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NATIONAL COMMISSION FOR COLLEGES OF EDUCATION DECREE 1989



ARRANGEMENT OF SECTIONS

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SCHEDULE

Decree No. 3

[13th January 1989]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. There is hereby established a body to be known as the National Commission for Colleges of Education (hereafter in this Decree referred to as "the Commission") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2.—(1) There shall be established for the Commission a governing Board which shall consist of a Chairman and the following other members, that is—

(a) three members to represent the Committee of Provosts and Principals of Colleges (whether known by such a name or by any other name) in such a way that one shall be appointed to represent technical teacher education and one to represent special teacher education ;

(b) one representative of Polytechnics and Colleges of Technology offering teacher education courses ;

(c) four members from the Colleges of Education in Nigeria chosen in such a way that each of the disciplines of science, humanities, education and technology is represented ;

(d) one representative of national organisations representing women's interests knowledgeable in teacher education ;

Commence-
ment.

Establish-
ment of
National
Commission
for Colleges
of Education

Governing
Board
of the
Commission.

(e) one representative each of the following Ministries and bodies, that is—

- (i) the Federal Ministry of Education ;
- (ii) the Federal Ministry of Finance and Economic Development ;
- (iii) the Federal Ministry of Science and Technology ; and
- (iv) the National Manpower Board ;

(f) four members appointed on individual merit on a nationwide basis having special knowledge and experience in teacher education ;

(g) one representative of the Nigerian Union of Teachers ;

(h) two representatives of the Universities to which colleges of education are affiliated to be appointed in such a way that one will represent the States Colleges of Education and the other Federal Colleges of Education ;

(i) three representatives of the State Ministries of Education to represent the States in rotation for two years at a time, in such a way that at any given time there will be even geographical spread within the country ;

(j) one representative of the National Board for Technical Education ;

(k) one representative of the Nigerian Academy of Education ;

(l) the Executive Secretary who shall be an ex-officio member of the Board but shall not have the right to vote at the meetings of the Board.

(2) The Chairman and other members of the Board other than the members under paragraphs (e), (i) and (j) of subsection (1) of this section shall be appointed by the President, Commander-in-Chief of the Armed Forces.

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

Tenure of office.

3.—(1) Subject to the provisions of this Decree, the Chairman and other members who are not public officers, shall serve for a period of three years from the date of their appointments and shall be eligible for re-appointment for another term of three years.

(2) Any member, not being a public officer, may resign his appointment by a notice in writing under his hand addressed to the Minister.

(3) Public officers shall be members of the Board at the pleasure of the Minister of the Ministry they represent.

(4) Members of the Board, not being a public officers, shall be paid such remuneration and allowance as the Federal Military Government may, from time to time, determine.

Removal from office of member of the Board.

4.—(1) The Minister may at any time remove any member of the Board from office if the Minister is of the opinion that it is not in the best interest of the Commission for the member to continue in office and shall inform the member in writing to that effect through the Chairman.

(2) Where the Board is satisfied that the continued presence on the Board of a member is not in the national interest or the interest of the Commission, the Board may recommend to the Minister that the member concerned be removed from his office.

5. The functions of the Commission shall be to—

- (a) advise the Federal Military Government through the Minister and co-ordinate all aspects of teacher education falling outside the universities and polytechnics ;
- (b) make recommendations on the national policy necessary for the full development of teacher education and the training of teachers ;
- (c) lay down minimum standards for all programmes of teacher education and accredit their certificates and other academic awards after obtaining thereof prior approval of the Minister ;
- (d) approve guidelines setting out criteria for accreditation of all colleges of education in Nigeria ;
- (e) determine, after consultation with the National Manpower Board and other bodies it considers appropriate, the qualified teachers needs of the country for the purpose of planning training facilities and in particular, prepare periodic master plans for the balanced and co-ordinated development of colleges of education and such plans shall include—
 - (i) the general programmes to be pursued by Colleges of Education in order to maximise the use of available facilities and avoid unnecessary duplication while ensuring that they are adequate to the manpower needs of the country ;
 - (ii) recommendation to the Minister for the establishment and location of new colleges of education as and when considered necessary ;
 - (iii) recommendation to the Minister for up-grading of any college of education to or de-recognition of any college of education as a degree awarding institution ;
- (f) inquire into and advise the Federal Military Government on the financial needs, both recurrent and capital, of colleges of education to enable them meet the objectives of producing the trained qualified teachers of the country ;
- (g) receive block grants from the Federal Military Government and allocate them to colleges of education in accordance with such formula as may be laid down, from time to time, by the National Council of Ministers ;
- (h) act as the agency for channelling all external aids to colleges of education in Nigeria ;
- (i) advise on, and take steps to harmonise entry requirements and duration of courses at the colleges of education ;
- (j) lay down standards to be attained and continually review such standards ;
- (k) review methods of assessment of students and trainees and develop a scheme of national certification for the various products of colleges of education in collaboration with the Ministries of Education and Universities to which the colleges are affiliated ;
- (l) undertake periodic reviews of the terms and conditions of service of personnel in colleges of education and make recommendations thereon through the Minister to the Federal Military Government ;
- (m) collate, analyse and publish any published information relating to teacher education in Nigeria ;
- (n) consider any matter pertaining to teacher education as may be referred to it, from time to time, by the Minister ; and

Supplementary functions of the Commission.

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

6. In its role of advising on all aspects of teacher education, the Commission shall make recommendation as to how best to—

(a) stimulate and encourage pre-vocational technical, agricultural, business and home economics education and such other additional subjects considered necessary by the authority, as the case may be, in the primary schools and in junior and senior secondary schools not only as a basis for creating early technological awareness, but also to provide suitable orientation for further education and training in technology and direct practical skills for earning a living ;

(b) advise on and take measures to improve the immediate and long term prospects of technical and business education teachers with respect to status and remuneration ;

(c) expand the facilities for the training of technical and business education teachers and ensure that these teachers are exposed, both during and after training, to practical experience ;

(d) involve experts both in government and industry in the design of courses relevant for technical and pre-vocational courses ; and

(e) provide encouragement for women to enter a wide range of pre-vocational courses in technical teacher education.

Executive Secretary to the Commission.

7.—(1) There shall be appointed by the President, Commander-in-Chief of the Armed Forces, on the recommendation of the Minister, an Executive Secretary to the Commission who shall have appropriate qualification and experience in teacher education.

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

(3) The Executive Secretary shall hold office in the first instance for a period of four years and shall be eligible for re-appointment for one further term of four years or such terms as the President, Commander-in-Chief of the Armed Forces may, from time to time, determine.

(4) Subject to this section, the Executive Secretary shall hold office on such terms as to emolument and otherwise as may be specified in the letter of appointment, as approved by the National Council of Ministers.

Staff of the Commission.

8.—(1) The Commission may appoint other employees of the Commission to assist the Executive Secretary in the exercise of his functions under this Decree.

(2) The remuneration and tenure of office of the other employees of the Commission shall be determined by the Commission after consultation with the Minister.

(3) Notwithstanding the provisions of subsection (1) of this section, employees of the Commission may be appointed by the Commission by way of transfer or secondment from any of the public services in the Federation.

9.—(1) It is hereby declared that services in the Commission shall be pensionable under the Pensions Act 1979, and accordingly, employees of the Commission shall, in respect of their services in the Commission, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

Application
of Pensions
Act.
1979 No 102.

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Decree shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

(3) For the purposes of the application of the Pensions Act 1979, any power exercisable thereunder by the Minister or authority of the Federal Military Government (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

(4) Subject to subsection (2) of this section, the Pensions Act shall in its application by virtue of the subsection (3) of this section to any office, have effect as if the office were in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1979.

10.—(1) There shall be established by the Commission a fund to be known as the National Commission for Colleges of Education Fund (hereafter in this section referred to as "the fund").

National
Commission
for Colleges
of Education
Fund.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section—

(a) such sums as may be made available to the Commission for allocation to colleges of education in pursuance of paragraph (g) of section 5 of this Decree ; and

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

(3) The fund shall be managed in accordance with guidelines given by the Minister of Finance ; and without prejudice to the generality of the power to give guidelines under this subsection, the guidelines shall in particular contain provisions—

(a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payments into and out of the fund ;

(b) requiring the keeping of proper accounts and records for purposes of the fund in such form as may be specified in the guidelines ;

(c) requiring copies of the accounts to be audited periodically by the Auditor-General of the Federation ; and

(d) requiring copies of accounts and of the auditor's report on them to be furnished to the National Council of Ministers through the Minister.

11.—(1) The Commission shall establish and maintain a separate fund from which shall be defrayed all expenditure incurred by the Commission other than such expenditure as may be incurred pursuant to section 10 of this Decree.

Maintenance
of separate
fund by the
Commission.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section such payments as may be made to the Commission by the Federal Ministry of Education for the running expense of the Commission and all other payments or moneys from time to time accruing to the Commission otherwise than pursuant to section 10 of this Decree.

Expenditure
of the
Commission.

12. The Commission may, from time to time, apply the proceeds of the fund established in pursuance of section 11 (1) of this Decree—

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

(b) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation, allowances and gratuities payable to members or employees of the Commission, so however that no payment of any kind under this paragraph shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State ;

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

(d) for and in connection with any of its functions under this Decree.

Annual
estimates and
accounts.

13.—(1) The Board shall submit to the Minister not later than 30th September in each year an estimate of its expenditure and income during the next succeeding year.

(2) The Board shall keep proper accounts in respect of each year (and proper records in relation thereto) and shall cause the accounts to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Annual
reports.

14. The Board shall prepare and submit to the Council of Ministers through the Minister, not later than 30th June in each year, a report in such form as he may direct on the activities of the Commission on or during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor-General's report thereon.

Power to
obtain
information.

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

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

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

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

(3) In this section, the reference to an institution which this Decree applies is a reference to any college of education or institution for the production of teachers.

Power of
Minister to
give direc-
tives to the
Commission.

16. Subject to the provisions of this Decree, the Minister may give to the Commission directives of a general character or relating generally to matter of policy with regards to the exercise by the Commission of its functions and it shall be the duty of the Commission to comply with such directives.

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

Interpreta-
tion.

“Chairman” means the Chairman of the Commission ;

“Commission” means the National Commission for Colleges of Education established by section 1 of this Decree ;

“Executive Secretary” means the person appointed as the Executive Secretary to the Commission in pursuance of section 6 (1) of this Decree ;

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

“Minister” means the Minister charged with responsibility for education.

18. This Decree may be cited as the National Commission for Colleges of Education Decree 1989. Citation.

SCHEDULE

Section 2(3)

SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS OF THE BOARD

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 Board may make standing orders regulating the proceedings of the Board or any committee thereof.

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

3. The quorum at a meeting of the Board shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and eight other members.

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

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

(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board as the Board may determine in each case.

6. The decision of a committee shall be of no effect until confirmed by the Board.

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

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

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

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

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

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

(c) by reason that a person not entitled to do so took part in the proceedings.

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

MADE at Lagos this 13th day of January 1989.

GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

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

The Decree establishes a National Commission for Colleges of Education to, amongst other things, advise the Federal Military Government on all aspects of teacher education falling outside the universities and polytechnics and make recommendations on the national policy for the full development of teachers' education in Nigeria.