

A BILL

FOR

AN ACT TO REPEAL THE NATIONAL BOARD FOR TECHNICAL EDUCATION ACT AND ENACT THE NATIONAL COMMISSION FOR TECHNICAL, VOCATIONAL AND ENTREPRENEURIAL EDUCATION AS A BODY CORPORATE TO ADVISE THE FEDERAL GOVERNMENT ON ALL ASPECTS OF TECHNICAL, VOCATIONAL AND ENTREPRENEURIAL EDUCATION, WHICH FALL OUTSIDE THE SCOPE OF THE UNIVERSITIES AND OTHER MATTERS ANCILLARY THERETO.

Sponsored by Senator Barau I. Jibrin

[] Commencement

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

1 ESTABLISHMENT ETC., OF NATIONAL COMMISSION FOR TECHNICAL,
2 VOCATIONAL AND ENTREPRENEURIAL EDUCATION

3 **1.** Repeal the National Board for Technical Education Act No.9, Repeal

4 1977.

5 **2.**-(1) There is hereby established a body to be known as the Establishment of
the National
Commission for
Technical,
Vocational and
Entrepreneurial
Education
6 National Commission for Technical, Vocational and Entrepreneurial
7 Education (in this Act, referred to as "the Commission") which shall be a
8 body corporate with perpetual succession and a common seal and may sue
9 and be sued in its corporate name.

10 **(2)**The supplementary provisions contained in the Schedule to this
11 Act shall have effect with respect to the proceedings of the Commission and
12 other matters mentioned therein.

13 **3.**-(1) The Commission shall consist of a chairman, who shall be Membership of
the Commission
14 appointed by the President and the following other members, that is-

15 (a) one person to represent the Ministry of Education;

- 1 (b) one person to represent the Ministry of Labour and Productivity;
- 2 (c) one person to represent the Ministry of Agriculture and Water
- 3 Resources;
- 4 (d) one person to represent the Minister of Power, Work and Housing;
- 5 (e) one person to represent the Minister of Youth and Sport;
- 6 (f) one person to represent the Ministry of Industry;
- 7 (g) two persons to represent the polytechnics;
- 8 (h) one person to represent technical colleges;
- 9 (i) one persons to represent the Colleges of Agriculture;
- 10 (j) one person to represent the States of the Federation;
- 11 (k) one person to represent the Industrial Training Fund;
- 12 (l) one person to represent employers organisations;
- 13 (m) one person to represent the National Manpower Board;
- 14 (n) one person to represent NACCIMA;
- 15 (o) one person to represent MAN;
- 16 (p) two persons to represent professional bodies;
- 17 (q) one person to represent the National Commission for Women;
- 18 (r) the executive secretary of the Commission, who shall be an ex-
- 19 officio member of the Commission but shall not have the right to vote at
- 20 meetings of the Commission.

21 (2) The chairman and the members of the Commission, not
22 mentioned under paragraphs (a), (b), (c) and (d) e f of subsection (1) of this
23 section, shall be appointed by the President.

Tenure of office 24 4.-(1) Subject to the provisions of this Act, a person appointed to be a
25 member of the Commission, not being a public officer or appointed under
26 paragraph (h) of section 2 (1) of this Act, shall hold office for a period of three
27 years from the date of his appointment and shall be eligible for re-appointment.

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

30 (3) Members of the Commission, not being public officers, shall be

1 paid such remuneration and allowances as the President may determine.

2 5.-(1) The Minister may at any time remove any member of the
3 Commission from office if he is of the opinion that it is not in the interest of
4 the Commission for the member to continue in office and shall notify the
5 member in writing to that effect.

Removal from
office of member
of the Commission

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

10 6. The functions of the Commission shall be-

Functions of the
Commission

11 (a) to advise the Federal Government on, and to co-ordinate all
12 aspects of, technical, vocational and entrepreneurial education falling
13 outside the universities and to make recommendations on the national
14 policy necessary for the full development of technical, vocational and
15 entrepreneurial education for the training of technicians, craftsmen and
16 other middle-level and skilled manpower;

17 (b) to determine, after consultation with the National Manpower
18 Board, the Industrial Training Fund and such bodies as it considers
19 appropriate, the skilled and middle-level manpower needs of the country in
20 the industrial, commercial and other relevant fields for the purpose of
21 planning training facilities and in particular to prepare periodic master plans
22 for the balance and co-ordinated development of polytechnics and colleges
23 of technology and such plans shall include-

24 (i) the general programmes to be pursued by polytechnics and
25 colleges of technology in order to maximise the use of available facilities
26 and avoid unnecessary duplication while ensuring that they are adequate to
27 the manpower needs of the country; and

28 (ii) recommendations for the establishment and location of new
29 polytechnics and colleges of technology as and when considered necessary;

30 (c) to inquire into and advise the Federal Government on the

1 financial needs, both recurrent and capital, of polytechnics and colleges of
2 technology and other technical institutions to enable them meet the objective of
3 producing the trained manpower needs of the country;

4 (d) to receive block grants from the Federal Government and allocate
5 them to polytechnics and colleges of technology in accordance with such
6 formula as may be laid down by the President;

7 (e) to act as the agency for channelling all external aid to polytechnics
8 and colleges of technology in Nigeria;

9 (f) to advise on, and take steps to harmonise entry requirements and
10 duration of courses at technical institutions;

11 (g) to undertake periodic reviews of the terms and conditions of
12 service of personnel in polytechnics and colleges of technology and to make
13 recommendations thereon to the Federal Government;

14 (h) to recommend to the Visitor of a polytechnic that a visitation be
15 made to the polytechnic as and when it considers necessary;

16 (g) to formulate and coordinate, regulate as well as standardised skills
17 development policies through institutionalisation of the National Vocational
18 Qualification (NVQ):

19 (i) lay down standards of skills training programmes in Specialise
20 Institutions, Innovative Enterprise institutions and Vocational Enterprise
21 Institutions and to continually review such standards as necessitated by
22 technological and national needs;

23 (ii) to review methods of assessment of students and trainees and to
24 develop a scheme of national certification for technicians, craftsmen and other
25 skilled personnel in collaboration with Ministries and organisations having
26 technical training programmes;

27 (j) to collate, analyse and publish information relating to technical,
28 vocational and entrepreneurial education;

29 (m) to carry out such other activities as are conducive to the discharge
30 of its functions under this Act.

1 7. In its role of advising on all aspects of technical education, the
2 Commission shall make recommendation as to how best-

Provisions
supplementary to
section 5

3 (a) to stimulate and encourage pre-vocational and general
4 technical education in secondary schools not only as a basis for creating
5 early technological awareness, but also to provide suitable orientation for
6 further education and training in technology and to provide direct practical
7 skills for earning a living;

8 (b) to inculcate in the public the attitude of respect for, and
9 appreciation of, the role of technology in society;

10 (c) to advise on and take measures to improve the immediate and
11 long-term prospects of technicians and technical teachers with respect to
12 status and remuneration;

13 (d) to expand the facilities for the training of technical teachers and
14 ensure that these teachers are exposed, both during and after training, to
15 industrial experience;

16 (e) to involve experts both in government and industry in the
17 design of courses relevant to the practical needs of the country in all fields;
18 and

19 (f) to provide encouragement for women to enter a wider range of
20 fields of technical education.

21 8.-(1) There shall be appointed by the President on the
22 recommendation of the Minister, an executive secretary who shall have
23 appropriate qualifications.

Executive
Secretary to the
Commission

24 (2) The executive secretary shall be the chief executive officer of
25 the Commission and shall be responsible for the execution of the policy of
26 the Commission and the day-to-day running of the affairs of the
27 Commission.

28 (3) The executive secretary shall hold office in the first instance for
29 a period of five years and shall be eligible for re-appointment for such
30 further terms as the President may determine.

1 (4) Subject to this section, the executive secretary shall hold office on
2 such terms as to emolument and otherwise as may be specified in his letter of
3 appointment, and as may, from time to time, be approved by the President.

Staff of the
Commission

4 9.-(1) The Commission may appoint other employees of the
5 Commission to assist the executive secretary in the exercise of his functions.

6 (2) The remuneration and tenure of office of the other employees of
7 the Commission shall be determined by the Commission after consultation
8 with the Federal Civil Service Commission.

9 (3) Notwithstanding the provisions of subsection (1) of this section,
10 employees of the Commission may be appointed by the Commission of the
11 transfer or secondment from any of the civil services of the Federation.

Application of
Pensions Act

12 10.-(1) The Federal Civil Service Commission may by order
13 published in the Federal Gazette declare the office of any person employed by
14 the Commission to be a pensionable office for the purposed of the Pensions
15 Act.

16 (2) Subject to subsections (3) and (4) of this section, the Pensions Act
17 shall in its application by virtue of the foregoing subsection to any office have
18 effect as if the office were in the public service of the Federation within the
19 meaning of the Constitution of the Federal Republic of Nigeria.

20 (3) For the purpose of the application of the Pensions Act in
21 accordance with subsection (2) of this section-

22 (a) paragraph (1) of section 7 of that Act (which confers on the
23 Minister power to waive the requirement to give notice of desire to retire at the
24 age of forty-five) shall have effect as if for the references to the Minister there
25 were substituted references to the Commission; and

26 (b) the power under section 9 (1) of the Act to require an officer to
27 retire at any time after attaining the age of forty-five, subject to his being given
28 six months' notice in writing, shall be exercisable by the Commission and not
29 by any other authority.

30 (4) Nothing in the foregoing provisions shall prevent the appointment

1 by the Commission of a person to any office on terms which preclude the
2 grant of a pension or gratuity in respect of service in that office.

3 Finance

4 11.-(1) There shall be established by the Commission, a fund to be
5 known as the National Commission for Technical, Vocational and
6 Entrepreneurial Education Fund.

Establishment of
the National
Commission for
Technical,
Vocational and
Entrepreneurial
Education Fund

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

9 (a) such sums as may be made available to the Commission for the
10 purpose of making grants to polytechnics and colleges of technology in
11 pursuance of paragraph (d) of section 5 of this Act; and

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

16 (3) The fund shall be managed in accordance with rules made by
17 the Minister for Finance; and, without prejudice to the generality of the
18 power to make rules under this subsection, the rules shall in particular
19 contain provisions-

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

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

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

26 (d) requiring copies of accounts and of the auditor's report on them
27 to be furnished to the President through the Minister.

28 12.-(1) The Commission shall establish and maintain a separate
29 fund from which shall be defrayed all expenditure incurred by the

Maintenance of
separate fund by
the Commission

1 Commission except such expenditure as may be incurred pursuant to section
2 10 of this Act.

3 (2) There shall be paid and credited to the fund established in
4 pursuance of subsection (1) of this section such payments as may be made to it
5 by the Federal Government for the running expenses of the Commission and all
6 other assets from time to time accruing to the Commission otherwise than in
7 pursuance of section 10 of this Act.

Expenditure of
the Commission

8 13. The Commission may, from time to time, apply the proceeds of
9 the fund established in pursuance of section II (I) of this Act-

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

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

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

18 (d) and in connection with any of its functions under this Act.

Annual estimates
and accounts

19 14.-(1) The Commission shall submit to the Minister not later than 31
20 December in each financial year an estimate of its expenditure and income
21 (including payments from the National Commission for Technical, Vocational
22 and Entrepreneurial Education Fund) during the next succeeding financial
23 year.

24 (2) The Commission shall keep proper accounts in respect of each
25 financial year (and proper records in relation thereto) and shall cause the
26 accounts to be audited by the Auditor-General for the Federation.

27 *Miscellaneous and Supplementary*

Annual reports

28 15. The Commission shall prepare and submit to the President
29 through the Minister, not later than 31 December in each financial year, a report
30 in such form as he may direct on the activities of the Commission during the

1 immediately preceding financial year, and shall include in such report a
2 copy of the audited accounts of the Board for that year and the Auditor-
3 General's report thereon.

4 16.-(1) For the purpose of carrying out the functions conferred on
5 the Commission under this Act, the executive secretary or any other officer
6 of the Commission authorised in that behalf-

Power to obtain
information

7 (a) shall have a right of access to all the records of any institution to
8 which this section applies;

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

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

15 (3) In this section, the reference to an institution to which this
16 section applies is a reference to any polytechnics, colleges of technology or
17 technical institution.

18 17. Subject to the provisions of this Act, the Minister may give to
19 the Commission directions of a general character or relating generally to
20 matters of policy with regard to the exercise by the Commission of its
21 functions and it shall be the duty of the Commission to comply with such
22 directions.

Power of Minister
to give directions
to the Commission

23 18.-(1) (a) Any person or group of persons who establishes or
24 operates an unapproved technical, vocational or entrepreneurial institution
25 of higher education, including persons acting as Principal Officers in such
26 an institution, shall be guilty of an offence and shall be liable severally on
27 conviction to imprisonment for a term of not less than five years and not
28 more than ten years without an option of fine;

Power to enforce
Minimum Standards

29 (b) the appropriate authority shall afford the proprietor of the
30 institution an opportunity to make representations for consideration by the

1 appropriate authority not later than sixty days after receipt of notice by the
2 proprietor from such authority of its intention to close down the institution;

3 (c) Where an institution of higher education is closed down under this
4 subsection, the appropriate authority shall appoint a qualified person, to be
5 known as a receiver, to take charge of the assets and liability of any such
6 institution for the purposes of winding down the operations of such institution
7 in accordance with existing laws.

8 (2) (a) The Commission shall have the power to close down any
9 academic unit or program in any approved technical, vocational or
10 entrepreneurial institution of higher education that does not meet the
11 prescribed minimum standards stipulated for it by the Commission, or
12 contravenes existing regulations of the Commission;

13 (b) The Commission may suspend or withdraw any license issued by
14 it, if the licensee fails to comply with any of the conditions and/or guidelines
15 stipulated under such license;

16 (c) With regard to institutions of higher education that are privately
17 owned, the Commission shall have the power, where a breakdown of internal
18 governance processes threatens the maintenance of minimum standards, to-

19 (i) Suspend the existing administrative structure of the affected
20 institutions; and

21 (ii) Constitute a Caretaker Committee to temporarily oversee the
22 affairs of that institution.

23 Provided that the Commission shall, on the successful resolution of
24 the crisis, re-establish the governance structure of the affected institution, in
25 line with existing regulations.

26 (3) It shall be an offence, punishable on conviction by a fine of not less
27 than one million naira for each person so admitted, for an institution of higher
28 education to admit, for purposes of further education, a person that is in
29 possession of a degree, diploma, certificate or other academic award issued by
30 an unapproved institution of higher education.

1 (4) It shall be an offence, punishable on conviction by a **fine of not**
2 less than one million naira for each person so employed, for an employer of
3 labor, whether in the public or private sector, to **recognize and, thereby, base**
4 a decision to employ, on a degree, diploma, **certificate** or other academic
5 award issued by an **unapproved** institution of **higher education**.

6 (5) Subject to section 174 of the **1999 Constitution** of the Federal
7 Republic of Nigeria (as amended), **any legal officer in the** appropriate
8 authority may conduct criminal **proceedings in respect of offences**, or
9 regulations made, under this Act.

10 (6) The Commission may, **from time to time**, make regulations,
11 with the approval of the Minister, where **mandated** to do so by this Act or
12 where the effective administration of **this Act** so requires.

13 19. In this Act, unless the context otherwise requires-

Interpretation

14 "Commission" means the National **Commission for Technical, Vocational**
15 and Entrepreneurial Education established under section I of this Act;

16 "chairman" means the chairman of the National Commission for Technical,
17 Vocational and Entrepreneurial Education;

18 "executive secretary" means the person appointed as the executive secretary
19 to the Commission in pursuance of section 7 (1) of this Act;

20 "member" means a member of the Commission and includes the chairman;

21 "Minister" means the Minister charged with responsibility for Education.

22 20. This Bill may be cited as the National Commission for
23 Technical and Vocational Education Bill, 2018.

Short title

1 SCHEDULE

2 [Section 1 (2).]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.,
4 PROCEEDINGS

5 1. Subject to this Act and section 27 of the Interpretation Act (which
6 provides for decisions of a statutory body to be taken by a majority of its
7 members and for the chairman to have a second or casting vote), the
8 Commission may make standing orders regulating the proceedings of the
9 Commission or any committee thereof.

10 2. Every meeting of the Commission shall be presided over by the
11 chairman or, if the chairman is unable to attend a particular meeting, the
12 members present at the meeting shall elect one of their number to preside at the
13 meeting.

14 3. The quorum at a meeting of the Commission shall consist of the
15 chairman (or, in an appropriate case, the person presiding at the meeting
16 pursuant to paragraph 2 of this Schedule) and six other members.

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

22 *Committees*

23 5.-(1) Subject to its standing orders, the Commission may appoint
24 such number of standing and ad hoc committees as it thinks fit to consider and
25 report on any matter with which the Commission is concerned.

26 (2) Every committee appointed under the foregoing provisions of this
27 paragraph shall be presided over by a member of the Commission and shall be
28 made up of such number of persons, not necessarily members of the
29 Commission, as the Commission may determine in each case.

30 (3) The quorum of any committee set up by the Commission shall be

1 as may be determined by the Commission.

2 6. Where standing orders made pursuant to paragraph I of this
3 Schedule provide for a committee of the Commission to consist of or co-opt
4 persons who are not members of the Commission, the committee may
5 advise the Commission on any matter referred to it by the Commission.

6 7. The fixing of the seal of the Commission shall be authenticated
7 by the signature of the chairman or of the executive secretary of the
8 Commission.

9 8. Any contract or instrument which, if made by a person not being
10 a body corporate, would not be required to be under seal may be made or
11 executed on behalf of the Board by the executive secretary or by any other
12 person generally or specially authorised to act for that purpose by the
13 Commission.

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

18 10. The validity of any proceedings of the Commission or a
19 committee thereof shall not be affected-

20 (a) by any vacancy in the membership of the Commission or
21 committee; or

22 (b) by any defect in the appointment of a member of the
23 Commission or committee.

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

EXPLANATORY MEMORANDUM

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

The Bill seeks to establish a National Commission for Technical, Vocational and Entrepreneurial Education to, amongst other things advise the Federal Government on all aspects of Technical, Vocational and Entrepreneurial Education in Nigeria and make recommendation on policies for full development of these aspects of education and training.