

NATIONAL UNIVERSITIES COMMISSION DECREE 1974



ARRANGEMENT OF SECTIONS

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SCHEDULE

Supplementary Provisions relating to the Commission, etc.

Decree No. 1

[15th January 1974]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

National Universities Commission

1.—(1) There is hereby established a body to be known as the National Universities Commission which under that name shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

Establishment of the National Universities Commission.

(2) The supplementary provisions contained in the Schedule to this Decree shall have effect with respect to the proceedings of the Commission and the other matters mentioned therein.

Membership
of the
Commission.

2.—(1) The Commission shall consist of a Chairman and the following other members, that is—

(a) seven members from the universities in Nigeria chosen in such a way that—

(i) each of the following disciplines is represented, that is to say— Agriculture, Forestry and Veterinary Sciences; Basic Sciences; Engineering Sciences and Technology; Social Sciences; the Humanities; Medical Sciences; and other disciplines not otherwise so named, and

(ii) the members represent the highest possible number of universities;

(b) the Permanent Secretaries of the following Federal Ministries, that is—

(i) Education,

(ii) Finance,

(iii) Economic Development and Reconstruction, and

(iv) Health;

(c) six members appointed on individual merit and a nation-wide basis to represent commercial, industrial and professional interests and such other national interests as are not otherwise represented; and

(d) the Executive Secretary who shall be an *ex officio* member of the Commission but shall not have the right to vote at meetings of the Commission.

(2) The Chairman and the other members of the Commission shall be appointed by the Head of the Federal Military Government.

Tenure of
office.

3.—(1) Subject to the provisions of this Decree, a person appointed to be a member of the Commission, not being a public officer, shall hold office for a period of three years from the date of his appointment or for such other period as may be specified in his instrument of appointment.

(2) Any member, not being a public officer, may resign his appointment by a letter addressed to the Head of the Federal Military Government.

(3) Members of the Commission, not being public officers, shall be paid such remuneration and allowances as the Federal Executive Council may determine.

Functions
of the
Commission.

4.—(1) The functions of the Commission shall be—

(a) to advise the Head of the Federal Military Government, through the Commissioner, on the creation of new universities and other degree-granting institutions in Nigeria;

(b) to prepare, after consultation with all the State Governments, the universities, the National Manpower Board and such other bodies as it considers appropriate, periodic master plans for the balanced and co-ordinated development of universities in Nigeria and such plans shall include—

(i) the general programmes to be pursued by the universities in order to ensure that they are fully adequate to national needs and objectives,

(ii) recommendations for the establishment and location of new universities as and when considered necessary, and

(iii) recommendations for the establishment of new faculties or post-graduate institutions in existing universities or the approval or disapproval of proposals to establish such faculties or institutions;

(c) to make such other investigations relating to higher education that the Commission may consider necessary in the national interest ;

(d) to make such other recommendations to the Federal Military Government and State Governments or to the universities relating to higher education as the Commission may consider to be in the national interest ;

(e) to inquire into and advise the Federal Military Government on the financial needs, both recurrent and capital, of university education in Nigeria and, in particular, to investigate and study the financial needs of university research and to ensure that adequate provision is made for this in the universities ;

(f) to receive block grants from the Federal Military Government and allocate them to universities in accordance with such formula as may be laid down by the Federal Executive Council ;

(g) to take into account, in advising the Federal Military Government on university finances, such grants as may be made to the universities by State Governments and by persons and institutions in and outside Nigeria ;

(h) 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 Decree ;

(i) 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 Military Government where appropriate ;

(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 channelling all external aid to the universities in Nigeria ; and

(l) to carry out such other activities as are conducive to the discharge of its functions under this Decree.

(2) The Commissioner may give the Commission directives of a general character or relating generally to particular matters with regard to the exercise by the Commission of its functions under this Decree, and it shall be the duty of the Commission to comply with such directives.

Staff of the Commission

5.—(1) There shall be appointed by the Head of the Federal Military Government an Executive Secretary to the Commission who shall have appropriate qualifications.

Executive
Secretary
of the
Commission.

(2) The Executive Secretary shall be the chief executive officer of the Commission and shall be responsible for the execution of the policy of the Commission and the day to day running of the affairs of the Commission.

(3) The Executive Secretary shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further terms of five years as the Head of the Federal Military Government may determine.

(4) Subject to this section, the Executive Secretary shall hold office on such terms as to emoluments and otherwise as may be specified in his instrument of appointment.

Staff of the
Commission.

6.—(1) The Commission may appoint a Deputy Executive Secretary and such other persons to be officers and servants of the Commission to assist the Executive Secretary in the exercise of his functions.

(2) The remuneration and tenure of office of the Deputy Executive Secretary and the other officers and servants of the Commission shall be determined by the Commission after consultation with the Federal Commissioner for Establishments.

(3) Notwithstanding the provisions of subsection (1) above, the Deputy Executive Secretary or any of the other officers and servants of the Commission may be appointed by the Commission by way of transfer or secondment from any of the public services in the Federation.

Application
of Pensions
Act.
Cap. 147.

7.—(1) The Federal Commissioner for Establishments may by order published in the *Gazette* declare the office of any person employed by the Commission to be a pensionable office for the purposes of the Pensions Act.

(2) Subject to subsections (3) and (4) below, the Pensions Act shall in its application by virtue of the foregoing subsection to any office have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federation.

1963 No. 20.

(3) For the purpose of the application of the Pensions Act in accordance with subsection (2) above—

(a) paragraph (1) of section 7 of that Act (which confers on the Commissioner power to waive the requirement to give notice of desire to retire at the age of forty-five) shall have effect as if for the references to the Commissioner there were substituted references to the Commission, and

(b) the power under section 9 (1) of the Act to require an officer to retire at any time after attaining the age of forty-five, subject to his being given six months' notice in writing, shall be exercisable by the Commission and not by any other authority.

(4) Nothing in the foregoing provisions shall prevent the appointment by the Commission of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

National Universities Commission Fund, etc.

Establishment of the
National
Universities
Commission
Fund.

8.—(1) There shall be established by the Commission a fund to be known as the National Universities Commission Fund.

(2) There shall be paid into the fund established in pursuance of subsection (1) above—

(a) such sums as may be made available to the Commission for the purpose of making grants to the universities in pursuance of paragraphs (f) and (g) of section 4 (1) of this Decree; and

(b) such sums as may from time to time be credited to the fund by way of payment of the principal and interest on and other charges in respect of any loan made out of the fund, and also any interest from investments made from the fund.

(3) Disbursements from the fund shall be made in accordance with rules made under section 23 of the Finance (Control and Management) Act 1958 and, without prejudice to the foregoing, rule (26) of the Public Funds of the Federation (Disbursement) Rules 1959 shall continue in force and have effect as if made under this subsection.

No. 33 of
1958.

L.N. 49 of
1959.

9. The First Schedule of the Finance (Control and Management) Act 1958 is hereby amended by the insertion immediately after item (17) in Part II thereof of the following new item, that is—

“(18) National Universities Commission Fund: The fund established by section 8 (1) of the National Universities Commission Decree 1974.”

Amendment of No. 33 of 1958.

10.—(1) The Commission shall establish and maintain a separate fund from which there shall be defrayed all expenditure incurred by the Commission except such expenditure as may be incurred by it pursuant to section 8 above.

Maintenance of separate fund by the Commission.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) above such payments as may be made to it by the Federal Military Government for the running expenses of the Commission and all other assets from time to time accruing to the Commission otherwise than in pursuance of section 8 above.

11. The Commission may from time to time apply the proceeds of the fund established in pursuance of section 10 (1) above—

Expenditure of the Commission.

(a) to the cost of administration of the Commission ;

(b) for reimbursing members or members of any committee set up by the Commission for such expenses as may be expressly authorised by the Commission in accordance with the rates approved by the Federal Executive Council ;

(c) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to the officers and servants of the Commission, so however that no payment of any kind under this paragraph (except such as may be expressly authorised as aforesaid) shall be made to any person who is in receipt of emoluments from the Government of the Federation or the Government of a State ;

(d) for the maintenance of any property vested in the Commission ; and

(e) for and in connection with all or any of its functions under this Decree.

12.—(1) The Commission shall submit to the Commissioner not later than 31st December in each financial year an estimate of its expenditure and income (including payments to the National Universities Commission Fund) during the next succeeding financial year.

Annual estimates and accounts.

(2) The Commission shall keep proper accounts in respect of each financial year (and proper records in relation thereto) and shall cause its accounts to be audited as soon as may be after the end of each financial year by the Auditor-General of the Federation.

Miscellaneous and Supplementary

13. The Commission shall prepare and submit to the Federal Executive Council, through the Commissioner, not later than 30th June in each financial year a report in such form as he may direct on the activities of the Commission during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor-General's report thereon.

Annual reports.

14.—(1) For the purpose of carrying out the functions conferred on the Commission under this Decree, the Executive Secretary or any other officer of the Commission authorised in that behalf—

Power to obtain information.

(a) shall have a right of access to all the records of any institution to which this Decree applies ;

(b) may by notice in writing served on any person in charge of any such institution require that person to furnish information on such matters as may be specified in the notice.

(2) It shall be the duty of any person required to furnish information pursuant to subsection (1) above to comply with the notice within a reasonable period of time.

(3) In this section the reference to an institution is a reference to a university or any other degree-granting institution in Nigeria recognised for that purpose by the Commission.

Regulations.

15. The Federal Executive Council may by regulations published in the *Gazette* prescribe anything falling to be prescribed generally for the purposes of this Decree.

Interpretation.

16. In this Decree, unless the context otherwise requires—

“the Chairman” means the Chairman of the National Universities Commission ;

“the Commission” means the National Universities Commission established under section 1 of this Decree ;

“the Commissioner” means the Federal Commissioner charged with responsibility for higher education ;

“the Executive Secretary” means the person appointed as the Executive Secretary to the Commission in pursuance of section 5 (1) of this Decree ;

“member” means a member of the Commission and includes the Chairman.

Citation.

17. This Decree may be cited as the National Universities Commission Decree 1974.

SCHEDULE

Section 1 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

Proceedings

1964 No. 1.

1. Subject to this Decree and section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Commission may make standing orders regulating the proceedings of the Commission or any committee thereof.

2. Every meeting of the Commission shall be presided over by the Chairman or, if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum at a meeting of the Commission shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 above) and five other members of whom at least two shall be members appointed pursuant to paragraphs (a) and (c) of section 2 (1) of this Decree.

4. Where upon any special occasion the Commission desires to obtain the advice of any person on any particular matter, the Commission may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

Committees

5.—(1) Subject to its standing orders, the Commission may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Commission is concerned.

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

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

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

Miscellaneous

7. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman or of the Executive Secretary of the Commission.

8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by the Executive Secretary or by any other person generally or specially authorised to act for that purpose by the Commission.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

10. The validity of any proceedings of the Commission or a committee thereof shall not be affected—

(a) by any vacancy in the membership of the Commission, or

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

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

MADE at Lagos this 15th day of January 1974.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain the purport)*

The Decree sets up the National Universities Commission as a body corporate charged with the responsibility of advising the Federal Government on all aspects of university education and the general development of universities in Nigeria. In furtherance of the discharge of its duties, the Commission would draw up periodic master plans touching on, amongst other things, the expansion of existing universities and the establishment of new ones. It is also to act as the central agency for channelling financial contributions to the universities whether emanating from the Governments or other bodies in the Federation or from foreign donors.