

NATIONAL BOARD FOR ARABIC AND ISLAMIC STUDIES (NBAIS)
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF NATIONAL BOARD FOR ARABIC AND ISLAMIC STUDIES TO HAVE RESPONSIBILITIES FOR THE CONDUCT AND REGULATIONS OF EXAMINATIONS AND ITS DUE ADMINISTRATION AND FOR RELATED MATTERS

Sponsored by Hon. Abubakar Yunusa Ahmad

[] Commencement

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

PART I

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1. There is hereby established a body to be known as the National Board for Arabic and Islamic Studies as a Regulatory and examination Board (in this act referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Establishment of the National Board for Arabic and Islamic Studies as a Regulatory and Examination Board

2.-(1.) There is hereby established for the Board a Governing Board which shall be appointed by the President and Commander in Chief of the Arm Forces, Federal Republic of Nigeria on the recommendation of the Honourable Minister of Education.

Establishment and membership of Governing Board

(2.) That the Governing Board shall consist of:

(a) a Chairman;

(b) a Registrar;

(c) a representative of the Executive Secretary, Nigerian Educational Research and Development Council (NERDC);

(d) a representative of the Executive Secretary, Universal Basic Education Commission (UBEC);

(e) a representative of the Executive Secretary, Joint Admissions and Matriculation Board (JAMB);

- 1 (f) One representative from the Federal Ministry of Education (FME);
 2 (g) Director Institute of Education ABU Zaria;
 3 (h) Representative of Jama'atul NasarallIslam;
 4 (i) Three persons to represent Nigerian Universities one of which
 5 must be a special education specialist;
 6 (j) Two selected Professors of Arabic or Islamic Studies to represent
 7 National Association of Teacher of Arabic and Islamic Studies;
 8 (k) A representative of National Parents Teachers Association;
 9 (l) A representative of Nigeria Labour Congress;
 10 (m) The Board may co-opt one or more members as the case may be.;
 11 (n) Director of administration NBAIS serves as secretary
 12 (3.) The provisions of the schedule to this Act shall have effect with
 13 respect to the proceedings of the Board and other matters mentioned there in.

Appointment of
 Governing Board
 and Tenure of
 Office

- 14 3.-(a) The chairman of the Governing Board shall be a scholar of
 15 Arabic and/or Islamic Studies;
 16 (b) The Chairman and other members of the Governing Board shall
 17 hold office for a period of three years on such terms and conditions as may be
 18 specified in their letters of appointment, and/or may be re appointed for one
 19 further period of two years and no more..

Removal from
 office

- 20 4.-(a) Notwithstanding the provisions of section 3 of this Act, a
 21 member may at any time be removed from office by the president on the
 22 recommendation of the Minister of Education for his inability to discharge the
 23 functions of his office (whether arising from infirmity of mind or body or any
 24 other causes or for misconduct);

- 25 (b) A member of the Board may resign his appointment by a notice in
 26 writing under his hand, addressed to the Minister of Education and that
 27 member shall, on the date of receipt of the notice by the Minister of Education
 28 cease to be a member of the Board.

Emoluments

- 29 5. A member of the Board shall be paid such emoluments, allowances
 30 and benefits as the Minister of Education with the approval of the President

1 may from time to time approve.

2 6.-(1) A member of the Board who is directly or indirectly Disclosure of
interest
3 interested in any matter being deliberated on by the Board or is interested in
4 any matter proposed to be considered or contract proposed to be made by the
5 Board shall as soon as possible after the relevant facts have come to his
6 knowledge, disclose the nature of his interest at a meeting of the Board.

7 (2) A disclosure under subsection (1) of this section shall be
8 recorded in the minutes of meetings of the Board and the member concerned
9 shall:

10 (a) Not, after the disclosure, take part in any deliberation or
11 decision of the council and

12 (b) Be excluded for the purpose of constituting a quorum of any
13 meeting of the Board for any deliberation or decisions, with regard to the
14 subject matter in respect of which his interest is so disclosed.

15 PART II

16 *Functions and Powers*

17 7. Notwithstanding the provisions of any other law the Board shall
18 have the responsibility to:

19 (a) Conduct examinations leading to the awards of:

20 (i) Basic Arabic and Islamic Secondary Schools Certificates
21 (BAISSCE);

22 (ii) Senior Arabic and Islamic Secondary Schools Certificate
23 (SAISSCE).

24 (b) Issue results and certificates and make awards in examinations
25 conducted by the Board;

26 (c) Develop, Regulate and administer selection examinations into
27 Arabic and Islamic schools;

28 (d) Monitor, collect and keep records of continuous assessments of
29 Arabic and Islamic Schools and allied Institutions towards the award of
30 certificate from the Board;

1 (e) Conduct research; publish statistics and other information in order
2 to develop appropriate examination tests and syllabi for Arabic and Islamic
3 Schools;

4 (f) Prepare and submit to the Minister an annual report on standard of
5 examinations and other related matters; and

6 (g) Make such gifts and donations as the Governing Board may
7 decide;

8 (h) Regulate and certificates Islamiyyah and Quranic Schools;

9 (i) Advise Federal and States Ministries of Education and
10 Government Approved Arabic and Islamic Schools, Colleges and Centers in
11 Nigeria;

12 (k) Collaboration with higher Institutions on Standard and quality
13 assurance;

14 (i) Carry out such other activities as are expedient for the discharge of
15 all or any of the, functions conferred on the Board under this Act.

Powers of the
Board

16 8. The Board shall have power to carry out all the Junctions assigned
17 to it under section 7 of this Act.

18 PART III

19 *Registrar and other staff*

Appointment of
Registrar

20 9.-(a) The President shall on the recommendation of the Minister
21 appoint for the Board a Professor of Arabic and/or Islamic Studies with the
22 cognate experience on NBAIS activities who shall be the Registrar.

23 (b) The Registrar shall be the Chief Executive of the Board and shall
24 be responsible for the execution of the policy of the Board and the day to day
25 administration of the affairs of the Board subject to the general direct control of
26 the governing Board;

27 (c) The Registrar shall hold office in the first instance for a period of
28 four years and shall be eligible' for re appointment for one further term of three
29 years and no more;

30 (d) Subject to this section, the Registrar shall hold office on such

1 terms as to emoluments and otherwise as maybe specified in his letter of
2 appointment and as may from time to time be approved by the Minister.

3 10. -(a) The Governing Board may appoint such other persons to be
4 officers and employees of the Board as the Governing Board may determine
5 to assist the Registrar in the exercise of his functions under this Act;

Other staff of
the Board

6 (b) The remuneration and condition of service of the other staff of
7 the Board shall be determined by the Governing Board.

8 11.-(i) The Governing Board may, subject to the provisions of this
9 Act make staff regulations relating generally to the conditions of service of
10 the staff of the Board and without prejudice to the generality of the
11 foregoing, such regulations may provide for:

Staff Regulations

12 (a) The appointment, promotion, and disciplinary control of the
13 staff of the Board;

14 (b) Appeals by such staff against dismissal or other disciplinary
15 measures.

16 (ii) Until such regulations are made under subsection (1) of this
17 section, any instrument relating to the conditions of service of the officers in
18 the Civil Service of the Federation shall be applicable, with such
19 modifications as may be necessary to the staff of the Board;

20 (iii) Staff regulations made under subsection (1) of this section
21 shall not have effect until approved by the Minister, and such approval may
22 be brought to the attention of Staffs affected before official gazette.

23 12.-(a) It is hereby declared that service in the Board shall be
24 approved service for the purpose of the pensions Act and accordingly,
25 officers and employees of the Board shall be entitled to pensions and
26 gratuities and other retirement benefit in respect of that office;

Pensions Act

27 (b) Notwithstanding the provisions of subsection (1) of this
28 section, nothing in this Act shall preclude the appointment of a person to any
29 office on terms which preclude the grant of a pension or gratuity or other
30 retirement benefit in respect of that office;

1 (c) For the purpose of the application of the pension Act, any power
2 exercisable there under by Minister or authority of the Federal Government
3 (not being the power to make regulations under section 26 thereon is hereby
4 vested in and shall be exercisable by the Governing Board and not by any other
5 person or authority.

6 PART IV

7 *Financial Provisions*

Fund of the
Board

8 13.-(1) The Board shall establish and maintain a fund into which shall
9 be paid and credited all the income accruing to the Board under subsection (2)
10 of this section and from which shall be defrayed all the expenditure incurred by
11 the Board.

12 (2) There shall be paid into the fund established pursuant to
13 subsection (1) of this section:

14 (a) Such monies as may from time to time be lent or granted to the
15 Board by the Government of the Federation, or State or Local Government;

16 (b) All monies raised for the purpose of the Board by way of gifts,
17 loans, grant in aid, testamentary disposition or otherwise;

18 (c) Such other monies as may be payable to the Board in the course of
19 the discharge of its functions;

20 (d) All interests received in respect of monies invested by the Board;

21 (e) All other assets as may from time to time accrue to the Board.

Application of
the Proceeds of
the Fund

22 14. The Board may from time to time apply the proceeds of the fund
23 established pursuant to section 13 of this Act:

24 (a) To the cost of administration of the Board;

25 (b) For reimbursing Members of the Governing Board or of any
26 Committee set up by the Board for such expenses as may be expressly
27 authorized by the Board in accordance with such rates as may be approved,
28 from time to time, by the Minister;

29 (c) to the payment of salaries, fees, other remunerations, or
30 allowances, pensions, superannuation and gratuities payable to the officers and

1 employees of the Board;

2 (d) to the repayment of any money borrowed under section 13 of
3 this Act or of any interest payable there on;

4 (e) for the maintenance, and/or acquisitions of any property
5 equipments and/or tools acquired by or vested in the Board; and

6 (f) for an d in connection with all or any of the functions of the
7 Board under this Act or any other Law.

8 15.-(1) The Board shall prepare and submit to the Minister not later
9 than 30th September of each year or such other time as may be directed by
10 the Minister, accounts and an estimate of its income and expenditure during
11 the succeeding year.

Annual Estimates,
accounts and Audit

12 (2) The Board shall keep proper accounts and other records relating
13 there to, and shall cause to be prepared, not later than 30th June of each year,
14 a statement of accounts relating to the last preceding year.

15 (3) The statement of accounts, together with records relating there
16 to, shall be certified by the Governing Board and the accounts shall be
17 audited by the auditors to be appointed by the Governing Board in
18 accordance with the guidelines, supplied by the Auditor General of the
19 Federation.

20 16.-(1) As soon as the accounts of the Board have been audited, the
21 Board shall prepare a report of its activities during the preceding year which
22 shall include in such report a copy of the audited accounts of the Board and
23 the auditors reports there on.

Annual report

24 (2) The Minister shall, soon after the receipt of the report, present
25 the report to the Federal Executive Council together with any comment there
26 on as may be made.

27 17. The Board may, with the consent of or in accordance with the
28 authority of the Minister, borrow on such terms and conditions such sums of
29 money as the Board may require in the exercise of the functions conferred on
30 it under this Act.

Powers to borrow

Power to give
or accept gifts

1 18.-(1) The Board may give or accept gifts or donation such terms and
2 conditions; if any, as may be specified by the person making the gift or
3 donation.

4 (2) The Board may not accept gifts or donation if the conditions
5 attached by the person making the gift to its acceptance are inconsistent with
6 the functions of the Board under this Act.

7 PART V

8 *Legal Proceedings*

Limitation suits
against the Board

9 19.-(1) Subject to the provisions of this Act, the provisions of the
10 Public Officers Protection Act shall apply in relation to any suit instituted
11 against the employees of the Board.

12 (2) Notwithstanding anything contained in any other enactment, no
13 suit against a Member of the Board or the Registrar or any other officer or
14 employee of the Board for anything done or omitted to be done in pursuance of
15 or execution of this Act or any enactment or
16 Law, or of any public duty or authority in respect of any alleged neglect or
17 default in the execution of this Act or any other enactment or Law, duty or
18 authority, shall lie or be instituted in any Court unless it is commenced:

19 (a) Within three months next after the act, neglect or default of; or
20 complained;

21 (b) In the case of a continuation of damage or injury, within six
22 months next after the ceasing thereof.

23 (3) No suit shall be commenced against a Member of the Board or the
24 Registrar or any other officer or employee of the Board before the expiration of
25 a period of one month after written notice of intention to commence the suit
26 shall have been served on the Board by the intending plaintiff or his agent.

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

1 required for public purpose of the Federation and accordingly, shall be
2 acquired under the land use Act.

3 (3) The compensation and other incidental expenses if any, payable
4 for the "acquisition of any land under this section or payable under the land use
5 Act for the revocation of any right relating to the land, as the case may be, shall
6 be paid by the Board.

Authorisation

7 25.-(1) For the purpose of carrying out the functions conferred on the
8 Board under this Act, the Registrar or any other officer or employee of the
9 Board, authorised on the Board behalf:

10 (a) shall have a right of access to all relevant records of any institution
11 to which this Act applies; and.

12 (b) may by notice in writing served on any person in charge of any
13 such institution require that person to furnish or cause to be furnished
14 information on such matters as may be specified in the notice.

15 (2) It shall be the duty of any person required to furnish information
16 pursuant to subsection (1) of this section to comply with the notice within a
17 reasonable period of time.

Power of Minister
to give directives

18 26. The Minister may give to the Governing Council directives of a
19 general nature with respect to any of the functions of the Board to comply with
20 such directives or cause them to be complied with.

Regulations

21 27.-(1) The Board may, with the approval of the Minister, make
22 regulations generally for the carrying into effect the provisions of this Act and
23 without prejudice to the generality of the foregoing, the regulations may
24 provide for:

25 (a) the person or categories of persons who may enter for
26 examination(s), conducted by the Board;

27 (b) the conduct of candidates during such examinations;

28 (c) the obligations of educational institutions involved in presenting
29 candidates for the examinations conducted by the Board.

30 (2) Where regulations are made pursuant to subsection (1) of this

1 section, it shall not be necessary, for their validity to have them published in
2 a gazette, but the Board shall bring them to the notice of such interested
3 persons (including the officers and employees of the Board) in such manner
4 as the Board may, from time to time determine.

5 28. All procurements of goods and services by the Board shall be
6 strictly in accordance with provision of the Public Procurement Act 2007 as
7 amended.

Procurements
of goods and
services

8 29. In this Act, unless the context otherwise requires:

Interpretation

9 "Board" means National Board for Arabic and Islamic Studies (NBAIS);

10 "Chairman" means the Chairman of the Governing Board;

11 "Member" means any Member of the Governing Board I which includes the
12 Chairman;

13 "Minister" means the Minister charged with responsibility for matters
14 relating to Education;

15 "President" means the President of the Federal Republic of Nigeria;

16 "Registrar" means the Registrar of the Board appointed pursuant to section 9
17 of this Act;

18 "Gift or Donation" anything given free of charge.

19 30. This Bill may be cited as the National Board for Arabic and
20 Islamic Studies (NBAIS) (Establishment) Bill, 2021.

Citation

1

SCHEDULE

2

(SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD)

3

Proceedings of the Board

4

1..-(1) Subject to this Act and section 29 of the interpretation the
5 Governing Board may make standing orders regulating its proceedings or
6 those of its committees.

7

(2) The quorum of the Governing Board shall be the Chairman and
8 five other Members and the quorum of any committee of the Board shall be
9 determined by the Board.

10

2..-(1) The Governing Board shall meet not less than two times in each
11 year and subject there to, the Governing Board shall meet whenever it is
12 summoned by the Chairman, and if the Chairman is required to do so by notice
13 given to him by not less than seven other Members of the Governing Board I
14 shall summon a meeting of the Governing Board to be held within fourteen
15 days from the date on which the notice is given.

16

(2) At any meeting of the Governing Board the Chairman shall
17 preside, but if he is absent the Members present at the meeting shall, appoint
18 one of their number to preside at the meeting.

19

(3) Where the Governing Board desires to obtain the advice of any
20 person on a particular matter the Board may co-opt him as a Member for such
21 period as it thinks fit, but a person who is a Member by virtue of this
22 subparagraph shall not be entitled to vote at any meeting of the Governing
23 Board and shall not count towards a quorum.

24

Committees

25

3..-(1) The Governing Board may appoint one or more Committees to
26 carry out, on behalf of the Board such of its functions as the Board may
27 determine.

28

(2) A Committee appointed under this paragraph shall consist of such
29 number of persons (not necessarily all Members of the Board) as may be
30 determined by the Governing Board I and a person other than a Member of the

