

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL CAPITAL TERRITORY EDUCATION RESOURCE CENTRE AND OTHER MATTERS CONNECTED THEREWITH, 2016

*Sponsored by Hon Zahariah Jisalo*

[ ] Commencement

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

1           PART 1 - ESTABLISHMENT, COMPOSITION, ETC OF THE FEDERAL  
2           CAPITAL TERRITORY EDUCATION RESOURCE CENTRE

3           **1.-(1) There is hereby established for the Federal Capital Territory**  
4           **an Education Resource Centre (in this Bill referred to as "the Centre").**

Establishment, composition, etc. of the Federal Capital Territory Education Resource Centre

5           (2) The Centre-  
6           (a) shall be a body corporate with perpetual succession; and  
7           (b) may sue and be sued in its corporate name.

8           **2. The Supervision of the Centre shall be under the department**  
9           **responsible for Education in the FCT-**

Administration and supervision of the Centre

10           (a) the centre shall be headed by a Director who shall be-  
11           (i) the administrative and professional head of the Centre;  
12           (ii) an experienced public servant, and educationist;  
13           (iii) appointed on merit by the Minister on the recommendation of  
14           the person-responsible for Education in the FCT;

15           (b) a Secretary who shall be-  
16           (i) in charge of the general administration and common services of  
17           the Centre;

18           (ii) a public servant, appointed on merit by the Minister on the  
19           recommendation of the person responsible for Education in the FCT;

20           (c) Deputy Directors who shall be responsible for the following

1 divisions and such other Departments as may be established from time to time-

2 (i) Curriculum Planning and Development;

3 (ii) Measurement and Evaluation;

4 (iii) Guidance and Counselling;

5 (iv) Library Services;

6 (v) Planning, Research and Statistics;

7 (vi) Education and Information Technology;

8 (vii) Administration, Finance and Accounts.

Terms of office  
of Director, and  
other staff of the  
Centre

9 3. The Director, Heads of divisions and other staff of the Centre, shall

10 be public servants and shall hold office in accordance with the Public Service

11 Rules.

12 PART II - FUNCTIONS OF THE CENTRE

Functions of the  
Centre

13 4. The Centre shall be charged with the following functions-

14 (a) curriculum planning and implementation, the conduct of  
15 examinations for schools under the administration of the Federal Capital  
16 Territory;

17 (b) the admissions into schools under the administration of the  
18 Federal Capital Territory;

19 (c) measurement and evaluation for admission, placement promotion  
20 certification of the Junior Secondary School (JSS) Examinations and  
21 authentication;

22 (d) certificate evaluation and authentication of local and international  
23 certificates for government agencies;

24 (e) the printing of examinations certificates, and other official  
25 documents;

26 (j) the preparation and distribution of teaching schemes and selection  
27 of school textbooks;

28 (g) the provision of guidance and counseling services to schools and  
29 the general public;

30 (h) the development and provision of library services to schools and

- 1 the general public;
- 2 (i) the development and distribution of instructional and training
- 3 materials to schools;
- 4 (j) the conduct of research into topical. educational issues and
- 5 publications;
- 6 (k) the provision of science, language, workshop/conference
- 7 facilities, for schools, out of school learners and the general public;
- 8 (l) data collection, collation analysis, and dissemination of
- 9 research information on educational matters;
- 10 (m) printing and consultancy services in book review,
- 11 examinations, library, guidance, conference, and general training matters;
- 12 (n) teacher training and retraining.

13 PART III - GENERAL ADMINISTRATION OF THE CENTRE

14 5.-(1) The general administration of the Centre shall be guided by

15 the general policy of the education sector as prescribed by the Education Act

16 of the Federal Capital Territory, the National Policy on Education and the

17 Public Service Rules.

General  
Administration  
of the Centre

18 (2) The Director shall be the "head and accounting officer of the

19 Centre.

20 (3)The Secretary shall be the head of the general administration

21 and common services division.

22 6. The Centre shall have the power to appoint, promote and

23 discipline staff of the Centre in accordance with Public Service Rules and

24 Regulations.

Appointment and  
discipline of  
staff

25 7. The Centre may delegate any of its powers under sections 4 and

26 6 of this Bill to any of the Heads of its Divisions.

Delegation of  
duties

27 8.-(1) It is hereby declared that service in the Centre shall be

28 approved service for the purpose of the Pension Reform Act 2004 and,

29 accordingly, employees of the Centre shall be entitled to pensions, gratuities

Pension Reform  
Act 2004

1 and other retirement benefits as are prescribed under the Pension Reform Act.

2 (2) Notwithstanding the provisions of subsection (1) of this section,  
3 nothing in this Bill shall prevent the appointment of a person to any office on  
4 terms which preclude the grant of a pension, gratuity or other retirement benefit  
5 in respect of that office.

6 (3) For the purposes of the application of the provisions of the Pension  
7 Reform Act, any power exercisable by the Minister or other authority of the  
8 Federal Capital Territory Administration, other than the power to make  
9 regulations, is hereby vested in and shall be exercisable by the Management of  
10 the Centre and not by any other person or authority.

11 PART IV - FINANCIAL PROVISIONS

Funds of the  
Centre

12 9.-(1) The Centre shall establish and maintain a fund from which shall  
13 be defrayed expenditure incurred by the Centre.

14 (2) There shall be credited to the fund established pursuant to  
15 subsection (1) of this section such moneys as may be provided by the Federal  
16 Capital Territory Administration with the approval of the Minister for the  
17 running of the Centre and all other assets accruing, from time to time, to the  
18 Centre.

Expenditure of  
the Centre

19 10. The Centre may from time to time, apply the proceeds of the fund  
20 of the Centre established in pursuance of section 10 of this Bill-

21 (a) to meet the administrative and operating costs of the Centre;

22 (b) for the purchase acquisition of property, equipment and other capital  
23 expenditure and for the maintenance of any property acquired or vested in the  
24 Centre;

25 (c) for purposes of investment; and

26 (d) for or in connection with all or any of the functions of the Centre  
27 under this Bill or its subsidiary legislation.

Annual estimates  
and accounts

28 11.-(1) The Centre shall, not later than 30th September in each year,  
29 submit through the person responsible for Education in the FCT to the Minister  
30 an estimate of its expenditure and income (including payments to the Centre)

1 for the next succeeding year.

2 (2) The Centre shall keep proper accounts in respect of each year  
3 and proper records in relation to those accounts and shall cause its accounts  
4 to be audited within six months after the end of each year by auditors  
5 appointed from the list and in accordance with the guidelines supplied by the  
6 Auditor General of the Federation.

7 **12.** The Centre shall prepare and submit through the department Annual reports  
8 responsible for Education in the FCT to the Minister, not later than six-  
9 months after the end of each year, a report in such form as he may direct on  
10 the activities of the Centre during the immediately preceding year and shall  
11 include in such report a copy of the audited accounts of the Centre for that  
12 year and the auditor's report on the accounts.

13 **13.-(1)** The Centre may, from time to time, borrow by overdraft or Power to borrow  
14 otherwise such sums as it may require for the performance of its functions  
15 under this Bill, upon approval of the Minister.

16 (2) The Centre shall not, without the approval of the Minister,  
17 borrow money which exceeds, at any time, the amount specified by the  
18 Minister.

19 **14.** The Centre may, subject to the provisions of this Bill and the Investment  
CAP.449 LFN  
20 conditions of any trust created in respect of any property, invest all or any of  
21 its funds in any security prescribed by the Trustee Investments Act or in such  
22 other securities as may, from time to time, be approved by the Minister.

23 **PART V - LEGAL PROCEEDINGS**

24 **15.-(1)** Subject to the provisions of this Bill, the provisions of the Limitation of suit  
against the Centre  
etc. CAP. 379  
LFN  
25 Public Officers Protection Act shall apply in relation to any suit instituted  
26 against an officer or employee of the Centre.

27 (2) Notwithstanding anything contained in any other enactment,  
28 no suit against a member of the Administrative Team or any other officer or  
29 employee of the Centre for any act done in pursuance or execution of this  
30 Bill or any other enactment or law, or of any public duty or authority in

1 respect of any alleged neglect or default in the execution of this Bill or any  
2 other enactment or law, duty or authority, shall lie or be instituted in any court  
3 unless it is commenced-

4 (a) within three months next after the act, neglect or default  
5 complained of; or

6 (b) in the case of a continuation of damage or injury, within six  
7 months next after the ceasing thereof.

8 (3) No suit shall be commenced against a member of the  
9 Administrative Team or any other officer or employee of the centre before the  
10 expiration of a period of one month after written notice of the intention to  
11 commence the suit shall have been served on the Centre by the intending  
12 plaintiff or his agent.

13 (4) The notice referred to in subsection (3) of this section shall clearly  
14 and explicitly state the cause of action, the particulars of the claim, the name  
15 and place of abode of the intending plaintiff and the relief which he claims.

Restriction on  
execution against  
property of the  
Centre

16 16. A notice, summons or other document required or authorized to  
17 be served on the Centre under the provisions of this Bill or any other enactment  
18 or law may be served by delivering it to the Director or by sending it by  
19 registered post addressed to the Director as the principal officer of the  
20 Centre.

Service of  
documents

21 17.-(1) In any action or suit against the Centre, no execution or  
22 attachment of process in the nature thereof shall be issued against the Centre  
23 unless not less than three months notice of the intention to execute or attach has  
24 been given to the Centre.

25 (2) Any sum of money which by the judgment of any court has been  
26 awarded against the Centre shall, subject to any direction given by the court  
27 where notice of appeal against the judgment has been given, be paid from the  
28 fund of the Centre.

Indemnity of  
officers

29 18. A member of the Administrative Team or any officer or employee  
30 of the Centre shall be indemnified out of the assets of the Centre against any

1 liability incurred by him in defending any proceeding, whether civil or  
2 criminal, if the proceeding is brought against him in his capacity as a  
3 member, Director, officer or other employee of the Centre.

4 **19.-(1)** A member of the Administrative Team or any officer or Secrecy  
5 employee of the Centre shall-

6 (a) not, for his personal gain, make use of any information which  
7 has come to his knowledge in the exercise of his powers or is obtained by  
8 him in the ordinary course of his duty as a member of the Administrative  
9 Team or as an officer or employee of the Centre;

10 (b) treat as confidential any information which has come to his  
11 knowledge in the exercise of his powers or is obtained by him in the  
12 performance of his duties under this Bill;

13 (c) not disclose any information referred to under paragraph (b) of  
14 this subsection, except when required to do so by a court or in such other  
15 circumstances as may be prescribed by the Supervisory Team, from time to  
16 time.

17 (2) Any person who contravenes the provisions of subsection (1)  
18 of this section commits an offence and is liable on conviction to a term  
19 of not less than N20,000 or imprisonment for a term not exceeding 2 years or  
20 both such fine and imprisonment.

21 **20.** The Minister may give to the Centre or the Director such Directives by the  
Minister etc.  
22 directives of a general nature or relating generally to matters of policy with  
23 regard to the exercise of its or his functions as he may consider necessary  
24 and it shall be the duty of the Centre or the Director to comply with the  
25 directives or cause them to be complied with.

26 **21.** The Minister may, make such regulations as are necessary or Regulations  
27 expedient for giving full effect to the provisions of this Bill and for the due  
28 administration of its provisions.

29 PART VI - MISCELLANEOUS PROVISIONS

30 **22.** The Centre shall form committees relevant to its functions. Committees

Relationship with other bodies	1	<b>23.</b> The Centre shall maintain good working relationship with related
	2	national bodies, other State ERC's, examination bodies, universities, research
	3	institutions and other such bodies as may be useful to the enhancement of the
	4	performance of its functions.
interpretation	5	<b>24.</b> In this Bill, unless the context otherwise requires-
	6	"Administrative Team" includes the Director and all Heads of Division of the
	7	Centre;
	8	"Centre" means the Federal Capital Territory Education Resource Centre;
	9	"Director" means the Director of the Centre;
	10	"Management Committee" of the department responsible for Education
	11	comprises the person responsible for Education in FCT as Chairman, and the
	12	Education Agencies/Boards which shall for the time being include the
	13	Director, DPI, the Chairman, SES, the Chairman, USES, the Director, AME,
	14	the Provost of the COE, the Director, ERC and the Director of Administration
	15	and Finance of the Department responsible for Education in the FCT;
	16	"Minister" means the Minister charged with responsibility for the Federal
	17	Capital Territory;
	18	"Staff" includes an officer or employee of the Centre;
	19	"the person responsible for Education in FCT" means the person appointed by
	20	the Minister to oversee the education sector in the FCT;
Short Title	21	<b>25.</b> This Bill may be cited as the Federal Capital Territory Education
	22	Resource Centre Bill, 2016.

## EXPLANATORY NOTE

The Bill seeks to establish the Federal Capital Territory Education Resource Centre charged with the responsibility to, among other things, plan and implement curriculum; measure and evaluate students and other applicants for placement into schools under the administration of the Federal Capital Territory.