



NATIONAL COMMISSION FOR NOMADIC EDUCATION ACT

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An Act to establish the National Commission for Nomadic Education which will, amongst other things, establish, manage and maintain primary schools for nomadic children.

[1989 No. 41.]

[12th December, 1989] [Commencement.]

PART I

Establishment of the National Commission for Nomadic Education, etc.

1. Establishment of the National Commission for Nomadic Education

- (1) There is hereby established a body to be known as the National Commission for Nomadic Education (in this Act referred to as "the Commission") which shall have the functions assigned to it by this Act.
- (2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

2. Governing Board of the Commission

- (1) There is hereby established for the Commission, a Governing Board (in this Act referred to as "the Board"), which shall administer and direct the affairs of the Commission.
- (2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the Board to exercise general control and superintendence over the policy, finances and property of the Commission, including its public relations.
- (3) The Board shall consist of a chairman and a person each to represent each of the following Ministries and bodies, that is -
 - (a) Education;
 - (b) Information and National Orientation;
 - (c) Internal Affairs;

- (d) Agriculture and Rural Development;
 - (e) Culture and Tourism;
 - (f) the Armed Forces of the Federation;
 - (g) one person each to represent the States of the Federation having nomadic influence or to represent such other States as the Minister may consider necessary for the effective implementation of this Act;
 - (h) five persons to represent other diverse interests, to be appointed on individual merit; and
 - (i) the executive secretary of the Commission.
- (4) The chairman and members of the Board who are not representing Ministries and other statutory bodies, shall be appointed by the President, on the recommendation of the Minister.
 - (5) A member of the Board, other than an *ex-officio* member, shall hold office for a term of four years, renewable for another term of four years only.
 - (6) The Minister may, with the approval of the President, and in writing, remove any member of the Board if he is satisfied that it is not in the interest of the Commission that the person concerned should continue in office.
 - (7) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

PART II

Objectives and functions of the Commission, etc.

3. Objectives of the Commission

The objectives of the Commission are to-

- (a) formulate policy and issue guidelines in all matters relating to nomadic education in Nigeria;

- (b) provide funds for-
 - (i) the research and personnel development for the improvement of nomadic education in Nigeria;
 - (ii) the development of programmes on nomadic education;
 - (iii) equipment, other instructional materials (including teaching aids and amenities), construction of classrooms and other facilities relating to nomadic education;
- (c) arrange effective monitoring and evaluation of the activities of agencies concerned with nomadic education;
- (d) establish, manage and maintain primary schools for nomadic children.

4. Functions of the Commission

In addition to the objectives set out in section 3 of this Act, the Commission shall-

- (a) implement guidelines and ensure geographical spread of nomadic education activities and targets for the nomadic people who cross State boundaries;
- (b) liaise with the Livestock Department of the Ministry of Agriculture and with the State Governments to form an effective inter-Ministerial Committee that will carve out reserves, settlements, grazing areas and dams for the nomadic people;
- (c) establish schools in the settlements carved out for nomadic people;
- (d) co-operate with other participating Ministries and agencies, including
 - (i) the Ministry of Health;
 - (ii) the Ministry of Agriculture and Rural Development;
 - (iii) the Ministry of Water Resources;
 - (iv) the Ministry of Information and National Orientation;
 - (v) the Ministry of Culture and Tourism;

- (vi) the Ministry of Internal Affairs;
- (e) ensure effective inspection of nomadic education activities in Nigeria, through the sections in Federal and State Ministries of Education, performing duties relating to nomadic education;
- (f) collate, analyse and publish information relating to nomadic education in Nigeria and obtain from the States and from other sources, such information as is relevant to the discharge of its functions under this Act;
- (g) determine standards of skills to be attained in nomadic schools established by the Commission, and review such standards from time to time;
- (h) prepare reliable statistics of nomads and their children of school age;
- (i) act as the agency for channelling all external aid to nomadic schools in Nigeria;
- (j) subject to the provisions of sections 11 and 12 of Part V of this Act, receive block grants and funds from the Federal Government or any agency authorised in that behalf, particularly the National Primary Education Commission and allocate them to all nomadic schools in accordance with such formulas as may be laid down by the President;
- (k) ensure effective and equitable management of funds accruing to the Commission under this Act;
- (l) disburse funds for all authorised expenditure, including-
 - (i) payment of emoluments and overheads;
 - (ii) procurement of equipment and all other materials required by the Commission;
 - (iii) contribution towards provisions of settled or mobile classrooms and instructional materials;
 - (iv) contribution towards the acquisition of sites for the establishment of schools and supporting grazing reserves;

- (v) all other payment relating to the performance of its functions under this Act; and
- (m) undertake any other action desirable for the promotion of its responsibilities for nomadic education, including soliciting for funds and other support activities, organising activities to promote peaceful co-existence between the nomadic people and settled farmers and formation of inter-disciplinary and sectoral committees with Ministries, agencies and communities.

5. Powers of the Commission

The Commission shall, subject to any direction of the Minister, have power to do anything which in its opinion, is calculated to facilitate the carrying on of its objectives and functions under this Act.

6. Power of Minister to give directives to the Commission

Subject to the provisions of this Act, the minister may give to the Commission, directives of a general character or relating generally to matters of policy, with regard to the exercise by the Commission of its functions under this Act and it shall be the duty of the Commission to comply with such directives.

PART III

Staff of the Commission

7. Executive secretary of the Commission

- (1) There shall be appointed by the President on the recommendation of the minister, an executive secretary for the Commission, who shall have appropriate qualification and experience in education and teaching.
- (2) The executive secretary shall be the chief executive of the Commission and shall be responsible for the execution of the policies of the Commission and the day-to-day running of the affairs of the Commission.
- (3) The executive secretary shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such

further terms of five years as the President may, from time to time, determine.

8. Other staff of the Commission

- (1) The Commission may appoint such other employees of the Commission as it may require, to assist the executive secretary, in the exercise of the functions of the Commission under this Act.
- (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 subsection (1) of this section, 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.

9. Pensions

- (1) Service in the Commission shall be pensionable under the Pensions 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 thereunder.
- (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act 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 purposes of the application of the Pensions Act, any power exercisable thereunder by the Minister or authority of the Federal Government (not being the power to make regulations under section 23 thereof), is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.
- (4) Subject to subsection (2) of this section, the Pensions Act shall in its application by virtue of the provisions of subsection (1) of this section 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, as amended.

PART IV

Nomadic Education Centres

10. Establishment of Nomadic Education Centres

- (1) The Commission shall establish four Nomadic Education Centres, that is-
 - (a) one at the University of Jos;
 - (b) one at the Usmanu Danfodio University, Sokoto;
 - (c) one at the University of Maiduguri; and
 - (d) one at such other place as the President may determine.
- (2) Every Nomadic Education Centre (in this Act referred to as "the Centre"), shall be responsible to the Commission.
- (3) The Centre at the University of Jos, shall conduct research into nomadic life-styles, including their occupations, the role of women, economic activities, migratory patterns and their demographic distributions, relationship with sedentary community populations and attitudes to education, experimental education methodologies and evaluate programmes relating to nomads.
- (4) The Centre at the Usmanu Danfodio University, Sokoto shall receive from the Centre at the University of Jos and from any other sources, such data as may be required by it to develop-
 - (a) the curriculum for nomadic education;
 - (b) reading and teaching materials;
 - (c) teacher training programme;
 - (d) outreach programmes, including electronic; and
 - (e) resource materials.
- (5) The Centre at the University of Maiduguri shall receive from the Centre at the University of Jos and from any other sources, such data as may be required by it to-

- (a) develop and maintain nomadic education teacher training programmes; and
- (b) develop and maintain nomadic education outreach programmes, including electronically mediated ones, and to do this in collaboration with other Centres as well as other institutions, such as the National Teachers Institute and the National Educational Technology Centre.

PART V

Funds and other financial provisions of the Commission

11. Establishment of National Nomadic Education Fund

- (1) The Commission shall establish a National Nomadic Education Fund (in this Act referred to as "the Fund") into which shall be paid all monies received from the Federal Government, particularly through the State Governments and other sources, including gifts, endowment and profits.
- (2) The Fund shall be disbursed in accordance with the accepted rules and procedures and in pursuit of the objectives of nomadic education, as may be directed, from time to time, by the President, including the making of appropriate grants to State Governments, local governments, universities and other agencies and communities.

12. Maintenance of separate fund by the Commission

- (1) The Commission shall establish and maintain a separate fund from which shall be defrayed all expenditure incurred by the Commission.
- (2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section such payments as may be made to the Commission by the Federal Ministry of Education, for the running expenses of the Commission and all other payments of monies, from time to time, accruing to the Commission.

13. Expenditure of the Commission

The Commission shall, from time to time, apply the proceeds of a fund established in pursuance of section 12 (1) of this Act-

- (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 of the Board and 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 of 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.

14. Annual estimates and accounts

- (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.
- (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 guidelines supplied by the Auditor-General for the Federation.

15. Annual reports

The Board shall prepare and submit to the President, 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 during the immediately 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.

PART VI

Miscellaneous

16. Power to obtain information

- (1) For the purposes of carrying out the functions conferred on the Commission under this Act, the executive secretary or any other officer authorised in that behalf—

- (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 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-section (1) of this section to comply with the notice within a reasonable period of time.
 - (3) In this section, the reference to an institution to which this Act applies is a reference to any regular school established for nomadic people.

17. Interpretation

In this Act, unless the context otherwise requires -

"chairman" means the chairman of the Commission;

"Commission" means the National Commission for Nomadic Education, established by section I of this Act;

"member" means a member of the Board and includes the chairman;

"executive secretary" means the person appointed as the executive secretary of the Commission in pursuance of section 7 (1) of this Act;

"Minister" means the Minister charged with responsibility for matters relating to education.

18. Short title

This Act may be cited as the National Commission for Nomadic Education Act.

SCHEDULE

[Section 2 (5).]

Supplementary provisions relating to the Board

1. Subject to this Act and section 27 of the Interpretation Act (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 and 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 that 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 six 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 a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

Committees

5. (1) Subject to its standing orders, the Board may appoint such number of standing *ad hoc* committees as it thinks fit to consider and report on any matter with which the Board is concerned.
- (2) 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.
6. The decision of a Committee shall be of no effect until it is confirmed by the Board.

Miscellaneous

7. The fixing of the seal of the Commission shall be authenticated by the signature of the chairman and of the executive secretary of the Commission or such other member authorized generally or specially by the Board, to act for that purpose.

- 8.** Any contract or instrument which if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Commission by the executive secretary or by any other person generally or specifically authorised by the Board to act for that purpose.
- 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 presumed, without further proof, to have been so signed or sealed.
- 10.** 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
 - (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.
- 11.** 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.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation