifications to Nigerians for international job mobility;
- e. production of adequate manpower in the lower and middle cadre for the Nigerian economy;
- f. issue results and certificates and make awards in examinations conducted by the Board;
- g. collaborate with the National Examination Regulatory Council and other examination bodies in Nigeria in developing a common platform for the computerisation and provision of other ICT facilities for all public examination processes in Nigeria;
- h. facilitate and participate in training workshops for staff of the Board to acquire ICT skills in e-examinations, multimedia facilities, office productivity tools, the use of internet and the like;
- i. update on demarcation and diversification of trades such as Tourism Studies, Mining Craft Practice, Cassava Studies, GSM Operation and Maintenance, etc. to reflect modern technology and the needs of the Nigerian economy;
- j. generate additional revenue for the Board through consultancy services;
- k. sensitize stakeholders on technical and vocational education and training with a view to increasing opportunities for Nigerian youths for self employment;

- l. accredit all Innovative Enterprise Institutions/Career institutions and appropriately certify all its products;
- m. collaborate with professional bodies, regulatory authorities and other relevant stakeholders in the conduct research, publish statistics and other information in order to develop appropriate examinations, tests and syllable in technical and business services;
- n. prepare and submit to the Minister an annual report on standards of examinations and other related matters;
- o. with the approval of the Minister, to invest its funds in any form of investments and securities in accordance with the appropriate law; and
- p. 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 this Act.

## CHAPTER 6

### NATIONAL EXAMINATIONS COUNCIL

#### *Establishment*

**55.** (1) The body corporate constituted under section 1 of the National Examination Council (NECO) Establishment) Act 2002 as the National Examination Council (the ‘Council’) is preserved and continues to be a body corporate for the purposes of this Act so that its corporate identity and its rights and obligations are not affected by the repeal of that Act.

(2) The Council shall continue to be a body corporate with perpetual succession and a common seal and may -

- a. acquire, hold and dispose of real and personal property;
- b. sue and be sued; and
- c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

#### *Governing Board*

**56.** (1) The Council shall have a Governing Board (the ‘Board’) which shall consist of a Chairperson and the following members –

- a. one representative of the Federal Ministry of Education;
- b. six persons, one to represent each of the six geo-political zones of the country;
- c. one representative of the All Nigeria Conference of Principals of Secondary Schools;
- d. one representative of the Tertiary Education Regulatory Commission;
- e. one representative of the Nigeria Employers Consultative Association;
- f. the Registrar of the Joint Admission and Matriculation Board or his representative;
- g. one person to represent the National Parents Teachers Association (NPTA); and
- h. one representative of the Education Resource Commission;
- i. the Registrar of the Council.

### ***Registrar and Staff of the Council***

**57.** There shall appointed the Registrar who shall be the Chief Executive and responsible for the day to day administration of the Council.

**58.** The Council shall appoint suitable qualified persons as staff of the Council to assist the Registrar in the performance of his functions under this Act.

**59.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the Board, Registrar and Staff of the Council shall be as contained in Part 3 of this Act.

### ***Functions***

**60.** The functions of the Council shall include –

- a. conduct examinations leading to the award of the following certificates –
  - i. Junior Secondary School Certificate,
  - ii. National Common Entrance Examinations for admission into Federal Government College,
  - iii. examinations into the Suleja Academy,
  - iv. Internal Senior Secondary School Certificate Examinations, and
  - v. external Senior Secondary School Certificate Examinations;
- b. monitor, collect and keep records of continuous assessment of candidates in respect of examinations conducted by the Council;
- c. conduct Standard National Assessment of Educational Performance at junior and senior Secondary School levels;
- d. conduct research leading to national improvement of testing and examination procedures at Junior and Senior Secondary School Levels;

- e. implement Federal Government policy on Universal Basic Education programme;
- f. establish and empower regional offices in the six geo-political zones to make for greater efficiency and effectiveness in the performance of its functions;
- g. issue results and certificates and make awards in examinations conducted by the Board;
- h. collaborate with the National Examination Regulatory Council and other examination bodies in Nigeria in developing a common platform for the computerisation and provision of other ICT facilities for all public examination processes in Nigeria;
- i. facilitate and participate in training workshops for staff of the Board to acquire ICT skills in e-examinations, multimedia facilities, office productivity tools, the use of internet and the like;
- j. generate additional revenue for the Board through consultancy services;
- k. to invest its funds in any form of investments and securities in accordance with the appropriate law.
- l. collaborate with professional bodies, regulatory authorities and other relevant stakeholders in the conduct research, publish statistics and other information in order to develop appropriate examination process in Nigeria;
- m. prepare and submit to the Minister an annual report on standards of examinations and other related matters; and
- n. 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 this Part of this Act.

## CHAPTER 7

### WEST AFRICAN EXAMINATIONS COUNCIL

#### *Preamble*

WHEREAS:

1. The Revised Convention establishing the West African Examination Council has been duly adopted by Ghana, Liberia, Nigeria, Sierra Leone and The Gambia.
2. The Federal Republic of Nigeria being a signatory to the Convention is desirous of adhering to the said Revised Convention.
3. It is necessary and expedient to make legislative provision for the enforcement in Nigeria of the said Revised Convention by way of an Act of the National Assembly

#### *Establishment*

**61.** As from the commencement of this Act the provisions of the Revised Convention establishing the West African Examination Council which are set out in Schedule 5 to this Act, shall subject as provided in the Schedule have force of law in Nigeria and shall be given full recognition and effect and be applied by all authorities and persons exercising legislative, executive or judicial powers in Nigeria.

## CHAPTER 8

### JOINT ADMISSIONS AND MATRICULATION BOARD

#### *Establishment*

**62.** (1) The body corporate constituted under section 1 of the Joint Admission and Matriculations Board Act, Cap 193 of the Laws of the Federation of Nigeria, 1990 as the Joint Admission and Matriculations Board (the 'Board') is preserved and continues to be a body corporate for the purposes of this Act so that its corporate identity and its rights and obligations are not affected by the repeal of that Act.

(2) The Board shall continue to be a body corporate with perpetual succession and a common seal and may -

- a. acquire, hold and dispose of real and personal property;
- b. sue and be sued; and
- c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

#### *The Governing Board*

**63.** (1) The Governing Board of the Joint Admissions and Matriculation Board shall consist of the Chairperson and the following members -

- a. one representative of the Federal Ministry of Education;
- b. one representative one representative of the Tertiary Education Regulatory Commission;
- c. one representative of the Committee of Vice-Chancellors;
- d. one representative of the Nigerian Conference of Principals of Basic and Secondary Education Schools;
- e. one representative of the National Examination Regulatory Council;
- f. one representative of the National Education Resource Commission;
- g. one representative of the Women societies;

- h. one person to represent interests not otherwise represented on the, Board;
- i. one representative of the Nigeria Employers Consultative Association;
- j. one person to represent the National Parents Teachers Association; and
- k. the Registrar of the Joint Admission and Matriculation Board.

### ***Registrar and Staff of the Board***

**64.** There shall appointed the Registrar who shall be the Chief Executive and responsible for the day to day administration of the Board.

**65.** The Board shall appoint suitable qualified persons as staff of the Board to assist the Registrar in the performance of his functions under this Act.

**66.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the Board, Registrar and Staff of the Board shall be as contained in Part 3 of this Act.

### ***Functions***

**67.** (1) The functions of the Board shall include the following –

- a. the general control of the conduct of matriculation examinations leading to undergraduate (excluding post-graduate) admissions into all universities 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 incidental or connected matter;
- c. to facilitate and participate in the training of its officers, staff and other employees on modern examination processes;



d. the placement of suitable qualified candidates in the tertiary institutions having taken into account-

- (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;

e. 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;

f. to provide consultancy services to both the private and public sector;

g. with the approval of the Minister, to invest its funds in any form of investments and securities in accordance with the appropriate law;

h. to collaborate with the National Examination Regulatory Council in the development of Information and Communication Technology facilities;

**55.** (1) The body corporate constituted under section 1 of the National Examination Council (NECO) Establishment) Act 2002 as the National Examination Council (the 'Council') is preserved and continues to be a body corporate for the purposes of this Act so that its corporate identity and its rights and obligations are not affected by the repeal of that Act.

i. to 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 this Act.

## CHAPTER 9

### NATIONAL LIBRARY AND INFORMATION SERVICE BOARD

#### *Establishment*

**68.** (1) The body corporate constituted under section 1 of the National Library Act, Cap 264 of the Laws of the Federation of Nigeria 1990 as the National Library Board (the 'Board') is preserved and continues to be a body corporate for the purposes of this Act so that its corporate identity and its rights and obligations are not affected by the repeal of that Act.

(2) The National Library shall continue to be a body corporate with perpetual succession and a common seal and may:

- a. acquire, hold and dispose of real and personal property;
- b. sue and be sued; and
- c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

#### *Purpose clause*

**69.** The purpose of this chapter are as follows-

- a. to strengthened the National Library in the performance of its functions under this Act;
- b. to provide adequate sanctions to deal with author and publishers who default in complying with the deposit of publications.

#### *Governing Board*

**70** (1)The Governing Board of the National Library shall consist of a Chairperson and nine other members as follows –

- (a) a representative of the Federal Ministry of Education;
- (b) a representative of the Federal Ministry of Information;
- (c) a representative of the Nigerian Library Association or any other body or association of librarians established in Nigeria;
- (d) a representative of the National Broadcasting Commission;
- (e) a representative of the Readers' Association of Nigeria;
- (f) a representative of the Association of Nigerian Authors;
- (g) a representative of the Newspapers of Proprietors of Nigeria;
- (h) a representative of the National Museum and Monuments;
- (i) a representative of the National Archives;
- (j) the Director who shall be an *ex-officio* member of the Board but shall not have the right to vote at meetings of the Board.

### ***Director-General and Staff of the Board***

**71.** There shall appointed the Director-General who shall be the Chief Executive and responsible for the day to day administration of the National Library.

**72.** The National Library shall appoint suitable qualified persons as staff of the National Library to assist the Director-General in the performance of his functions under this Act.

**73.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the Board of the National Library, Director-General and Staff of the National Library shall be as contained in Part 3 of this Act.

### ***Functions***

- 74.** (1) The functions of the Board of the National Library shall be-
- a. to act as a national depository institution for books and other research materials in Nigeria;
  - b. to act as the focal institution and advisory body to individual, corporate and Government institutions on library and information matters;

- c. to acquire, process, organize, disseminate as well as provide links to information resources to Nigerians and non – Nigerians alike, for their educational pursuit and for informed decision making;
- d. to assemble and maintain a collection of all books, periodicals, newspapers, maps, gazettes, Acts, Laws, Bye-Laws, all subsidiary legislations, notices, orders and other government publications which are published in Nigeria;
- e. to assemble and maintain a collection of all musical recording and films produced in Nigeria;
- f. to establish and maintain the National Library and Information Service Centre in each of the six geo-political zones of the federation;
- g. to develop networks and linkages with other libraries in Nigeria and anywhere in the world;
- h. to prepare catalogues, indexes and similar research aids;
- i. to make the facilities of the National Library and Information Service Center available to members of the public and others on proper terms, which may includes provision for-
  - (i) registration of persons admitted to use the library facilities;
  - (ii) the imposition of fees for services rendered to the public; and
  - (iii) safe - guarding the property of the Board.
- j. to provide consultancy services to individuals, communities, corporate bodies, agencies and other government bodies wishing to establish libraries;
- k. to develop the national bibliography of Nigeria and national bibliography centre or elsewhere;
- l. to prescribe the rules and procedure for granting applications for ISBN / ISSN / NBN / CIP, etc;

- m. to engage in research on any subject of national interest and publish its findings for public use;
- n. to provide and encourage staff to undertake capacity building and skill acquisition programmes to enhance their skills in the performance of their duties to the Board;
- o. to engage in readership campaign with a view to encouraging readership culture and awareness among Nigerians;
- p. to provide leadership initiative in the area of resource sharing and library cooperation;
- q. to audit the source of unrecorded information such as indigenous knowledge which are required for continued research into national origin of our history and culture;
- r. to develop Information and Communications Technologies (ICT) facilities to ensure that the services of the National Library and Information Service Centre are offered in real time, more widely and more efficiently;
- s. to develop a Virtual Library for Nigeria; and
- t. to provide in accordance with this Act such services as in the opinion on the Board are usually provided by national libraries all over the world;

***Deposits of published works***

**75.** (1) Every author and publisher of a published work in Nigeria shall within one month after the publication deposit with the Director three copies of the book for permanent preservation and public use.

(2) Where the publication is by or on behalf of any department of government of the Federation, State or Local Council it shall be the duty of the official in charge of the department to deliver twenty-five copies of the publication to the Director for permanent preservation and public use

(3) Where either the author or publisher fails to comply with the provision of subsection (1) of this section, the person in default shall be guilty of an offence and on conviction shall be liable to a fine not exceeding twenty thousand naira.

(4) If the defaulter is a corporate body, upon conviction, it shall be liable to a fine not exceeding fifty thousand naira only.

(5) Without prejudice to subsection (3), the court shall order the person in default to deliver to the Director the mandatory number of copies of the publication.

(6) The National Council of Ministers 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.

## CHAPTER 10

### SPECIAL EDUCATION COMMISSION

- 76.** (1) The Special Education Commission is established.
- (2) The Commission is a body corporate with perpetual succession and a common seal and may:
- a. acquire, hold and dispose of real and personal property;
  - b. sue and be sued; and
  - c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.
- (3) Schedule 1 has effect with respect to the constitution and proceedings of the Commission

#### *Consolidation of certain bodies*

**77.** From the commencement of this Act, the bodies presently known as the Nigerian French Language Village (NFLV), the Nigerian Arabic Language Village (NALV), National Commission for Nomadic Education and the National Commission for Adult Education, Mass Literacy and Non-Formal Education are consolidated into one body known as the Special Education Commission established under section 76 of this Act.

#### *Purpose clause*

- 78.** The purposes of this Part of this Act are to –
- a. consolidate the Nigerian French Language Village (NFLV), the Nigerian Arabic Language Village (NALV), National Commission for Nomadic Education and the National Commission for Adult Education, Mass Literacy and Non-Formal Education into one body known as the Special Education Commission established under section 76 of this Act;
  - b. establish a body known as the Special Education Commission to takeover the functions previously performed by the Nigerian

French Language Village (NFLV), the Nigerian Arabic Language Village (NALV), National Commission for Nomadic Education and the National Commission for Adult Education, Mass Literacy and Non-Formal Education; and

- c. to pursue the objective of the Federal Government vision of Education for All by addressing perceived gaps in groups that mainstream education system has ignored.

### ***Governing Board***

**79.** (1) The Governing Board of the Commission (the ‘Board’) shall consist of the Chairperson and the following members –

- a. one representative from the Federal Ministry of Education;
- b. one representative of the Federal Ministry of Information;
- c. one representative of the Federal Ministry of Health;
- d. one representative of the National Planning Commission;
- e. all Heads of Language Villages established by the Commission;
- f. one representative of National Association of Linguistic Teachers;
- g. one representative of the National Educational Research and Planning Bureau;
- h. one persons representing women group;
- i. six person with relevant knowledge and experience selected on the basis of one from each geo-political zone of Nigeria; and
- j. the Director-General of the Commission.

### ***Director-General and Staff of the Commission***

**80.** There shall appointed the Director-General who shall be the Chief Executive and responsible for the day to day administration of the Commission.

**81.** The Commission shall appoint suitable qualified persons as staff of the Commission to assist the Director-General in the performance of his functions under this Act.

**82.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the



Commission, Director-General and Staff of the Commission shall be as contained in Part 3 of this Act.

***Functions of the Commission***

- 83.** (1) The functions of the Commission shall include to –
- a. takeover the functions previously performed by the Nigerian French Language Village (NFLV), the Nigerian Arabic Language Village (NALV), the National Commission for Nomadic Education and the National Commission for Adult Education, Mass Literacy and Non-Formal Education;
  - b. collaborate with all levels of Government to implement the objectives of the Federal Government vision of Education for All and the United Nations Millennium Development Goals (MGDs) by addressing perceived gaps in groups that mainstream education system has ignored;
  - c. make recommendations to the National Council of Ministers through the Minister on the need to establish a language immersion village in Nigeria in respect of any language spoken in Nigeria or anywhere in the world;
  - d. provide language immersion programme for graduate and post-graduate students in tertiary institutions in Nigeria;
  - e. provide intensive training for individuals and corporate bodies in languages approved by the Commission and award certificate of attendance and diploma to participants;
  - f. produce and publish educational materials, develop languages and interpretation laboratory infrastructures;
  - g. advance the integration of cultures among the people of Nigeria and promote the foreign policy of the Federal Government through the use of language development;
  - h. provide the opportunity for the rural and urban adults, nomads and all migrant groups, school drop-outs, social miscreants, *almajai*, prison

- inmates and all persons not provided for in the system of formal education the opportunity to receive education Basic education;
- i. establish and support institutions engaged in providing special education to the physically and mentally challenged and other disadvantaged persons in our society;
  - j. award certificates of attendance, certificates and diplomas to persons who have completed the courses of study undertaken by the Commission;
  - k. to act as the agency for channeling all external aid to the Commission in Nigeria;
  - l. to invest its funds in any form of investments and securities in accordance with the appropriate law; and
  - m. to carry out such other activities as may be directed by the Minister which are conducive to the discharge of its functions under this Part of this Act.

***Continued existence of the Arabic and French Language Villages***

**84.** The Nigeria-Arabic Language Village, Ngala, Bornu State and the Nigeria-French Language Village, Badagry, Lagos State are deemed to be established by the Commission and shall continue to exist and perform the functions conferred on the Commission under this Chapter of this Act.

## CHAPTER 11

### NATIONAL MATHEMATICAL CENTRE

**85.** (1) The body corporate constituted under section 1 of the National Mathematical Centre Act, Cap 265 of the Laws of the Federation of Nigeria 1990 as the National Mathematical Centre (the 'Centre') is preserved and continues to be a body corporate for the purposes of this Act so that its corporate identity and its rights and obligations are not affected by the repeal of that Act.

(2) The Centre shall continue to be a body corporate with perpetual succession and a common seal and may:

- a. acquire, hold and dispose of real and personal property;
- b. sue and be sued; and
- c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

#### *Purpose clause*

**86.** The purposes of this Chapter are –

- a. to strengthen and empower the National Mathematical Centre to enable it provide the much needed support in the development of science and technology in Nigeria; and
- b. to upgrade the Centre to enable it collaborate with other tertiary institutions in Nigeria with a view to offering specialised research programmes leading to the award of post-graduate degrees in mathematics and other physical sciences.

#### *Governing Board*

**87.** (1) The Governing Board of the Centre (the 'Board') shall consist of the Chairperson and the following members –

- a. one representative of the Federal Ministry of Education;

- b. one representative of the Federal Ministry of Science and Technology;
- c. one representative of the Nigerian Academy of Science;
- d. three representatives of the Nigerian Universities appointed in rotation to serve for two years at a time;
- e. one representative of the Basic and Secondary Education Commission;
- f. one representative of the Tertiary Education Regulatory Commission;
- g. one representative of the National Education Resource Commission;
- h. three members to represent sciences, statistics, computer science and theoretical physics; and
- i. the Director-General of the Centre.

### ***Director-General and Staff of the Centre***

**88.** There shall appointed the Director-General who shall be the Chief Executive and responsible for the day to day administration of the Centre.

**89.** The Centre shall appoint suitable qualified persons as staff of the Centre to assist the Director-General in the performance of his functions under this Act.

**90.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the Board, Director-General and Staff of the Council shall be as contained in Part 3 of this Act.

### ***Functions***

**91.** The functions of the Centre shall include the following-

- a. to provide support in the development of science and technology in Nigeria;
- b. train and develop advanced high level manpower in mathematical sciences, including mathematics, statistics, computer science and other physical sciences for Nigeria and other countries of the world;

- c. enhance collaboration among mathematical scientists in Nigeria and anywhere in the world;
  - d. identify and encourage young talents in mathematical sciences including mathematics, statistics, computer science and other physical sciences and encourage them by sponsoring interaction between them and their colleagues and other scientists in Nigeria and other parts of the world;
  - e. attract good mathematical scientists from all over the world into the service of Nigeria;
  - f. develop and promote activities leading to the improvement of the methodology of teaching and learning of mathematical sciences including statistics, computer science and other physical sciences in Nigerian educational institutions at all levels;
  - g. undertake, facilitate and support scientific conferences, seminars and workshops;
  - h. publish educational and research materials in mathematics including statistics, computer science and other physical sciences for institutions in Nigeria and other countries of the world;
  - i. conduct specialized courses and research in the field of mathematical sciences including statistics, computer science and other physical sciences for post-graduate and post-doctoral research students;
  - j. to collaborate with the Tertiary Education Regulatory Commission and any tertiary institutions in Nigeria with a view to awarding certificates in respect of courses undertaken by the Centre under this Act; and
  - k. to 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 Board necessary for carrying out the functions of the Centre under this Act.
- 92.** The Centre shall have the power to establish Academic Board to assist it in the performance of its functions under this Act.

## CHAPTER 12

### TEACHERS REGULATORY COUNCIL OF NIGERIA

**93.** (1) The body corporate constituted under section 1 of the Teachers Registration Council of Nigeria Act 1993 as the Teachers Registration Council of Nigeria (the ‘Council’) is preserved and continues to be a body corporate for the purposes of this Act so that its corporate identity and its rights and obligations are not affected by the repeal of that Act.

(2) The Council shall continue to be a body corporate with perpetual succession and a common seal and may:

- a. acquire, hold and dispose of real and personal property;
- b. sue and be sued; and
- c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

#### *Purpose clause*

**94.** The purpose of this Chapter is to reposition the Teachers Registration Council of Nigeria as an independent regulatory agency with the responsibility of controlling and regulating the teaching profession at all levels in Nigeria.

#### *Governing Board*

**95.** The Governing Board of the Council shall consist of a Chairperson and the following other members, that is –

- a. a representative each of the Committee of -
  - (a) a representative of the Federal Ministry of Education;
  - (b) a representative of the Basic and Secondary Education Commission;
  - (c) a representative of the Tertiary Education Regulatory Commission;
  - (d) a representative of the National Education Resource Commission;
  - (e) a representative of the Committee of Deans of the Faculty of Education in the tertiary institutions in Nigeria;

- (f) one person from each of the six geo-political zone drawn from the State Ministries of Education to serve in rotation appointed by the Minister every two years;
- (g) two persons to represent the Nigerian Academy of Education;
- (h) five persons elected by the Nigeria Union of teachers in the manner for the time being provided by the constitution of the Association ; and
- (i) the Registrar – General of the Council

***The Registrar-General and Staff***

**96.** There shall appointed the Registrar-General who shall be the Chief Executive and responsible for the day to day administration of the Centre.

**97.** The Council shall appoint suitable qualified persons as staff of the Council to assist the Registrar-General in the performance of his functions under this Act.

**98.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the Board, Registrar-General and Staff of the Council shall be as contained in Part 3 of this Act.

***Functions of the Council***

**99.** The functions of the Council shall include the following-

- a. on-line registration and licensing of qualified teachers;
- b. publication of a register of professional teachers in Nigeria and distribution of same throughout Nigeria and on the website;
- c. conduct and supervise internship schemes / mentoring to equip fresh graduates with requisite practical skill;
- d. conduct Professional Qualifying Examination (PQE) and Interviews (PQI);
- e. accreditation, monitoring and supervision of all teacher training institutions in Nigeria, notably faculties of education in universities;
- f. conduct mandatory Continuing Professional Education (MCPE) for registered teachers;

- g. maintain relationship with similar bodies anywhere in the world;
- h. representing the interest of the teaching profession in all relevant educational matters and stakeholders' summits at different levels of decision making in Nigeria;
- i. enforcement of professional conduct using the Teachers Code of Conduct (TCC), Teachers Investigation Panel (TIP), and Teachers Disciplinary Committee (TDC) which is a tribunal;
- j. conduct annual conference of registered teachers in Nigeria; and
- k. ensure the prosecution of unqualified teachers.

**108.** 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 propose;
- (b) encourage research into teaching methods and allied subjects to the extent that the Council may, from time to time, consider necessary.

**100.** (1) Subject to the provisions of this section, the Council may make rules, with respect to the form and keeping of the register.

(2) No rule made for the purposes of subsection (1) shall come into force until the rule is approved at the general meeting of the registered members of the Council.

### ***Functions of the Registrar-General***

**101.** (1) The functions of the Registrar – General shall include the following-

- 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 alteration to the registered particulars of registered persons;



- c. to remove from the register the name of any registered person who has died;
- d. to record the names of any registered member of the professions who are in default of payment of the annual subscriptions' and to take such actions in relation thereto (including removal of the names of defaulters from the register) as the Council under this Act may direct or require;
- e. 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;
- f. to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Council;
- g. to keep the register and lists to deposited available at all reasonable times for inspection by members of the public.

(2) In the performance of his functions if the Registrar – General may-

- a. send 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;
- c. the Registrar-General 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 therefrom under this subsection.

### ***Registration with the Council***

**102.** (1) Applicants for registration with the Council must:

- a. pass a qualifying examination accepted by Council and completes the practical teaching prescribed by the Council under this decree;
- b. not being a Nigerian, he holds a qualification granted outside Nigeria which for the time being is recognized by the Council and he is by law entitled to practice 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 had sufficient practical experience as a teacher.

(2) 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 twenty-one 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 *gazette* particulars of qualifications for the time being accepted by the Council for purposes of registration.

**103.** (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 approval given under this section in respect of any course, qualification or institution, but before withdrawing such 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;
- 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 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 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 secretary.

**104.** (1) Members of the Council shall 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) A person appointed under subsection (1) of this section shall 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 examinations attended by him; and
- c. any other matters relating to the institution 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.

**105.** 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 secretary be designed as service constituting teaching

**106.** (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 make rules prescribing the annual practicing fees for professional teachers.

**107.** The Council may award honorary membership of the profession to persons whom it considers worthy of such honor, on terms and conditions as may be prescribed by the Council.

**108.** (1) 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.

(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 or 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:

(3) If the Registrar-General or any other employee by or on behalf of the Council willfully makes any falsification in any matter relating to the register, he shall be guilty of an offence.

(4) A person guilty of an offence under this section shall-

- a. on conviction be liable to fine of an amount not exceeding N20, 000; or
- b. on conviction on indictment to a fine of an amount not exceeding N50, 000 or to imprisonment for a term not exceeding two years, or to both.

(5) 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 reporting to act in 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.

***Duty to report misconduct***

**109.** (1) The head of an educational institution (public or private) must notify any misconduct by a registered member to the Council.

(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 N10,000 or to imprisonment for a term not exceeding three months or both.

***Establishment of disciplinary committee***

**110.** (1) There is established a committee to be known as the Teachers Disciplinary Committee (the 'Committee') which shall be charged with the duty of considering and determining cases where it is alleged that a person whose name is on the register of the Council has misbehaved in his capacity as a professional teacher or should for any other reason be the subject of proceedings under this Act.

(2) The Council shall appoint the Chairperson and members of the Committee to provide for the following-

- a. the Chairperson who shall be a legal practitioner with at least fifteen years post – call experience in active practice; and
- b. one person representing the Ministry of Education;
- c. one person representing the Basic and Secondary Education Commission;
- d. one person representing the Tertiary Education Regulatory Commission;

- e. one representative of the National Education Resource Commission;
- f. six members of the Council representing each of the six geopolitical zones in Nigeria.

(3) No person who is connected with either the investigation of a complaint or the decision by the Council to present a complaint against a Teacher for determination shall sit as a member of the Committee.

(4) The Council shall make supplementary provisions for the Committee on its quorum, tenure of office of its members, allowances, the sitting and rules to govern its procedure.

**111.** (1) Where –

- a. a member is judged by the Committee to be guilty of infamous conduct in any professional respect;
- b. a member is convicted, by any court or committee 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
- c. 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-General to strike his name off the register.

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

(3) The Committee may at any time vary its direction under this section or make any order as it may deem fit.

### ***Appeals***

**112.** Appeals against the direction of the Committee shall be to the Court of Appeal.

### ***Regulation***

**113.** Regulations and rules made under this Chapter of this Act must be published in the *gazette*.



## CHAPTER 13

### EDUCATION TRUST FUND

#### *Establishment*

**115.** (1) The body corporate constituted under section 1 of the Education Tax Fund Act 1993 as the Education Fund (the 'Fund') is preserved and continues to be a body corporate for the purposes of this Act so that its corporate identity and its rights and obligations are not affected by the repeal.

(2) The Fund shall continue to be a body corporate with perpetual succession and a common seal and may:

- a. acquire, hold and dispose of real and personal property;
- b. sue and be sued; and
- c. so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

#### *Consolidation of certain bodies*

**116.** From the commencement of this Act, the Education Tax Fund established under the Education Tax Act, 1993 and the Student's Scholarship Board established under the Students Loans Board, Act 1972 are hereby consolidated into one body to be known as Education Trust Fund established under section 69 of this Act.

#### *Purpose clause*

**117.** The purposes of this Chapter are -

- a. to authorise the Fund to continue to collect the revenue which before the commencement of this Act the Fund collected under the repealed Education Tax Fund Act;
- b. to take over the collection of revenue which before the commencement of this Act was collected by the Universal Basic

- Education Commission (UBEC) under the repealed Compulsory, Free Universal Basic Act, 2004;
- c. to restructure the Fund to become the disbursement agency for the Ministry of Education;
  - d. to establish a Department to be known as the Unity Schools Trust Department;
  - e. to facilitate the establishment of School Management Organisations in every Unity School in Nigeria to take responsibility of managing the academic and administrative affairs of schools;
  - f. to award scholarships to deserving Nigerian students to undertake studies in a tertiary institution in Nigeria or anywhere in the world;
  - g. to transpose the Fund into a Funds Managers governed by rules similar those that govern financial institutions; and
  - h. to ensure transparency and judicious utilization of funds disbursed by the Fund by encouraging Community Accountability and Transparency Initiatives (CATI) to monitor the implementation of approved projects in their communities and send feedback to the Fund.

### ***The Fund***

**118.** There shall be established a fund to be known as the Education Fund ('the Fund') which shall consist of the following-

- a. *2 per cent* tax payable by every company registered in Nigeria on its yearly profit in accordance with this Chapter of this Act;
- b. *2 per cent* bloc grant received from the Federal Government from its Consolidated Revenue Fund established under section 167 of the 1999 Constitution which was before the commencement of this Act received by the Universal Basic Education Commission under the repealed Compulsory, Free Universal Basic Act, 2004.

- c. any money or contributions in form of Federal Government guaranteed credits;
- d. any money received from local and international donors, gifts, and endowment ; and
- e. monies received as profit and interest from investments from the Fund made by the Board of Trustees.

### ***Imposition of tax***

**119.** (1) Every company registered in Nigeria shall continue to pay to the Fund through the Federal Inland Revenue Service (FIRS) a yearly tax at the rate of 2 *per cent*, on the assessable profit of the company which immediately before the commencement of this Act was payable under the Education Tax Act, 1993.

(2) The continuity of the operation of the law relating to Education Tax shall not be affected by the substitution of this Act for the repealed enactments.

(3) The assessable profit of a company shall be calculated in the manner specified in the Companies Income Tax Act or the Petroleum Profits Tax Act as the case may be.

(4) The Federal Inland Revenue Service shall assess and collect from every company registered in Nigeria the tax imposed under this Chapter of this Act and accordingly –

(a) shall when assessing a company, for companies income tax or petroleum profit for an accounting period of the company, also proceed to assess the company for the tax due under this Chapter of this Act;

(b) the provision of the Companies Income Tax Act or the Petroleum Profit Tax 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 Chapter of this Act.

(5) Every company registered in Nigeria must pay the tax imposed by this Chapter of this Act within sixty days after the Federal Inland Revenue Service has served notice of the assessment on the company.

(6) The Federal Inland Revenue Service may, for the purpose of assessing and collecting the tax imposed by this Chapter of this Act, devise such Forms as it may deem necessary.

**120.** (1) Without prejudice to the generality of section 110, the Federal Inland Revenue Service shall pay the tax collected under this Act into the fund and shall, when doing so, submit to the Board of Trustees, established under section 124 of this Act a return showing –

- a. the name of the company making the payment;
- b. the amount collected; for the rehabilitation, restoration and consolidation of education in Nigeria;
- c. the assessable profit of the company for the accounting period for the proper administration of the tax; and
- d. any other information as may be required by the Board of Trustees for the proper administration of the tax.

**121.** (1) Any company which defaults in the payment of the tax imposed under section 119 of this Act is guilty of an offence.

(2) Subject to the provisions of subsection (3) of this section –

- a. if a tax due under section 96 of this Act is not paid within the time specified in subsection (4) of section 96, the Federal Inland Revenue 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 the sum demanded under paragraph (a) of this subsection is not paid within two months of the demand, the company is guilty of an offence under this Act.

(3) 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 principal 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 capacity as aforesaid,

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 convenience.

**122.** (1) Except as otherwise provided in this Act, a person who is guilty of an offence under this Act shall on conviction be liable -

- a. for a first offence, to a fine of N100,000 or imprisonment for a term not exceeding three months or both;
- b. for a second and subsequent offence, to a fine of N200,000 or imprisonment for a term not exceeding six months or both.

(2) The institution of proceedings or imposition of penalty under this Act shall not relieve a company from liability to pay to the Federal Inland Revenue Service the tax which is or may become due under this Act.

**123.** Where no provision is made in this Act for a matter relating to the assessment and collection of the tax imposed by the Act, the provisions of the Companies Income Tax Act and the Petroleum Profit Tax Act 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.

### ***Board of trustees***

**124.** (1) The Board of Trustees for the Fund shall continue to be established

(2) The President on the recommendation of the Minister shall appoint the Chairperson and other following members of the Board of Trustees –

- a. a representative of the Presidency;
- b. a representative of the Federal Ministry of Education;
- c. a representative of the Federal Ministry of Finance;
- d. the Accountant-General of the Federation;
- e. a representative of the Basic and Secondary Education Commission;
- f. a representative of the Tertiary Education Regulatory Commission;
- g. one person from each of the six geo-political zones who shall have sufficient qualification and experience trust investments and trust management;
- h. the Executive Secretary who shall be the secretary to the Board of Trustees.

(3) The Board of Trustees shall hold the money in the Fund in trust for the Ministry of Education.

**125.** (1) The Board of Trustees shall disburse the money in the Fund in accordance with the directives of the National Council of Minister through the Minister.

(2) The National Council of Ministers shall have regard to the following matters when approving disbursements to be made by the Board of Trustees-

- a. availability of funds;
- b. the National Policy on Education;
- c. priority areas in the educational sector;
- d. equality and general spread of project in the six geo-political zones of the Nigeria; and
- e. any other matter as may be recommended by the Minister.

#### ***Executive Secretary and Staff of the Education Trust Fund***

**126.** There shall appointed the Executive Secretary who shall be the Chief Executive and responsible for the day to day administration of the Fund.

**127.** The Board of Trustees shall appoint suitable qualified persons as staff of the Fund to assist the Executive Secretary in the performance of his functions under this Act.

**128.** The appointment, tenure of office, remuneration and allowances, removal and other conditions of service of the Chairperson, members of the

Board, Executive Secretary and Staff of the Fund shall be as contained in Part 3 of this Act.

***Functions***

**129.** The functions of the Board of Trustees shall include –

- a. monitor and ensure that the Federal Inland Revenue Service collect the tax imposed under section 72 of this Act and ensure that the money is transfer to the Fund as at when due;
- b. monitor and ensure that all other monies accruable to the Fund under section 71 of this Act are collected;
- c. hold the money in the Fund in trust for the Federal Ministry of Education;
- d. invest the money in the Fund in accordance with the Trustees Investment Act and other relevant enactments in Nigeria;
- e. disburse the money in the Fund in accordance with the directives of the National Council of Ministers through the Minister;
- f. monitor and evaluate execution of the projects for which money has been disbursed under the Act;
- g. ensure transparency and judicious utilization of funds disbursed by the Board of Trustees by encouraging Community Accountability and Transparency Initiatives (CATI) to monitor the implementation of approved projects in their communities and send feedback to the Board of Trustees;
- h. update the Federal Government on its activities and progress through annual and audited reports;
- i. establish a Department to be known as the Unity Schools Trust Department
- j. award scholarships to deserving Nigerian students to undertake studies in a tertiary institution in Nigeria or anywhere in the world;

- k. do such other things as are necessary or incidental to the objects of the Fund under this Act or as may be assigned by Minister. .

***Unity Schools Trust Department***

**130.** (1) The Board of Trustees shall establish a Department to be known as the Unity Schools Trust Department.

(2) The Unity Trust Department shall be responsible for raising funds form the day to day running of the Unity Schools in Nigeria.

(3) The funds of the Unity Trust Department shall consist of -

- a. ....
- b. ....
- c. ....

***Establishment of School Management Organisations (SMO)***

**131.** (1) From the commencement of this Act, each Unity School in Nigeria shall be managed by a School Management Organisation.

(2) The School Management Organisation shall be a body corporate registered under the Companies and Allied Matters Act as a Private Company Limited by guarantee.

***Membership of the School Management Organisation***

**132.** (1) The School Management Organisation of each Unity School shall consist of-

- a. the Principal who shall be the Chairperson;
- b. Vice Principal (Academic);
- c. Vice Principal (Administration);
- d. Bursar;
- e. Head of Premises and Property;
- f. Head of Pastoral care; and
- g. Head of Boarding Administration.



(2) The School Management Organisation shall be accountable to the Unity School Trust Fund in the day to day running of the Unity School and implementation of policies of the Federal Government.

(3) Management rights of the School Management Organisation shall be contained in the Operating and Management Agreement entered into with the Trust.

(4) The Operating and Management Agreement shall reviewed every ten years.

### ***Functions of the Schools Management Organisation***

**133.** The function of the School Management Organisation shall include the following –

- a. manage the academic and administrative affairs of Unity Schools;
- b. employ the staff of the school and takeover those already employed;
- c. receive from the trust the physical infrastructure on as it is basis and upgrade such infrastructure to meet with the minimum standards set by the trust;
- d. ensure and maintain the assets of the school;
- e. commit the minimum level of investment in the physical infrastructure of the school;
- f. invest and finance the expansion of the facilities of the school (using fund raised by it , operating surpluses generated internally and expansion grants);
- g. provide continuous training and development of the teachers and non-academic staff;
- h. comply with the conditions of service for teachers and non academic staff set by the trust in line with the guidelines;

- i. pay remuneration and pension benefits of teachers and non-academic inline with their contracts of employment and Pension Reform Act;
- j. ensure that only qualified teachers are appointed to teach in the unity schools.

***Disbursement of scholarship loan***

**134.** (1) The Board of Trustees shall disburse loans to deserving Nigerian students to undertake studies in a tertiary institution in Nigeria or anywhere in the world under a revolving loan scheme in accordance with regulations made by the Minister and published in the *gazette*.

(2) Without prejudice to the generality of the power of the Minister to make regulations under subsection (1) of this section –

- a. no person shall be entitled to a loan exceeding in the aggregate amount as may be necessary to cover such fees or other dues and expenses approved by the tertiary for the period of his course of studies;
- b. no person shall be entitled to a loan under this Act unless he is –
  - i. a student in or has been admitted as a student of a tertiary or other institution of higher learning whether in Nigeria or anywhere in the world; or
  - ii. a post-graduate student of a tertiary or other institution outside Nigeria who is pursuing a course of study which is the Minister considers to be appropriate to the needs of Nigeria and certified as not being available in Nigeria.

(3) Before considering any application for a loan, the Board of Trustees shall direct the Executive Secretary to make such investigation thereon as it thinks appropriate and the Executive Secretary shall thereafter furnish the Board with full particulars of the result of the investigation.

(4) When making a loan the Board of Trustees shall before final approval-

- a. require the person to whom the loan is to be granted to process the loan agreement through their respective local government offices; and
  - b. obtain confirmation from the appropriate State government after consultation with the appropriate local government authority stating that the person referred in paragraph (a) of this subsection, is genuinely indigent and in need of loan.
- (5). If any person in his application for loan under this section –
- a. knowingly makes to the Board of Trustees any statement which is false in a material particular; or
  - b. with intend to defraud, fails to disclose to the Board any material information within his knowledge, he shall be guilty of an offence and liable on conviction to a fine of N50,000 or imprisonment for a term not exceeding twelve months or both.

**135.** For the purpose of achieving purposeful and efficient administration of loan scheme, the following shall be the required guidelines, that is-

- a. the institution of learning shall be required to certified that the student seeking a loan is its bona fide student;
- b. the students shall provide two guarantors of sufficient ability and means who shall be persons or organization eligible in law to be forced to make a payment of the loan;
- c. the loan shall be required to be paid instalmentally on an annual basis and in advance directly to the student with appropriate acknowledgement receipt;
- d. approval for the loan to be paid to the student shall be given at the area located in the state of origin of the student notwithstanding the location of his institution or place of abode; and
- e. the loan shall attract an interest rate of 7 per cent.

**136.** (1) Every loan granted by the Board of Trustees shall be due for repayment within a period of two years from the graduation or immediately the student is employed which ever is earlier.

(2) For the avoidance of any doubt, the period specified subsection (1) of the section shall include the period of National Youth Service, housemanship or other relevant service, as may be applicable.

(3) The period of repayment of the loan and interest shall not extend beyond ten years.

(4) The Board of Trustees may, in exceptional circumstances and with the approval of the Minister, defer the repayment of a loan at any time for a specific period; provided appropriate steps are taken to ensure that the student does not default in repayment of the loan.

**137.** (1) If the Board of Trustees so directs, a loan granted under this Act shall be recovered from any emoluments or any payments payable on account of or in respect of any benefits to any person to whom such loan has been granted by the employer.

(2) Any direction issued under subsection (1) of this section shall be in writing under the hand of any officer authorized in that behalf by the Board of Trustees and shall specify the person to whom it refers and the amount or amounts of the outstanding loan to be deducted whether by reference to deduction tables issued for that purpose or otherwise. .

**138.** (1) Every employer required to make any deduction from emoluments or amounts on account of emolument paid by him to any person to whom the provisions of this Act relates shall account to the Board of Trustees in such manner as may be directed, and in the event of failure by such employer to make such deduction or properly to account therefore, the amount together with a penalty of ten *per cent* of such amount shall be recoverable as a debt due by such employer.

(2) For the purposes of this section "employer" includes Federal, State and Local Governments.

(3) The guarantors of a beneficiary outside Nigeria shall become liable in the case of default in the repayment of the loan as and when due.

(4) Where, after leaving the tertiary or institution of higher learning a borrower becomes self-employed, whether in Nigeria or abroad, he shall make payment of every sum payable under this Act directly to the Board of

Trustees on such terms and conditions as the Board of Trustees may direct and the Board of Trustees shall be empowered to recover such sum in any manner it may deem appropriate or expedient in the circumstances.

(5) For the purposes of this section, the Board of Trustees may commence an action for the recovery of the loan in a court of competent jurisdiction.

**130.** (1) For the purposes of the provisions of this Act, the Executive Secretary may by notice in writing either generally or otherwise require any borrower to furnish information in respect of any matter and in such manner as may be specified by him.

(2) Any borrower required to furnish any information under subsection (1) of this section shall within two months from the notice comply with the notice.

(3) If any borrower required to furnish information under subsection (1) of this section knowingly or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine of N 50,000 or imprisonment for a term not exceeding 12 months or both.

**140.** (1) In relation to any loan made by it, the Board of Trustees shall have power to accept payment of the whole or part of the principal and interest of the loan before the time when such payment is due, upon such terms and conditions as it may deem fit.

(2) The Board of Trustees shall have power, with the approval of the Minister-

- a. to postpone upon such terms and conditions as may be necessary the payment of any sum due in respect of any principal and interest at any time for a period of not more than five years; and
- b. to extend from time to time the period of repayment of any loan, or compound or release any loan or part of the loan upon such terms and conditions as may be necessary.

(3) Where any property devolves upon the Board of Trustees for the purpose of the enforcement of any security given in any agreement entered into under

this Act, the Board of Trustees may either manage and hold such property or sell or otherwise dispose of it as may be necessary.

(4) Where it appears to the Board of Trustees that any sum, being the whole or part of the loan made by it has not been applied for the purposes for which the loan was made, it may order that such sum be repaid within the time mentioned in the order and any sum so ordered to be repaid shall become a debt due to the Board of Trustees.

## **PART 3 - ADMINISTRATIVE PROVISIONS**

### ***The Governing Board, etc.***

**141.** (1) This Part of this Act shall apply to all bodies established under Part 2 of this Act except the West African Examination Council established under Chapter 7 of Part 2 which shall continue to be administered as provided for under the Convention establishing it.

(2) Subject to subsection (1) of this section, upon the coming into force of this Act-

- a. the Governing Board of all the bodies established under an Act repealed by this Act is dissolved;
- b. a person who ceases to hold office by reason of paragraph (a) of this subsection is entitled to compensation for loss of office.

**142.** (1) The President shall on the recommendation of the Minister appoint the Chairperson and members of the Governing Board of the bodies established under this Act.

(2) Every person to be appointed the Chairperson or a member of the Governing Board of a body created under this Act shall possess sufficient qualification and experience relevant to his appointment.

**143.** (1) The Chairperson and members of the Governing Board shall hold office for a term of four years and may be re-appointed for another term of four years upon satisfactory performance and no more.

(2) The remuneration and allowances of the Chairperson and members of the Governing Board shall be as contained in their letter of appointment.

(3) The Chairperson or a member of the Governing Board may at any time on the recommendation of the Minister 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.

(4) The Chairperson or a member of the Board may resign by a notice addressed through the Minister to the President. A notice of resignation shall become effective from the date of acceptance of the resignation by the President through the Minister.

(6) Upon the occurrence of any vacancy in the membership of the Governing Board, the Chairperson shall immediately communicate this fact to the Minister who shall ensure that the vacancy is filled as contained in this section.

(7) The office of the Chairperson or a member of the Governing Board shall become vacant if –

- a. he dies;
- b. he becomes insane or he is suffering from any permanent disability;
- c. he is an undischarged bankrupt; or
- d. he is convicted of the commission of a crime relating to fraud or gross misconduct.

(8) Without prejudice to any other provision of this Act, where a majority of the members of the Board is satisfied that the continued presence on the Board of the Chairperson or any member is not in the national interest or the interest of the Board, the Board may recommend through the Minister to the President that the Chairperson or member concerned be removed from office.

(9) No decision of the Board shall be invalidated solely on the ground that there exists a vacancy on the number of members of the Board.

(10) Schedule 2 has effect with respect to the proceedings of the Governing Board of the bodies established under this Act.

**144.** (1) The President shall on the recommendation of the Minister appoint for the each body established under Part 2 of this Act a Chief Executive who is referred to under different names as the Executive Secretary, Director-General or Registrar respectively.

(2) The Chief Executive shall be responsible for the execution of the policy and the day-to-day running of the affairs of the body.



(3) The Chief Executive shall hold office for a period of four years and shall be eligible for reappointment for another term of four years and no more.

(4) The Chief Executive 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 National Council of Ministers.

(5) The President may on the advice of the Minister remove the Chief Executive at anytime before the expiration of his tenure.

### ***Staff of the Commission***

**145.** (1) Subject to the directives of the Minister, every staff of a body established under an Act which is repealed by this Act shall continue to be a staff of the body established under this Act to replace the body established by the repealed Act.

(2) Without prejudice to the generality of subsection (1) of this section, every body established under this Act shall have the power to appoint other staff to assist the Chief Executive in the exercise of his functions.

(3) The remuneration and tenure of office of the staff appointed under this section shall be determined by the Governing Board after consultation with the Federal Civil Service Commission.

(4) Notwithstanding the provision of subsection (1) of this section, a staff may be appointed by way of transfer or secondment from any civil service of the Federation or State.

(5) The Minister shall make staff regulations relating generally to the following –

- a. the appointment, promotion, termination, dismissal and disciplinary control of the staff of the Commission; 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 the officers in the civil service of the Federation

shall be applicable, with such modifications as may be necessary to the staff of the Commission.

(6) Staff regulations made under subsection (4) of this section, shall not have effect until approved by the Minister and published in the *Gazette*.

(7) Service in the any body established under Part 2 of Act shall be approved service for the purposes to the Pensions Reform Act, 2004.

(8) For the purpose of the application of the provisions of the Pensions Reform Act, 2004 any power exercisable by the Minister or other authority of the Government of the Federation, other than the power to make regulations under the Pension Act is vested in and shall be exercisable by the Commission, and by any other person or authority.

(9) Nothing in this section shall prevent the appointment of a person to an office on terms, which preclude the grant of pension and gratuity in respect of that office.

### ***Financial provisions and accountability***

**146.** (1) Upon the commencement of this Act, the funds and other assets of a body established under an Act which is repealed by this Act shall be transferred to the body established under this Act to replace the body established under the repealed Act.

(2) Without prejudice to the provisions of Chapter 13 of Part 2 of this Act establishing the Education Trust Fund, every body established under this Act shall maintain a separate fund which shall consist of the following -

- a. such monies as may be received as allocation from the Federal Government of Nigeria;
- b. money received from Education Trust Fund;
- c. loans and Grant-in-Aid from Federal, States, Local Council, Bilateral and Multilateral Agencies;
- d. rents, fees, charges, subscriptions and other internally generated revenue from service provided by the body;
- e. money from investments made by the body from its fund;
- f. money received as gift, donation and endowment; and
- g. all other monies accruing to the body.

**147.** A body established under this Act 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. Provided that the body shall not accept, any gift if the conditions attached by the person making the gift to the acceptance of the gift are inconsistent with the functions of the body under this Part of this Act.

**148.** A body established under this Act may, with the approval of the Minister, invest part of its funds in approved investments and securities approved under the relevant law in Nigeria.

**149.** A body established under this Act may, with the approval of the Minister, borrow on such terms and conditions; such sums of money as it may require in the exercise of the functions conferred on it under this Act.

**150.** A body established under this Act may apply its fund established under this Part for the following –

- a. the cost of administration of the body;
- b. for reimbursing expenses as may be expressly authorised by the body in accordance with the rates approved by the Minister;
- c. to the payment of salaries, fees or other remunerations, allowances, and pensions superannuation allowances and gratuities, payable to officers and staff;
- d. for the maintenance of any property vested in the body ; and
- e. for the performance of its functions under this Part.

**151.** (1) Every body established under this Act must promote the general policy of government on accountability and transparency.

(2) Every body established under this Act must submit to the Minister not later than 30<sup>th</sup> June in each financial year an estimate of its expenditure and income during the next succeeding financial year.

(3) Every body established under this Act must keep proper accounts in respect of each financial year (and proper records in relation to those accounts) and shall cause its accounts to be audited as soon as may be after the end of each financial year by the Auditor-General of the Federation.

**152.** Every body established under this Act must prepare and submit to the National Council of Ministers, through the Minister, not later than 30th June in the financial year a report in such form as he may direct on the activities of the body during the immediate preceding financial year, and shall include in such report a copy of the audited accounts of the body for that year and the Auditor-General's report on the accounts.

**153.** (1) The Minister may with the approval of the National Council of Ministers make regulations in relation to the performance of any of the functions of a body established under this Act.

(2) All regulations made by the Minister under subsection (1) of this section must be published in the *gazette*.

**154.** The Minister may give to a body established under this Act directives of a general nature with respect to any of its functions and it shall be the duty of the body to comply with such directives.

### ***Legal proceeding***

**155.** (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 staff of a body established under this Act.

(2) No suit shall be commenced against a body established under this Act, its Chief Executive or staff before the expiration of one month after written notice of the intention to commence the suit shall have been served on the body by the intending claimant or his agent.

(3) The notice, referred to in sub-section (2) of this section shall clearly and explicitly state the following –

- i. cause of action;
- ii. the particulars of the claim;
- iii. the name and place or abode of the intending claimant; and
- iv. the relief which he claims.

**156.** A notice, summons or other documents required or authorised to be served on a body established under this Act shall be served in the manner prescribed by the Federal High Court (Civil Procedure) Rules.

**157.** A member of the Governing Board, the Chief Executive or staff of a body established under this Act shall be indemnified out of the assets of the body 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, Chief Executive or staff of the body.

**158.** A body established under this Act may from time to time, establish any committee or sub-committee to advise it on such matters concerning its functions.

## **PART 4 - FINAL PROVISIONS**

### *Savings and transitional provisions*

**159.** In so far as anything done under an Act repealed by this Act could have been done under a corresponding provision of this Act it shall not be invalidated by the repeal but shall have effect as if done under that provision.

**160.** (1) For the avoidance and without further assurance, the funds, resources, assets (movable or immovable), rights, interests, obligations and liabilities vested in a body established under an Act repealed by this Act shall be assigned to and vested in the body established by this Act to replace the body established under the repealed Act.

(2). Any proceedings or cause of action pending or existing against a body established under an Act which is repealed under this Act in respect of any right, interest, obligation or liability of the body 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 body established under this Act to replace the body established under the repealed Act to the same extent that such proceedings, cause of action or determination might have been continued, commenced or enforced by or against the dissolved body as if this Act had not been enacted..

### *Repeal*

**161.** The enactments specified in Schedule 1 are repealed.

## **SCHEDULE 1**

S. 161

- a. the Compulsory, Free Universal Basic Education Act, 2004;
- b. the Education (National Minimum Standards and Establishment of Institutions) Act;
- c. the Education (National Minimum Standards and Establishment of Institutions) (Amendment) Act 1993;
- d. the National Universities Commission Act, Cap ... LFN 1990;
- e. the National Board for Technical Education Act, Cap 237, LFN 1990;
- f. the National Board for Technical Education (Amendment) Act, 1993;
- g. the National Commission for Colleges of Education Act;
- h. the National Commission for Colleges of Education (Amendment) Act 1993;
- i. the National Business and Technical Examination Board Act, 1993;
- j. the National Examination Council Act, Cap .... LFN 1990;
- k. the West African Examination Council Act, Cap .... LFN 1990;
- l. the Joint Admissions and Matriculation Board Act 1978;
- m. the National Centre for Mass Literacy, Adult and Non-Formal Education Act, Cap .....LFN 1990.
- n. the National Commission for Nomadic Education Act, Cap 243, LFN, 1990;
- o. the National Mathematical Centre Act, Cap 265, LFN 1990;
- p. the National Library Act, Cap 264 LFN 1990;
- q. the Students Loans Board Act Cap 422 LFN 1990.

## **SCHEDULE 2**

Section 143(10)

### **SUPPLEMENTARY PROVISIONS RELATING TO GOVERNING GOVERNING BOARDS, 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 Chairperson to have a second or casting vote), the Governing Board may make standing orders regulating its proceedings or any of its committee.

2. Every meeting of the Governing Board shall be presided over by the Chairperson or, if the Chairperson 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 Governing Board shall consist of the Chairperson (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 Governing Board desires to obtain the advice of any person on any particular matter, it may co-opt that person to be a member for as many meetings as may be necessary but that person shall not be entitled to vote.

#### *Committees*

5. (1) Subject to its standing order, the Governing Board may appoint such number of standing and ad-hoc committees as it this fit to consider and report on any matter with which the Governing Board is concerned.

(2) Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Governing Board and shall be made up of such number of persons, not necessarily members of the Governing Board, as the Governing Board may determine in each case.



(3) The quorum of any committee set up by the Governing Board shall be as may be determined by the committee

6. Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Governing Board to consist of or co-opt persons who are not members of the Governing Board, the committee may advise the Governing Board on any matter referred to it.

7. The fixing of the seal of the Governing Board shall be authenticated by the signature of the Chairperson or the Chief Executive of the Governing 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 Governing Board by the Chief Executive or by any other person generally or specially authorised to act for that purpose by the Governing Board.

9. Any document purporting to be a contract, instrument or other document duly sign or sealed on behalf of the Governing 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 Governing Board or a committee shall not be affected –

(a) by any vacancy in the membership of the Governing Board or committee; or

(b) by any defect in the appointment of a member of the Governing Board or committee.

11. Any member of the Governing Board or a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Governing Board or committee shall forthwith disclose his interest to the Governing Board or committee and not vote on any question relating to the contract or arrangement.

**Purpose of Basic and Secondary Education in Nigeria****Pre-primary education**

(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 the Minister shall have regard to the following matters-

- 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 indulging in artistic and musical activities;
- f. to instill in the child the need for co-operation with others and team spirits;
- g. to teach the children the rudiments of numbers, colours, shapes and forms through play; and
- h. to teach children good habits especially good health habits.

**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 relative 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 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 education**

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

(2) In prescribing the minimum standards the Minister shall have regard to the following matters-

- 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 aims so as to enable them 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.

(3) 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.

(4) 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.

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

(6) In order to ensure that minimum standards are complied within 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 Part shall be subject to revision from time to time by the Minister.

## **SCHEDULE 4 S. 30(2)**

### **PURPOSE OF TERTIARY EDUCATION IN NIGERIA**

- 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 and society.
- c. The acquisition of both physical and intellectual skills to enable individuals to develop into useful 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 nation basis.
- g. The promotion and encouragement of scholarship and research.

**TEXT OF THE REVISED (2003) CONVENTION ESTABLISHING  
THE WEST AFRICAN EXAMINATION BOARD**

**Strategy** For the achievement of its mission, the Council is committed to:

- Developing a team of well trained and highly motivated staff.
- Developing and administering examinations that are both valid and relevant to the educational aspirations of member countries;
- Awarding certificates that enjoy international recognition;
- Promotion the ideals of hard work and honesty in the youth through the recognition and celebration of excellence;
- Providing efficient and affordable service to its clientele through rational utilization of resources; and
- Being the beacon of international co-operation through the creation of a forum for dealing with issues of common interest.

WE, THE GOVERNMENTS of the Member Countries of THE WEST AFRICAN EXAMINATIONS COUNCIL (WAEC) –

The Republic of THE GAMBIA,  
THE Republic of GHANA,  
The Republic of LIBERIA,  
The Republic of NIGERIA, and  
The Republic of SIERRA LEONE

REAFFIRMING our belief in the CONVENTION establishing The West African Examinations Council signed in Monrovia, Liberia, on the 23<sup>rd</sup> day of March 1982,

RECOGNIZING the importance of the proposals made by Member Countries for the revision of the CONVENTION,

ACCEPTING the necessity to revise the CONVENTION to adapt to the economic and social changes in our Member Countries,

HAVE DECIDED to revise the CONVENTION establishing The West African Examinations Council and have agreed as follows:

## ARTICLE 1

1. There is hereby established the institutions of The West African Examinations Council, referred to in this Convention as “the Council”.
2. Subject to the provisions of this article, the main governing body, referred to in this Convention as “Council”, shall be composed of the following members –
  - a. Chairperson;
  - b. two persons appointed by the Government of The Gambia;
  - c. four persons appointed by the Government of Ghana;
  - d. two persons appointed by the Government of Liberia;
  - e. five persons appointed by the Government of Nigeria;
  - f. three persons appointed by the Government of Sierra Leone;
  - g. one person representing universities in The Gambia to be appointed in a manner prescribed by the Gambia National Committee;
  - h. one person representing universities in Ghana to be appointed in a manner prescribed by the Ghana National Committee;
  - i. one person representing universities in Liberia to be appointed in a manner prescribed by the Liberia National Committee;
  - j. four persons person representing universities in Nigeria to be appointed in a manner prescribed by the Nigeria National Committee;

Establishment and  
Constitution of the  
Council

- k. one person representing universities in Sierra Leone to be appointed in a manner prescribed by the Sierra Leone National Committee;
  - l. one person elected by The Gambia National Committee;
  - m. two persons elected by the Ghana National Committee;
  - n. one person elected by the Liberia National Committee;
  - o. three elected by the Nigeria National Committee;
  - p. one person by the Sierra Leone National Committee and;
  - q. the Registrar (ex-officio, non-voting) who shall also be Secretary to the Council.
3. The Chairperson of Council shall be elected by the Council from among persons nominated by the National Committees in accordance with a rotational principle to be spelt out in the Standing Orders.
  4. The nomination for Chairperson of Council shall be approved by the Government of the National Committees making the nomination acting through the Ministry of Education.
  5. The Chairperson of Council shall preside over meetings of Council and all international committees of Council at which he is present. He shall take precedence over all the members of Council. In an emergency he shall, in consultation with the Registrar, act in the best interest of the Council and such action shall be subject to ratification by Council.
  6. There shall be a Vice-Chairperson of Council who shall be elected annually from among the representatives of the Member Country where the meeting of Council is being held.
  7. The Vice-Chairperson shall act as Chairperson during a period of absence or during a period of temporary incapacity from illness or other cause of the Chairperson and at such other times as the Chairperson may determine, and shall exercise such powers as Council may delegate to him.
  8. Where at any time before the next meeting of Council the Chairpersonship of Council becomes vacant in circumstances other than those stated in paragraph 7 of this Article, the Vice-



Chairperson shall act as Chairperson until the next meeting of Council when Council shall elect a new Chairperson.

9. Twelve members, including at least one from each Member Country, shall constitute a quorum of Council.

## **ARTICLE 2**

Tenure of office

1. The Chairperson of Council shall hold office for a period not exceeding three years from the date of his election.
2. A member appointed under paragraph 2(b) to (f) of Article 1 of this Convention shall retain his membership of Council at the pleasure of the Government by whom he has been appointed and the termination of such membership shall take effect as soon as notice of such termination is received by the Registrar to the Council.
3. A person elected Vice-Chairperson shall hold office for a period of one year from the date of election.
4. A member appointed or elected under paragraph 2(g) to (p) of Article 1 of this Convention shall retain his membership of Council for a period not exceeding three years from the date of his appointment or election.
5. Any member of Council other than the Chairperson shall, on the termination of his membership, be eligible for re-appointment, provided that where a member of Council is appointed or elected to Council or a committee of Council by virtue of an office or his representation of a particular interest, he shall cease to be a member of Council upon his ceasing to hold the office or to represent the interest.
6. Any member of Council appointed by virtue of an office held by him is entitled to nominate from among his immediate subordinates in office, by written notice to the Council, an alternate member to attend any particular meeting of Council in his place, and the alternate member whom he has replaced until such member notifies the Council that he proposes to resume his attendance at

meetings of Council or until the term of office of the member expires, whichever is earlier.

7. If a member of Council other than a member to whom paragraph 6 of this Article applies is incapacitated by illness or other cause from performing the duty of his office, a temporary member may be appointed in the same manner and in accordance with the same procedure applied to the incapacitated member to fill that office until the member's incapacity ceases or until the term of office of the member expires, whichever is earlier, and the temporary member shall have during his tenure of office all the powers and authority of the incapacitated member.

### **ARTICLE 3**

1. The Council shall continue to be a body corporate with perpetual succession and a Common Seal and may sue and be sued in its corporate name.
2. Council shall have power to regulate the use of the Common Seal by its members and by the officers of the Council.
3. The Registrar shall have custody of the Common Seal unless otherwise directed by Council

Incorporation and  
seal of the Council

### **ARTICLE 4**

The duties of the Council are:

- (a) to review and consider annually, in consultation with the Member Countries, the examinations to be held in the Member Countries in the public interest;
- (b) to conduct, in consultation with the Member Countries, such examinations as determined by the Member Countries in the public interest and as appropriate under this Convention and to award certificates and diplomas on the results of such examinations;

Duties of the  
Council

- (c) with the consent of the Member Countries and Associate Member Countries, to consider the advisability of inviting and if thought fit to invite any other examining body to conduct examinations in the Member Countries and Association Member Countries, and
  - (i) to award certificates and diplomas on the results of the examinations;
  - (ii) to advise any body invited on such adaptations of their examinations as the Council may think necessary for the purpose of this Convention;
- (d) if invited by the Government of any Member Country to conduct any other examination considered by that Government to be in the public interest and conduct the examination after due consultation;
- (e) to receive from the committees of Council established under Articles 5 and 7 of this Convention reports and recommendations on any matters relevant for the purpose of this Convention and to consider the reports and recommendations;
- (f) subject to the provisions of this Convention, to appoint and determine the salary and other terms and conditions of service of the Registrar.

## **ARTICLE 5**

### 1. The Council may:

- (a) enter into contracts and do all things necessary for or incidental to the implementation of this Convention;
- (b) acquire and hold movable and immovable property and sell, mortgage, lease or otherwise deal with the property;

Powers of  
the council

- (c) borrow at interest, or on the security of any corporate land or funds of the Council, the moneys necessary or expedient for the implementation of the provisions of this Convention;
  - (d) invest the funds of the Council in such manner and to such an extent as Council may determine
  - (e) receive on such terms as it may decide gifts whether in cash or in kind.
2. Council shall appoint from its members an Administrative and Finance Committee to which it may delegate power to act in between meetings of Council on any matter within Council's competence.
  3. Council may appoint from its members such other committees as it considers necessary and shall specify the duties and powers of any committee appointed under this paragraph.
  4. Council may appoint other committees with such composition as it considers appropriate for the purpose, to consider and report on matters Council may assign to them. Any committee so appointed shall be presided over by such person as Council may decide.
  5. Council may at any time invite any person or body to assist in the deliberations of Council but no such person or body shall be entitled to vote on any question for decision by Council.

## **ARTICLE 6**

1. Council shall ordinarily meet for the dispatch of business at such times and places as it may determine but shall meet at least once in every year provided that an annual meeting shall not exceed a period of four days.
2. The Chairperson:

Powers of  
the council

- (a) may call a special meeting at such time and place as he may determine if he considers it expedient to do so;
  - (b) shall call a special meeting at such time and place as he may determine if at least nine members of Council from not less than three Member Countries make a written request for the meeting, but not more than three of the members shall come from one Member Country.
- 3. No meeting shall be convened unless a notice a notice of at least fourteen days has been given.
- 4. At every meeting of Council, the Chairperson, if present, shall preside, and in his absence the Vice-Chairperson shall preside, and in the absence of both the Chairperson and the Vice-Chairperson, Council shall elect one of its members present to preside.
- 5. Every matter that comes before Council for determination shall be decided by a majority of the votes of the members present, except that Council shall wherever possible determine matters before it by consensus.
- 6. Twelve members including at least one from each of the Member Countries shall form a quorum at any meeting.
- 7. Every member of Council, except the Registrar and associate members, shall have a right to vote at any meeting of Council, and the Chairperson, or Vice-Chairperson presiding over the meeting, shall have a casting vote.
- 8. The minutes of the proceedings of every meeting of Council shall be entered in a book to be kept for that purpose and minutes of proceedings shall after approval at the next meeting be signed by the Chairperson.
- 9. Council may make Standing Orders not inconsistent with the provisions of this Convention with regard to notice to convene meetings of Council and to regulate the proceedings of its meetings.

## **ARTICLE 7**

1. A National Committee shall be established by Council in each of the Member Countries and in any other country in West Africa that may accede to this Convention in accordance with Article 18 paragraph 2 of this Convention.
2. Each National Committee established under this Article shall be composed of such persons or holders of such offices as Council may determine.
3. Each National Committee shall be chaired by the Chief Government Nominee of the respective country to Council.
4. A 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.
5. The National Committee shall be the highest shall be the highest Committee of Council in each Member Country.

Establishment and Constitution of National Committees

## **ARTICLE 8**

1. It is the duty of every National Committee:
  - (a) to advise Council on any matter that may be referred to it by Council,
  - (b) to elect such numbers to Council as Council may determine; and
  - (c) to carry out such functions as Council may assign to it.
2. At National Committee may at any time make a report or recommendation to Council on any matter relevant to the provisions of this Convention.

Duties of National Committee

3. A National Committee may appoint such committees with such composition as it considers fit to carry out such duties that it may assign them.

## **ARTICLE 9**

1. Council may admit as an Associate Member any West African country other than the Member Countries which wishes to be associated with the work of the Council.
2. The power to admit Associate Member shall be exercised by a resolution of Council passed by a simple majority of members present and voting at an annual meeting of Council after application for admission has been received from the country concerned and in such manner as Council may decide.

Associate  
Member  
ship

## **ARTICLE 10**

1. Every Associate Member Country has the right to appoint as many members as Council may, by resolutions passed at an annual meeting determine, to attend any of the following meetings:
  - (a) annual general meeting of Council, and
  - (b) meetings of any of the following:
    - (i) all international committees except the International Appointments Committee;
    - (ii) all working parties engaged on revision of any examination syllabus; and
    - (iii) all National committees, except the National Appointments Committee, unless the Registrar direct otherwise.
2. An Associate Member Country shall be served with copies of the minutes and all other relevant documents of any meeting

Powers and  
privileges of  
Associate  
Member  
countries

which it is entitled to attend under paragraph 1 of this Article, but the delegates of an Associate Member nor count towards a quorum.

3. An Associate Member Country shall bear the full cost of sending its delegates to meetings of Council and any of its Committees.
4. The privileges of an Associate Member Country include:
  - (a) the use at cost of the test development, research and data processing facilities of the Council in such manner as the Registrar shall direct; and
  - (b) any other facilities as the Council may determine.

#### **ARTICLE 11**

1. Any right or privilege conferred on an Associate Member Country by virtue of its association with the Council under this Convention shall cease:
  - (a) upon six months written notice served on Council by the Associate Member Country that it no longer wishes to be associated with the Council; or
  - (b) upon six months written notice served on the Associate Member Country by Council that its association with the council has been terminated except that Council shall not serve notice unless it is satisfied that the Associate Member Country is no longer ready or able to discharge the obligations of an Associate Member under this Convention or that its continued association with the Council is not in the best interest of the Council.
2. During the period of six months referred to in paragraph 1 of this Article, the Associate Member Country shall observe the provisions of this Convention and shall remain liable for the discharge of its obligations thereunder.

Termination  
of status of  
associate  
member



## ARTICLE 12

Finance

1. Each Member Country shall make an annual contribution to the funds of the Council based on a ratio to be determined by Council.
2. The funds of the Council shall include –
  - (a) all moneys raised for the general purpose of the Council;
  - (b) all moneys accruing to the Council either by way of grants in aide, endowment, donation or otherwise;
  - (c) all charges, dues and fees received by the Council; and
  - (d) all interest on moneys invested by the Council.
3. Any sum of money received on account of the Council shall be paid into such banks as may be approved by Council for the credit of the Council's general current or deposit account.
4. The funds of the council shall be applied by the Council for the accomplishment of the aims and purposes of the Council as set out in this Convention.
5. The Council shall maintain accounts, including accounts for the lodgment and transfer of convertible currency, in each Member Country to facilitate the efficient discharge of the duties of the Headquarters in the Member Countries.
6. The accounts maintained in the Member country by the Headquarters shall be under the control of the Registrar.
7. The Council shall keep proper records of accounts and shall cause to be prepared not later than six months from the end of the preceding financial year a Statement of Accounts relating to the preceding financial year.
8. The accounts of the Council shall be audited by the External Auditors and as soon as the accounts of the Council have been

audited, the Council shall cause the Statement of Accounts together with the External Auditors report thereon to be published in such manner as it thinks fit.

### **ARTICLE 13**

1. For the purpose of Article 12, the Council shall appoint annually its External Auditors.
2. Council may make regulations governing the terms and conditions of service of the External Auditors.

External Au  
ditors

### **ARTICLE 14**

1. The Member Countries and Associate Member Countries of the Council undertake, so soon after the coming into force of his Convention and admission as Associate Member Countries, to enact laws, in accordance with their legislative processes, incorporating into their respective laws the provisions of this Convention.
2. Such laws incorporated in accordance with paragraph 1 of this Article shall, without prejudice to existing laws such as those dealing with forgery, fraud and similar offences, include offences relating to malpractices in examinations and the award of certificates and diplomas for examinations conducted by the Council under this Convention.
3. The laws with amendments whenever made shall be deposited with the Registrar to the Council who shall normally circulate same to the Member Countries and Associate Member Countries.

Incorporatio  
n into Local  
Laws

### **ARTICLE 15**

1. The Secretariat shall be composed of the Registrar, who shall be Chief Executive of the Council and Head of the Secretariat, and such other staff as Council may appoint to assist the Registrar.

Termination  
of status of  
associate  
member

2. The Registrar shall be appointed for a period of five years and the appointment may be renewed for further period not exceeding two years.
3. The Registrar shall be a person of proven competence and integrity with considerable knowledge of the conduct of examinations.
4. Council, in appointing the Registrar and other staff of the Council, shall have due regard to maintaining an equitable geographical distribution of positions among nationals of the Member Countries, subject to ensuring the highest standard of efficiency and competence.
5. The Headquarters of the Council shall be situated in Accra, Ghana.
6. The Council shall have offices in each of the Member Countries.
7. The Secretariat shall maintain such records as may be necessary for efficient discharge of the functions of the Council and shall prepare, collate and circulate the documents and information that may be required for the work of the Council.
8. The Registrar shall prepare and submit to Council the financial statement for each year and the budget estimates
9. The Registrar shall keep Member Countries and Associate Member Countries of the Council informed with respect to the activities of the Council.
10. In the performance of their duties, the Registrar and the other staff of the Council shall not be subject to any authority other than Council.
11. The Registrar shall perform the duties assigned to him under this Convention and such other duties as may be assigned to him by Council.

## ARTICLE 16

STATUS,  
Privileges  
and  
Immunities

1. The Council shall enjoy legal personality as an international organization within the territorial limits of the Member Countries and Associate Member Countries.
2. The Council shall have in each Member Country and Associate Member Country;
  - (a) the legal capacity required for the performance of its functions under this Convention; and
  - (b) the power to acquire and dispose of movable and immovable property.
3. The Council, in exercise of its legal personality under the Article, shall be represented by the Registrar, or any of the staff of the Council as he may appoint in writing.
4. The Chairperson, Members of Council, Registrar and members of his staff shall severally or collectively be accorded diplomatic privileges or status in accordance with the rules, regulations and policies governing diplomatic immunities within the territories of the Member Countries and Associate Member Countries.
5. Where in any Member Country an issue arises that relates to the performance or execution of duties by staff of the Council in the Member Country giving rise to serious concern of the Government, the Member Country is enjoined to refrain from taking direct disciplinary, administrative or other action and shall make a report to the Registrar who shall, in consultation with the Chairperson and the Member Country concerned, take immediate and necessary action.

## ARTICLE 17

Any dispute among Member Countries and Associate Member Countries concerning the interpretation or application of this Convention which cannot be resolved by Council shall be referred to

Settlement  
of disputes

the Commission of Mediation, Conciliation and Arbitration of the African Union for determination.

### **ARTICLE 18**

1. This revised Convention shall enter into force upon the deposit of instruments of ratification by the Member Countries with the Government of Ghana who shall formally inform the Member Countries of the deposit.
  
2. Any country in West Africa may accede to this Convention on such terms and conditions as Council may determine. The instrument of Accession shall be deposited with the Government of Ghana which shall notify all the Member Countries and Associate Member Countries. This Convention shall come into force in relation to an Accruing Country on such date as its Instrument of Accession is deposited.

Entry into  
Force

### **ARTICLE 19**

1. A Member Country may submit proposals for the amendment of this Convention.
  
2. Any such proposal shall be submitted to the Registrars who shall communicate same to other Member Countries not later than thirty days of the receipt of the proposal. The proposal shall not be considered by Council unless each Member Country has been given one month's notice thereof.
  
3. Approval of an amendment to this Convention shall be determined in conformity with the procedure laid down in Article 6 paragraph 5 and shall thereupon enter into force.

Amendments

## ARTICLE 20

1. Any Member Country wishing to withdraw from Council shall give to the Registrar one year's written notice of its intention to withdraw, and at the end of that, if the notice is not withdrawn, cease to be a Member of the Council.
2. During the period of one year referred to in paragraph 1 of this Article, the Member Country shall nevertheless observe the provisions of the Convention and shall remain liable for the discharge of its obligations under the Convention.

Withdrawal

## ARTICLE 21

This present Convention and all instruments of ratification shall be deposited with the Government of Ghana, who shall transmit certified true copies of this Convention and instruments of ratification to the Member Countries and Associate Member Countries and shall register this Convention with the African Union, the United Nations Organisation, and such other organizations as Council may determine.

Depository  
of the  
Convention

## ARTICLE 22

1. Where there is any hindrance to the acquisition of any land in Member Country required for carrying into effect any of the Government of the Member Country may upon the application of the Council and after such enquiry as it may think fit, declare that the land is required for the service of the Council and upon such appropriate law relating to the acquisition of land in the Member Country, be deemed to be land required in the public interest, and the Government of the Member country may direct that proceedings be taken under the provisions of the said law of the Member Country for acquiring the land and for determining the compensation to be paid to the party who has interest in the land.

Miscellaneous  
Acquisition of  
Land

2. When any land has been acquired under the provisions of the said law of the Member Country consequent upon a direction given under paragraph 1 of this Article, the Government of the Member Country may vest the land in the Council by means of a certificate under the hand and seal of the person to be authorized by the Government of the Member Country to the effect that the land has been transferred to the Council.
3. The compensation, if any for such acquisition, shall in the first instance be paid by the Government of the Member Country but the Council may be required to refund to the Government any compensation so paid and all expenses incidental to the acquisition incurred by the Government.

### **ARTICLE 23**

1. A pensionable employee of the Council confirmed in office shall on reaching the age of sixty years retire from the service of the Council and shall be paid pension and gratuity in accordance with his conditions of service.
2. The Council shall operate and administer its own Pension Scheme, funded by the Council.

Pensionable  
Office

### **ARTICLE 24**

Council shall be determine the fees chargeable to entrants to, and regulate the conduct of, any examination conducted under Article 4(b) of this Convention, including but without prejudice to, the generality of the foregoing:

Power to  
Regulate  
Certain  
Matters

- (a) the persons or categories of persons who may enter for such examinations; and
- (b) the conduct of entrants during such examinations.

## ARTICLE 25

1. Every employee of the Council who is in receipt of an annual salary of not less than such a fixed sum as Council may from time to time determine or whose appointment contains provisions for increase in salary and who may receive a maximum annual salary thereunder exceeding such a fixed sum as Council may from time to time determine shall be subject to

Discipline

Article 7 of this Convention;

“West Africa” means The Gambia, Ghana, Liberia, Nigeria and Sierra Leone; and any other country by which this Convention may be adopted collectively;

words in the singular include the plural and words in the plural include the singular; male includes the female and vice versa.

## ARTICLE 27

On the coming into force of this Convention, Member Countries shall take appropriate legislative measures to amend any of the following enactments as is applicable in the Member Country –

Amendment  
of Existing  
Enactments

- (a) The West African Examinations Council Act, 1972 (The Gambia)
- (b) The West African Examinations Council Law, 1991 (Ghana)
- (c) The West African Examinations Council Decree, 1973 (Nigeria)
- (d) The West African Examinations Council Act, 1972 (Sierra Leone)



## ARTICLE 28

1. Upon the entry into force of this revised Convention, the Convention of The West African Examinations Council of 1982 shall cease to have effect.
2. Notwithstanding paragraph 1 of this Article, all decisions made, resolutions passed and agreements entered into by the Council under the Convention of 1982 and in force upon the entry into force of this revised Convention shall remain valid and in force until otherwise dealt with in accordance with the provisions of this revised Convention.

Transitional  
and saving  
provisions

IN FAITH WHEREOF WE, THE REPRESENTATIVES OF STATES AND GOVERNMENTS OF THE GAMBIA, GHANA, LIBERIA, NIGERIA, AND SIERRA LEONE IN WEST AFRICA HAVE SIGNED THIS CONVENTION.