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<i>Act No.</i>	<i>Short Title</i>	<i>Page</i>
30	National Commission for Colleges of Education Act, 2022 ..	A385-396

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**NATIONAL COMMISSION FOR COLLEGES OF
EDUCATION ACT, 2022**



ARRANGEMENT OF SECTIONS

Section :

1. Establishment of the National Commission for Colleges of Education
 2. Governing Board of the Commission
 3. Tenure of office
 4. Removal from office of members of the Board
 5. Functions of the Commission
 6. Supplementary functions of the Commission
 7. Appointment of the Executive Secretary to the Commission
 8. Other employees of the Commission
 9. Pension
 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. Repeal, savings and transitional provisions
 18. Interpretation
 19. Citation
- SCHEDULE

**NATIONAL COMMISSION FOR COLLEGES OF
EDUCATION ACT, 2022**

ACT No. 30

AN ACT TO REPEAL THE NATIONAL COMMISSION FOR COLLEGES OF EDUCATION ACT, CAP. N17, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NATIONAL COMMISSION FOR COLLEGES OF EDUCATION ACT, 2023 ; AND FOR RELATED MATTERS.

[8th Day of February, 2023]

- | | |
|---|---|
| | Commence-
ment. |
| ENACTED by the National Assembly of the Federal Republic of Nigeria— | Establishment
of the
National
Commission
for Colleges
of Education |
| 1.—(1) There is established the National Commission for Colleges of Education (in this Act referred to as “the Commission”) which — | |
| (a) shall be a body corporate with perpetual succession and a common seal ; and | |
| (b) may sue and be sued in its corporate name. | |
| 2.—(1) There is established for the Commission a Governing Board which shall consist of — | Governing
Board of the
Commission |
| (a) a Chairman ; | |
| (b) three members to represent the Committee of Provosts 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 ; | |
| (c) one representative of Polytechnics and Colleges of Technology offering teacher education courses ; | |
| (d) four members from the colleges of education in Nigeria chosen in such a way that each of the disciplines of science, humanities, education and technology is represented ; | |
| (e) one representative of national organisations representing women’s interest knowledgeable in teacher education ; | |
| (f) one representative each of the — | |
| (i) Federal Ministry responsible for education, | |
| (ii) Federal Ministry responsible for finance and economic development, | |
| (iii) Federal Ministry responsible for science and technology, and | |
| (iv) 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 each will represent the State Colleges of Education and the Federal Colleges of Education ;

(i) three representatives of the State Ministries responsible for 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 ; and

(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 subsection (1) (e), (i) and (j) shall be appointed by the President of the Federal Republic of Nigeria.

Schedule

(3) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned in it.

Tenure of office

3.—(1) Subject to the provisions of this Act, the Chairman and members other than ex-officio members, shall serve for a term of three years from the date of their appointments and shall be eligible for re-appointment for another term of three years and no more.

(2) Any member other than ex-officio members may resign his appointment by a notice in writing under his hand addressed to the Minister.

(3) Ex-officio members shall be members of the Board at the pleasure of the Minister of the ministry they represent.

(4) Members of the Board, not being public officers, shall be paid such emolument and allowance as the Revenue Mobilisation Allocation and Fiscal Commission determine.

Removal from office of members of the board

4.—(1) The Minister may at any time remove any member of the Board from office if the Minister is of the opinion that it is not in the best interest of the Commission for the member to continue in office and shall inform the member in writing to that effect through the Chairman.

(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 office.

5. The functions of the Commission shall be to —

(a) advise the Federal Government through the Minister and co-ordinate all aspects of teacher education falling outside the universities and polytechnics ;

(b) make recommendations on 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 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 colleges of education and such plans shall include —

(i) the general programmes to be pursued by colleges of education in order to maximise 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 the establishment and location of new colleges of education as and when considered necessary, and

(iii) recommendation to the Minister for upgrading 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 on the financial needs, both recurrent and capital, of colleges of education to enable them meet the objectives of producing the trained qualified teachers of the country ;

(g) receive block grants from the Federal Government and allocate them to colleges of education in accordance with such formula as may be laid down by the Federal Executive Council ;

(h) serve as agency for channeling all external aids to colleges of education in Nigeria ;

(i) advise on, and take steps to harmonise entry requirements and duration of courses at the colleges of education ;

(j) prescribe 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 colleges of

education in collaboration with the ministries responsible for education, and universities to which the college are affiliated ;

(l) undertake periodic reviews of the terms and conditions of service of personnel in colleges of education and make recommendations to the Minister ;

(m) collate, analyse 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 by the Minister ; and

(o) carry out other activities as are conducive to the performance of its functions under this Act.

Supplementary
functions
of the
Commission

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

(a) stimulate and encourage pre-vocational, technical, agricultural, business and home economics education and 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 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.

Appointment
of
the
Executive
Secretary to
the
Commission

7.—(1) There shall be appointed by the President of the Federal Republic of Nigeria on the recommendation of the Minister, an Executive Secretary to the Commission who shall have appropriate qualification and experience in teacher education.

(2) The Executive Secretary shall be the chief executive officer of the Commission and shall be responsible for the execution of the policy of the Commission and the administration of the affairs of the Commission.

(3) The Executive Secretary shall hold office for a single term of five years.

(4) Subject to this section, the Executive Secretary shall hold office on such terms as to emolument and allowances as may be specified in his letter of appointment as approved by the Federal Executive Council.

8.—(1) The Commission may appoint other employees of the Commission to assist the Executive Secretary in the exercise of his functions under this Act.

Other
employees
of the
Commission

(2) The emolument, allowances 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 subsection (1), employees of the Commission may be appointed by the Commission by way of transfer or secondment from any of the public services in the Federation.

(4) Notwithstanding any other provision, staff of the Commission shall retire from service on attaining the age of 65 years of age.

(5) The staff of the Commission shall enjoy same emoluments and allowances as obtained by the staff of the federal colleges of education.

(6) 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 performance of his functions.

(7) The emolument 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 responsible for education or establishments.

(8) Notwithstanding the provisions of subsection (1), 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.

9.—(1) Services in the Commission shall be pensionable under the Pension Reform Act 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 under that Act.

Pension.
Act No. 4,
2014

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

(3) For the purpose of the application of the Pension Reform Act, any power exercisable under it by the Minister or authority of the Federal Government is vested in and shall be exercised by the Commission and not by any other person or authority.

Cap. C23,
LFN, 2004

(4) Subject to subsection (2), the Pension Reform Act shall in its application by virtue of subsection (3) 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, 1999.

National
Commission
for Colleges
of Education
Fund

10.—(1) There is established by the Commission, the National Commission for Colleges of Education Fund (in this Act referred to as “the Fund”).

(2) There shall be paid and credited to the Fund established under subsection (1) —

(a) such sums as may be made available to the Commission for allocation to colleges of education under section 5 (g) of this Act ; and

(b) such other sums as may 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 any interest from investments made from the Fund.

(3) The Fund shall be managed in accordance with guidelines given by the Minister responsible for finance, and without prejudice to the generality of the power to give guidelines under this subsection, 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 the 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 for the Federation ; and

(d) requiring copies of accounts and the auditor’s report on them to be presented to the Federal Executive Council through the Minister.

Maintenance
of separate
fund by the
Commission

11.—(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 under section 10 of this Act.

(2) There shall be paid and credited to the separate fund established under subsection (1) such payments as may be made to the Commission by the Federal Ministry responsible for education for the running expense of the Commission and all other payments or money accruing to the Commission otherwise than under section 10 of this Act.

12. The Commission may apply the proceeds of the separate fund established under section 11(1) of this Act — 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 in 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 Act.

13.—(1) The Board shall submit to the Minister not later than 30 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 to it 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 for the Federation.

14. The Board shall prepare and submit to the Federal Executive Council through the Minister, not later than 30 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 on it. Annual reports

15.—(1) For the purpose of carrying out the functions conferred on the Commission under this Act, the Executive Secretary or any other officer authorised in that behalf — Power to obtain information

(a) shall have a right of access to all the records of any institution to which this Act 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) A person required to furnish information under subsection (1) shall comply with the notice within a reasonable period of time.

(3) In this section, reference to “any institution to which this Act applies” means a reference to any college of education or institution for the production of teachers.

Power of
Minister to
give
directives to
the
Commission

16. Subject to the provisions of this Act, 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 the Commission shall comply with such directives.

Repeal,
savings and
transitional
provisions

17.—(1) The National Commission for Colleges of Education Act, Cap. N17, Laws of the Federation of Nigeria, 2004 (the repealed Act) is repealed.

(2) Anything done or purported to have been done under the repealed Act, remains valid, except as provided under this Act.

(3) Any person who was a member of staff of the Commission immediately before the commencement of this Act shall by virtue of this Act, become a member or staff of the Commission.

(4) The rights, assets, obligations and liabilities belonging to the Commission under the repealed Act shall, at the commencement of this Act, rest in and devolve on the Commission under this Act.

Interpretation

18. In this Act —

“*Chairman*” means the Chairman of the Commission ;

“*Commission*” means the National Commission for Colleges of Education established under section 1 of this Act ;

“*Executive Secretary*” means the person appointed as the Executive Secretary to the Commission under section 7 (1) of this Act ;

“*member*” means a member of the Commission and includes the Chairman ; and

“*Minister*” means the Minister responsible for education.

Citation

19. This Act may be cited as the National Commission for Colleges of Education Act, 2023.

SCHEDULE

Section 2(3)

SUPPLEMENTARY PROVISIONS RELATING TO THE
PROCEEDING OF THE BOARD

1.—(1) Subject to this Act and section 26 of the Interpretation Act, Cap. 123, Laws of the Federation of Nigeria, 2004 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.

(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 under subparagraph (2), 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 deems fit to consider and report on any matter with which the Board is concerned ; and

(b) every committee appointed under the provisions of subparagraph (5)(a) 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.

(6) The decision of a committee shall be of no effect until confirmed by the Board.

(7) 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.

(8) Any contract or installment 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.

(9) 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 been signed or sealed.

(10) The validity of any proceedings of the Board or a committee of it shall not be adversely affected by —

- (a) any vacancy in the membership of the Board or committee ;
- (b) any defect in the appointment of a member of the Board or committee ; or
- (c) reason that a person not entitled to do so took part in the proceedings.

(11) Any member of the Board or a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall immediately disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

Ojo O. A., fnia, fcia
Clerk to the National Assembly
10th Day of January, 2023.

EXPLANATORY MEMORANDUM

This Act repeals the National Commission for Colleges of Education Act, Cap. N17, Laws of the Federation of Nigeria, 2004 and enacts the National Commission for Colleges of Education Act, 2022 to provide legal framework for empowering the Commission to, amongst other things, advise the Federal Government of Nigeria on all aspects of teacher education falling outside the universities and polytechnics, make recommendations on 'minimum academic standard' for the training of National Certificate in Education (NCE) students in Nigeria, and supervise all NCE awarding tertiary institutions.

SCHEDULE TO THE NATIONAL COMMISSION FOR COLLEGES OF EDUCATION BILL, 2022

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
National Commission for Colleges of Education Bill, 2022.	An Act to repeal the National Commission for Colleges of Education Act, Cap. N17, Laws of the Federation of Nigeria, 2004 and enact the National Commission for Colleges of Education Act, 2022 ; and for related matters.	This Bill repeals the National Commission for Colleges of Education Act, Cap. N17, Laws of the Federation of Nigeria, 2004 and enacts the National Commission for Colleges of Education Act, 2022.	22nd November, 2022.	14th December, 2022.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



Ojo O. A., fnia, fcia
Clerk to the National Assembly
 10th Day of January, 2023.

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
 8th Day of February, 2023.