

CHAPTER 271

NATIONAL PRIMARY EDUCATION COMMISSION, ETC. ACT.

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CHAPTER 271

NATIONAL PRIMARY EDUCATION
COMMISSION ETC. ACT

1988 No. 31 **An Act to establish the National Primary Education Commission charged with the duty of prescribing the minimum standards of primary education throughout Nigeria and also to make provision for the structure and functions of the Primary School Management Boards at State and Local Government, etc. levels.**

Commence-
ment.

[8th August, 1988]

PART I.—ESTABLISHMENT OF THE NATIONAL PRIMARY
EDUCATION COMMISSION, ETC.

Establish-
ment, etc. of
the National
Primary
Education
Commission.

1. (1) There is hereby established a body to be known as the National Primary Education Commission (hereinafter in this Act referred to as “the Commission”).

(2) The Commission shall be based in and be supervised by the Federal Ministry of Education.

Membership
of the
Commission.

2. (1) The Commission shall consist of a Chairman and the following other members, that is—

- (a) one representative of the Federal Ministry of Education;
- (b) five members representing the States and the Federal Capital Territory, Abuja in rotation;
- (c) one representative of the National Educational Research and Development Council;

- (d) one representative of the Federal Ministry of Finance and Economic Development;
- (e) three other members appointed on personal merit representing a variety of interests;
- (f) the Executive Secretary of the Commission who shall be an ex-officio member of the Commission.

(2) The Chairman and other members of the Commission shall be appointed by the President, Commander-in-Chief of the Armed Forces, on the recommendation of the Minister.

(3) The provisions contained in the First Schedule to this Act shall have effect with respect to the tenure of office of members and proceedings of the Commission and the other matters mentioned therein.

3. (1) The Commission shall—

- (a) prescribe the minimum standards of primary education throughout Nigeria;
- (b) inquire into and advise the Federal Government on the funding of primary education in Nigeria;
- (c) receive the National Primary Education Fund as established by this Act from the Federal Government and allocate the fund to the appropriate body designated by each State and the Federal Capital Territory, Abuja, and to any agency responsible for special Federal Government sponsored primary school projects in accordance with the formula prescribed in this Act or such other formula as the National Council of Ministers may, from time to time, prescribe;
- (d) collate, after consultation with all the State Governments, periodic master plans for a balanced and co-ordinated development of primary education in Nigeria and such plans shall include—

(i) proposals to the Federal Government for equal and adequate primary education opportunity in Nigeria;

(ii) proposals to the Federal Government on the basic national curriculum and syllabus to be pursued by primary schools in Nigeria to ensure that they are fully adequate to national needs and objectives;

Functions of
the
Commission.

- (e) collate, analyse and publish information relating to primary education in Nigeria;
- (f) publish a comprehensive list of primary school teachers in each State of the Federation and ensure a regular personnel audit;
- (g) carry out such other activities as are conducive to the discharge of its functions under this Act and such other functions as the President, Commander-in-Chief of the Armed Forces may, from time to time, through the Minister, determine.

(2) Any proposals made under subsection (1)(d)(ii) of this section may allow for such additions to the basic national curriculum as may be desirable in a particular area having regard to the level of education in that area.

Directives by the Minister to the Commission.

4. Subject to this Act, the Minister may give to the Commission directives of a general nature or specific directives relating generally to a particular matter and it shall be the duty of the Commission to comply with such directives.

Appointment of the Executive Secretary.

5. (1) There shall be appointed by the President, Commander-in-Chief of the Armed Forces an 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 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, 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.

Other staff of the Commission.

6. (1) 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.

(2) 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 Federal Civil Service Commission.

(3) Notwithstanding the provisions of subsection (1) of this section, 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.

PART II.—ESTABLISHMENT OF THE NATIONAL PRIMARY EDUCATION FUND, ETC.

7. (1) There is hereby established a fund to be known as the National Primary Education Fund (hereinafter in this Act referred to as "the National Fund") which shall be deducted directly from the Federal Government's share of the Federation Accounts.

Establishment of the National Primary Education Fund.

(2) The National Fund shall consist of the Federal Government's sixty-five *per cent* contribution to the calculated cost of primary school teachers and non-teachers' salaries; provided that the calculations shall be based on demographical criteria for estimating the number of children of primary school age and an educational planning criteria, including the criterion of forty pupils per teacher in a class.

(3) The amount standing to the National Fund pursuant to subsection (1) of this section shall be disbursed—

(a) twenty *per cent* to all the educationally disadvantaged States specified in the Second Schedule to this Act; and

(b) eighty *per cent* to all the States of the Federation and the Federal Capital Territory, Abuja as follows—

(i) fifty *per cent* on the basis of equality of States, and

(ii) fifty *per cent* on the basis of population.

(4) The Commission shall be responsible for disbursing money from the National Fund and shall not, except on the direction of the Federal Government, disburse money to—

(a) any State Primary School Management Board; or
(b) through the State Primary School Management Board,
to any Local Government Education Authority,
if it is satisfied that the money earlier disbursed was not applied
in accordance with the provisions of this Act.

PART III.—ESTABLISHMENT OF THE PRIMARY EDUCATION
INTERIM DEVELOPMENT FUND

Establishment of the
Primary Education
Interim
Development
Fund.

8. (1) There is hereby established a fund to be known as
the Primary Education Interim Development Fund (hereinafter
in this Act referred to as “the Interim Fund”).

(2) The Interim Fund shall consist of the twenty *per cent*
of the Federal Government’s contribution to primary educa-
tion as stated in subsection (3)(a) of section 7 of this Act.

(3) The Interim Fund shall be set aside annually for the
next ten years and shall be used for capital development of
primary schools in the educationally disadvantaged States
specified in the Second Schedule to this Act.

PART IV—STRUCTURE AND FUNCTIONS OF PRIMARY SCHOOL
MANAGEMENT BOARDS AT STATE AND LOCAL
GOVERNMENT, ETC. LEVELS

Establishment and
functions of
the Primary
School
Management
Board.

9. (1) There is hereby established for each State, a State
Primary School Management Board (hereinafter in this Act
referred to as the “Management Board”) which shall be
charged with the following functions, that is—

- (a) management of primary schools in the State;
- (b) recruitment, appointment, promotion, and discipline of
teaching and non-teaching staff, provided that all matters
relating to officers on Grade Level 06 and below may
be delegated to the Local Government Education
Authority;
- (c) posting and deployment of teachers, including inter-State
transfer;
- (d) disbursement of funds provided to it from both Federal
and State sources;
- (e) setting up an effective and functional supervisory unit;
- (f) supervision of all other units set up under its jurisdiction;

- (g) providing guidelines on the establishment of new schools and new capital projects;
- (h) retirement and re-absorption of teachers;
- (i) approval of annual estimates and establishment proposals from the Local Government Education Authority;
- (j) responsibility for the approval, training and retraining of teaching and non-teaching staff;
- (k) assessment and funding of salaries and allowances of teaching and non-teaching staff based on the scheme of service drawn up by the Management Board;
- (l) ensuring that annual reports are rendered by Heads of Schools on teachers appointed to serve under them;
- (m) preparing testimonials and certificates of service for teaching and non-teaching staff whenever necessary;
- (n) dealing with leave matters including annual vacation;
- (o) ensuring annual auditing of accounts; and
- (p) performing such other functions as may be assigned to the Management Board by the Commissioner for Education or the Commission.

(2) Each Management Board shall establish and maintain a fund into which shall be paid and credited all payments made to it pursuant to section 6 of this Act.

(3) There shall be disbursed from the fund all expenses relating to the management of primary school education in the State.

10. (1) The Membership of the Management Board shall be as follows, that is—

- (a) a Chairman who shall be an experienced educationist;
- (b) two other full-time members appointed on their personal merits;
- (c) two *ex-officio* members to represent the Ministry of Education and the Ministry of Local Government in the State;
- (d) five members to represent other interested groups on part-time basis; and

Membership
of the
Management
Board.

(e) an experienced educationist to serve as an Executive Secretary to the Board.

(2) The Chairman and members of the Management Board shall be appointed by the Governor of the State on the recommendation of the Commissioner for Education of the State.

Establishment and membership of the Local Government Education Authority.

11. (1) There is hereby established, for each Local Government Area of a State, a Local Government Education Authority which shall be subject to the control of the State Primary Education Management Board.

(2) There shall be for the Local Government Education Authority a Local Government Education Committee which shall carry out the functions assigned to the Local Government Education Authority under this Act.

(3) The Local Government Education Committee shall comprise—

(a) the Chairman of the Local Government Council as Chairman;

(b) the Councillor for Education;

(c) one representative of the Inspectorate of Education in the State;

(d) one representative of the recognised Teachers' Union in the Local Government Area;

(e) one representative of women in the Local Government Area;

(f) two representatives of District Heads in the Local Government Area;

(g) two representatives of religious organisations in the Local Government Area; and

(h) one representative of Parents Teachers Association in the Local Government Area.

(4) Members of the Local Government Education Committee who are not public officers shall be appointed by the Commissioner on the recommendation of the bodies they represent.

12. (1) The functions of the Local Government Education Authority which shall be carried out as specified in section 11(2) of this Act shall, subject to the control of the State Primary School Management Board, be—

Functions of
the Local
Government
Education
Authority.

- (a) the day-to-day administration of the primary schools in its area of jurisdiction;
- (b) the appointment, posting, transfer, promotion and discipline of teaching and non-teaching staff on Grade Levels 01-06 in its area of jurisdiction;
- (c) making recommendation to the Management Board on promotion and discipline of teaching and non-teaching staff on Grade Level 07 and above in its area of jurisdiction;
- (d) collection of approved dues;
- (e) payment of salaries, allowances, and other benefits to all the teaching and non-teaching staff in its area of jurisdiction;
- (f) submission of annual estimates, annual accounts, and monthly returns to the Board;
- (g) acquisition and distribution of materials and equipment to all primary schools in its area of jurisdiction;
- (h) undertaking capital projects and general maintenance of primary school buildings and infrastructure;
- (i) stimulating, promoting and encouraging communal participation in the running of primary schools in its area of jurisdiction;
- (j) taking all reasonable steps to ensure full enrolment and attendance in all primary schools in its area of jurisdiction;
- (k) payment for any land acquired for educational development in its area of jurisdiction;
- (l) supervising all District Education Committees in its area of jurisdiction;
- (m) providing regular feedback to the Management Board on people's reaction to Government education measures in its area of jurisdiction;
- (n) ensuring that annual reports are rendered to the Management Board on all activities of the Authority during the

preceding year, especially on teaching and non-teaching staff in its area of jurisdiction;

(o) performing such other functions as may be delegated to it by the Management Board.

(2) Each Local Government Education Authority shall establish and maintain a fund into which shall be paid and credited such payments as may be made to it by the Commission through the Management Board.

(3) There shall be disbursed from the fund all expenses relating to the management of primary school education in the Local Government Area.

Establishment and membership of the District Education Committee.

13. (1) There is hereby established, in each District of the Local Government Area of each State, a District Education Committee.

(2) The District Education Committee shall comprise—

(a) the District Head who shall be the Chairman;

(b) two religious leaders in the District;

(c) two village heads in the District;

(d) one representative of Parent Teachers Association in the District;

(e) one representative of the recognised Teachers' Union in the District;

(f) one representative of Headmasters of primary schools in the District;

(g) one representative of women in the District; and

(h) one representative of businesses in the District.

(3) Members of the District Education Committee who are not public officers shall be appointed by Chairman of the Local Government Council on the recommendation of the bodies they represent.

Functions of the District Education Committee.

14. The District Education Committee shall, subject to the control of the Local Government Education Authority of its Local Government Area, have responsibility for—

(a) recommending to the Local Government Council Education Committee—

- (i) cases of promotion, transfer and discipline of teaching and non-teaching staff in the District;
 - (ii) necessary repairs and renovation to primary school buildings in the District; and
 - (iii) the supply of teaching and non-teaching staff, teaching equipment and materials required for the District;
- (b) promoting and encouraging communal interest and participation in the running of primary education in the District;
 - (c) ensuring good enrolment and full attendance in all State primary schools in the District; and
 - (d) performing such other functions as the Local Government Education Committee may, from time to time, assign to it.

15. (1) There is hereby established for each village, in each District of a Local Government Area of a State, a Village Education Committee.

Establishment and membership of the Village Education Committee.

(2) The Village Education Committee shall comprise—

- (a) the Village Head who shall be the Chairman;
- (b) two representatives of religious leaders in the village;
- (c) one representative of Headmasters of primary schools in the village;
- (d) one representative of women in the village; and
- (e) two representatives of youth leaders in the village.

(3) Members of the Village Education Committee shall be appointed by the District Head on the recommendation of the bodies they represent; and a school teacher in the village shall be secretary to the Village Education Committee.

16. The Village Education Committee shall, subject to the control of the District Education Committee, have responsibility for—

Functions of the Village Education Committee.

- (a) promoting, encouraging and sustaining communal interest and participation in the running of primary schools in the village;

- (b) ensuring good enrolment and full attendance in all primary schools within the village;
- (c) identifying the needs of primary schools within the village and submitting recommendations to the District Education Committee;
- (d) keeping the District Education Committee informed of all educational problems in the village; and
- (e) performing such other functions as the District Education Committee may, from time to time, assign to it.

PART V.—MISCELLANEOUS

Pensions.

Cap. 346.

17. (1) It is hereby declared that service in the Commission shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the Commission shall be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than 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.

Maintenance
of separate
fund by the
Commission.

18. (1) The Commission shall establish and maintain a fund separate from the National Fund as to both principal and interest from which shall be defrayed all expenditure incurred by the Commission except such expenditure as may be incurred by it pursuant to section 7 of this Act.

(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 it by the Federal Government for the running expenses of the Commission and all other assets accruing from time to time to the Commission otherwise than in pursuance of section 7 of this Act.

19. The Commission may, from time to time, apply the proceeds of the fund established in pursuance of section 18(1) of this Act— Expenditure of the Commission.

- (a) to the cost of administration of the Commission;
- (b) for reimbursing members of the Management Board or of any committee set up by the Commission for such expenses as may be expressly authorised by the Commission in accordance with the rates approved by the National Council of Ministers;
- (c) to the payment of the salaries, fees or other remuneration or allowances and pensions, allowances and gratuities payable to the officers and servants of the Commission, so however that no payment of any kind under this paragraph (except such as may be expressly authorised as aforesaid) shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;
- (d) for the maintenance of any property vested in the Commission; and
- (e) for and in connection with all or any of its functions under this Act.

20. (1) The Commission shall, not later than 31st October in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Commission fund during the next succeeding year). Annual estimates and accounts.

(2) The Commission shall keep proper accounts in respect of each financial year (and proper records in relation thereto) and shall cause its accounts to be audited as soon as may be after the end of each year by auditors appointed from the list and in accordance with the guidelines submitted by the Auditor-General of the Federation.

21. The Commission shall prepare and submit to the National Council of Ministers 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 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. Annual reports.

Power to
obtain
information.

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

- (a) shall have a right of access to all the records of any institution or authority to which this Act applies for the specific purpose of discharging his duties under this Act;
- (b) may by notice in writing served on any person in charge of any such institution or authority require that person or authority to furnish information on such matters as may be specified in the notice.

(2) It shall be the duty of any person or authority required to furnish information pursuant to subsection (1) of this section to comply with the notice within a reasonable period of time.

(3) In this section, the reference to an institution is a reference to a primary school or, as the case may be, any other institution in Nigeria recognised for that purpose by the Commission, the State Primary School Management Board, Local Government Education Authority or District or Village Education Committee, or any other authority benefiting from the National Primary Education Fund.

Interpreta-
tion.

23. In this Act, unless the context otherwise requires—

“Commission” means the National Primary Education Commission established by section 1 of this Act;

“functions” includes duties and powers;

“Interim Fund” means the Primary Education Interim Development Fund established by section 8(1) of this Act;

“Minister” means the Minister charged with responsibility for matters relating to education;

“National Fund” means the National Primary Education Fund established by section 7(1) of this Act.

Short title.

24. This Act may be cited as the National Primary Education Commission, etc. Act.

FIRST SCHEDULE

Section 2(3)

Tenure of Office of Members

1. (1) A member of the Commission other than an *ex-officio* member shall, subject to the following provisions of this paragraph, hold office for the period of four years beginning with the date of his appointment as a member.

(2) Any member of the Commission other than an *ex-officio* member may, by notice to the Commission, resign his office.

(3) A person who has ceased to be a member of the Commission shall be eligible for re-appointment as a member of the Commission for one further period of four years.

Proceedings of the Commission

2. (1) Subject to this Act and to section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote) the Commission may make standing orders regulating the proceeding of the Commission or of any committee thereof. Cap. 192.

(2) The quorum of the Commission shall be the Chairman and six other members, and the quorum of any committee of the Commission shall be determined by the Commission.

3. (1) The Commission shall meet not less than four times in each year and, subject thereto, the Commission shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so by notice given to him by not less than three other members, he shall summon a meeting of the Commission to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Commission the Chairman shall preside; but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards the quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Commission shall be summoned by the Minister.

Committees

4. (1) The Commission may appoint one or more committees to carry out on behalf of the Commission such of its functions as the Commission may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Commission) as may be determined by the Commission; and a person other than a member of the Commission shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Commission shall be of no effect until it is confirmed by the Commission.

Miscellaneous

5. (1) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman and of some other member authorised generally or specially to act for that purpose by the Commission.

(2) Any contract or instrument which, if made or executed 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 any person generally or specially authorised to act for that purpose by the Commission.

6. Members of the Commission who are not public officers shall be paid out of monies at the disposal of the Commission such remuneration, fees or allowances in accordance with such scales as may be approved, from time to time, by the Minister.

7. The validity of any proceedings of the Commission or of a committee thereof shall not be affected by any vacancy in the membership of the Commission or of a committee, or by reason that a person not entitled to do so took part in the proceedings.

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

SECOND SCHEDULE *Sections 7(3) and 8(3)*

LIST OF EDUCATIONALLY DISADVANTAGED STATES

1. Bauchi
 2. Benue
 3. Borno
 4. Cross River
 5. Gongola
 6. Kaduna
 7. Katsina
 8. Kano
 9. Niger
 10. Plateau
 11. Rivers
 12. Sokoto.
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**NATIONAL PRIMARY EDUCATION
COMMISSION, ETC. ACT**

CHAPTER 271

SUBSIDIARY LEGISLATION

No Subsidiary Legislation