

CHAPTER 302

**NIGERIAN EDUCATIONAL RESEARCH AND
DEVELOPMENT COUNCIL ACT**

ARRANGEMENT OF SECTIONS

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RESEARCH AND DEVELOPMENT COUNCIL**

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SCHEDULE

CHAPTER 302

NIGERIAN EDUCATIONAL RESEARCH AND
DEVELOPMENT COUNCIL ACT

1988 No. 53. **An Act to establish the Nigerian Educational Research and Development Council to, amongst other things, encourage, promote and co-ordinate educational research programmes in Nigeria, identify educational problems and determine the priority to be given to them, and to undertake book language and curriculum development and other ancillary matters.**

Commence-
ment.

[1st March, 1987]

PART I.—ESTABLISHMENT OF THE NIGERIAN EDUCATIONAL
RESEARCH AND DEVELOPMENT COUNCIL, ETC.

Establish-
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Council and
merger with
certain
bodies.

1. (1) There is hereby established a body to be known as the Nigerian Educational Research and Development Council (hereinafter in this Act referred to as "the Council") which shall have the functions assigned to it by this Act.

(2) The Council shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

(3) The bodies or institutions known as—

- (a) the Nigerian Educational Research Council;
- (b) the Comparative Education Study and Adaptation Centre;
- (c) the Nigerian Book Development Council; and
- (d) the Nigerian Language Centre,

shall, as from the commencement of this Act, be merged with the Council established by subsection (1) of this section.

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shall, as from the commencement of this Act, be merged with the Council established by subsection (1) of this section.

2. (1) Subject to the provisions of this Act, there shall be a governing Board of the Council which shall consist of a Chairman to be appointed by the National Council of Ministers on the recommendation of the Minister and the following other members to be appointed by the Minister, that is to say—

Membership
of the
governing
Board.

- (a) one representative from the Federal Ministry of Education;
- (b) five representatives from the State Ministries of Education appointed in rotation amongst the States;
- (c) four representatives selected from the Universities in the Federation in rotation;
- (d) two representatives from the Colleges of Education; and
- (e) one representative each of the following, that is—
 - (i) the Association of Principals of Secondary Schools;
 - (ii) the Nigerian Academy of Education;
 - (iii) the West African Examination Council;
 - (iv) the Nigerian Union of Teachers;
 - (v) the Book League;
 - (vi) the Linguistic Association of Nigeria;
- (f) four Nigerians with relevant knowledge and experience selected on individual merit; and
- (g) the Executive Secretary.

(2) The National Council of Ministers may, on the recommendation of the Minister, appoint a person to act in the place of the Chairman during a long absence or during the temporary incapacity by illness of the Chairman and that person while so acting may exercise all the functions of the Chairman under this Act.

(3) Subject to subsection (2) of this section, if any other member of the Board is incapacitated by illness or long absence in the performance of his official duties, a temporary member may be appointed, in the same manner and in accordance with the same procedure under which the incapacitated member was appointed, and while the appointment subsists, he may exercise all the functions of a member under this Act.

(4) The National Council of Ministers may by order published in the *Federal Gazette* increase, reduce or vary the composition of the membership of the Board.

(5) The provisions of the Schedule to this Act shall have effect with respect to tenure of office of members of the Board and proceedings of the Board and the other matters therein mentioned.

Responsi-
bility of the
Council.

3. The Council shall be charged with the general responsibility for the following, that is to say—

- (a) encouragement, promotion and co-ordination of educational research programmes carried out in Nigeria;
- (b) identification of educational problems in Nigeria in which research is needed, and the establishment of the order of priority therefor;
- (c) encouragement of research into educational problems and for that purpose to undertake, commission, incorporate and finance such research projects as the Council thinks fit;
- (d) periodical compilation and publication of a list of completed research projects;
- (e) compilation, publication or sponsorship of the publication of the results of educational research particularly in relation to Nigerian educational problems, and the popularisation of such results where their general recognition is in the Council's opinion of a national importance;
- (f) assessment, surveying or investigation of any educational matter considered necessary, either independently or in co-operation with individuals, organisations or agencies;
- (g) identification of language problems for the purpose of carrying out research into such problems and finding solutions thereto;
- (h) establishment and maintenance of a research and development library to which new educational books and other related publications may be disposed.

4. The Council shall—

Curriculum
development.

- (a) promote the development of curricula at all levels of the educational system;
- (b) develop new techniques and approaches to curriculum development;
- (c) produce syllabuses and instructional materials;
- (d) carry out studies in comparative curriculum;
- (e) develop and encourage the development of materials for various languages taught in schools.

5. The Council shall—

Book
development.

- (a) formulate and implement a national policy on book development;
- (b) undertake and promote book development and local authorship ensuring the provision of adequate infra-structural facilities for book manufacture;
- (c) encourage the expansion of local printing and publishing industry in order to facilitate book production;
- (d) encourage and promote a reading culture through a continuous research into the needs of Nigerian readers;
- (e) develop an effective book distribution sector so as to ensure a nationwide circulation;
- (f) encourage the establishment of and strengthen professional association of the book industry in Nigeria;
- (g) serve as a centre for the exchange of information on books and all related issues.

6. It shall be the duty of the Council to—

Language
development.

- (a) advise and implement all policies relating to languages;
- (b) promote and develop Nigerian languages;
- (c) co-ordinate language development projects throughout Nigeria and prepare an overall design for language research needs both internally and through grants and subsidies to institutions, qualified agencies and organisations;
- (d) carry out language extension services (including teacher training and linguistic courses);

- (e) develop and encourage the development of core books in Nigerian languages in co-operation with any other institution or organisation concerned with book development;
- (f) provide adequate translation facilities necessary for book development in Nigeria.

General duty
of the
Council.

7. It shall be the general duty of the Council to—

- (a) sponsor national or international educational conferences as may be relevant to the functions of the Council under this Act;
- (b) maintain relationships with corresponding educational research and development bodies in Nigeria and in other countries;
- (c) set up pilot curriculum projects in educational institutions;
- (d) organise teacher educational programmes for new techniques;
- (e) carry out such other activities likely to assist in the performance of the functions imposed on the Council under this Act.

PART II.—EXECUTIVE SECRETARY AND OTHER EMPLOYEES OF THE COUNCIL

Appointment
of Executive
Secretary to
the Council.

8. (1) The President, Commander-in-Chief of the Armed Forces shall appoint a person with the appropriate qualification to be the Executive Secretary to the Council.

(2) The Executive Secretary shall be the chief executive of the Council and shall be responsible for the execution of the policy of the Council and the day-to-day running of affairs of the Council.

(3) The Executive Secretary shall hold office for a period of five years and shall be eligible for re-appointment for a further term not exceeding five years as the President, Commander-in-Chief of the Armed Forces may determine.

(4) Subject to the provisions of this section, the Executive Secretary shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment,

and as may from time to time be approved by the National Council of Ministers.

9. The Board may appoint such other persons to be employees of the Council as the Board may determine to assist the Executive Secretary in the discharge of his functions under this Act. Other employees of the Council.

10. The remuneration and tenure of office of employees of the Council other than the Executive Secretary shall be determined by the Board. Remuneration of other employees of the Council.

11. (1) It is hereby declared that services in the Council shall be pensionable under the Pensions Act, and accordingly, employees of the Council shall, in respect of their services in the Council be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder. Application of Pensions Act. Cap. 346.

(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 Board and not by any other person or authority. Cap. 344.

(4) Subject to subsection (2) of this section, the Pensions Act shall, in its application by virtue of the subsection (3) 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. Cap. 62.

12. (1) If it appears to the Board that a member of the Board (other than an *ex-officio* member) or the Executive Secretary should be removed from office on the grounds of misconduct or inability to perform the functions of his office, the Board shall make a recommendation to the Minister and if the Minister, after making such inquiries as he considers necessary, approves the recommendation, the Minister shall, in writing, Removal from office of member of the Board and the Executive Secretary.

declare the office of such member or Executive Secretary vacant.

(2) The Minister may remove any member of the Board if he is satisfied that it is not in the public interest to retain him.

Removal and
discipline of
senior staff.

13. If it appears to the Board that there are reasons for believing that any person employed as a member of the senior staff of the Council other than the Executive Secretary, should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Board shall—

- (a) give notice of those reasons to the person concerned;
- (b) afford him an opportunity of making representations on the matter to the Board in person;
- (c) if the person concerned or any three members of the Board so request within the period of one month beginning with the date of the notice, make arrangements—

(i) for a committee of the Board to investigate the matter and to report on it to the Board, and

(ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee on the matter, and

(iii) if the Board after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid,

the Board may remove the person concerned by an instrument in writing signed by the Chairman of the Board.

(2) The Executive Secretary may, in a case of misconduct by a member of the staff which in the opinion of the Executive Secretary is prejudicial to the interest of the Council suspend such member, and any such suspension shall forthwith be reported to the Board.

(3) For good cause, any member of staff may be suspended from office or his appointment may be terminated by the Board and for the purposes of this subsection, "good cause" means—

- (a) any physical or mental incapacity which the Board, after obtaining medical advice, considers to render the person

concerned unfit for the discharge of the functions of his office; or

- (b) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
- (c) conduct which the Board considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(4) Any person suspended pursuant to subsection (2) or (3) of this section shall be placed on half pay and the Board shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to decision as to—

- (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him); or
- (b) whether to reinstate such person to his office, in which case the Board shall restore his full emoluments to him with effect from the date of the suspension; or
- (c) whether to terminate the appointment of the person in question in which case such a person shall not be entitled to the proportion of his emolument withheld during the period of the suspension; or
- (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Board may determine,

and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall, before the expiration of a period of three months from such decision, come to a final determination in respect of the case concerning any such person.

(5) It shall be the duty of the person who signed the instrument of removal by virtue of subsection (1) of this section to serve or cause it to be served on the person concerned, a copy of the instrument.

(6) Nothing in the foregoing provisions of this section shall prevent the Board from making such regulations for the discipline of other categories of staff and workers of the Council as it may think fit.

Discipline of
junior staff.

14. (1) If any junior staff is accused of misconduct or inefficiency, the Executive Secretary may suspend him for not more than three months and forthwith shall direct the matter to the Junior Staff Appointment and Promotion Committee—

- (a) to consider the case; and
- (b) to make recommendations as to the appropriate action to be taken by the Executive Secretary.

(2) In all cases under this section, the junior officer shall be informed in writing of the charges against him and be given reasonable opportunity to defend himself.

(3) The Executive Secretary may, after considering the recommendation made pursuant to subsection (1)(b) of this section, dismiss, terminate, retire or downgrade the junior officer concerned.

(4) Any person aggrieved by the Executive Secretary's decision under subsection (3) of this section, may within a period of twenty-one days from the date of the receipt of the letter communicating the decision to him address a petition to the Board to reconsider his case and the Board's decision thereon shall be final.

PART III.—FINANCIAL PROVISIONS

Power to
borrow.

15. The Council may with the consent of the Minister borrow money on such terms and conditions as the Council may require in the exercise of its functions conferred on it under this Act or any other written law.

Fund of the
Council.

16. (1) The Council shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section—

- (a) such moneys as may from time to time be lent or granted to the Council by the Government of the Federation or of a State;
- (b) all moneys raised for the purposes of the Council by way of gift, grant-in-aid, testamentary disposition or otherwise;
- (c) all subscriptions or fees and charges for services rendered by the Council (except that no charges shall be made for services performed for the Government of the Federation or of a State or for such other public bodies or institutions as may be exempted by the Board);
- (d) all interests received in respect of moneys invested by the Council; and
- (e) all other assets from time to time accruing to the Council.

(3) The fund shall be managed in accordance with guidelines given by the Minister and without prejudice to the generality of the power to give guidelines under this subsection, the guidelines shall in particular contain such 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 purposes of the fund in such form as may be specified in the guidelines;
- (c) securing the accounts to be audited annually by auditors appointed from the list approved by the Auditor-General of the Federation, and requiring copies of the accounts and of the auditor's report to be furnished to the National Council of Ministers through the Minister, immediately after the end of the period to which the accounts relate.

17. (1) The Council may, from time to time, apply the funds at its disposal—

- (a) to the cost of the administration of the Council and of any research institute under the Council's administration;
- (b) for reimbursing a member or members of any committee set up by the Council for expenses expressly authorised by the Board;

Expenditure
of the
Council.

- (c) to the provision of scholarship and other awards for the training of persons in educational research and development;
- (d) to the payment of salaries, fees or other remuneration, allowances, pensions and gratuities or superannuation payable to the employees of the Council (including the Executive Secretary) or any research and development institute under its administration, except that no payment of any kind under this paragraph (except such as may be expressly authorised by the Minister) shall be made to any person who receives emoluments from the Government of the Federation or of a State;
- (e) for the maintenance of any property vested in the Council or any research institute under its administration; and
- (f) for and in connection with all or any of the functions of the Council under this Act or any other enactment.

(2) Except as provided for in subsection (1) of this section, no other remuneration shall be paid to any member of any committee appointed by the Board pursuant to this Act.

PART IV.—MISCELLANEOUS PROVISIONS

Office and
premises.

18. (1) For the purpose of providing offices and premises necessary for the performance of its functions, the Council may—

Cap. 202.

- (a) subject to the Land Use Act, purchase or take on lease any interest in land; and
- (b) build, equip and maintain offices and premises.

(2) The Council may, subject to the Land Use Act, sell or lease out any land, office or premises held by it which is no longer required for the performance of its functions under this Act.

Annual
report.

19. The Board shall at the end of each year submit to the National Council of Ministers through the Minister, a report on the activities of the Council and research institutes under its administration during the preceding year.

20. All appointments of officers made by the Nigerian Education Research Board, the Comparative Education Study and Adaptation Centre, the Nigerian Book Development Board and the Nigerian Language Centre prior to the date of commencement of this Act shall be deemed to have been validly made and the existing rights of such officers, if any, to pension and gratuities shall by virtue of this section be preserved.

Preservation of pension and other rights.

21. Any person in charge of any research institute or development project shall, within one month after the completion of the project, deposit with the Council three copies of his completed research projects.

Research institute to deposit project with Council.

22. (1) Any person who fails to comply with the provision of section 21 of this Act shall be guilty of an offence and shall upon a summary conviction be liable to a fine of ₦100.

Offence and penalty.

(2) In addition to the penalty imposed by subsection (1) of this section, the person accused of an offence under this Act shall deliver to the Council three copies of the publication.

(3) The obligation imposed by section 21 of this Act shall be in addition to any similar obligation, which may be imposed by or under any enactment or law.

(4) Notwithstanding subsection (1) of this section, no person shall be convicted of any offence under this Act committed before the making of this section.

23. Subject to this Act, the Minister may give the Board and the Council directives of a general character relating to the functions of the Board and of the Council and it shall be the duty of the Board and the Council to comply with such directives.

Power of Minister to give directives to the Board.

24. (1) The Minister may make regulations for the effective implementation of this Act and may, by such regulations, provide for the functions and responsibilities of the Executive Secretary.

Regulations

(2) Regulations made under section (1) of this section shall not come into operation until after receiving the approval of the National Council of Ministers and published in the Federal Gazette.

Interpreta-
tion.

25. In this Act, unless the context otherwise requires—
- “Council” means the Nigerian Educational Research and Development Council established by section 1 of this Act;
- “Board” means the governing board of the Council constituted under section 2 of this Act;
- “Executive Secretary” means the person appointed under section 8(1) of this Act;
- “member” means a member of the Board and includes the Chairman;
- “Minister” means the Minister charged with responsibility for education.

Short title.

26. This Act may be cited as the Nigerian Educational Research and Development Council Act.

SCHEDULE

Section 2(5)

Tenure of Office

1. Subject to paragraph 2 of this Schedule, a member of the Board who is not a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for a further period of three years; thereafter he shall no longer be eligible for re-appointment.
2. (1) Any member, who is not a public officer, may resign his appointment by a letter addressed to the appointing authority and that member's resignation shall take effect from the date of the receipt of the letter by the appointing authority.
- (2) The appointing authority may at any time by a notice in writing remove any member from his office for inability to perform the functions of the office.
- (3) In this Schedule “appointing authority” means—
 - (a) in the case of the Chairman, the National Council of Ministers; and
 - (b) in the case of any other member, the Minister.

Proceedings of the Board

3. Subject to this Act and to section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board or any committee thereof. Cap. 192.

4. The quorum of the Board shall be ten and the quorum of any committee of the Board shall be determined by the Board.

5. At any meeting of the Board, the Chairman or any person appointed to act in that behalf shall preside but if neither of them is present, the members present at the meeting shall elect one of their number to preside at the meeting.

6. The following persons, that is to say—

(a) the Director-General, Federal Ministry of Education; and

(b) the Directors of centres and developments,

may attend any meeting of the Board and may take part in the deliberations of the Board but shall not be entitled to vote and shall not count towards a quorum.

7. The Board shall meet not less than twice in each year and at other times as the Minister or the Chairman may direct to deliberate and to discuss important issues.

Committees

8. (1) There shall be a body to be known as the Executive Committee of the Board which shall consist of—

(a) the Chairman of the Board;

(b) the Executive Secretary to the Board; and

(c) four other persons elected by the Board from amongst its members.

(2) Subject to the policy laid down by the Board, the Executive Committee shall be responsible for the elaboration of the general plans of the Council and the co-ordination of the work of such other committees as may be constituted by the Board.

(3) There shall be four specialist committees to advise the Board in the areas of research, curriculum development, book development and languages.

(4) Each committee shall consist of—

(a) the Executive Secretary to the Board as Chairman;

(b) four members of the Board;

(c) the Director in charge of the relevant area;

(d) three persons appointed by the Board by virtue of their experience and knowledge on educational matters.

(5) Subject to the Board's standing orders, the Board may appoint such other standing and *ad-hoc* committees as the Board may think fit to consider and report on any matter with which the Council is concerned.

(6) Subject to the provisions of this section, every committee appointed by virtue of the provisions of this section 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.

Miscellaneous

9. The affixing of the seal of the Council shall be authenticated by the signature of the Chairman or the Executive Secretary to the Council.

10. Any contract or instrument executed by a person other than a corporate body, which has no seal, may be made or executed by any person authorised specifically for that purpose by the Council.

11. Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

12. The validity of any proceedings of the Board or its committees shall not be adversely affected—

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

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

**NIGERIAN EDUCATIONAL RESEARCH AND
DEVELOPMENT ACT**

CHAPTER 302

SUBSIDIARY LEGISLATION

No Subsidiary Legislation