



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**NATIONAL COMMISSION FOR COLLEGES
OF EDUCATION [REPEAL AND RE-
ENACTMENT] BILL, 2022**

[SB: 934]

A

BILL FOR

AN ACT TO REPEAL THE NATIONAL COMMISSION FOR COLLEGES OF
EDUCATION, ACT NO. 3 OF 1989 AND TO ENACT THE NATIONAL
COMMISSION FOR COLLEGES OF EDUCATION AND FOR OTHER MATTERS.

FIRST READING

TUESDAY, 22ND FEBRUARY, 2022

SECOND READING

WEDNESDAY, 8TH MARCH, 2022

THIRD READING AND PASSAGE

TUESDAY, 5TH APRIL, 2022

NATIONAL COMMISSION FOR COLLEGES OF EDUCATION [REPEAL AND RE-ENACTMENT] BILL, 2022



Arrangement of Clause

Clauses

PART I – ESTABLISHMENT OF NATIONAL COMMISSION FOR COLLEGES OF EDUCATION

1. Establishment of National Commission for Colleges of Education
 2. Governing Board of the Commission
 3. Tenure of Office
 4. Removal from Office of Member of the Board
 5. Functions of the Commission
 6. Supplementary Function of the Commission
 7. Appointment of the Executive Secretary to the Commission
 8. Other Employees of the Commission
 9. Application of Pensions Act. [1979 No 102]
 10. National Commission for Colleges of Education Fund
 11. Maintenance of Separate Fund by the Commission
 12. Expenditure of the Commission
 13. Annual Estimates and Accounts
 14. Annual Reports
 15. Power to Obtain Information
 16. Power of Minister to Give Directives to the Commission
 17. Interpretation
 18. Repeal
 19. Short Title
- Schedule

A
BILL FOR

AN ACT TO REPEAL THE NATIONAL COMMISSION FOR COLLEGES OF EDUCATION, ACT NO. 3 OF 1989 AND TO ENACT THE
NATIONAL COMMISSION FOR COLLEGES OF EDUCATION AND FOR OTHER MATTERS, 2022

{ }

Commencement

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

PART I – ESTABLISHMENT OF NATIONAL COMMISSION FOR COLLEGES OF EDUCATION

1. [1] There is hereby established a body to be known as the National Commission for Colleges of Education [hereafter in this Bill referred to as “the Commission”] which shall be a body corporate with perpetual succession and a common seal and may be sue and be sued in its corporate name. Establishment of National Commission for Colleges of Education
2. [1] There shall be established for the Commission a governing Board which shall consist of a Chairman and the following other members, that is- Governing Board of the Commission
- [a] three members to represent the Committee of Provost and Principals of Colleges [whether known by such a name or by any other name] in such way that one shall be appointed to represent technical teacher education and one to represent special teacher education
- [b] one representative of Polytechnic and colleges of Technology offering teacher education courses
- [c] four members from the College of Education in Nigeria chosen in such a way that each of the disciplines of science, humanities, education and technology is represented
- [d] one representative of National organizations representing women’s interest knowledgeable in teacher education
- [e] one representative each of the following Ministries and bodies that is-
- [i] the Federal Ministry of Education
 - [ii] the Federal Ministry of Finance and Economic Development
 - [iii] the Federal Ministry of Science and Technology; and
 - [iv] the National Manpower Board
- [f] four members appointed on individual merit on a nationwide basis having special knowledge and experience in teacher education;
- [g] one representative of the Nigerian Union of Teachers
- [h] two representatives of the Universities to which college of education are affiliated to be appointed in such a way that one will represent the States College of Education and the Federal College of Education;
- [i] three representatives of the State Ministries of Education to represent the States in rotation for two years at a time, in such a way that at any given time there will be even geographical spread within the country;
- [j] one representative of the National Board for Technical Education
- [k] one representative of the Nigerian Academy of Education
- [l] The Executive Secretary who shall be an ex-officio member of the Board but shall not have the right to vote at the meeting of the Board.
- [2] The Chairman and other members of the Board other than the members under paragraphs [e], [i]

and [j] of sub clause[1] of this clause shall be appointed by the President, Commander-in-Chief of the Armed Forces.

[3] The supplementary provisions contained in the Schedule to this Degree shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

[1] Subject to the provisions of this Bill, the Chairman and other members who are not public officers, shall serve for a period of three years from the date of their appointments and shall be eligible for re-appointment for another term of three years.

Tenure of Office

[2] Any member, not being a public officer, may resign his appointment by a notice in writing under his hand addressed to the Minister.

[3] Public officers shall be members of the Board at the pleasure of the Minister of the Ministry they represent.

[4] Members of the Board, not being a public officer, shall be paid such remuneration and allowance as the Federal Government of Nigeria may from time to time determine.

[1] The Minister may at any time remove any member of the Board from office if the Minister is of the opinion that is not in the best interest of this Commission for the member to continue in office and shall inform the members in writing to that effect through the Chairman

Removal from Office of Member of the Board

[2] Where the Board is satisfied that the continued presence on the Board of a member is not in the national interest or the interest of the Commission, the Board may recommend to the Minister that the member concerned be removed from his office.

[1] The Functions of the Commission shall be to-

Functions of the Commission

[a] advise the Federal Government of Nigeria through the Minister and co-ordinate all aspects of Teacher Education falling outside the universities and polytechnics;

[b] make recommendations on the national policy necessary for the full development of Teacher Education and the training of teachers;

[c] lay down minimum standards for all programmes of Teacher Education and accredit their certificates and other academic awards after obtaining thereof prior approval of the Minister;

[d] approve guidelines setting out criteria for accreditation of all Colleges of Education in Nigeria;

[e] determine, after consultation with the National Manpower Board and other bodies it considers appropriate, the qualified teachers need of the country for the purpose of planning training facilities and in particular prepare periodic master plans for the balanced and co-ordinated development of college of education and such plans shall include; -

[i] the general programmes to be pursued by Colleges of Education in order to maximize the use of available facilities and avoid unnecessary duplication while ensuring that they are adequate to manpower needs of the country;

[ii] recommendation to the Minister for the establishment and location of new colleges of education as and when considered necessary;

[iii] recommendation to the Minister for up-grading of any college of education to or de-recognition of any college of education as a degree awarding institution

[f] inquire into and advise the Federal Government of Nigeria on the financial needs, both recurrent and capital, of colleges of education to enable them meet the objectives of producing the trained qualified teacher of the country;

[g] receive block grants from the Federal Government of Nigeria and allocate them to colleges of education in accordance with such formula as may be laid down, from time to time by the Federal Executive Council

[h] set as agency for channeling all external aids to college of education in Nigeria

[i] advise on, and take steps to harmonize entry requirements and duration of courses at the colleges of education;

[j] lay down standards to be attained and continually review such standards.

[k] review methods of assessment of students and trainees and develop a scheme of national certification for the various products of college of education in collaboration with the Ministries of Education and Universities to which the college are affiliated;

[l] undertake periodic reviews of the terms and condition of service of personnel in colleges of education and make recommendations thereon through the Minister of the Federal Government of Nigeria;

[m] collate, analyze and publish any published information relating to teacher education in Nigeria;

[n] consider any matter pertaining to teacher education as may be referred to it, from time to time, by the Minister; and

[o] Carry out such other activities as are conducive to the discharge of its functions under this Bill.

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

Supplementary
Function of the
Commission

[a] stimulate and encourage pre-vocational technical, agricultural business and home economics education as such other additional subjects considered necessary by the authority, as the case may be, in the primary schools and in junior and senior secondary schools not only as a basis for creating early technological awareness, but also to provide suitable orientation for further education and training in technology and direct practical skills for earning a living

[b] advise on and take measures to improve the immediate and long term prospects of technical and business education teachers with respect to status and remuneration

[c] expand the facilities for the training of technical and business education teachers and ensure that these teachers are exposed, both during and after training to practical experience

[d] involve experts both in government and industry in the design of courses relevant for technical and pre-vocational courses; and

[e] Provide encouragement for women to enter a wide range of pre-vocational courses in technical teacher education.

[1] There shall be appointed by the President, Commander-in-Chief of the Armed Forces on the recommendation of the Minister, an Executive Secretary to the Commission who shall have appropriate qualification and experience in teacher education.

Appointment of
the Executive
Secretary to the
Commission

[2] The Executive Secretary shall be the Chief Executive of the Commission and shall be responsible for the execution of the policy of the Commission and the day to day running of the affairs of the Commission.

[3] The Executive Secretary shall hold office for a single term of five [5] years

[4] Subject to this clause, the Executive Secretary shall hold office on such terms as to emolument and otherwise as may be specified in the letter of appointment as approved by the Federal Executive Council

[1] The Commission may appoint other employee of the Commission to assist the Executive Secretary in the exercise of his functions under this Bill

Other Employees of
the Commission

[2] The remuneration and tenure of office of the other employees of the Commission shall be determined by the Commission after consultation with the Minister.

[3] Notwithstanding the provisions of subclause[1] of this clause, employees of the Commission may be appointed by the Commission by way of transfer of secondment from any of the public services in the Federation.

[4] Notwithstanding-

[a] Any other provision elsewhere, staff of the Commission shall retire from service on attaining the age of 65 years at birth.

[b] That staff of the Commission shall enjoy same emoluments and allowances as obtained by the staff of the Federal Colleges of Education.

[c] The Commission may appoint a Deputy Executive Secretary and such other persons to be officers and servants of the Commission, to assist the Executive Secretary in the exercise of his functions.

[d] The remuneration and tenure of office of the Deputy Executive Secretary and the other officers and servants of the Commission, shall be determined by the Commission after consultation with the Minister of Education or Minister responsible for establishments

[e] Notwithstanding the provisions of subclause[1] of this clause, the Deputy Executive Secretary or any of the other officers and servants of the Commission, may be appointed by the Commission by way of transfer or secondment from any of the public services in the Federation.

[1] It is hereby declared that services in the Commission shall be questionable under the Pensions Act 1979, and accordingly, employees of the Commission shall, in respect of their services in the Commission be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

Application of
Pensions Act. [1979
No 102]

[2] Notwithstanding the provisions of subclause[1] of this clause, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

[3] For the purpose of the application of the Pension Act 1979, any power exercisable there under by the Minister or authority of the Federal Government of Nigeria [not being the power to make regulations under clause 23 thereon] is hereby vested in and shall be exercised by the Commission and not by any other person or authority.

[4] Subject to sub clauses [2] of this clause the Pensions Act shall in its application by virtue of the sub clause[3] of this clause to any office, have effect as if the office were in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1979.

[1] There shall be established by the Commission a fund to be known as the National Commission for Colleges of Education Fund [hereafter in this clause referred to as "the fund"]

National Commission
for Colleges of
Education Fund

[2] There shall be paid and credited to the fund established in pursuance of sub clause[1] of this Clause: -

[a] such sums as may be made available to the Commission for allocation of colleges of education in pursuance of Paragraph [g] of clause 5 of this Bill; and

[b] such other sums as may from time to time be credited to the fund by way of payment of the principal and interest on and other charges in respect of any loan made out of the fund and also any interest from investments made from the fund

[3] The fund shall be managed in accordance with guidelines given by the Minister of Finance; and without prejudice to the generality of the power to give guidelines under this subclause, the guidelines shall in particular contain provisions: -

[a] specifying the manner in which the assets of the fund are to be held and regulating the making of payments into and out of the fund;

[b] requiring the keeping of proper accounts and records for purpose of the fund in such form as may be specified in the guidelines;

[c] requiring copies of the accounts to be audited periodically by the Auditor-General of the Federation; and

[d] requiring copies of accounts and of the auditor's report on them to be furnished to the Federal Executive Council through the Minister.

1. [1] The Commission shall establish and maintain a separate fund from which shall be defrayed all expenditures and incurred by the Commission other than such expenditure as may be incurred pursuant to clause 10 of this Bill.

Maintenance of Separate Fund by the Commission

[2] There shall be paid and credited to the fund established in pursuance of sub clause[1] of this clause such payments as may be made to the Commission by the Federal Ministry of Education for the running expense of the Commission and all other payments or moneys from time to time accruing to the Commission otherwise than pursuant to clause 10 of this Bill

2. The Commission may; from time to time, apply the proceeds of the fund established in pursuance of clause 11[1] of this Bill: -

Expenditure of the Commission

[a] to the cost of administration of the Commission;

[b] to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation, allowances and gratuities payable to members or employees of the Commission, so however that no payment of any kind under this paragraph shall be made to any person who is receipt of emoluments from the Government of the Federation or a State;

[c] for the maintenance of any property vested in the Commission; and

[d] for and in connection with any of its functions under this Bill.

3. [1] The Board shall submit to the Minister not later than 30th September in each year an estimate of its expenditure and income during the next succeeding year.

Annual Estimates and Accounts

[2] The Board shall keep proper accounts in respect of each year [and proper records in relation thereto] and shall cause the accounts to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

4. The Board shall prepare and submit to the Federal Executive Council through the Minister, not later than 30th June in each year, a report in such form as he may direct on the activities of the Commission on or during the immediate preceding year; and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor- General's report thereon

Annual Reports

[1] For the purpose of carrying out the functions conferred on the Commission under this Bill, the Executive Secretary or any other officer authorized in that behalf: -

Power to Obtain Information

[a] shall have a right of access to all the records of any institution to which this Bill applies; and

[b] may by notice in writing served on any person in charge of any such institution require that person to furnish information on such matters as may be specified in that notice.

[2] It shall be the duty of any person required to furnish information pursuant to sub clause [1] of this clause to comply with the notice within a reasonable period of time.

[3] In this clause, the reference to an institution which this Bill applies is a reference to any college of education or institution for the production of teachers

Subject to the provisions of this Bill, the minister may give to the commission directives of a general character or relating generally to matter of policy with regards to the exercise by the Commission of its functions and it shall be the duty of the Commission to comply with such directives

Power of Minister to Give Directives to the Commission Interpretation

In this Bill:

Chairman: Means the chairman of the Commission;

Commission: Means the National Commission for Colleges of Education established by clause 1 of this Bill

Executive Secretary: Means the person appointed as the executive Secretary to the commission in pursuance of clause 6 [1] of this Bill

Member: means a member of the Commission and includes the Chairman

Minister: Means the Minister charged with responsibility for education

This Bill Repeals the National Commission for Colleges of Education Act, No. 3 of 1989.

Repeal

This Bill may be cited as National Commission for Colleges of Education [Repeal and Re-enactment] Bill, 2022.

Short Title

SCHEDULE
SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDING OF THE BOARD

1. Supplementary Provisions Relating to the Proceeding of the Board-

[1] Subject to This Bill and clause 26 of the Interpretation Act 1964 [which provides for decisions of a statutory body to be taken by a majority of its members and for the Chairman to have a second or casting vote], the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

[2] Every meeting of the Board shall be presided over by the Chairman or if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

[3] the quorum at a meeting of the Board shall consist of the Chairman [or on an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule] and eight other members.

[4] Where upon any special occasion, the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt that person to be member for as many meetings as may be necessary, and that person while co-opted shall have all the rights and privilege of a member, except that he shall not be entitled to vote or count towards a quorum.

[5] Subject to its standing orders:-

[a] the Board may appoint such member of standing and ad-hoc committee as it thinks fit to consider and report on any

matter with which the Board is concerned.

[b] Every committee appointed under the provisions of sub-paragraph [1] of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the board as the Board may determine in each case.

[c] The Decision of a committee shall be of no effect until confirmed by the Board.

[d] The Fixing of the seal of the Commission shall be authenticated by the signature of the Chairman or of the Executive Secretary of the Commission

[e] Any contract or instalment which if made by a person not being a body corporate would not be required to be under seal may be or executed on behalf of the Commission by the Executive Secretary or by any other person generally or specifically authorised to act for that purpose by the commission.

[f] any document purporting to be a contract instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and unless the contrary is proved, be presented without further proof to have not been signed or sealed.

[g] the validity of any proceedings of the Board or a committee thereof shall not be adversely affected-

[a] by any vacancy in the membership of the Board or Committee; or

[b] by any defect in the appointment of a member of the Board or committee; or

[c] by reason that a person not entitled to do so took part in the proceedings.

[h] Any member of the Board or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or Committee shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill repeals the National Commission for Colleges of Education Act No.3 of 1989 and to provide legislative framework that would support and empowers the commission to, amongst other things, enact and to advise the Federal Government of Nigeria on all aspect of teacher education falling outside the universities and polytechnics and to further make recommendations on 'Minimum Academic Standard' for the training of NCE students in Nigeria and to supervise all NCE awarding Tertiary Institutions. Also, the Bill is to enable the day-to-day working of the Commission to deploy experienced and high-ranking officers who have teacher education and expertise to ease routine exercises and to ensure smooth transition of leadership of the Commission. Also, it aimed to leverage Colleges of Education system in Nigeria while, ensuring efficient and effective supervision and general conduct of accreditations, resource visitations, monitoring and evaluation of all NCE awarding Tertiary Institutions in Nigeria for better outcome and result.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 5TH APRIL, 2022

.....
President,
Senate of the Federal Republic of Nigeria

.....
Clerk,
Senate of the Federal Republic of Nigeria