

A BILL

FOR

AN ACT TO REPEAL THE NATIONAL COMMISSION OF COLLEGES FOR EDUCATION ACT (NO. 3) OF 1989 AND TO ESTABLISH THE NATIONAL COMMISSION FOR TEACHER EDUCATION AND FOR RELATED MATTERS

Sponsored by Senator Barau I. Jibrin

[] Commencement

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

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| 1 | 1. The National Commission for Colleges of Education Act (No.3) | Repeal of the |
| 2 | of 1989 and subsequent amendments therein are hereby repealed. | Act No. 3 of
1989 |
| 3 | 2. There is hereby established a body to be known as the National | Establishment of |
| 4 | Commission for Teacher Education (NCTE) (Hereafter in this referred to as | National |
| 5 | "the Commission") which shall be a body corporate with perpetual | Commission for |
| 6 | succession and a common seal and may sue and be sued in its corporate | Teacher Education |
| 7 | name. | |
| 8 | 3. There shall be established for the Commission Governing | Governing Board |
| 9 | Board, which shall consist of a Chairman and the following, other members: | of the Commission |
| 10 | (a) three members to represent the Committee of Provosts in such a | |
| 11 | way that one shall each be appointed to represent Federal, State and Private | |
| 12 | Colleges of Education; | |
| 13 | (b) one representative of National Organisations, representing | |
| 14 | women's interests and who is knowledgeable in teacher education; | |
| 15 | (c) one representative each of the following Ministries and bodies | |
| 16 | (i) The Federal Ministry of Education; and | |
| 17 | ii) The Federal Ministry of Finance. | |
| 18 | (d) Four members appointed on individual merit on a nationwide | |
| 19 | basis having special knowledge and experience in teacher education; | |
| 20 | (e) one representative of the Nigerian Union of Teachers; | |

1 (f) two representatives of the Universities; one representing
2 Committee of the Vice-Chancellors and the other representing the Committee
3 of Deans of Education;

4 (g) One representative each for NUC, TETFUND, NBTE, UBEC,
5 NERDC and TRCN;

6 (h) One representative of the Nigerian Academy of Education;

7 (i) The Executive Secretary of National Commission for Teacher
8 Education;

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

12 (k) The supplementary provisions contained in the Schedule to this
13 Act shall have effect with respect to the proceedings of the Board and the other
14 matters mentioned therein.

Tenure in office

15 4.-(a) Subject to the provisions of this Act, the Chairman and other
16 members who are not public officers, shall be appointed by the President, to
17 serve for a period of five years only.

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

20 (c) Public officers shall be members of the Board at the pleasure of the
21 Minister of the Ministry or Parastatals they represent;

22 (d) Member of the Board, not being a public officer, shall be paid such
23 remuneration and allowance as the Federal Government may, from time to
24 time, determine.

Removal from
Office of a
member of the
Board

25 5.-(a) The Minister may, at any time, remove any member of the
26 Board from office if the Minister is of the opinion that it is not in the best
27 interest of the Commission for the member to continue in office and shall
28 inform the member in writing to that effect through the Chairman;

29 (b) Where the Board is satisfied that the continued presence on the
30 Board of a member is not in the national interest or the interest of the

1 Commission, the Board may recommend to the Minister that member
2 concerned be removed from his office.

3 **6. The Functions of the Commission shall be to:**

Functions of the
Commission

4 (a) advise the Federal Government, through the Minister, and co-
5 ordinate all aspects of teacher education;

6 (b) make recommendations on the national policy necessary, for
7 the full development of teacher education and the training of teachers; i.e. up
8 to the highest level of teacher education;

9 (c) lay down minimum standards for all programmes of teacher
10 education, accredit their programmes every 5 years and award certificates
11 and other academic awards, after obtaining thereof prior approval of the
12 Minister;

13 (d) set out guidelines and criteria for accreditation of all Teacher
14 Education Programmes in Nigeria;

15 (e) determine, after consultation with the ministry and other bodies
16 it considers appropriate, the qualified teachers needs of the country for the
17 purpose of planning training facilities and in particular, prepare periodic
18 master plans for the balanced and co-ordinated physical development built
19 environment for teacher production in Nigeria;

20 (f) inquire into and advise the Federal Government on the financial
21 needs, both recurrent and capital, of teacher education to enable them meet
22 the objectives of producing the trained qualified teachers of the country;

23 (g) receive bloc grants from the Federal Government and allocate
24 them to teacher education institutions in accordance with such formula as
25 may be laid down, from time to time, by the Federal Executive Council;

26 (h) act as the agency for channeling all external aids to colleges of
27 education for all Teacher Education in Nigeria;

28 (i) advise on, and take steps to harmonise entry requirements and
29 duration for all Teacher Education programmes;

30 (j) lay down standards to be attained and continually review and

1 monitor such standards;

2 (k) review methods of assessment of teacher trainees and develop a
3 scheme for national certification for the various products of colleges of
4 education institutes in collaboration with the Minister of Education;

5 (l) undertake periodic reviews of the terms and conditions of service
6 of personnel in colleges/institutes of education and make recommendations
7 thereon through the Minister to the Federal Government;

8 (m) collate, analyse and publish any information relating to teacher
9 education in Nigeria;

10 (n) consider any matter pertaining to teacher education as may be
11 referred to it, from time to time, by the Minister;

12 (o) take care of all Teacher Education i.e. NCE, Diploma, B.Ed.
13 Education, PGDE, MED and PHD; and it should be emphasized that the
14 Commission shall accredit and supervise the award of all types of Certificates
15 and Degrees in education, irrespective of the institution concerned;

16 (p) to undertake surveys and studies relating to various aspects of
17 Teacher Education and publish the results thereof;

18 (q) to lay down guidelines in respect of minimum qualifications for a
19 person to be employed as a teacher at various levels of teacher education;

20 (r) to lay down guidelines and approve request to operate any Teacher
21 Education Institution in Nigeria and periodically certify the standard and
22 disqualify or close down any such institution;

23 (s) carry out such other activities that are conducive to the discharge
24 of its functions under this Act.

25 7. In its role of advising on all aspects of teacher education, the
26 Commission shall make recommendation as to how best to:

27 (a) Stimulate and encourage pre-vocational, technical, agricultural,
28 business and home economics education and such other additional subjects
29 considered necessary by the authority as the case may be, in the primary
30 schools and in junior and senior secondary schools not only as a basis for

1 creating early technological awareness, but also to provide suitable
2 orientation for further education and training in technology and direct
3 practical skills for earning a living;

4 (b) Advise on and take measure to improve the immediate and long
5 term prospects of sciences, technical and business education teachers with
6 respect to status and remuneration;

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

10 (d) Involve experts both in government and industry in the design
11 of courses relevant to technical and pre-vocational courses; and

12 (e) Provide encouragement for women to enter a wide range of
13 prevocational courses in technical teacher education.

14 8.-(a) There shall be appointed by the President, Commander-in-
15 Chief of the Armed Forces, on the recommendation of the Minister, an
16 Executive Secretary to the Commission who shall have appropriate
17 qualification and experience in teacher education;

Executive
Secretary to the
Commission

18 (b) The Executive Secretary shall be the Chief Executive Officer of
19 the Commission and shall be responsible for the execution of policies of the
20 Commission and the day to day running of the affairs of the Commission.

21 (c) The Executive Secretary shall hold office for a single period of
22 five years which is non renewable or such term as the President,
23 Commander-in-Chief of the Armed Forces may, from time to time,
24 determine.

25 (d) Subject to this section, the Executive Secretary shall hold office
26 on such terms as to emolument and otherwise as may be specified in the
27 letter of appointment, as approved by the Federal Executive Council.

28 9.-(a) The Commission may appoint other employees of the
29 Commission to assist the Executive Secretary in the exercise of his functions
30 under this Act;

Staff of the
Commission

1 (b) The Commission may provide for its Conditions and Scheme of
2 Service, pension regulations, employments and welfare;

3 (c) The remuneration and tenure of office of other employees of the
4 Commission shall be determined by the Commission after consultation with
5 the Board;

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

Application of
Pensions Act, 2004

9 10.-(a) It is hereby declared that services in the Commission shall be
10 pensionable under the Pensions Act 2004, and any subsequent legislation and
11 accordingly, employees of the Commission shall, in respect of their services in
12 the Commission, be entitled to pensions, gratuities and other retirement
13 benefits as are prescribed thereunder;

14 (b) Notwithstanding the provisions of subsection (1) of this section,
15 nothing in this Act shall prevent the appointment of a person to any office on
16 terms which preclude the grant of a pension and gratuity in respect of that
17 office;

18 (c) For the purposes of the application of the Pensions Act 2004, any
19 power exercisable thereunder by the Minister or authority of the Federal
20 Government (not being the power to make regulations under section 23
21 thereof) is hereby vested in and shall be exercisable by the Commission and not
22 by any other person or authority'

23 (d) Subject to subsection (2) of this section, the Pensions Act shall, in
24 its application, by virtue of the subsection (3) of this section, to any office, have
25 effect as if the office were in the Civil Service of the Federation within the
26 meaning of the Constitution of the Federal Republic of Nigeria 1999;

27 (e) Staff of the Commission shall be staff of the Federal Government
28 Public Service of Nigeria.

National
Commission for
Teacher Education
Fund

29 11.-(a) There shall be established by the Commission a fund to be
30 known as the National Commission for Teacher Education Fund, hereafter-in

1 this section referred to as "the fund";

2 (b) There shall be paid and credited to the fund established in
3 pursuance of subsection (i) of this section:

4 (i) such sum as may be made available to the Commission for
5 allocation to Colleges of Education in pursuance of paragraph (g) of section
6 of this Act; and

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

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

15 (i) Specifying the manner in which the assets of the fund are to be
16 held, and regulating the making of payments into and out of the fund;

17 (ii) Requiring the keeping of proper accounts and records for
18 purposes of the fund in such form as may be specified in the guidelines;

19 (iii) Requiring copies of accounts and of the auditor's report on
20 them to be furnished to the Federal Executive Council through the Minister.

21 **12.-**(a) The Commission shall establish and maintain a separate
22 fund from which shall be defrayed all expenditure as may be incurred
23 pursuance to section 11 of this Act;

24 (b) There shall be paid and credited to the fund established in
25 pursuance of subsection (1) of this section such payments as may be made to
26 the Commission by the Federal Ministry of Education for the running
27 expense of the Commission and all other payments or moneys from time to
28 time accruing to the Commission otherwise than pursuant to section 11 of
29 this Act.

Maintenance of
Separate Fund
by the Commission

Expenditure of
the Commission

1 **13.** The Commission may, from time to time, apply the proceeds of
2 the fund established in pursuance of section 12 (i) of the Act:
3 **(i)** to the cost of administration of the Commission;
4 **(ii)** to the payment of the salaries, fees or other remuneration or
5 allowances and pensions, superannuation, allowances and gratuities payment
6 of any kind under this paragraph shall not be made to any other person who is in
7 receipt of emoluments from the Government of the Federation or of a State;
8 **(iii)** for the maintenance of any property vested in the Commission;
9 and
10 **(iv)** for and in connection with any of its functions under this Act.

Annual Estimates
and Accounts

11 **14.**-(a) The Board shall submit to the Minister not later than 30th
12 September in each year an estimate of its expenditure and income during the
13 next succeeding year;

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

Annual Reports

18 **15.** The Board shall prepare and submit to the Federal Executive
19 Council through the Minister, not later than 30th July in each year, a report in
20 such form as he may direct on the activities of the Commission during the
21 immediate preceding year, and shall include in such report a copy of the
22 audited accounts of the Commission for that year and the Auditor-General's
23 report thereon.

Power to obtain
information

24 **16.**-(a) For the purposes of carrying out the functions conferred on the
25 Commission under this Act, the Executive Secretary or any other officer
26 authorized in that behalf:

27 **(i)** shall have a right of access to all the records of any institution to
28 which this Act applies; and

29 **(ii)** may, by notice in writing serve on any person in charge of any such
30 institution require that person to furnish information on such matters as may be

1 specified in that notice.

2 (b) It shall be the duty of any person required to furnish information
3 pursuant to subsection (i) of this section to comply with the notice within a
4 reasonable period of time;

5 (c) In this section, the reference to an institution which this Act
6 applies is a reference to teacher education or institution for the production of
7 teachers.

8 17. Subject to the provisions of this Act, the Minister may give to
9 the Commission directives of a general character or relating generally to
10 matter of policy with regards to the exercise by the Commission of its
11 functions and it shall be the duty of the Commission to comply with such
12 directives.

Power of Minister
to give Directives
to the Commission

13 18. In this Act, unless the context otherwise requires;

Interpretation

14 "Chairman" means the Chairman of the Commission; established by section
15 1 of this Act;

16 "Executive Secretary" means the person appointed as the Executive
17 Secretary to the Commission in pursuance of section 7 (i) of this Act;

18 "Member" means a member of the Commission and includes the Chairman;

19 "Minister" means the Minister charged with responsibility for education.

20 19. The Bill may be cited as the National Commission for Teacher
21 Education Bill, 2018.

Citation

SCHEDULE

Section 2 (iii)

SUPPLEMENTARY PROVISION RELATING TO THE PROCEEDINGS
OF THE BOARD

(1) Subject to this Act 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 the Chairman to have a second 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 members 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 advices of any person on any particular matter, the Board may co-opted shall have all the rights and privileges of member, except that he shall not be entitled to vote or count towards a quorum;

(5)(i) 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;

(ii) every committee appointed under the provisions of sub-paragraph (i) 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

1 the signature of the Chairman or of the Executive Secretary of the
2 Commission;

3 (8) Any contract or instrument which if made by a person not being
4 a body corporate, would not be required to be under seal maybe made or
5 executed on behalf of the Commission by the Executive Secretary or by any
6 other person generally or specifically authorized to act for that purpose by
7 the Commission;

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

12 (10) The validity of any proceedings of the Board or a Committee
13 thereof shall not be adversely affected:

14 (I)z by any vacancy in the membership of the Board or Committee;

15 (ii) by any defect in the appointment of a member of the Board or
16 Committee; or

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

19 (11) Any member of the Board or a Committee thereof who has a
20 personal interest in any contract or arrangement entered into or proposed to
21 be considered by the board or Committee shall forthwith disclose his interest
22 to the board or Committee and shall not vote on any question relating to the
23 contract or arrangement, and shall be excused to leave the scene of such
24 deliberations.

EXPLANATORY NOTE

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

The Act establishes a National Commission for Teacher Education to, amongst other things, advise the Federal Government on all aspects of teacher education in Nigeria and make recommendations on the national policy for the full development of teacher education in Nigeria.