

A BILL

FOR

AN ACT TO AMEND THE EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF INSTITUTIONS) ACT, 2004 TO REVIEW HIGHER THE PUNISHMENT FOR THE OFFENCES PROVIDED AND TO ADD GOVERNMENT TO THE BODIES THAT MAY CONTRAVENE THE LAW AND TO REVIEW HIGHER THE FINANCIAL REQUIREMENT FOR ESTABLISHING INSTITUTIONS

Sponsored By Hon. Edward Gyang Pwajok

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 1. The Education (National Minimum Standards and
2 Establishment of Institutions) Act is hereby amended as set out hereunder.

3 2. The principal Act is hereby amended in section 17 (1) by
4 substituting "not exceeding N500 or imprisonment for a period not less than
5 six months or to both such fine and imprisonment" with "not less than
6 N50,000 but not exceeding N1million or imprisonment for a period not less
7 than 6 months but not exceeding 5 years or to both such fine and
8 imprisonment".

Amendment of
Section 17(1)

9 3. The Principal Act is hereby amended in section 17 (2) by
10 substituting "not exceeding N250 or imprisonment for a period not
11 exceeding three months or to both such fine and imprisonment" with "not
12 less than N25,000 but not exceeding N500,000 or imprisonment for a period
13 not less than three months but not exceeding two years or to both such fine
14 and imprisonment".

Amendment of
Section 17(2)

15 4. The principal Act is hereby amended in section 17 (1) by
16 substituting "not exceeding N500 or imprisonment for a period not less than
17 six months or to both such fine and imprisonment" with "not less than

Amendment of
Section 17(3)

Amendment of
Section 19

1 N50,000 but not exceeding N1million or imprisonment for a period not less
2 than 6 months but not exceeding 5 years or to both such fine and
3 imprisonment”.

4 5. A new section 19 is hereby enacted to include offences by the
5 Federal Government or State Government by providing as follows:

6 19. Offences by Government where an offence under this Act is
7 committed by the Federal or State Government:

8 (a) The Minister or Commissioner in charge of Education as the case
9 may be;

10 (b) The permanent Secretary in charge of Education;

11 (c) Every Director that has something to do with the approval or
12 regulation of the Institution;

13 (d) Every person who was (is) purporting to act in any such capacity
14 as aforesaid.

15 Shall be guilty of that offence and liable to be proceeded against and punished
16 for the offence unless he proves that the act or omission constituting the offence
17 took place without the knowledge, consent or connivance.

Amendment of
the schedule to
Sections 20 & 21
on criterial for
establishing an
Institution of
Higher Education

18 6. The principal Act is hereby amended in section 4 (c) is as follows:

19 Substituting N200 million for N2 billion;

20 Substituting N100 million for N1 billion;

21 Substituting N50 million for N500 million

Citation

22 7. This bill may be cited as the Education (National Minimum
23 Standards and Establishment of Institutions) Act (Amendment) Bill, 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Education (National Minimum Standards and Establishment of Institutions) Act 2004 to review higher the punishment for the offences, include the Government among offenders and review higher the financial requirements before the establishment of such Institutions.