

A BILL

FOR

AN ACT TO AMEND THE JOINT ADMISSION AND MATRICULATION BOARD (ESTABLISHMENT, ETC) ACT, 2018 AND OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Barau I. Jibrin

[] Commencement

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

1 1. The Joint Admission and Matriculation Board (Establishment,
2 Etc) Act, 2018 (In this Bill referred to as the Principal Act) is hereby
3 amended as set out in this Bill.

Amendment of
the Principal Act

4 2. Section 2 of the Principal Act is amended by changing the title
5 of the section, amending subsections (a), (e) and (i) and inserting provisions
6 (p) and (q) under subsection (1.)

Amendment of
Section 2:
Membership of
the Board

Membership of the Governing Board

8 (a) a Chairman who shall be a serving Vice-Chancellor of a
9 University or Rector of a Monotechnic/Polytechnic or a Provost of a College
10 of Education (by whatever name called) in Nigeria;

11 (b) five representatives of all the Universities in Nigeria;

12 (c) three representatives of all the Colleges of Education in
13 Nigeria;

14 (d) three representatives of all Monotechnic/Polytechnic in
15 Nigeria;

16 (e) one representative of the All Nigeria Confederation of
17 Principals of Secondary Schools;

18 (f) one representative of the Federal Ministry responsible for
19 education;

20 (g) the Registrar of The West African Examinations Council;

- 1 (h) the Executive Secretary of the National Universities Commission;
- 2 (i) the Executive Secretary of the National Board for Technical
- 3 Education;
- 4 (j) the Executive Secretary of the National Commission for Colleges
- 5 of Education;
- 6 (k) the Registrar of the National Business and Technical
- 7 Examinations Board;
- 8 (l) the Registrar of the Board;
- 9 (m) one representative of Innovation Enterprise Institutions;
- 10 (n) the Registrar of the National Examinations Council;
- 11 (p) three other persons to represent interests not otherwise
- 12 represented on the Board

Amendment of
Section 5:
Functions of
the Board

13 3. Sections 5(1)(a) and 5(2) of the Principal Act are amended. Section

14 5(1)(a) is amended also to add sub-section (i) and (ii) under (a) as follows:

15 5(1)(a)(i) the general control of the conduct of matriculation

16 examinations and admissions to courses leading to award of First Degrees,

17 Higher National Diploma, National Diploma, and Nigeria Certificate in

18 Education by Universities (by whatever name called),

19 Monotechnic/Polytechnics (by whatever name called), Colleges of Education

20 (by whatever name called) and Innovation Enterprise Institutions (by whatever

21 name called) in Nigeria;

22 5(1)(a)(ii) the conduct of entrance examinations and admission to any

23 post Secondary Institution with a minimum training period of two years

24 leading to the award of a Certificate, a Diploma or Registration by appropriate

25 Agency of Government;

26 5(2) for the avoidance of doubt, the Board shall be responsible for

27 determining l matriculation requirements and conducting examinations and

28 admissions to tertiary institutions in Nigeria offering academic programmes

29 leading to the award of First Degrees, Higher National Diploma, National

30 Diploma, Nigeria Certificate in l Education, and any other Diploma, g

1 Certificate or Registration awarded by any Post Secondary Institutions, but
 2 shall not be responsible for examination or any other selective processes for
 3 postgraduate courses/programme.

4 **4. Section 7(3) of the Principal Act is amended as follows:**

5 **The Registrar shall hold office in the first instance for a period of five years**
 6 **and shall be eligible for re-appointment for another term of five years and no**
 7 **more.**

Amendment of
 Section 7:
 Registrar of the
 Board

8 **5. A new Section 9 (Staff Regulations) is introduced while**
 9 **Sections 10-13 are renumbered accordingly.**

Section 9: Staff
 Regulations

10 (1) The Board may, subject to the provisions of this Act, make
 11 regulations on the conditions of service of staff of the Board.

12 **6.-(1) It is hereby declared that matters relating to pensions of staff**
 13 **in the services of the Board shall be as provided under the Pension Reform**
 14 **Act, No 64, 2014 (as may be further amended).**

Section 10:
 Application of
 Pensions Act

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

18 (3) For the purpose of the application of the Pensions Act, any
 19 power exercisable there under by a 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 Board and not by
 22 any other person or authority.

23 (4) Subject to subsection (2) of this section, the Pensions Act shall,
 24 in its application by virtue of subsection (1) 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 **7. The Board shall establish and maintain a fund which shall**
 28 **consist of:**

Section 11:
 Fund of the Board

29 (1) such sums as may be provided by the Federal Government for
 30 the running expenses of the Board; and

1 (2) such other sums as may be collected or received by the Board from
2 other sources either in the execution of its functions or in respect of any
3 property vested in the Board or otherwise howsoever.

Section 12:

4 8. The Board may, from time to time, apply the proceeds of the fund
5 established in pursuance of section (1 l) of this Act:

Expenditure of
the Board

6 (1) to the cost of administration of the Board;

7 (2) for reimbursing members of the Board or of any committee set up
8 by the Board for such expenses as may be expressly authorized by the Board in
9 accordance with such rates as may be approved, from time to time by the
10 President;

11 (3) to the payment of salaries, fees or other remuneration or
12 allowances, pensions, superannuation allowances and other approved
13 entitlements payable to the employees of the Board and of fees to agents, so
14 however that no payment of any kind under this paragraph (except such as may
15 be expressly authorized) shall be made to any person who is in receipt of
16 emoluments from the Government of the Federation or of a State;

17 (4) for the maintenance of any property acquired or vested in the
18 Board; and

19 (5) for and in connection with all or any of the functions of the Board
20 under or pursuant to this Act.

Section 13: Annual
Estimates, Accounts
and Audit Report

21 9.-(1) Annual estimates, accounts and audit:

22 (a) The Board shall submit to the Minister, not later than 30
23 September in each year an estimate of its expenditure and income during the
24 next succeeding year;

25 (b) The Board shall keep proper accounts and proper records in
26 relation thereto and shall prepare in respect of each year a statement of
27 accounts in such form as considered appropriate;

28 (c) The accounts of the Board shall be audited, not later than six
29 months after the end of the year to which such accounts relate, by auditors
30 appointed by the Board from the list and in accordance with the guidelines

1 supplied by the Auditor General of the Federation.

2 (2) Annual report:

3 The Board shall prepare and submit to the President, through the Minister,
4 not later than 30 June in each year, a report in such form as the Minister may
5 direct on the activities of the Board during the immediately preceding year,
6 and shall include in such report a copy of audited accounts of the Board for
7 the year and the auditors report thereon.

8 **10. Section 15 of the Principal Act is replaced as follows**

Amendment of
Section 15:
Power of Minister

9 (1) Regulations:

10 The Minister may make regulations for carrying into effect the provisions of
11 this Act.

12 (2) Issuing directives Subject to the provisions of this Act, the
13 Minister may give the Board directives of a general character or relating
14 generally to particular matters with regard to the exercise by the Board of its
15 functions under this Act and it shall be the duty of the Board to comply with
16 the directives.

17 **11. The Section 18 is amended as follows:**

Amendment of
Section 18:
Interpretation

18 Tertiary Institution Means:

19 Any Post Secondary Education in Nigeria with a minimum of two years
20 training leading to the award of First Degree, Higher Diploma, National
21 Diploma, Nigerian Certificate in Education and any other Certificate or
22 Diploma or Registration approved by appropriate Agency of Government.

23 **12. Section 19 is inserted as follows:**

Section 9:
Acquisition of
property

24 (1) The Board may acquire offices and premises:

25 (a) For the purpose of providing offices and premises necessary for
26 the performance of its functions under this Act, the Board may:

27 (i) Subject to the Land Use Act, purchase, take on lease or
28 otherwise acquire land; and

29 (ii) build, equip and maintain offices and premises.

30 (b) The Board may subject to the Land Use Act, sell or lease any

1 land, offices or premises held by it and no longer required for the performance
2 of its functions under this Act.

Citation

3 13. This Bill may be cited as the Joint Admissions and Matriculation
4 Board Bill, 2018.

5 SCHEDULE

6 *Section 2 (2).*

7 (1) Supplementary provision relating to the Board Proceedings

8 (a) Subject to this Act and section 27 of the Interpretation Act 1964
9 (which provides for decisions of statutory Body to be taken by a majority of its
10 member for the person presiding at any meeting, when a vote is ordered, to
11 have a second or casting vote), the Board may make standing orders regulating
12 the proceedings of the Board or any committee thereof. [cap. 123.]

13 (2) Every meeting of the Board shall be presided over by the chairman
14 and if the chairman is unable to attend any particular meeting, a member may
15 be appointed by the members present to act as chairman for that particular
16 meeting.

17 (3) A quorum at a meeting of the Board shall consist of eight members
18 at least three of whom shall be members appointed under paragraph (b) of
19 section 2(1) of this Act.

20 (4) Where standing orders made under paragraph 1 of this Schedule
21 provide for the board to co-opt persons who are not members of the Board, such
22 persons may advise the Board on any matter referred to them by the Board, but
23 shall not be entitled to vote at a meeting of the Board or count towards a
24 quorum.

25 *Committees*

26 (5) Subject to its standing orders, the Board may appoint such number
27 of standing adhoc committees as it thinks fit to consider and report on any
28 matter with which the Board is concerned.

29 (6) Every committee appointed under the foregoing provisions of this
30 paragraph shall be presided over by a member of the Board and shall be made

1 up of such number of persons, not necessarily members of the Board, as the
2 Board may determine in each case.

3 (7) The quorum of any committee set up by the Board shall be as
4 may be determined by the Board.

5 (8) Where standing orders made pursuant to paragraph I at this
6 Schedule provide for a committee of the Board to consist of or to co-opt
7 persons who are not members of the Board, the committee may advise the
8 Board on any matter referred to it by the Board.

9 (9) A decision of a committee shall be of no effect until it is
10 confirmed by the Board.

11 *Miscellaneous*

12 10) The fixing of the seal of the Board shall be authenticated by the
13 signature of the chairman and of any other person authorized in that behalf
14 by the Board.

15 11) Any contract or instrument which, if made or executed by any
16 person not being a Body Corporate would not be required to be under seal,
17 may be made or executed on behalf of the Board by any person generally or
18 specially authorized to act for that purpose by the Board.

19 12) Any document purporting to be a contract, instrument or other
20 document duly signed or sealed on behalf of the Board shall be received in
21 evidence and shall, unless the contrary is proved, be presumed to have been
22 so signed and sealed.

23 13) The validity of any proceedings of the Board shall not be
24 affected by:

25 (a) any vacancy in the membership of the Board;

26 (b) any defect in the appointment of a member of the Board;

27 (c) reason that a person not entitled to do so took part in the
proceedings of the Board.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Joint Admission and Matriculation Board
(Establishment, Etc) Act.



