

NATIONAL TEACHERS' INSTITUTE DECREE 1978



ARRANGEMENT OF SECTIONS

Section

1. Establishment of the National Teachers' Institute and the Council.
2. Composition of the Council.
3. General duties of the Council.
4. The Director of the Institute.
5. The Registrar and other staff of the Institute.
6. Application of the Pensions Act, etc.
7. Duties of the Council in relation to the Institute.
8. Power to accept gifts.
9. Offices and premises.

10. Financial provisions.
11. Accounts and audit.
12. Annual report.
13. Establishment of certain bodies within the Institute.
14. Discipline of students.
15. Power of the Commissioner to give directions to the Council.
16. Regulations.
17. Interpretation.
18. Citation.

SCHEDULE

Supplementary Provisions relating to the Council, etc.

Decree No. 7

[10th April 1978]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established an institute to be known as the National Teachers' Institute (hereafter in this Decree referred to as "the Institute").

(2) There shall be established for the management of the affairs of the Institute a Council to be known as the National Teachers' Institute Council (hereafter in this Decree referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal.

Establishment of the National Teachers' Institute and the Council.

Composition of the Council.

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

(a) the Permanent Secretary, Federal Ministry of Education, or his representative ;

(b) the Director-General of the Nigerian Broadcasting Corporation or his representative ;

(c) the Director-General of the Nigerian Television Authority or his representative ;

(d) two persons selected from universities in Nigeria ;

(e) the Director of the Institute ;

(f) two persons chosen on the basis of their individual contributions to the development of education in Nigeria ;

(g) a representative from each State Ministry of Education ; and

(h) one person representing the National Union of Teachers.

(2) The Chairman and members of the Council shall be appointed by the Federal Executive Council on the recommendation of the Commissioner.

(3) The members specified in paragraphs (a) to (d) of subsection (1) above are hereafter referred to as "ex-officio members".

(4) The provisions of the Schedule to this Decree shall have effect with respect to the constitution of the Council and the other matters therein mentioned.

General duties of the Council.

3. It shall be the duty of the Council—

(a) to organise and provide programmes for the training, development, upgrading and certification of teachers ;

(b) to conduct post-graduate courses and examinations in education for graduate teachers ;

(c) to carry out research in conjunction with other bodies on any matter relevant to educational development in the country ;

(d) to formulate policies and initiate programmes at all levels of education designed to improve by way of research the quality and content of education in Nigeria ;

(e) to assess from time to time the training programmes offered by institutions controlled by or associated with the Institute with a view to ascertaining the professional competence of those institutions ;

(f) to offer such assistance, either alone or in co-operation with educational bodies, as may be requested by the institutions controlled by or associated with the Institute ;

(g) to foster and enhance international co-operation in the education of teachers ; and

(h) to perform such other functions as are necessary or expedient for the full discharge of any of the functions of the Council under this Decree.

4.—(1) There shall be a Director of the Institute (in this Decree hereafter referred to as "the Director") who shall be appointed by the Federal Executive Council on the recommendation of the Commissioner.

The Director
of the
Institute.

(2) Subject to the general control of the Council, the Director shall be the chief executive officer of the Institute and shall be charged with general responsibility for matters relating to the day to day management and operations of the Institute.

5.—(1) The Council shall appoint a Registrar to the Institute (hereinafter referred to as "the Registrar") who shall be an officer but not a member of the Council and who shall keep the records and conduct the correspondence of the Council and shall perform such other duties as the Director or the Council may from time to time direct.

The Registrar
and
other staff of
the Institute.

(2) The Registrar shall, in addition to the other duties conferred on him by or under this Decree, act as the secretary to the Council and every committee thereof and in his absence, the Council or any of its committees may appoint some other person to act as secretary.

(3) The Council may appoint such other persons to be employees of the Council as the Council may determine to assist the Director in the exercise of his functions under this Decree.

(4) The remuneration and tenure of office and conditions of service of the Registrar and other employees of the Council shall be determined by the Council in consultation with the Commissioner for Establishments.

6.—(1) The Federal Commissioner for Establishments may by Order published in the *Gazette* declare the office of the Director or of any person employed by the Council to be a pensionable office for the purposes of the Pensions Act.

Applica-
tion of the
Pensions
Act, etc.
Cap. 147.

(2) Subject to the provisions of 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 purposes of the application of the provisions of the Pensions Act in accordance with subsection (2) above—

(a) subsection (1) of section 7 (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 references to the Commissioner there were substituted references to the Council ; 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 Council.

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

Duties of the Council in relation to the Institute.

7.—(1) Subject to the provisions of this Decree, the Council shall be the governing body of the Institute and shall have the general management of the affairs of the Institute, and in particular, the general control of the Institute and power to do anything which in its opinion is calculated to facilitate the carrying out of the objects of the Institute and to promote its best interests.

(2) Without prejudice to the generality of the provisions of subsection (1) above, the Council shall have and exercise the following powers—

(a) to establish and maintain such schools, extra-mural departments and other teaching units within the Institute as the Council may from time to time decide ;

(b) to provide such courses of instruction either alone or in association with such universities and other institutions whether in Nigeria or not, as the Council may determine, and to conduct examinations and award such diplomas and certificates to those reaching a certain standard as a result of those examinations as may seem appropriate to the Council ;

(c) to institute and award fellowships, medals, prizes and other titles ;

(d) to mount exhibitions and displays designed to foster an appreciation of trends in, and the scope and requirements of education ;

(e) to erect, provide, equip and maintain such educational, recreational and residential facilities as the Institute may require ;

(f) to create lectureships and other academic posts and offices and to make appointments thereto ; and

(g) to encourage and make provision for research in the Institute.

Power to accept gifts.

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

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

Offices and premises.

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

(a) purchase or take on lease any land ; and

(b) build, equip and maintain offices and premises.

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

Financial provisions.

10.—(1) The Council shall submit to the Commissioner not later than 3 months before the end of the financial year an estimate of its revenue and expenditure for the next succeeding financial year.

(2) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

(3) There shall be paid and credited to the fund established under subsection (2) above—

(a) such sums as may from time to time be granted to the Council by the Federal Government ;

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

(c) all subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.

11. The Council shall keep proper accounts of its receipts, payments, assets and liabilities and shall in respect of each year cause the accounts to be audited by auditors approved, as respects that year, by the Commissioner for Finance.

Accounts
and audit.

12.—(1) The Council shall prepare and submit to the Commissioner not later than 30th June in each year a report in such form as the Commissioner may direct on the activities of the Council during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Council for that year and of the auditors' report on the accounts.

Annual
report.

(2) The Commissioner shall cause a copy of the report made to him under this section to be laid before the Federal Executive Council so soon after the receipt thereof as may be convenient.

13.—(1) There shall be established as an integral part of the Institute, the following bodies, that is—

Establish-
ment
of certain
bodies
within the
Institute.

(a) the School of General Studies ;

(b) the School of Educational Innovation ;

(c) the School of Advanced Studies ;

(d) the Facilities Department ;

(e) the Field Centres.

(2) The School of General Studies shall be charged with the duty of—

(a) providing courses of instruction leading to the development, upgrading and certification of teachers as specified in the relevant syllabus and using distance education and techniques ;

(b) providing special courses, whether or not directed towards the Institute's certificates, for all students at institutions controlled by the Institute and taking into account the educational requirements of the country ;

(c) arranging educational conferences, seminars and workshops and other activities of a similar nature as are relevant to its duties under this Decree ; and

(d) performing such other functions as the Council may from time to time direct.

(3) The School of Educational Innovation shall be charged with the duty of—

(a) conducting research in the field of education and co-ordinating the research activities of the Institute ;

(b) continuously evaluating apparatus, materials and methods and modes of instruction at institutions controlled by, or in association with, the Institute ; and

(c) studying and adapting new methods and techniques of instruction to meet the requirements of education in Nigeria.

(4) The School of Advanced Studies shall be charged with the duty of—

(a) conducting courses of instruction leading to the award of diplomas, certificates and other qualifications as the Council may from time to time direct ;

(b) conducting other courses, whether leading to the Institute's recognized certificates or not as the educational requirements in Nigeria may demand ;

(c) arranging conferences, seminars and study groups as are relevant to its duties under this Decree ; and

(d) performing other duties as the Council may from time to time direct.

(5) The Facilities Department shall be charged with the responsibility for—

(a) the procurement, development and distribution of all educational materials to institutions controlled or associated with the Institute ;

(b) maintaining a register each in respect of teachers and students of the Institute ;

(c) making available to all institutions controlled by or associated with the Institute data collected or processed by the department ;

(d) making available data processing and production facilities as the institutions controlled by or associated with the Institute may require.

(6) The Field Centres shall be charged with responsibility for—

(a) providing practical teaching services for students registered at any of the institutions controlled by or associated with the Institute ;

(b) providing educational facilities for students registered at any of the institutions controlled or associated with the Institute ;

(c) distributing equipment for practical teaching to students registered at any of the institutions controlled or associated with the Institute ; and

(d) providing liaison services between the Institute, local government administrative organs and other bodies.

Discipline of students.

14.—(1) The Council may make rules providing for a proper person to conduct enquiries into alleged breaches of discipline (including lack of diligence) by students ; and such rules may make different provisions for different circumstances.

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

(3) The Council may, if it finds the allegations proved, impose on the student concerned one or more of the following penalties, that is—

(a) expulsion from all or any of the institutions controlled by the Council ;

(b) suspension for a specified period of his entitlement to use any of the facilities controlled by the Council ;

(c) a fine in an amount not exceeding ₦100 ;

and shall send a report of the enquiry to the Commissioner.

(4) Any student to whom any of the penalties provided for in subsection (3) above is imposed may at any time within twenty-eight days from the date of imposition of such penalty appeal to the Commissioner.

(5) The decision of the Council shall have effect from the date of making of the decision unless reversed by the Commissioner on an appeal.

15. Subject to the provisions of this Decree, the Commissioner may give to the Council directions of a general character or relating generally to matters of policy with regard to the exercise by the Council of its functions under this Decree and it shall be the duty of the Council to comply with such directions.

Power of Commissioner to give directions to the Council.

16.—(1) The Commissioner may make regulations generally for the purposes of this Decree.

Regulations.

(2) Without prejudice to the general power conferred by subsection (1) of this section, the regulations may—

(a) prescribe the procedure to be followed in respect of disciplinary actions against any member of the staff ;

(b) prescribe any other thing falling to be prescribed.

17. In this Decree, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

Interpretation.

“the Chairman” means the Chairman of the Council ;

“the Commissioner” means the Federal Commissioner charged with responsibility for matters relating to education ;

“the Council” means the National Teachers' Institute Council established by section 1 (2) of this Decree ;

the “Director” means the Director of the Institute appointed under section 4 of this Decree ;

“function” includes powers and duties ;

“the Institute” means the National Teachers' Institute established by section 1 (1) of this Decree.

18. This Decree may be cited as the National Teachers' Institute Decree 1978. Citation

SCHEDULE

Section 2

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service

1.—(1) A member of the Council shall hold office for a term of three years and, subject to the provisions of sub-paragraph (2) of this paragraph, shall be eligible once again for re-appointment.

(2) The office of a member shall become vacant if—

(a) he resigns his office by notice in writing under his hand, addressed to the Commissioner ; or

(b) the Commissioner is satisfied that it is not in the interest of the Council for the person appointed to continue in office and notifies the member in writing to that effect.

2. There may be paid to the members of the Council or any committee, not being members who are public officers, such remuneration and allowances (if any) as may from time to time be determined by the Federal Executive Council.

3. Where a vacancy occurs in respect of the membership specified in section 2 (1) (g), it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office, so however that the successor shall represent the same interest as his predecessor and shall be appointed by the Commissioner with the approval of the Federal Executive Council.

4. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Committees

5.—(1) The Council may appoint one or more committees to advise it on the exercise and performance of its functions under this Decree.

(2) The Council shall in particular appoint the following committees, that is—

- (a) a Finance and General Purposes Committee ;
- (b) a Tenders Board ;
- (c) an Appointments and Promotions Committee ;
- (d) a Planning and Development Committee ;
- (e) a Professional and Academic Committee.

(3) Each committee or Board shall consist of a chairman appointed by the Council from among its own members and such other members, whether or not members of the Council, as the Council may determine.

(4) A person not a member of the Council appointed to serve on any committee under sub-paragraph (2) above shall enjoy all the privileges of a member of the Council except the right to vote or to count towards a quorum.

(5) The Council shall establish a committee to be known as the Steering Committee which shall co-ordinate the functions of the other committees of the Council established under this Decree.

(6) The Steering Committee shall consist of the Chairman of the Council, who shall be its chairman, the Director and five other members elected by the Council from amongst its own members.

(7) If the Steering Committee wishes to obtain the advice of any person on any point, it may co-opt him as a member for such period as the Council may determine ; but a person who is a member of the Committee by virtue of this section shall not vote nor count towards a quorum.

6. Every other committee appointed under paragraph 5 (1) above shall consist of—

(a) a chairman who shall be appointed by the Council from among the members of the Council ; and

(b) subject to paragraph 5 (4), not more than five other members (who may or may not be members of the Council).

7.—(1) In this Schedule unless the context otherwise requires, "chairman" means the chairman of a committee.

(2) Unless specifically empowered by the Council, the decision of any committee or board appointed under this Schedule shall be of no effect until it is so confirmed by the Council.

8.—(1) The Council shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than once in every four months.

(2) The Chairman may at any time and shall, at the request in writing of not less than 6 members, convene a meeting of the Council.

(3) At any meeting of the Council the Chairman shall preside; but in his absence, members present shall elect one of their number to preside at the meeting.

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

Miscellaneous

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

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

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

MADE at Lagos this 10th day of April 1978.

LT.-GENERAL O. OBASANJO,
*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 its purpose)*

The Decree establishes the National Teachers' Institute and confers the management of the affairs of the Institute on the National Teachers' Institute Council established under the Decree. The functions of the Council, amongst other things, are—

(a) to organise and provide programmes for training, development, upgrading and certification of teachers;

(b) to conduct post-graduate courses and examinations in education for graduate teachers; and

(c) to carry out research on any matter relevant to educational requirements and development in the country.