

NOTIONAL UNIVERSITIES COMMISSION ACT, 2019

ARRANGEMENT OF CLAUSES

PART I - OBJECTIVES, APPLICATION AND SCOPE

1. Objective of the Bill
2. Application and Scope

PART II - ESTABLISHMENT, FUNCTIONS AND THE GOVERNING

BOARD OF THE COMMISSION

3. Establishment of the Commission
4. Functions of the Commission
5. Establishment of the Governing Board
6. Remunerations and Allowances of the Board Members
7. Qualifications of the Board Members
8. Appointment and Tenure of Board Member
9. Resignation of a Board Members
10. Removal of a Board Member
11. Vacancy on the Governing Board

PART III - MANAGEMENT AND STAFFING OF THE COMMISSION

12. Executive Secretary of the Commission
13. Other Staff of the Commission
14. Conditions of Service
15. Application of the Pensions Act

PART IV - LICENCES

16. Licensing Processes and Principles
17. Licence Conditions
18. Prohibition of Illegal and Unauthorized Degree-awarding Institutions
19. Assignment of Licence and Compliance with Licence Conditions
20. Suspension or Revocation
21. Effects of suspension and Revocation
22. Register of Licenses
23. Access to Register by Public

PART V - POWERS AND PROCEDURES OF THE COMMISSION

24. Issuance of Directives
25. Modification of Directives
26. Non-compliance with Directives
27. Visitation Exercise and Oversight Inquiry

28. Public Oversight Inquiry
29. Private Oversight Inquiry
30. Investigation for Purpose of Administration and Oversight Inquiry
31. Publication of Report
32. Information-gathering Powers
33. Non Compliance
34. Evidence of Compliance
35. Record and Publication of Information

PART VI - NATIONAL UNIVERSITIES COMMISSION FUND

36. Establishment of the National Universities Commission Fund
37. Maintenance of a Separate Fund by the Commission
38. Expenditure of the Commission
39. Borrowing Powers and Gift
40. Financial Year and Audit of the Commission's Account
41. Annual Report to the National Assembly

PART VII - SUPPLEMENTARY AND MISCELLANEOUS
ENFORCEMENT POWERS

42. Power to Inspect
43. Power to Search, Seize and Arrest
44. Obstruction of Authorized Officer
45. Authorized Officer to disclose Identity
46. Procedure in Respect of Suits against the Commission
47. Service of Documents
48. Restriction of Execution against Property of the Commission
49. Indemnity of Board Members and Employees of the Commission
50. Delegation of Functions
51. Power to Make Regulations
52. Regulatory Review
53. Jurisdiction
54. Repeal and Savings
55. Interception
56. Short Title

FIRST SCHEDULE

SECOND SCHEDULE

A BILL

FOR

AN ACT TO REPEAL THE NATIONAL UNIVERSITIES COMMISSION ACT, CAP. N81 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NATIONAL UNIVERSITIES COMMISSION ACT FOR THE PURPOSE OF ESTABLISHING THE NATIONAL UNIVERSITIES COMMISSION TO REFORM THE NIGERIAN UNIVERSITY SYSTEM IN LINE WITH MODERN REALITIES AND INTERNATIONAL BEST PRACTICES; AND FOR RELATED MATTERS

Sponsored by Hon. Dachung Musa Bagos

[] Commencement

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

1 PART I - OBJECTIVES, APPLICATION AND SCOPE

2 1.-(1) The primary object of this Bill is to create and provide a
3 regulatory framework for the Nigerian University System comprising of
4 universities and other degree-awarding and related institutions in Nigeria.

Objectives of
the Act

5 (2) For the purpose of sub clause (1) of this clause and without
6 prejudice to the generality of its provision, this Bill shall specifically:

7 (a) promote the implementation of the National Education Policy
8 as may be modified from time to time;

9 (b) establish a regulatory framework for Nigeria's University
10 System and for this purpose to create an effective, impartial and dynamic
11 regulatory authority;

12 (c) provide an institutional platform for the promotion of a
13 sustainable University System and an effective support to the Nigerian
14 Tertiary Education Sector;

15 (d) ensure the development of an efficient University System that
16 will guarantee quality and relevance for national development and global
17 competitiveness;

1 (e) promote the attainment of a stable and crisis-free University
2 System;

3 (f) support universities in Nigerian to achieve full accreditation status
4 for the academic programmes they run;

5 (g) promote the proficient use of Information and Communication
6 Technology (ICT) for learning, research and teaching service delivery within
7 the Nigerian University System and ensure a compact, efficient, dynamic and
8 Information Technology (IT) driven workforce therein;

9 (h) ensure that the university graduate output in Nigeria matches with
10 national manpower needs;

11 (i) foster dynamic partnership between the Nigerian University
12 System and the private sector;

13 (j) promote healthy competition among universities in Nigerian in the
14 discharge of their tripartite functions of teaching, research and community
15 services;

16 (k) ensure efficient management including planning, coordination,
17 allocation, monitoring and use of scarce national resources in the Nigerian
18 University System; and

19 (1) promote and safeguard national interest and education for
20 sustainable development in the use of scarce national resources.

Application
and Scope

21 **2.** This Bill applies to the establishment, control, regulation,
22 monitoring and management of universities and other degree-awarding and
23 related institutions and related matters within and outside Nigeria.

24 PART II - ESTABLISHMENT, FUNCTIONS AND THE GOVERNING

25 BOARDS OF THE COMMISSION

Establishment
of the
Commission

26 **3.**-(1) There is established the National Universities Commission (in
27 this Bill referred to as "the Commission") which shall have the responsibility of
28 regulating universities and other degree-warding institutions in Nigeria.

29 (2) The Commission shall be a body corporate with- perpetual
30 succession and a common seal, may sue or be sued in its corporate name, and r

1 shall have the power to:

2 (a) enter into contracts and incur obligations;

3 (b) acquire, hold, mortgage, purchase and deal, howsoever, with
4 property, whether movable or immovable, real or personal; and

5 (c) do all such things as are necessary for or incidental to the
6 carrying out of its functions and duties under this Bill.

7 4.-(1) The Commission shall regulate and ensure delivery of
8 quality education in the Nigerian University System and shall:

Function of
the Commission

9 (a) formulate, determine and monitor the general policy for
10 university education in Nigeria with a view to ensuring amongst others, the
11 utilization of that sector as a platform for sustainable manpower development
12 in Nigeria;

13 (b) advise the President, Governors of States and any other public
14 or private proprietor, through the Minister, on the creation of new
15 universities and other degree-awarding institutions in Nigeria;

16 (c) prepare periodic master plans for the balanced and coordinated
17 development of universities in Nigeria after consultation with State
18 Government's the universities, the National manpower Board and such
19 other bodies it deems appropriate and such plans shall include:

20 (i) the general programmes to be pursued by the universities and
21 other degree-awarding institutions in order to ensure that they are fully
22 adequate to meet national needs and objectives, and

23 (ii) recommendations for the establishment and location of new
24 universities as and when considered necessary, and in accordance with the
25 Commission's approved guidelines;

26 (d) make recommendations for the establishment of new academic
27 units in universities and other degree-awarding institutions;

28 (e) give approval or disapproval of proposals to establish new
29 academic units and programmes in universities and other degree-awarding
30 institutions;

1 (f) grant license or regulations for the take-off of new universities that
2 fully comply with applicable Statutes, Regulations and Guidelines issued by
3 the Commission, subject to the provisions of this Bill;

4 (g) lay down minimum standards for all universities and other degree-
5 awarding institution in Nigeria, and accredit their degrees and other academic
6 awards;

7 (h) ensure that quality is maintained within the academic programme
8 of the Nigerian University System;

9 (i) be the regulatory agency with oversight functions responsible for
10 matters related to the proper management and conduct of the affairs of
11 universities in Nigeria;

12 (j) make any such investigation relating to higher education as the
13 Commission may consider necessary in the national interest;

14 (k) make such other recommendations to the Federal and State
15 Governments as well as private proprietors, relating to universities and other
16 degree-awarding institutions as the Commission may consider to be in the
17 national interest;

18 (l) inquire into and advise the Federal and State Governments as well
19 as private proprietors, on the financial needs, both recurrent and capital, of
20 university education in Nigeria and in particular, investigate and study the
21 financial needs of university research and ensure that adequate provision is
22 made for this in the public and private universities;

23 (m) receive block grants from the Federal Government and allocating
24 them to Federal universities and other designated degree awarding institutions
25 of the Federal Government, in accordance with such formula as may be laid
26 down by the Federal Executive Council;

27 (n) liaise with State Government and private proprietors to ensure
28 adequate and sustainable funding for universities owned by them, in order to
29 justify Certificate of Recognition and Operational License issued by the
30 Commission;

1 (o) take into account, in advising the Federal and State
2 Governments as well as private proprietors on university finances, such
3 grants as may be made to the universities by governments, private
4 proprietors and persons and institutions, in and outside Nigeria.

5 (p) collate, analyze and publish information relating to university
6 education in Nigeria and from other sources where such information is
7 relevant to the discharge of its functions under this Bill;

8 (q) undertake periodic reviews of the terms and conditions of
9 service of personnel engaged in the universities and make recommendations
10 to the Federal Government, State Governments, private proprietors and
11 other stakeholders, where appropriate;

12 (r) recommend to the Visitor of a university that visitation be made
13 to such university as and when it considers it necessary and ensure the
14 implementation of the ensuing Visitation Panel Report;

15 (s) act as an agency for channeling external aid and special
16 projects, and intervention funds to the universities in Nigeria and report to
17 the Federal Governments;

18 (t) promote and coordinate the orderly development and operation
19 of electronic-learning, open and distance -learning mode of delivering
20 university education in Nigeria;

21 (u) encourage and stimulate the use of multimedia sharing of
22 learning resources and inter-connectivity of learning within the Nigerian
23 University system;

24 (v) develop policies and structures that support the overall well-
25 being of the students in the Nigerian Universities System;

26 (w) co-ordinate all issues relating to physical planning and
27 development of facilities and infrastructure of all university campuses in
28 Nigeria;

29 (x) accredit all universities and degree-awarding institutions in
30 Nigeria, together with their academic programme;

1 (y) promote and sustain quality assurance in all universities and other
2 degree-awarding institutions in Nigeria; and

3 (z) do any other thing that may be deemed by the Commission to be
4 necessary, desirable, expedient, supplementary or incidental to the effective
5 performance of the functions or exercise of the powers under this Bill or its
6 subsidiary legislation.

7 (2) Without prejudice to the provisions of sub-clause (1) of this
8 clause, the Minister may give the Commission directives of a general character
9 or relating generally to particular matters, with regard to the exercise by the
10 Commission of its functions under this Bill and it shall be the duty of the
11 Commission to comply with such directives in the national interest.

12 (3) Subject to sub clause (2) of this clause, the Minister shall from
13 time to time notify the Commission in writing of his views on the general
14 policy directions of the Federal Government in respect of the Nigerian
15 University System.

16 (4) In the execution of this functions and supervisory relationship
17 with the Commission, the Minister shall at all times ensure that the dynamism
18 and powers of the Commission, in regard to the discharge of its functions and
19 operations under this Act or its subsidiary legislation, are protected and not
20 compromised in any manner whatsoever.

Establishment
of Governing
Board

21 **5.-(1)** There is established for the Commission a Governing Board (in
22 this Bill referred to as "the Board") charged with the responsibility of policy-
23 making and oversight duties over the affairs of the Commission

24 (2) The Board shall consist of:

25 (a) a Chairman;

26 (b) a representative of each of the following Federal Ministries and
27 Departments:

28 (i) Ministry responsible for Education,

29 (ii) Ministry responsible for Health,

30 (iii) Ministry responsible for Finance,

1 (iv) Ministry responsible for Women Affairs and Social
2 Development, and

3 (v) Department of Establishment and Pensions, office of the Head
4 of Service of the Federation,

5 (c) six persons with wide knowledge and experience representing
6 both private and public sector interest, to be appointed on individual merit
7 and on a nationwide basis;

8 (d) a representative from each of the following academic
9 disciplines:

10 (i) Agriculture and Veterinary Sciences,

11 (ii) Earth, Mineral and Natural Sciences,

12 (iii) Education,

13 (iv) Engineering Sciences and Technology,

14 (v) Environmental Sciences,

15 (vi) Health Sciences,

16 (vii) Humanities,

17 (viii) Law, and

18 (ix) Social and Management Sciences, and

19 (e) the Executive Secretary of the Commission who shall be an ex
20 officio member of the Board.

21 (3) The Chairman and members of the Board shall be appointed by
22 the President, who shall ensure at all times that there is a duly constituted
23 Board.

24 (4) The supplementary provisions spelt out in the First Schedule to
25 this Bill shall have effect with respect to the proceedings of the Board and
26 other matters contained therein.

27 *[First Schedule]*

28 (5) Subject to sub clause (4) of this clause, the Board shall have the
29 power to make standing orders for the regulation of its proceedings and

1 meetings, and any act of the Board shall be deemed to be an act of the
2 Commission.

3 (6) The Chairman and other members of the Board shall be persons of
4 proven integrity who by reason of their professional or business attainment are
5 capable of making useful contributions to the work of the Commission.

Remunerations
and Allowances
of Board Members

6 6. Board members including the Chairman shall be paid such
7 remunerations and allowances as the Government may approve.

Qualifications
of Members of
the Board

8 7.-(1) A member of the Board shall be a person of recognized
9 standing, qualification and experience in his professed area of expertise.

10 (2) A person shall be appointed or remain in office as a member of the
11 Board if the person:

12 (a) is a citizen of Nigeria;

13 (b) is resident in Nigeria;

14 (c) is not a serving member of the National Assembly, a State House
15 of Assembly, or a Local Government Council;

16 (d) is not incapacitated by any physical illness;

17 (e) has not been certified to be of unsound mind;

18 (f) is not an undercharged bankrupt;

19 (g) has not been convicted in Nigeria or elsewhere of a criminal
20 offence, being a misdemeanor or felony, or

21 (h) has not at any time been removed from an office of trust on
22 account of misconduct.

23 (3) The conflict of interest provisions contained in the Second
24 Schedule to this Bill shall apply to all members of the Board including the
25 Chairman.

26 *[Second Schedule]*

Appointment
and tenure of
members of
the Board

27 8.-(1) The President shall appoint members of the Board in
28 accordance with provisions of clauses 5(2) (a)(c)(d) and 7 of this Bill, from
29 each of the six geo-political zones in Nigeria.

30 (2) A member of the Board including the Chairman shall hold office

1 on part-time basis.

2 (3) Subject to the provision of clause 11 of this Bill, a member of
3 the Board other than an ex-officio member shall serve for a term of three
4 years from the date of his appointment and may be re-appointed for another
5 term of three years and no more.

6 (4) Subject to the provision of clause 11(3) of this Bill, a member of
7 the Board who was appointed prior to the commencement of this Bill and
8 whose term of office still subsists, shall at the commencement of the Bill, be
9 deemed to be serving the his initial term of three years from the date of his
10 appointment under this Bill, and shall subject to the provision of sub clause
11 (3) of this clause of this Bill be eligible for re-appointment.

12 **9.** A member of the Board who is not a public servant, may resign
13 his office by giving three months written notice addressed to the President
14 through the Minister.

Resignation of
a member of the
Board

15 **10.-(1)** Subject to the provisions of sub clause (2), (3) and (4) of
16 this clause, a member of the Board may be suspended or removed from
17 office by the President if the member:

Removal of a
members of the
Board

18 (a) is not qualified for appointment;

19 (b) is absent from five consecutive meetings of the Board without
20 the consent of the Chairman of the Board, except he shows good reason for
21 such absence;

22 (c) is guilty of a serious misconduct in relation to his duties as a
23 member of the Board;

24 (d) is disqualified or suspended from practicing his profession in
25 any part of the world by an order of a competent authority, in the case of a
26 person possessed of professional qualifications;

27 (e) is in breach of the Conflict of Interest Rules set out in the
28 Second Schedule to this Bill; or

29 *[Second Schedule]*

30 (f) has demonstrated the inability to effectively perform the duties

1 of his office.

2 (2) The President shall, through the Minister inform the member of the
3 Board by written notice, of his intention to suspend or remove the member of
4 the Board from office and the reasons thereof as soon as practicable before the
5 suspension or removal of such member under sub clause (1) of this clause.

6 (3) The member of the Board under sub clause (1) of this clause shall
7 be given a reasonable opportunity to make a written submission to the
8 President through the Minister, within a time specified in the notice but not less
9 than 14 days from the date of the notice.

10 (4) The affected member of the Board may, within the time limit
11 specified in the notice under sub clause (1) of this clause, make a written
12 submission to the President and the President may consider the submission in
13 making his final decision on the suspension or removal of the member of the
14 Board from office.

Vacancy on the
Board

15 **11.**-(1) The Board becomes vacant where a member:

16 (a) dies;

17 (b) is removed from office in accordance with the provision of clauses
18 7 or 10 of this Bill;

19 (c) resigns from office; or

20 (d) completes his or her tenure of office.

21 (2) Where the Board becomes vacant under sub clause (1) of this
22 Clause, the President shall in accordance with the provision of section 8 of this
23 Act, appoint another person to fill the vacant office as soon as is practicable.

24 (3) Where the Board becomes vacant under sub clause (1) of this
25 clause, a person appointed to fill such a vacancy shall hold office for the residue
26 of the term of office of his or her predecessor.

27 **PART III - MANAGEMENT AND STAFF OF THE COMMISSION**

Executive
Secretary of the
Commission

28 **12.**-(1) There is for the Commission, an Executive Secretary who
29 shall be appointed by the President.

30 (2) The Executive Secretary:

1 (a) shall be a Professor of not less than ten years standing from a
2 recognized university in Nigeria;

3 (b) shall be the Chief Executive Officer of the Commission and
4 shall be responsible for the:

5 (i) execution of the policies and decisions of the Board,

6 (ii) day-to-day management, administration and supervision of the
7 activities of the Commission, and

8 (iii) direction and control of other employees or staff of the
9 Commission,

10 (c) may delegate any of his function under paragraph (b) of this
11 clause to a standing committee or an ad-hoc committee of the Commission
12 to carry out on his behalf;

13 (d) shall hold office for a single term of 5 years only on such terms
14 and conditions as to the emoluments and otherwise as may be specified in
15 his instrument of appointment; and

16 (e) may be removed from office by the President following due
17 process, on grounds of misconduct or the inability to discharge the functions
18 of his office as a result of infirmity of the body or mind.

19 **13.-(1)** The Commission shall appoint:

Other Staff of
the Commission

20 (a) such other members of staff as are necessary, for the efficient
21 performance of its functions under this Bill; and

22 (b) two Deputy Executive Secretaries to assist the Executive
23 Secretary in the discharge of his duties as stipulated in this Bill.

24 (2) The remuneration and tenure of office of the Deputy-Executive
25 Secretary and other officers and members of staff of the Commission shall
26 be determined by the Board after consultation with the Establishment and
27 Pension Office.

28 (3) Notwithstanding the provisions of sub clause (1) and (2) of this
29 clause the Deputy Executive Secretary or any other member of staff of the
30 Commission may be appointed by the Commission by way of transfer or

	1	secondment from any of the public services in the Federation.
Conditions of Service	2	14. -(1) The Commission shall develop and implement appropriate
	3	conditions of service for members of staff of the Commission with particular
	4	reference to the issues of remuneration, pension's scheme and other fringe
	5	service benefits, sufficient for the Commission to attract and retain quality and
	6	high caliber manpower.
	7	(2) The Board shall consider, and in consultation with the National
	8	Salaries, Income and Wages Commission determine and review from time to
	9	time, the remuneration and allowances, payable to members of staff of the
	10	Commission.
	11	(3) The conflict of interest provisions contained in the Second
	12	Schedule to this Bill shall apply to all employees of the Commission.
	13	<i>[Second Schedule]</i>
Application of the Pensions Act	14	15. -(1) Service in the Commission shall be approved service for the
	15	purposes of the Pensions Act and accordingly, officers and other persons
	16	employed in the Commission shall in respect of their services in the
	17	Commission, be entitled to pensions, gratuities and other retirement benefits as
	18	are enjoyed by persons holding equivalent grades in the University System,
	19	(2) For the purposes of the application of the Pensions Act, any power
	20	exercisable by a Minister or other Authority of the Federal Government, other
	21	than the power to make Regulations under section 97 thereof, is vested in and
	22	shall be exercisable by the Commission and not by any other person or
	23	authority.
	24	<i>[No.4 2014]</i>
	25	(3) Nothing in the provisions of sub clause (1) and (2) of this clause of
	26	this Act shall prevent the appointment by the Commission of a person to any
	27	office on terms which preclude the grant of a pension or gratuity in respect of
	28	service in that office.
Licensing Processes and Principles	29	PART IV - LICENCES
	30	16. -(1) The Commission shall determine and cause to be published,

1 Regulations and Guidelines on its licensing processes, specifying, amongst
2 others the person or body of persons, eligible generally to apply for a license
3 to operate a university in Nigeria.

4 (2) In the formulation of licensing processes, issuance of
5 operational license and specification of license conditions and terms, the
6 Commission shall at all times be guided by the principles of and
7 consideration for:

8 (a) transparency, fairness and non-discrimination;

9 (b) equitable access to, and successful participation in higher
10 education for all members of society;

11 (c) sound policies and adequate funding for institutions and
12 students;

13 (d) quality and relevance of higher education provided;

14 (e) the need to provide sustainable, qualitative and transformative
15 university education for Nigeria;

16 (f) such other principles and considerations as the Commission
17 may from time to time consider necessary and in the national interest.

18 17.-(1) The Commission may from time to time, make written
19 declarations stipulating that an operational license is subject to such terms
20 and conditions, or enjoys such benefits, as the Commission deems fit.

Conditions for
obtaining License

21 (2) A declaration on the conditions of a license shall be consistent
22 with the objects and provisions of this Bill that are relevant to the particular
23 institution or programme of study.

24 (3) The Commission shall before making a declaration under sub
25 clause (1) and (2) of this clause, give the affected licensee written notice of
26 its intention to do so together with a draft copy of the declaration, and the
27 licensee may make written submissions to the Commission within the time
28 limit specified by the Commission but not less than thirty days from the date
29 of the written notice.

30 (4) The Commission shall, in deciding on the next cause of action,

Prohibition of
Illegal and
Unauthorized
degree awarding
Institutions

1 take into consideration any submission made by the affected licensee and the
2 principles specified in clause 16(2) of this Bill.

3 **18.**-(1) A person or body of persons, shall not operate a university or
4 degree awarding institution in Nigeria, unless authorized to do so under an Act
5 of the National Assembly or a Law of a State or an operational license or
6 exempted by statute or under Regulations made by the Commission under this
7 Bill.

8 (2) A person or group of persons who establish or operate a university
9 or degree-awarding institution without approval under this Bill, including
10 persons acting as principal officers in such an institution, commit an offence
11 and shall be liable jointly or severally on conviction to imprisonment for a term
12 not less than five years and not more than 10 years without an option of fine.

13 (3) A university or degree-awarding institution established otherwise
14 than in compliance with sub clause 1 of this clause shall be closed by the
15 Commission.

16 (4) A person aggrieved by any decision taken under to sub clause (2)
17 or (3) of this clause shall have the right to apply to a court for a review of the
18 matter.

19 (5) The powers conferred under sub clause (3) of this clause shall not
20 be exercised by the Commission in respect of an institution belonging to the
21 Federal or a State Government, without the prior approval of the President, or
22 the relevant State Governor.

23 (6) Unless otherwise provided by this Bill, the establishment and
24 operation of a university or a degree-awarding institution in Nigeria,
25 irrespective of its ownership, shall be subject to and comply with the licensing
26 and regulatory requirements of the Commission

27 (7) Where an academic unit or programme in an approved university
28 or degree-awarding institution fails to meet the prescribed minimum standards
29 stipulated for it by the Commission, or contravenes existing Regulations or
30 Guidelines of the Commission, the Commission shall close down such an

1 academic unit or programme.

2 (8) Where a body corporate, firm or partnership, contravenes the
3 provisions under sub clause (1) of this clause, such a body corporate, firm or
4 partnership commits an offence and is liable on conviction to a fine not less
5 than five million Naira and in addition:

6 (a) the Chairman of the board and directors of the corporate body;

7 (b) every partner or principal officers of the firm or partnership, or
8 any person purporting to act in such capacity, shall be jointly or severally
9 liable to be proceeded against and liable on conviction to imprisonment for a
10 term not less than five years and not more than 10 years without an option of
11 fine;

12 (9) From the commencement of this Bill:

13 (a) it shall be unlawful for a university or degree-awarding
14 institution in Nigeria, whether acting individually or in conjunction with any
15 other institution within or outside Nigeria, to establish or run a degree
16 programmes in a satellite campuses or study centre outside its primary and
17 approved location;

18 (b) all degree programmes being run on satellite campuses and
19 study centres shall cease to operate and all the affected students shall be at
20 liberty to re-apply to any existing approved university running such
21 programmes with full accreditation by the National Universities
22 Commission;

23 (c) a person or group of persons including a person acting as
24 principal officers in an unapproved university or degree-awarding
25 institution who approves, establishes or operates a satellite campus, study
26 centre, or other similar venue by whatever name called, or any other form of
27 unapproved universities or degree-awarding institution for running a degree
28 programmes outside of the primary and approved location of a university or
29 degree-awarding institution commits an offence and is liable on conviction
30 to imprisonment for a term not less than three years and not more than five

1 years without an option of fine; and

2 (d) where an offence under this sub clause is committed by a body
3 corporate, firm or partnership, it is liable on conviction to a fine of not less than
4 three million Naira and in addition:

5 (i) the chairman of the board and directors of the body corporate,

6 (ii) every partner and principal of the firm or partnership, and

7 (iii) every person purporting to act in any such capacity, shall be
8 jointly or severally liable to be proceeded against and liable on conviction to
9 imprisonment for a term not less than two years and not more than five years
10 without an option of fine.

11 (10) A person who lets or otherwise makes available for use his
12 landed property of premises, knowing it to be used for the operation of an
13 unapproved university or degree-awarding institution or for purposes
14 prohibited under sub clause (9) of this clause commits an offence and is liable
15 on conviction to imprisonment for a term of not less than two years and not
16 more than five years without option of fine.

17 (11) Where an offence under sub clause (10) of this clause is
18 committed by a body corporate, firm or partnership, it shall be liable on
19 conviction to a fine of not less than three million Naira and in addition:

20 (a) the chairman of the board and directors of the body corporate;

21 (b) every partner and principal of the firm or partnership; and

22 (c) every person purporting to act in any such capacity; shall be jointly
23 or severally liable to be proceeded against and liable on conviction to
24 imprisonment for a term not less than two years and not more than five years
25 imprisonment without an option of fine.

26 (12) Where the person, body corporate, firm or partnership convicted
27 for operating an unapproved university or degree-awarding institution or for
28 committing an offence under sub (9) of this clause is also the owner of the
29 premises or landed property in question, such premises or landed property
30 shall, in addition to other punishment stipulated in this Act, be forfeited to the

1 Federal Government.

2 (13) Where a university or degree-awarding institution admits, for
3 purposes of further education, a person that is in possession of a degree,
4 diploma or other academic certificate, issued by an unapproved university
5 or degree-awarding institution, such a university or degree-awarding
6 institution commits an offense and is liable on conviction to a fine not less
7 than one million naira in respect of each person so admitted.

8 (14) Where an employer of labour, whether from the public or
9 private sector, recognizes and thereby bases a decision to employ on a
10 degree, diploma or other academic certificate issues by an unapproved
11 university or degree-awarding institution, such an employer of labour
12 commits an offence and is liable on conviction to a fine not less than one
13 million Naira in respect of each person so employed.

14 **19.**-(1) The grant of an operational license to a licensee shall be
15 specific to a named university and shall not be operated or utilized by,
16 assigned, sub-licensed or transferred to any other person, body or institution
17 unless with the prior written approval of the Commission.

Assignment of
License and
Compliance with
License conditions

18 (2) A licensee shall at all times comply with the provisions of this
19 Bill or its subsidiary legislation.

20 **20.**-(1) The Commission may, by declaration suspend or revoke an
21 Operational License granted under this Bill where the:

Suspension or
Revocation

22 (a) licensee has failed to pay an amount or fine required by or
23 imposed under to this Bill or the operational license;

24 (b) licensee has failed to comply with the provisions of this Bill or
25 its subsidiary legislation, or the terms and condition of the operational
26 license;

27 (c) licensee has contravened the provisions of any other written
28 law or regulation relevant to the operation of the license;

29 (d) licensee has failed to comply with any instrument or guidelines
30 issued, made or given by the Commission;

1 (e) licensee is unable to fulfill the broad purpose of university
2 education for which the license was given;

3 (f) licensee is unable to pay his or its debts within the meaning of that
4 expression as defined in the Companies and Allied Matters Act; or

5 (g) suspension or revocation is in the national interest.

6 (2) Notwithstanding any provision to the contrary in this Bill, an
7 operational license may be suspended or revoked under sub clause (1) (a), (b),
8 (c), (d), or (e) of this clause after the:

9 (a) Commission has by written notice, informed the licensee of his or
10 its breach under the said sub clause and demanded that the breach be rectified
11 where it is capable of rectification, within sixty days from the date of the notice;
12 and

13 (b) licensee has failed to rectify the breach within the said time-frame.

14 (3) Prior to the suspension or revocation of a license under sub clause
15 (l)(a), (b), (c), (d), or (e) of this clause, the Commission shall as soon as
16 practicable inform the licensee by written notice of its intention to suspend or
17 revoke the license and the reasons.

18 (4) The affected licensee shall be given a reasonable opportunity to
19 make written submissions to the Commission within a time limit specified in
20 the notice but not less than 14 days from the date of the notice.

21 (5) The affected licensee may, within the time limit specified in the
22 notice, make a written submission and the Commission shall consider the
23 submission in making its final determination and declaration on the suspension
24 or revocation of the operational license.

25 (6) Subject to sub clauses (4) and (5) of this clause the suspension or
26 revocation of an operational license shall take effect on the expiration of 30
27 days from the date on which the notice of the Commission's declaration under
28 sub clause (3) of this clause in respect of the suspension or revocation is served
29 on the licensee.

30 (7) Where the suspension or revocation of an operational license has

1 taken effect, the Commission shall, as soon as practicable, cause the
2 suspension or revocation to be published in at least two national daily
3 newspapers.

4 (8) A delay or failure to publish the notice of suspension or
5 revocation as prescribed in sub clause (7) of this clause shall not in any
6 manner affect the validity of the suspension or revocation.

7 (9) With regard to a university or a degree-awarding institution that
8 is privately owned, the Commission shall have the power where a
9 breakdown of internal governance processes threatens the maintenance of
10 minimum standards to:

11 (a) suspend the existing administrative structure of the affected
12 institution; and

13 (b) constitute a caretaker committee to temporarily oversee the
14 affairs of the institution, provided that the Commission shall, on successful
15 resolution of the crisis, re-establish the administrative structure of the
16 affected institution, in line with the Commission's existing Regulations.

17 (10) A person or body corporate responsible for carrying out such
18 directive that fails, refuses or neglects to carry out a directives issued by the
19 Commission under the provisions of this Bill or invites, induces or abates
20 any other person to obstruct or interfere with such a directive, commits an
21 offence and is liable on conviction to imprisonment for a term of not less
22 than one year and not more than three years without an option of fine.

23 21.-(1) In the event of suspension of a license, under clause 20 of
24 this Bill, the Commission shall determine and communicate to the licensee,
25 the duration of the suspension and the penalties attendant which may include
26 but shall not be limited to withdrawal of right of admission of students.

Effect of
suspension and
revocation

27 (2) Where a revocation is declared by the Commission under
28 clause 20 of this Bill, and it takes effect accordingly, the licensee shall
29 immediately lose the rights conferred generally by the license.

30 (3) A person or body of persons or an institution that continues to

1 operate after a declaration of suspension or revocation in violation of the
2 provisions of this Bill in respect of the license, commits an offence and is liable
3 on conviction to the punishment prescribed in clause 18(2) of this Bill.

Register of
Licenses

4 **22.**-(1) The Commission shall maintain a register of all licenses
5 granted under this Bill.

6 (2) The Commission shall maintain a separate register which shall
7 contain any:

8 (a) special or additional condition specified in the operational license;

9 (b) written notice varying, revoking or imposing a special or
10 additional condition specified in an operational license;

11 (c) written notice by the licensee surrendering its operational license;

12 (d) written notice by the Commission suspending or revoking an
13 operational license; and

14 (e) written notice approving the transfer of an operational license.

15 (3) The Commission shall maintain the register of all matters that are
16 required for registration under this Bill and its subsidiary legislation in both
17 physical and electronic media.

18 (4) The Commission may at its discretion, summarize the contents of
19 a material for inclusion in a register and exclude any aspect of the material
20 where it considers such exclusion necessary and justified on grounds of public
21 interest or safety, amongst others.

Access to the
Register by
Public

22 **23.**-(1) A person may, on payment of a charge, where any, to be
23 decided by the Commission:

24 (a) inspect a Register; and

25 (b) make a copy of, or take extracts from the Register.

26 (2) Where a person makes a request that a copy under clause (1)(b) of
27 this clause be provided in an electronic media, the Commission may provide
28 the relevant information:

29 (a) on a data processing device; or

30 (b) by way of electronic transmission.

1 (3) The Commission shall from time to time, publish Guidelines
2 regarding its various Registers giving details of the registers and indicating,
3 amongst others, access processes and procedures for members of the public.

4 PART V - POWERS AND PROCEDURES OF THE COMMISSION

5 24.-(1) The Commission may from time to time, issue directions in
6 writing to a person, body of persons, or an institution regarding the
7 compliance or non-compliance with a license condition or provisions of this
8 Bill or its subsidiary legislation, including the breach of a license condition
9 or the provision of this Bill or its subsidiary legislation.

Issuance of
Directives

10 (2) The Commission shall, before issuing a directive under sub
11 clause (1) of this clause issue a notice in writing to such a person, specifying
12 the nature of compliance required and the person shall be granted an
13 opportunity to be heard or may make a written submission within a
14 reasonable time limit specified in the notice on the reason for his or her
15 conduct or activity.

16 (3) The Commission shall, on the expiration of the notice specified
17 in sub clause (2) of this clause take into consideration any reasons provided
18 by the person, before making a decision in relation to the relevant conduct or
19 activity of the person.

20 (4) The Commission may, after due consideration of any reason
21 provided by a person issue a direction under sub clause (1) of this clause
22 requiring the person to take specified actions directed at ensuring that the
23 person does not contravene or continue to contravene any of the conditions
24 of his or her license or any of the provisions of this Bill or its subsidiary
25 legislation regulating universities and other degree-awarding institutions in
26 Nigeria.

27 (5) The Commission shall give the person a written notice of its
28 direction not later than 30 days from the date the decision was made and the
29 person shall comply with it.

Modification of Directive	1	25. Subject to the provisions of clause 24 of this Bill, the Commission
	2	may modify, vary or revoke a directive under this Bill.
Non-compliance with Directive	3	26. Without prejudice to any other provision of this Bill or a license
	4	condition, a person who fails to comply with a directive of the Commission
	5	shall be liable to the payment of a fine in such amount as the Commission may
	6	impose.
Visitation Exercise and Oversight Inquiry	7	27. -(1) The Commission may on the directive of the Minister, carry
	8	out a visitation exercise or hold an oversight inquiry on any matter of a general
	9	nature that relates to the administration of this Bill or its subsidiary legislation.
	10	(2) Subject to sub clause (3) of this section of this Act, the
	11	Commission may carry out a Visitation or an oversight inquiry under sub
	12	clause (1) of this clause:
	13	(a) on the instructions of the President through the Minister;
	14	(b) in response to a written request from a person duly authorized; or
	15	(c) on its own initiative.
	16	(3) The Commission shall embark on a visitation or an oversight
	17	inquiry in all instances that it is mandatorily to carry out visitation or oversight
	18	inquiry under this Bill or its subsidiary legislation.
	19	(4) The Commission may for the purpose of a visitation or oversight
	20	inquiry, exercise any or all of its investigation and information-gathering
	21	powers under this Bill.
Public Oversight Inquiry	22	28. -(1) Subject to clause 27 of this Bill, where the Commission
	23	decides to hold a public oversight inquiry on any public or private university,
	24	the Commission shall publish, in the manner that it deems appropriate, notice
	25	of the:
	26	(a) fact that it is holding the inquiry;
	27	(b) period during which the inquiry is to be held;
	28	(c) nature of the matter to which the inquiry relates;
	29	(d) period of at least twenty-eight days, within which, and the form in

1 which members of the public are invited to make submissions to the
2 Commission;

3 (e) subject matter of the inquiry; and

4 (f) address or addresses to which the submission may be sent.

5 (2) The Commission may publish matters referred to in sub-section
6 1 of this section of this Act at different times and in various ways.

7 (3) The Commission shall consider any submissions received
8 within the time limit as specified in the notice and the submissions made by a
9 member of the public shall be in the form and of the nature as specified
10 therein.

11 **29.**-(1) Notwithstanding the provision of clause 28 of this Bill, an
12 oversight inquiry or part of it may be conducted in private where the
13 Commission is satisfied that:

Private Oversight
Inquiry

14 (a) a document or information that may be given, or a matter that
15 may arise during the oversight inquiry or part of it is of a confidential nature;

16 (b) the oversight inquiry or matter or part of it will not be conducive
17 to the due administration of this Bill, if it is conducted in public.

18 (2) Where an oversight inquiry takes place in public and the
19 Commission is of the opinion that the evidence or other material presented
20 to the inquiry, or the material in written submission lodged with the
21 Commission is of a confidential nature, the Commission may direct that:

22 (a) the evidence or material should not be published; or

23 (b) its disclosure be restricted;

24 (3) A person shall not without an excuse that is considered
25 reasonable by the Commission fail to comply with a directive under sub
26 clause (2) of this clause.

27 (4) Where an oversight inquiry or part of it takes place in private,
28 the Commission:

29 (a) shall give a directive as to the persons who may be present at the
30 oversight inquiry or part of it; and

1 (b) may give a directive restricting the disclosure of evidence or other
2 material to be presented at the oversight inquiry or part of it.

3 (5) Notwithstanding the provisions of clause 26 of this Bill, a person
4 who without reasonable excuse fails to comply with a directive given under sub
5 clause (4) of this clause shall be liable to the payment of a fine in such amount
6 as the Commission may impose.

Investigation
for purpose of
administration
and oversight
inquiry

7 **30.** Notwithstanding the provisions of any other enactment or law, the
8 Commission may investigate any matter pertaining to the administration of this
9 Bill or its subsidiary legislation, where the Commission has grounds to believe
10 that a civil or criminal infringement of the provisions of this Bill or its
11 subsidiary legislation may have been committed.

Publication of
Report

12 **31.**-(1) The Commission shall publish a report setting out its findings
13 as a result of any visitation or oversight inquiry it conducts, and the report shall
14 be published within 60 days of its conclusion.

15 (2) The Commission shall not include in the report under sub clause
16 (1) of this clause any material:

17 (a) that is of a confidential nature in the opinion of the Commission;

18 (b) that this is likely to prejudice the fair trial of a person if disclosed;

19 (c) which could involve the unreasonable disclosure of personal
20 information about any individual, including a deceased person.

21 (3) Civil proceedings shall not lie against a person in respect of any
22 loss, damage or injury of any kind suffered by another person because of the
23 making of a:

24 (a) request under clause 27 of this Bill; or

25 (b) statement, or giving of a document or information, to the
26 Commission, in relation to an oversight inquiry under this Bill.

27 (4) The Commission shall maintain a register of all reports made
28 pursuant to an oversight inquiry under this part in accordance with the
29 provisions of this Bill.

Information
gathering powers

30 **32.**-(1) Information-gathering power shall apply to a person who is

1 subject to this Bill and who the Commission has reason to believe:

2 (a) has any information including data, records and accounts or any
3 document that is relevant to the exercise of the Commission's powers and
4 functions under this Bill or its subsidiary legislation; or

5 (b) is capable of giving any evidence which the Commission has
6 reason to believe is relevant to the exercise of the Commission's powers and
7 functions under this Bill or its subsidiary legislation.

8 (2) The Commission may, by a written notice, direct any person
9 who is subject to this Bill to:

10 (a) give any such information to the Commission within the period
11 and in the manner and form specified in the notice;

12 (b) produce any such document to the Commission within the
13 period and in the manner specified in the notice, whether in a physical form
14 or an electronic media; or

15 (c) make copies of any such documents and produce those copies to
16 the Commission within the period and in the manner specified in the notice.

17 (3) The Commission shall allow a person so directed under sub-
18 section (2) of this section of this Act, a reasonable time to give and to
19 produce any information or documents specified in the notice.

20 (4) A person who is subject to this Act and who is required to
21 provide information under sub-section (2) of this section of this Act, shall
22 ensure that the information provided is true, accurate and complete and such
23 person shall provide a representation to that effect, including a
24 representation that he is not aware of any other information which would
25 render the information provided untrue or misleading.

26 **33.-(1)** Notwithstanding the provisions of clause 26 of this Bill, a Non Compliance
27 person who is subject to this Bill and who fails to comply with the directive
28 of the Commission under clause 32 of this Bill, shall be liable to the payment
29 of a fine in such amount as the Commission may impose.

30 (2) Notwithstanding the provisions of clause 28 of this Bill and sub

1 clause (1) of this clause, a person who is subject to this Bill and who fails to
2 disclose or omits to give any relevant information, evidence or document, or
3 provides information or evidence of document that the person knows or has
4 reason to believe is false or misleading in response to a directive issued by the
5 Commission, commits an offence and on conviction to a fine not exceeding
6 N500,000 or imprisonment for a term not exceeding one year or both fine and
7 imprisonment.

Evidence of
Compliance

8 **34.**-(1) Where a person who is subject to this Bill is called at any time
9 in writing by the Commission to produce to the Commission any evidence or
10 provide any information as the person may have relating to his compliance
11 with a provision of this Bill or its subsidiary legislation as the Commission may
12 generally, or in relation to a particular case require, such a person shall do so.

13 (2) The Commission may take possession of and control for as long as
14 is necessary, a document produced under clause 32 of this Bill and the person
15 otherwise entitled to the possession of the document shall be supplied, as soon
16 as practicable, with a copy certified by the Commission to be a true copy.

17 (3) Notwithstanding the provision of any written law, a court or
18 tribunal shall receive a certified copy under sub clause (2) of this clause as
19 evidence as if it were the original.

20 (4) Until a certified copy is supplied, the Commission shall at such
21 time and place as it thinks appropriate, permit a person otherwise entitled to the
22 possession of a document, or a person authorized by such a person, to inspect
23 and make copies of or take extracts from the document.

Record and
Publication of
Information

24 **35.**-(1) The Commission shall maintain a record of all information,
25 evidence or documents received pursuant to the directive given under clause
26 32(2) of this Bill.

27 (2) The Commission may publish information received' in the course
28 of exercising its powers and functions under this Part of this Bill where it is
29 satisfied that the publication is consistent with the objects of this Bill, provided
30 that the Commission shall consider the interest of the parties to whom the

1 information relates before publishing the information.

2 PART VI - NATIONAL UNIVERSITIES COMMISSION FUND

3 36.-(1) The is established the National Universities Commission
4 Fund (in this Bill referred to as "the Fund").

Establishment
of the National
Universities
Commission Fund

5 (2) There shall be paid into the Fund such sums as may:

6 (a) be made available to the Commission for the purpose of making
7 grants to the universities in accordance with the provisions of this Bill, its
8 subsidiary legislation or any other enabling legislation;

9 (b) be paid by universities, institutions, government agencies,
10 persons and external bodies for the purpose of regulating the Nigerian
11 universities and carrying out the functions or exercise of the powers
12 conferred on the Commission by this Bill; or

13 (c) be credited to the Fund by way of payment of the principal and
14 interest on, and other charges in respect of any loan made out of the Fund,
15 and also interest from investments made from the Fund from time to time;

16 (3) Disbursement from the Fund shall be made in accordance with
17 Rules made under clause 23 of the Finance (Control and Management) Act
18 and, without prejudice to the foregoing, Rule 26 of the Public Funds of the
19 Federation (Disbursement) Rules, shall continue in force and have effect, as
20 if made under this sub clause.

21 *[CAP. F26, LFN]*

22 37.-(1) The Commission shall establish and maintain a separate
23 Fund from which shall be defrayed all expenditure incurred by the
24 Commission, except such expenditure as may be incurred by it pursuant to
25 clause 36 of this Bill.

Maintenance of
a separate fund
by the Commission

26 (2) There shall be paid and credited to the Fund:

27 (a) such sums as may be appropriated to the Commission by the
28 Federal Government for its running expenses;

29 (b) fees and charges for services rendered by the Commission;

30 (c) publications made by the Commission; and

1 (d) all other sums accruing from time to time to the Commission by
2 way of gifts, grants, aids or testamentary disposition, and other liquid assets,
3 otherwise than in pursuance of clause 37 of this Bill.

Expenditure of
the Commission

4 **38.** The Commission may from time to time, apply the proceeds of
5 the separate Fund established under clause 37(1) of this Bill to -

6 (a) meet the administrative and operative costs of the Commission;

7 (b) reimburse members of the Board or Committee of the Board or
8 Commission, for such expenses authorized by this Bill, in accordance with the
9 rates approved by the Government;

10 (c) the payment of salaries, fees, other remunerations or allowances
11 payable to members of the Board and employees of the Commission;

12 (d) purchase or acquire property or other equipment and other capital
13 expenditure, and for the maintenance of any property acquired or vested in the
14 Commission; or

15 (e) invest and perform all or any of the functions of the Commission
16 under this Bill or its subsidiary legislation.

Borrowing
Powers and
Gifts

17 **39.**-(1) The Commission may with the consent of, and in accordance
18 with the general authority given by the Minister, borrow such sums of money as
19 it may require in the exercise of its functions under this Bill or its subsidiary
20 legislation.

21 (2) The Commission may accept gifts or grants of money, aids,
22 endowments or other property from persons, national, bilateral and
23 multilateral organizations, on such terms and conditions, if any, as may be
24 agreed upon between the donor and the Commission, provided that such terms
25 and conditions are not inconsistent with the objectives and functions of the
26 Commission under this Bill.

Financial Year
and Audit of
Commission's
Accounts

27 **40.**-(1) Without prejudice to any directive from the Minister
28 responsible for Finance, the financial year of the Commission shall commence
29 from January 1st of each year and end on December 31st of the same year.

30 (2) The Commission shall keep proper records of its accounts in ch

1 respect of each year and cause its accounts to be audited within six months
 2 from the end of each financial year by auditors who shall be appointed by the
 3 Board and shall be subject to re-appointment on annual basis, provided that
 4 such auditors are on the list of auditors approved by the Auditor-General of
 5 the Federation.

6 **41.** The Commission shall:

7 (a) prepare and through the Minister, submit a report on its
 8 activities for the next succeeding financial year to the National Assembly
 9 annually, not later than six months after the end of its financial year; and

10 (b) include audited accounts of the Commission for the preceding
 11 year and attach the auditor's report to the report under paragraph (a) of this
 12 clause.

Annual Reports
for the National
Assembly

13 PART VII - SUPPLEMENTARY AND MISCELLANEOUS

14 ENFORCEMENT POWERS

15 **42.** For the purpose of enforcing this Bill, a person authorized by
 16 the Commission may, without a warrant:

Powers to inspect

17 (a) request, examine and make copies of any license, certificate,
 18 file, register, receipt, or other documents required under this Bill or its
 19 subsidiary legislation; or

20 (b) request and examine a property, equipment or data in relation to
 21 the activity under investigation.

22 **43.-(1)** Where an authorized person has reasonable grounds to
 23 believe that an offence has been committed or is being perpetrated in
 24 violation of this Bill or its subsidiary legislation, he may without a warrant:

Powers to search,
seize and arrest

25 (a) enter and search any property, buildings, or other structure
 26 whatsoever, in which he has reason to believe that the offence against this
 27 Bill or its subsidiary legislation, has been or is being committed;

28 (b) carry out investigations and take a samples of a material or
 29 objects, relating to the offence, which is found on the premises or other r,

1 structures whatsoever, searched pursuant to paragraph (a) of this section of this
2 Bill;

3 (c) cause to be arrested a person who he has reason to believe has
4 committed or is committing an offence; or

5 (d) seize any item or materials which he has reason to believe has been
6 used or is being used in the commission of an offence.

7 (2) A written receipt shall be given for any article, document, item,
8 material or things seized under sub-section (1) of this section of this Act, and
9 the grounds for such seizure shall be stated on the receipt.

Obstruction of
Authorized
Officers

10 **44.** A person who:

11 (a) willfully obstructs an authorized officer in the exercise of a of
12 powers conferred on him by this Bill; or

13 (b) fails to comply with a lawful enquiry or requirement made by an
14 authorized officer in accordance with the provision of clause 42 of this Bill,
15 commits an offence and is liable on conviction to a fine not exceeding
16 N500,000 or to imprisonment for a term not exceeding six months or to both
17 fine and imprisonment.

Authorized
Officers to
disclose Identity

18 **45.-(1)** An authorized officer not in uniform, when acting under the
19 provision of this Bill, shall on demand, declare his office and produce to the
20 person against whom he is taking action, an identification or written authority
21 as may reasonably be sufficient to show that he is an authorized officer for the
22 purposes of this Bill.

23 (2) Where a person to refuse to comply with a request, demand or
24 order made by any authorized officer not in uniform, if such authorized officer
25 refuses on demand being made by such person, to declare his office or produce
26 identification or written authority, such refusal shall not be an offence.

Procedure in
respect of suits
against the
Commission

27 **46.-(1)** Subject to the provision of section 174 of the Constitution of
28 the Federal Republic of Nigeria, 1999 (as amended), legal officers of the
29 Commission shall have power to institute and undertake any criminal
30 proceedings arising from a violation of any of the provisions of this Bill and to

1 defend the Commission against civil suit arising from the implementation of
2 the provisions of this Bill or its subsidiary legislation.

3 *[CFRN, 1999]*

4 (3) Notwithstanding anything contained in any other enactment or
5 law, no suit shall lie or be instituted in any court against:

6 (a) the Commission;

7 (b) a member of the Board;

8 (c) or any employee of the Commission; for any act done in
9 pursuance or execution of any law, public duty of the Commission, or in
10 respect of an alleged neglect or default in the execution of this Bill, such law,
11 duty or authority unless it is commenced within three months next after the
12 act ceased.

13 (3) No suit shall be commenced against the Commission before the
14 expiration of a period of one month after written notice of intention to
15 commence the suit shall have been served upon the Commission by the
16 intending plaintiff or his agent and the notice shall explicitly state the:

17 (a) cause of action;

18 (b) particulars of the claim;

19 (c) name and place of abode of the intending plaintiff; and

20 (d) relief which he seeks.

21 (4) Subject to the provisions of this Act, the provisions of the
22 Public Officers Protection Act shall apply in relation to any suit instituted
23 against an official or employee of the Commission.

24 *[CAP. P41, LFN]*

25 **47.** The notice under clause 46 of this Bill or any other notice,
26 summons, process, or other document required or authorized to be served
27 upon the Commission under the provisions of this Bill or any other law or
28 enactment, may be served by delivering same to the Chairman or the
29 Executive Secretary of the Commission, or by sending it by registered post
30 addressed to the Executive Secretary at the headquarters of the Commission.

Restriction on
execution against
the property of
the Commission

1 **48.** Subject to the consent of the Attorney-General of the Federation,
2 no execution or attachment or process in the nature thereof shall be issued
3 against the Commission in respect of an action or suit against the Commission
4 but the sums of money which by judgment of the court is awarded against the
5 Commission shall be paid from the funds of the Commission.

Indemnity of
Board Members
and Employees
of the Commission

6 **49.** A Board member, agent, auditor or employee for the time being of
7 the Commission shall be indemnified out of the assets of the Commission
8 against any liability incurred by him in defending any civil or criminal
9 proceeding where such proceeding is brought against him in his capacity as a
10 member of the Board agent, auditor or employee.

Delegation of
Functions

11 **50.**-(1) The Board may delegate any of its functions or duties under
12 this Bill to a standing or ad-hoc committee of the Commission, the Chairman of
13 the Board or the Executive Secretary, as the case may be.

14 (2) Nothing contained in sub clause (1) of this clause shall preclude
15 the exercise by the Board of any of the functions or duties delegated by it to the
16 standing or ad-hoc committee, the Chairman or the Executive Secretary.

Power to make
Regulation

17 **51.**-(1) The Commission may make regulation in relation to any
18 matter under this Bill.

19 (2) The Commission may also make and publish Guidelines on any
20 matter for which this Bill has made express provisions and such other matters
21 as are necessary for giving full effect to the provisions of this Bill and for their
22 due administration.

Regulatory
Review

23 **52.** The Commission may when it deems necessary, review
24 Guidelines or Regulations made under this Bill that are in effect at the time of
25 the review, and may in the process modify, vary or repeal any such Guidelines
26 or Regulations:

27 (a) which may no longer be relevant in the existing context of the
28 Nigerian University System;

29 (b) which may no longer be necessary in the national Interest;

30 (c) which may no longer be necessary to ensure the objects of this Act

1 or its subsidiary legislation; or

2 (d) for any other reason the Commission may consider necessary
3 for giving full effect to the provisions of this Bill and for its due
4 administration.

5 **53.** The Federal High Court shall have exclusive jurisdiction over Jurisdiction
6 all matters or suits arising out of or under this Bill or its subsidiary
7 legislation.

8 **54.**-(1) The National Universities Commission Act, Cap. N81, Repeal and
9 Laws of the Federation of Nigeria, is repealed. Savings

10 *[CAP. N81, LFN]*

11 (2) Any subsidiary legislation made pursuant to the Bill repealed
12 under sub clause (1) of this clause shall in so far as it is not inconsistent with
13 any provision of this Bill, remain in operation until revoked or replaced by
14 subsidiary legislation made under this Bill.

15 (3) The rights, interests, obligations and liabilities of the
16 Commission, existing before the commencement of this Bill under any
17 contract or instrument, or in law or in equity shall by virtue of this Bill be
18 deemed to have been preserved, assigned and vested in the Commission
19 established by this Bill to the extent that they are not inconsistent with any
20 provisions of this Bill.

21 (4) Any contract or instrument under sub clause (3) of this clause
22 shall be of the same force and effect against or in favour of the Commission
23 established by this Bill and shall be enforceable as fully and effectively as if
24 instead of the Commission existing before the commencement of this Bill,
25 the Commission established by this Bill had been named therein or had been
26 a party to it provided that such contract or instrument is not inconsistent with
27 any of the provisions of this Bill.

28 (5) The Commission established by this Bill shall be subject to all
29 the obligation and liabilities to which the Commission existing before the
30 commencement of this Bill was subject immediately before such

	1	commencement.
Interpretation	2	55. In this Bill:
	3	"academic programme" means an approved academic programme run in a
	4	Nigeria University;
	5	"academic units" includes departments, faculties, schools, colleges, institutes,
	6	centres and any such academic divisions in the universities at the postgraduate,
	7	undergraduate, pre-degree and non-degree levels;
	8	"accreditation" means a system for recognizing educational institutions and
	9	programmes offered in institutions or other degree-awarding institutions for a
	10	level of performance, integrity and quality which entitles them to the
	11	confidence of the educational community, the public they serve and employers
	12	of labour;
	13	"authorized officer" means any officer authorized by, or acting under the
	14	authority of the Commission;
	15	"Board" means the Governing Board of the Commission established under
	16	clause 5 of this Bill;
	17	"Board member" means a member of the Governing Board of the National
	18	Universities Commission, including the Chairman;
	19	"Chairman" means the Chairman of the Governing Board of the National
	20	Universities Commission;
	21	"Commission" means the National Universities Commission established
	22	under section 3 of this Act;
	23	"Executive Secretary" means the Executive Secretary of the National
	24	Universities Commission, appointed pursuant to section 12(1) of this Act; and
	25	"Minister" means the Minister charged with responsibility for tertiary
	26	education.
Short Title	27	56. This Bill may be cited as the National Universities Commission
	28	Bill, 2019.

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FIRST SCHEDULE

[Clause 5(5)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

Proceedings of the Governing Board

1. Subject to the provisions of this Bill and section 27 of the Interpretation Act, which provides for the decisions of a statutory body to be taken by a majority of its members and from the Chairman to have a second or casting vote, the Board may make standing orders regulating its proceedings or that of any of its Committees.

[CAP. 123, LFN]

2. The Chairman shall preside at every meeting of the Board and where the Chairman is unable to attend a particular meeting, the board 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 five other board members of whom at least two shall be members appointed pursuant to paragraphs (b) and (c) of clause 5(2) of this Bill.

4. The Board shall meet to transact its business pursuant to this Bill whenever it is summoned by the Chairman or where so required by notice given to him by not less than four other board members specifying amongst others, an agenda for the meeting.

5. The Chairman shall summon a meeting of the Board that shall be held within fourteen days from the date on which the notice under paragraph 4 of this Schedule is served on him to discuss the items specified in the notice, provided that the Board shall for the purposes of this Act, meet not less than four times and not more than eight times in any calendar year.

6. A board member who directly or indirectly has an interest of a personal nature including but not limited to financial interests in any matter

1 being deliberated upon by the Board, or is personally interested in any contract
2 or approval or investigation made or proposed to be made by the Commission
3 shall, so soon as after the facts of the matter of his interests have come to his
4 knowledge, disclose his interest and the nature thereof at a meeting of the
5 Board.

6 7. A disclosure under paragraph 6 of this Schedule shall be recorded
7 in the minutes of the meeting of the Board and the member concerned:

8 (a) shall not, after the disclosure, take part in any deliberation or
9 decision of the Board or vote on the matter; and

10 (b) shall be excluded for the purposes of constituting a quorum of any
11 meeting of the Board for any deliberation or decision, with regard to the subject
12 matter in respect of which his interest is disclosed.

13 *Committees*

14 Subject to its standing orders, the Board may appoint such number of standing
15 or ad-hoc committees as it may think fit to consider and report on any matter
16 with which the Board is concerned.

17 Every Committee appointed under the provisions of sub-paragraph (1) of this
18 paragraph of this Schedule shall be presided over by a member of the Board and
19 shall be made up of such number of persons, not necessarily members of the
20 Board, as the Board may decide in each case.

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

23 (4) The decisions of a committee of the Board shall be of no effect
24 until it is ratified by the Board.

25 9. Where standing orders made pursuant to sub-paragraph 1 of
26 paragraph 8 of this Schedule provide for a committee of the Board to consist of,
27 or co-opt persons who are not board members, the committee may advise the
28 Board on any matter referred to it by the Board.

29 *Miscellaneous*

30 10. The fixing of the seal of the Commission shall be authenticated by

1 the signature of the Chairman of the Board or of the Executive Secretary of
2 the Commission.

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

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

12 13. The validity of any proceedings of the Board or a committee
13 shall not be affected by any:

14 (a) vacancy in the membership of the Board; or

15 (b) defect in the appointment of a board member or member of a
16 committee.

17 14. A member of the Governing Board or a committee of the Board
18 shall be personally liable for any act or omission done or made in good faith
19 while engage in the business of the Commission.

20 SECOND SCHEDULE

21 *[Clause 7(3); 10(1)(e); 14(3)]*

22 *Conflict of Interest*

23 1. Subject to the provisions of this schedule, a Board member or
24 staff of the Commission shall not have a direct or indirect financial interest
25 or investment in any private university in Nigeria throughout the tenure of
26 his office or employment with the Commission.

27 2. Subject to paragraphs 3 and 4 of this schedule, a board member
28 or staff of the Commission shall on an annual basis present a written
29 declaration affirming the non-existence of any such interest as is specified in
30 paragraph 1 of this Schedule and shall pledge to disclose and inform the

1 Commission of any such relationship or interest that arises or is likely to arise
2 during his tenure or employment with the Commission.

3 3. Serving board members and staff of the Commission as at the
4 commencement of this Bill, shall be entitled to a maximum of 6 months from
5 the said commencement date within which to divest themselves of their direct
6 or indirect financial interests or investments in any private university in
7 Nigeria, if any.

8 4. All newly appointed board members and staff of the Commission,
9 shall after the commencement of this Bill, be entitled to a maximum of 6
10 months from their respective dates of appointments, within which to divest
11 themselves of their direct or indirect financial interests or investments in any
12 private university in Nigeria.

13 5. A board member or staff of the Commission shall declare on
14 appointment or at the commencement of employment and annually thereafter,
15 for as long as he serves the Commission, any interest or investment that he has
16 or knows any member of his immediate family to have, in any aspect of the
17 Nigerian Private University system.

18 6. Where a board member or staff of the Commission contravenes the
19 provisions of paragraphs 1 and 2 of this Schedule, or gives false information
20 under paragraph 5 of this Schedule, he commits an offence and is liable on
21 conviction, to a fine not exceeding one hundred thousand nairaN100,000 or
22 imprisonment for a term not exceeding one year or both fine and imprisonment.

23 7. Subject to paragraph 8 of this Schedule, the Board may from time
24 to time waive the application of the prohibitions specified in paragraphs 1 and 2
25 of this schedule to a board member or staff of the Commission where the Board
26 determines that the financial interest of the relevant person is not of a material
27 nature or is minimal.

28 8. The Board shall, in determining whether or not the interest of a
29 board member or staff of the Commission is minimal or not of a material
30 nature, consider factors including but not limited to the following:

1 (a) the revenues, investments, profits and managerial efforts of the
2 relevant university or other institution in regard to its teaching, research,
3 development" activities compared with other aspects of the university's or
4 such institution's affairs;

5 (b) the extent to which the Commission regulates and oversees the
6 activity of such university or institution;

7 (c) the degree to which the economic interests of such university or
8 other institution may be affected by an action of the Commission; and

9 (d) the perception held or likely to be held by the public regarding
10 the relevant person's financial interest or investment in that university or
11 other institution.

12 9. The Board may at any time review and reverse its determination
13 under paragraph 7 of this Schedule and direct the application of the
14 prohibitions contained in this Schedule to the affected board member or staff
15 of the Commission and the Board need not disclose the reason or basis for its
16 review to the affected Board member or staff of the Commission.

17 10. In any case in which the Board exercises the waiver of
18 authority or the review thereof as specified in paragraphs 7 and 9 of this
19 Schedule, the Commission shall so soon thereafter publish the details
20 thereof and such publication shall include information regarding the identity
21 of the person who has been granted the waiver or whose waiver grant has
22 been reviewed, the position held by such person and, the nature of the
23 financial interest which are the subject of the waiver or the review.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Universities Commission Act, Cap. N81 Laws of the Federation of Nigeria, 2004 and enact the National Universities Commission Act for the purpose of establishing the National Universities Commission to reform the Nigerian University System in line with modern realities and international best practices.