

# **EDUCATIONAL CORRESPONDENCE COLLEGES ACCREDITATION ACT**

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**An Act to make provisions for accreditation by the Minister of Education a pre-condition for the operation (or continuation in business in the case of existing institutions) of all private educational correspondence colleges wishing to conduct business in Nigeria.**

[1987 No. 32.]

[5th November, 1987]

[Commencement. ]

**1. Educational correspondence colleges to be accredited**

(1) If any person is desirous of enrolling not less than twenty citizens of Nigeria as students for any correspondence course run or to be run by any correspondence college of which he is or proposes to be the proprietor, then, where such course or part thereof is to be run by the correspondence college in Nigeria or, as the case may be, to be undertaken by such students while resident in Nigeria, the proprietor concerned shall, in addition to incorporating the enterprise under the provisions of the Companies and Allied Matters Act, apply to the Minister for accreditation of the correspondence college in accordance with the provisions of this Act.

[Cap. C20.]

(2) Where, on the coming into operation of this Act, any correspondence college is carrying on business in Nigeria, the proprietor thereof may apply within three months thereafter to be accredited, but shall cease to carry on such business in Nigeria after the expiration of six months from the coming into operation of this Act, unless prior to the expiration of the said period, such correspondence college is accredited to continue its business in accordance with the provisions of this Act.

(3) In the case of a correspondence college situated outside Nigeria, such correspondence college shall establish an agency office in Nigeria.

(4) The Minister may appoint such number of specialist assessors as he may deem fit to carry out such preliminary inspection, assessment and evaluation visits to any correspondence college or, in the case of a correspondence college situated outside Nigeria, any agency office for the purpose of accreditation under this section.

(5) A specialist assessor appointed under this section shall hold office on such terms and conditions as may be specified in his letter of appointment.

**2. Procedure for accreditation, etc.**

(1) Where a correspondence college is situated in Nigeria, the proprietor thereof shall apply in writing to the Minister for accreditation and shall set out in the prescribed form-

- (a) the name and place of business or the proposed name and place of business of the correspondence college;
- (b) the name and address of the proprietor, in the case of a sole proprietor, and in other cases, of each director, partner, trustee or other principal officer of the body (whether corporate or unincorporated), as the case may require;
- (c) the nature of the courses offered or to be offered and duration of each such course;
- (d) if the business of the correspondence college was commenced before the coming into operation of the Act, the date of the commencement of such business; and
- (e) such other particulars as may be prescribed from time to time.

(2) A fee of N500 shall be payable in respect of an application under this section.

(3) In the case of a correspondence college situated outside Nigeria, the person in charge of the agency office established under section 1 (3) of this Act, shall apply in writing to the Minister for accreditation and shall set out in the prescribed form-

- (a) the name and place of business of the correspondence college outside Nigeria;
- (b) the name and address of the proprietor, in the case of a sole proprietor, and in other cases, of each director, partner, trustee or other principal officer of the body (whether corporate or unincorporate), as the case may require;
- (c) the nature of the courses offered and the duration of each such course;
- (d) the names and addresses of some one or more agents resident in Nigeria authorised to accept on behalf of the correspondence college service of process and any notices required to be served on it;
- (e) if the business of the correspondence college was commenced before coming into operation of this Act, the date of the commencement of such business; and
- (f) such other particulars as may be prescribed from time to time.

(4) Upon receipt of an application under subsections (1) and (3) of this section, the Minister shall cause such inquiries to be made as may assist him in coming to a decision in the particular case.

(5) If, after receipt of particulars in compliance with the foregoing provisions of this section and of the prescribed fees, the Minister is of the opinion-

- (a) that a correspondence college ought to be accredited, he shall issue it with a certificate in the prescribed form to that effect, with or without conditions;

(b) that it would be undesirable in the public interest that accreditation be effected, he may refuse such accreditation, and no appeal shall lie from any decision of the Minister in any such case.

(6) Where a certificate of accreditation is issued subject to conditions, the correspondence college shall comply with those conditions.

(7) Any correspondence college which fails to comply with any of the conditions of its certificate of accreditation shall be guilty of an offence and shall be liable on conviction to a fine of N 100 for each day during which the condition is not complied with.

### **3. Renewal of certificate of accreditation**

(1) A certificate of accreditation issued under section 2 of this Act shall be valid for two years and may be renewed.

(2) Application for the renewal of a certificate of accreditation-

(a) may be made not later than three months before the expiration of the certificate; and

(b) shall be in the same form and be subject to the same procedure as for a new certificate.

### **4. Establishment of Accreditation Committee**

(1) For the purpose of considering an application for accreditation of a correspondence college under this Act, there shall be established a body to be known as the Standing Committee on the Accreditation of Correspondence Colleges (in this Act referred to as "the Committee).

(2) The Committee shall consist of the following members-

(a) the Director of Education, (Technical, Technology and Vocational) in the Federal Ministry of Education, who shall be the Chairman of the Committee;

(b) the Assistant Director of Education (Vocational) in the Federal Ministry of Education;

(c) the Assistant Director of Education (Inspectorate) in the Federal Ministry of Education;

(d) the Head of Correspondence Education Unit, Federal Ministry of Education;

(e) the Chief Assessor of Correspondence Colleges who shall be a lecturer in a University;

(f) the Secretary, Panel of Assessors, who shall be a lecturer in a university;

(g) a representative of the Nigerian Army;

(h) a representative of the National Board for Technical Education, Kaduna;

- (i) a representative of the National Teachers' Institute, Kaduna;
- (j) a representative of the Association of Accredited Correspondence Colleges in Nigeria;
- (k) a representative of the Correspondence and Open Studies Institute, University of Lagos;
- (l) a representative of the Nigeria Employers Consultative Association; and
- (m) five renowned educationists, of whom two shall be proprietors of correspondence colleges, who shall be appointed on the basis of individual merits and geographical representation.

(3) The Permanent Secretary in the Federal Ministry of Education shall designate a senior officer of the Correspondence Education Unit in that Ministry to act as the secretary to the Committee.

(4) The Committee shall, after considering any application lodged under the provisions of this Act, submit a recommendation thereon to the Minister; and the Minister shall thereupon grant or withhold accreditation as provided under subsection (5) of section 2 of this Act.

## **5. Wide publicity to be given to accredited correspondence colleges**

(1) In every case where the Ministry issues a certificate of accreditation to a correspondence college, a designated officer shall cause a publication to be made to that effect in the *Federal Gazette* and in as many newspapers having wide circulation in Nigeria as he may deem desirable.

(2) The Minister shall cause to be prepared and maintained by a designated officer a register of the names and addresses, and of such other particulars as may be specified, of all correspondence colleges accredited in accordance with the provisions of this Act.

(3) It shall be the duty of the designated officer-

(a) to cause the register to be printed, published and put on sale to members of the public not later than six months after the commencement of this Act; and

(b) not less than twice in each year after that in which the register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, a corrected edition of the register which shall be as up to date as possible; and

(c) to cause a print of each edition to be available, at all reasonable times, for inspection by members of the public free of charge.

(4) A document purporting to be a print of an edition of a register published under this section by the designated officer shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that a correspondence college specified in the document is fully or conditionally accredited and that any college not so specified therein is not so accredited.

(5) In this section, “**designated officer**” means any officer in the Federal Ministry of Education who may, from time to time, be charged with the general responsibility for the discharge of the functions specified under or pursuant to this section or any other provision of this Act.

## **6. Power to revoke accreditation or impose conditions thereon**

(1) The Minister may at any time vary or revoke any of the conditions of a certificate of accreditation or impose such conditions or additional conditions as he may deem necessary.

(2) Where the Minister proposes to vary, revoke or impose conditions in accordance with the provisions of subsection (1) of this section, he shall, before exercising such power, give notice of his intention to the correspondence college concerned and shall afford it an opportunity of making representations to him and to submit reasons why its certificate of accreditation should not be so amended.

(3) Any correspondence college which fails to comply with any conditions as varied or imposed by virtue of subsection (1) of this section, shall be guilty of an offence and shall be liable on conviction to a fine of N 100 for each day during which the conditions are, or any of them is not complied with.

## **7. Opening and closing of branches**

Every correspondence college shall inform the Minister of-

- (a) any proposal to open or close branches thereof anywhere in Nigeria;
- (b) any proposed agreement or arrangement for any sale or disposal of its business by amalgamation or otherwise; and
- (c) any proposal for re-organisation,

and the Minister may, in the case of a correspondence college situated in Nigeria, approve or withhold approval of any such proposal; and in any other case, he may take such decision as he thinks appropriate in the circumstances.

## **8. Cancellation of certificate of accreditation**

(1) The Minister may by Order published in the Federal *Gazette* cancel any certificate of accreditation-

- (a) if the holder thereof ceases to carry on in Nigeria the kind of business for which the certificate was issued or if the correspondence college goes into liquidation or is wound up or otherwise ceases to function as a correspondence college; and
- (b) if the holder thereof fails to fulfil the prescribed conditions and regulations; or

(c) if he is satisfied that it is in the public interest so to do.

(2) Where the Minister proposes to cancel any certificate of accreditation pursuant to subsection (1) of this section, he shall before such cancellation give notice of his intention to the correspondence college concerned and shall give it an opportunity to make representations and to submit reasons why its certificate of accreditation should not be cancelled.

## **9. Power of designated officer to enter premises and obtain information**

(1) For the purpose of this Act, any designated officer-

(a) shall have a right of access, at any time during the normal working hours of the correspondence college concerned, to any building or other premises of any such correspondence college; and

(b) may by notice in writing served on any proprietor of a correspondence college, require the proprietor to furnish, in such form as he may direct, information on such matters as may be specified by him.

(2) A person required to furnish any information pursuant to subsection (1) (b) of this section shall, within two months from the notice, comply with the notice.

## **10. Penalties for setting up illegal college, etc.**

Any person who sets up any correspondence college in Nigeria or, as the case may be, runs correspondence courses which are undertaken in Nigeria otherwise than in compliance with the provisions of this Act, shall be guilty of an offence and shall be liable on conviction to a fine of N 10,000 or imprisonment for two years or to both such fine and imprisonment.

## **11. Offences and penalties**

(1) If any person required to furnish any information pursuant to section 9 of this Act fails to furnish the information as required under this Act, he shall be guilty of an offence and liable on conviction to a fine of N2,000 or imprisonment for a term of six months or to both such fine and imprisonment.

(2) Any person who, for the purpose of obtaining a certificate of accreditation for a correspondence college or of complying with any of the provisions of this Act (including purported compliance with a requirement to furnish information under section 9 of this Act) presents any instrument or makes any statement, whether or not in the instrument or form, which is false in a material particular, shall be guilty of an offence unless he proves that he has taken all reasonable steps to ascertain the truth of the statement made or contained in the instrument or form so presented.

(3) Any person guilty of an offence under subsection (2) of this section shall be liable on conviction to a fine of N3,500 or imprisonment for a term of twelve months or to both such fine and imprisonment.

(4) Any person who willfully obstructs, interferes with, assaults or resists any designated officer in the execution of his duties under this Act or who aids, invites, induces or abets any other person to obstruct, interfere with, assault or resist any such officer, shall be guilty of an offence and liable on conviction to a fine of N1,000 or imprisonment for three months or to both such fine and imprisonment.

## **12. Offences by bodies corporate, etc.**

(1) Where an offence under this Act is committed by a body corporate or firm or other association of individuals-

- (a) every director, manager, secretary or other similar officer of the body corporate;
- (b) every partner or officer of the firm;
- (c) every trustee of the body concerned;
- (d) every person concerned in the management of the affairs of the association; or
- (e) every person who was purporting to act in any such capacity as aforesaid,

shall severally be guilty of that offence and liable to be proceeded against and punished for that offence in like manner as if he had himself committed the offence unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

(2) Where an offence is committed by a correspondence college referred to in section 2 (3) of this Act, every agent acting for or on behalf of any such correspondence college shall be severally guilty of that offence and liable to be proceeded against and punished for that offence in like manner as if he had himself committed the offence.

## **13. Repeals, savings and transfer of assets and liabilities**

(1) The Educational Correspondence College (Registration, etc.) Act 1977 is hereby repealed.

[1977 No. 11.]

(2) Notwithstanding subsection (1) of this section-

- (a) any correspondence college whose name was immediately before the coming into force of this Act included in the register of correspondence colleges kept under the repealed enactment, shall, without further application or payment of any other fee, be deemed to be registered under the appropriate provisions of this Act;



(b) any register kept in pursuance of the repealed enactment shall be deemed to be part of the register to be kept in pursuance of this Act;

(c) any document referring to a provision of the repealed enactment shall be construed as a reference to the corresponding provision of this Act; and

(d) where any offence, for the continuance of which a penalty was provided, has been committed under the repealed enactment, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provisions of this Act.

(3) All assets, funds, resources and other moveable or immovable property which immediately before the commencement of this Act were vested in the bodies established by the repealed enactment shall by virtue of this Act and without any further assurance, be vested in the Committee.

## 14. Regulations

The Minister may make regulations generally for the purposes of this Act and, without prejudice to the generality of the power hereby conferred, he may by regulations-

(a) prescribe the forms to be used for the purpose of this Act;

(b) vary, with the prior consent of the President, the fees prescribed under section 2 (2) of this Act and for refund of fees or part thereof in cases in which he refuses accreditation;

(c) prescribe such administrative or procedural matters as appear to him necessary or expedient in order to facilitate the operation of this Act.

## 15. Interpretation

In this Act, unless the context otherwise requires-

“**Committee**” means the Standing Committee on the Accreditation of Correspondence Colleges;

“**correspondence college**” means any college or institution or any other body which conducts, or is established to conduct, courses of instruction by means of correspondence between it and its students either by means of written or printed texts, audio or video tapes with optional occasional face-to-face methods of learning, but does not include-

(a) a university or similar institution of higher learning (whether in Nigeria or elsewhere) which awards external degrees or diplomas or which disseminates educational instruction or materials by means of correspondence or by sound or television broadcast;

(b) any correspondence college established solely for religious instruction; or

(c) any correspondence college entirely maintained and controlled by any Government in the Federation;

**“designated officer”** has the meaning assigned thereto by section 5 (5) of this Act;

**“Minister”** means the Minister charged with responsibility for matters relating to education; and **“Ministry”** shall be construed accordingly;

**“proprietor”** means the person who is or holds himself out to be the owner of a correspondence college or the lessee or tenant in the case of leased premises, or the person using premises for the purpose of a correspondence college, or any person that derives or is entitled to any profits or similar benefits from the business of any such college and includes an agent in the case of a correspondence college referred to in section 2 (3) of this Act or the person recognised as proprietor immediately before the coming into force of this Act and references to **“person”** in this Act shall include, where applicable, references to bodies corporate, firms, trustees or any other association of individuals;

**“student”** means any person who takes any course of instruction from a correspondence college whether or not he is a student at any other institution.

## **16. Short title**

This Act may be cited as the Educational Correspondence Colleges Accreditation Act.

EDUCATIONAL CORRESPONDENCE COLLEGES ACCREDITATION ACT

## **SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*