

A BILL

FOR

AN ACT TO AMEND THE EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF INSTITUTIONS) ACT AND RELATED MATTERS

Sponsored by Hon. Dachung Musa Bagos

[] Commencement

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

1 **1.** The Education (National Minimum Standards and
2 Establishment of Institutions) Act, 2004 (hereinafter referred to as "the
3 Principal Act") is amended as set out in this Act.

Amendment of
the Education
(National Minimum
Standards and
Establishment
of Institutions)
Act, 2004

4 **2.** Section 17 of the Principal Act is amended by inserting
5 immediately after sub-section (3) the following new subsections (4) (5), (6)
6 and (7), respectively:

Amendment of
Section 17

7 “(4) Any person or group of persons, who:

8 (a) unlawfully establish or operate an unapproved degree-
9 awarding Institution is guilty of an offence and liable on conviction to
10 imprisonment for a term of not less than 5 years and not more than 10 years
11 without an option of fine; or

12 (b) engages the services of a person on the strength of a certificate
13 issued by an unapproved degree awarding Institution commits an offence
14 and liable on conviction to imprisonment for a term not less than 5 years and
15 not more than 10 years without an option of fine.

16 (5) Where an offence under sub-section (4) of this section is
17 committed by a body corporate, it shall be liable on, conviction to a fine of
18 not less than 5 million Naira.

19 (6) Where the premises or landed property used for operating an
20 unapproved degree awarding Institution belongs to a person convicted
21 under sub-section (4) or (5) of this section, that landed property shall in

1 addition to other punishments imposed under the Act, be forfeited to the
2 Federal Government.

3 (7) Any person who lets or makes available for use, his landed
4 property or premises for the operation of an unapproved University, commits
5 an offence and is liable on conviction to imprisonment for a term not less than
6 two years and not more than five years, without an option of fine, and where
7 such landed property or premises is owned by a corporate body, it shall be
8 liable on conviction to a fine of not less than 3 million Naira.

Amendment
of Section 21

9 3. Section 21 of the Principal Act is amended by inserting
10 immediately after subsection (3), the following new sub-sections, (4), (5), (6),
11 (7), (8), (9), and (10) as follows:

12 “(4) Subject to the provisions of the Constitution of the Federal
13 Republic of Nigeria, 1999, it is unlawful for any person or group of persons
14 (whether corporate or not) in any part of Nigeria to establish or run a University
15 or any form of degree-awarding Institution either independently or in
16 conjunction with any University or Institution within or outside Nigeria for
17 purpose of awarding degrees, without the written approval of the Commission.

18 (5) As from the commencement of this Act, it shall be unlawful for
19 any University in Nigeria whether acting singly or in conjunction with any
20 other Institution within or outside Nigeria to establish or run degree
21 programmes in satellite campuses or study centres outside its primary location.

22 (6) Subject to sub-section (5) of this section, all the degree
23 programmes being run at any satellite campus or study centre shall, from the
24 commencement of this Act cease to operate and all the affected students shall
25 be at liberty to re-apply to any existing approved University running such
26 programmes with full accreditation by the Commission.

27 (7)(1) It is unlawful for any:

28 (a) employer of labour (Government or Private) to recognise any
29 certificate issued from an unapproved degree-awarding Institution for the
30 purpose of employment or engagement of service or advancing the career of its

1 existing employees on the strength of such certificate;

2 (b) approved degree-awarding Institution to recognise or use a
3 certificate issued from an unapproved degree-awarding Institution for the
4 purpose of further study.

5 (8) The Commission may grant approval to any person to establish
6 or operate a University or any other degree-awarding Institution pursuant to
7 this section.

8 (9) A licence may be granted for such period and subject to certain
9 conditions and terms prescribed by the Commission in consultation with the
10 Minister.

11 (10) The Commission may suspend or withdraw any licence in its
12 discretion, if the licensee fails to comply with any of the conditions or
13 guidelines issued in respect of the licence.

14 (11) Approval granted by the Commission under this section
15 means a licence to operate a University or other degree awarding Institution.

16 **4.** Section 22 of the Principal Act is amended by:

Amendment of
Section 22

17 (a) substituting the existing subsection (2) with a new subsection
18 (2):

19 “(2) The Commission may close down any academic unit, in any
20 approved Institution, which does not meet prescribed minimum standards”;
21 and (b) deleting subsection (3).

22 **5.** The Principal Act is amended by creating a new Section 25 after
23 section 24 as follows:

Amendment of
Section 25

24 “25 Power to Make Regulations:
25 The Commission may with approval of the Minister, make regulations
26 generally for the purposes of this Act.

27 **6.** The principal Act is amended by re-numbering the former
28 Section 25 as Section 26.

Re-numbering
of Section 25

29 **7.** The former section 25 of the principal Act is amended by adding
30 the following definitions, that is:

Amendment
of former
Section 25

1 (a) before "academic year" add "academic unit" means programme or
2 department or discipline with National Universities Commission's approved
3 bench-mark minimum academic standard;

4 (b)(i) after "adult and non-formal education" add:
5 "Campus" means any campus that may be established by a University";

6 (ii) "Commission" means National Universities Commission;

7 (c) after "technical education" add "unapproved degree-awarding
8 Institution" means a degree-awarding Institution operating without the
9 approval of the National Universities Commission.

Amendment of
the Schedule

10 **8.** The Principal Act is amended in the Schedule:

11 (i) in paragraph 4 by inserting the following as sub-paragraphs (d) and
12 (e):

13 "(d) the applicant has established an endowment fund of at least N250
14 million in a reputable bank for the University which fund shall be increased to
15 N500 million in the first 5 years and to at least N1 billion in the first 10 years of
16 the establishment of the University.

17 (e) the proposed University is registered or incorporated in Nigeria as
18 a charitable company limited by guarantee and the proprietor(s), operator(s),
19 trustees or directors are disentitled from drawing profits from the University";
20 and

21 (ii) in paragraph 5 by inserting the following as new sub-paragraph
22 (1)(c) "(1)(c) The and forming part of the assets under paragraph (b) at the time
23 of the approval contains fully developed infrastructure which in the opinion of
24 the approving authority will be sufficient for the take-off of the Institution" .

Short title

25 **9.** This Bill may be cited as the Education (National Minimum
26 Standards and Establishment of Institutions) (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Education National (Minimum Standards and Establishment of Institutions Act Cap E3 LFN 2004) to proscribe and prohibit unapproved Degree-awarding Institutions and Satellite Campuses; to prohibit employers of labour from engaging the services of holders of unapproved degrees and to empower the National Universities Commission to grant and withdraw operational licences to a University.