

EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF
INSTITUTIONS) ACT (AMENDMENT) BILL, 2017
ARRANGEMENT OF CLAUSES

Clause:

1. Amendment of Education (National Minimum Standards and Establishment of Institutions) Act Cap E3 Laws of the Federation of Nigeria 2004
2. Amendment of section 1
3. Amendment of section 2
4. Amendment of section 3
5. Amendment of section 4
6. Amendment of section 7
7. Amendment of section 8
8. Amendment of section 9
9. Amendment of Section 10
10. Insertion of section 11A.
11. Amendment of section 13
12. Amendment of section 24
13. Amendment of section 25
14. Amendment of Schedule
15. Citation

A BILL

FOR

AN ACT TO AMEND EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF INSTITUTIONS) ACT CAP E3 LAWS OF THE FEDERATION OF NIGERIA 2004 TO PROVIDE A SOLUTION TO CONFLICTING AND COMPETING ACCREDITATION EXERCISES BETWEEN REGULATORY INSTITUTIONS AND PROFESSIONAL BODIES, WHICH RUN PARALLEL TO (AND OFTEN RUN RIOT WITH NATIONAL UNIVERSITIES COMMISSION, NATIONAL BOARD FOR TECHNICAL EDUCATION AND NATIONAL COMMISSION FOR COLLEGES OF EDUCATION EXCLUSIVE ACCREDITATION POWERS OF TERTIARY INSTITUTIONS OF LEARNING BY MAKING THE NUC, NBTE AND NCCE ACCREDITATION SUPERVENING OVER THOSE OF PROFESSIONAL BODIES; THE BILL ALSO SEEKS TO PROVIDE SANCTIONS AGAINST ALL PERSONS RESPONSIBLE FOR ESTABLISHMENT AND OPERATION OF UNAPPROVED PROGRAMMES, ILLEGAL SATELLITE CAMPUSES, AND UNAPPROVED AFFILIATIONS AND FOR RELATED MATTERS

Sponsored by Hon. Chukwuemeka Anohu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

- 1 1. The Education (National Minimum Standards and
- 2 Establishment of Institutions) Act Cap E3 Laws of the Federation of Nigeria
- 3 2004 (in this bill referred to as "the Principal Act") is amended as set out in
- 4 this Bill.
- 5 2. Section 1(1) of the Principal Act is amended by inserting, after
- 6 the word, in, the words "early childhood care and development centers" in
- 7 line one.
- 8 3. Section 2 of the Principal Act is amended-
- 9 (a) by substituting paragraph (f) for new paragraph "(f)"-

Amendment of Education (National Minimum Standards Establishment of Institutions) Act Cap. E3 LFN, 2004

Amendment of Section 1

Amendment of Section 2

1 "(f) to develop social skills through team building activities";
2 (b) by inserting, after paragraph (h), new paragraphs "(i) to (l)"-
3 "(i) to lay the foundation for academic, cognitive, social and
4 emotional development;
5 (j) to promote readiness for reading, literacy and numeracy;
6 (k) to develop creativity in children; and
7 (l) to develop a love for learning."

Amendment of
Section 3

8 4. Section 3(1) of the Principal Act is amended by substituting
9 paragraph (g) with a new paragraph "g)"-
10 "(g) to provide basic knowledge and skills for further advancement in
11 academic and technical education, including preparation for local trades and
12 crafts."

Amendment of
Section 4

13 5. Section 4 of the Principal Act is amended by-
14 (a) inserting, after subsection (2), a new subsection "(2A)"-
15 "(2A) The responsibility for the establishment and maintenance of
16 minimum standards in the Federation in respect of teacher education carried
17 out as part of higher education but not extending up to degree level is vested in
18 the National Commission for Colleges of Education, with approval of the
19 Minister."
20 (b) by inserting, after subsection (3), inserting a new subsection "(4)"-
21 "(4) In prescribing the minimum standards mentioned in subsection
22 (2), the Minister shall have regard to the matters mentioned under sections 7
23 and 11 of this Bill."

Amendment of
Section 7

24 6. Section 7 of the Principal Act is amended by inserting, after
25 paragraph (d), a new paragraph "(e)"-
26 "(e) to institute practices that ensure the continuing education of
27 teachers."

Amendment of
Section 8

28 7. Section 8(3) of the Principal Act is amended by inserting, after
29 figure 9, a word and figure "and 11".

1 8. Section 9(1) is amended-

Amendment of
Section 9

2 (a) in paragraph (a) by substituting the words "the provision of" for
3 the words "to produce";

4 (b) in paragraph (b) by substituting the words "the provision of" for
5 the words "to provide";

6 (c) in paragraph (c) by substituting the words "the provision of" for
7 the words "to produce";

8 (d) in paragraph (d) by substituting the words "the introduction of"
9 in subsection (i) with the words, "to introduce"; and

10 (e) in paragraph (e) by substituting the words "the provision of" for
11 the words "to provide".

12 9. Section 10 of the Principal Act is amended-

Amendment of
Section 10

13 (a) in subsection (1), for new subsection "(1)"-

14 "(1) The power to lay down and enforce minimum standards for all
15 universities and other degree-awarding institutions in the Federation, and
16 the accreditation of their degree programs, and with regard to Universities,
17 other academic awards, is hereby vested in the National Universities
18 Commission in formal consultation with the universities."

19 (b) by inserting after sub-section (3), a new sub-section "(4)"-

20 "(4) The powers vested in the National Universities Commission
21 by subsection (1) of this section shall supersede such similar powers
22 conferred on any other body by any other Law or Act", and such similar
23 powers shall be void to the extent of their inconsistency with those of NUC."

24 10. The Principal Act is amended by inserting, after the existing
25 Section 11, a new Section "11A"-

Amendment of
Section 11A

26 "11A (1) Where an Institution is identified operating a degree
27 programme without the approval of the National Universities Commission,
28 in addition to the provision of section 22 of the Principal Act, the owners of
29 the institution shall-

30 (a) be liable on conviction to imprisonment for a period not

1 exceeding 2 years and fine of 500,000 naira per student; and

2 (b) forfeit the institution to the National Universities Commission for
3 management.

4 (2) A graduate of an illegal institution shall be employed by both
5 private and public sectors, where the graduate of an illegal institution is
6 employed, the employer and all the principal officers shall be liable to
7 imprisonment for a period not exceeding 2 years.

8 (3) Where the governance structures of an institution under the
9 oversight of National Universities Commission, has fallen below standard; the
10 National Universities Commission shall, temporarily, take over the
11 administration of the institution pending the time the governance structure will
12 be addressed.

13 (3) In the event of persistent failure of an institution to meet up the
14 requirements of the National Universities Commission, the Commission shall-

15 (a) suspend the operations of the institution;

16 (b) order the institution to pay penalty;

17 (c) withdraw the licence of the institution; or

18 (d) cancelled the defective programmes of the institution.

19 (4) the National Universities Commission shall issue regulation for-

20 (a) minimum guaranteed capital prescribed for Private institutions;

21 and

22 (b) for general administration of the Institutions.

Amendment of
Section 13

23 **11.** Section 13 of the Principal Act is amended-

24 (a) by substituting paragraph (a) with a new paragraph (a)-

25 "(a) to provide adequate education for all physically and mentally
26 challenged children and adults in order to enable them to maximize their full
27 potential and to play their roles in the development of the nation;"

28 (b) by inserting a new after paragraph (b), new paragraph "(c)"-

29 "(c) to provide the optimal education possible in the least restrictive
30 environments for all children and adults with disabilities."

1 12. Section 24(1)(g) of the Principal Act is amended by inserting
2 the word "farms," after the words, "drawing-rooms."

3 13. Section 25 of the Principal Act is amended by-

Amendment of
Section 25

4 (a) by interpreting the words-

5 "Academic Unit", to mean College, Faculty or Department duly approved
6 by the appropriate authority to run academic disciplines or programs",

7 "Campus", to means any primary location of an institution approved by the
8 appropriate authority",

9 "unapproved degree-awarding Institution" means a degree - awarding
10 Institution operating without the approval of the National Universities
11 Commission first sought and obtained with requisite license."

12 "'unapproved institution of higher education" means any institution of
13 higher education operating without the approval of the appropriate
14 authority."

15 (b) inserting new-paragraphs "(c) to (e)" after the existing
16 paragraph (b) in the interpretation of the word, "appropriate authority" -

17 "(c) the National Universities Commission, in the case of
18 Universities and all other degree-awarding institutions or bodies;

19 (d) the National Board for Technical Education, in the case of
20 Polytechnics, Colleges of Agriculture, and all other forms of technical
21 education below degree level;

22 (e) the National Commission for Colleges of Education, in the case
23 of Colleges of Education and all other forms of technical education other
24 than OND and HND;

25 (c) substituting the interpretation of the word "technical education"
26 with a new interpretation-

27 "technical education" means education given in institutions other than
28 institutions of higher education, providing both the scientific knowledge
29 and practical skills for a specific trade, employment or profession as
30 craftsman, technician, technologist, engineer, scientist or similar levels in

1 business, in the fields of engineering, applied science, agriculture or
2 business."

Amendment of
Schedule

3 14. The Schedule to the Principal Act is amended by-

4 (1) Amending Clause 2 (2) by inserting the word, "on", before the
5 phrase, "staff ratio based on the courses contemplated."

6 (2) Amending the Clause 4 by inserting new paragraphs "(d) and (e)"
7 immediately after the existing subsection (c)-

8 "(d) the applicant has established an endowment fund for at least
9 N250 million in a reputable bank for the University which fund shall be
10 increased to N500 million within the first 5 years and to at least N1 billion in the
11 next 10 years of the establishment of the University or any amount as approved
12 by the Commission.

13 (e) where the proposed University is registered or incorporated in
14 Nigeria as a company limited by guarantee; the proprietor(s), operator(s),
15 trustees or directors are disentitled from drawing profits from the University"

16 (3) Amending Clause 5(1) by:

17 deleting the existing subsection 5(1)(b) and inserting a new paragraph "(b) and
18 (c)"-

19 "(b) the minimum land area for a University, Polytechnic,
20 Monotechnic and College of Education shall be determined by the extant
21 guidelines issued by the appropriate authorities.

22 "(c) The land forming part of the assets under paragraph (b) at the time
23 of the approval contains fully developed infrastructure which in the opinion of
24 the appropriate authority will be sufficient for the take-off of the Institution."

25 (4) Amending Clause 7 by substituting the existing Clause 7 with a
26 new Clause "7"-

27 "7 To prevent the problems of inadequate municipal facilities, the
28 proposed institution shall have a clear policy on student and staff
29 accommodation, catering, welfare and other municipal services."

30 (5) Amending Clause 8 by deleting the word, "mission" and

