

CHAPTER N81

NATIONAL UNIVERSITIES COMMISSION ACT

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National Universities Commission

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CHAPTER N81

NATIONAL UNIVERSITIES COMMISSION ACT

An Act to set up the National Universities Commission as a body corporate charged with the responsibility of advising the Federal and State Governments of all aspects of university education and the general development of universities in Nigeria.

[1974 No. 1.]

[15th January, 1974]

[Commencement.]

*National Universities Commission***1. Establishment of the National Universities Commission**

(1) There is hereby established, a body to be known as the National Universities Commission, which under that name shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name.

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

[Schedule.]

2. Membership of the Commission

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

- (a) one representative each from the following Federal Ministry—
 - (i) Education and Youth Development;
 - (ii) Health and Human Services;
 - (iii) Finance and Economic Development; and
 - (iv) Establishment and Management Services.
- (b) one representative of the National Commission for Women;
- (c) six persons with wide knowledge and experience representing both private and public sector interests, to be appointed on individual merit and on a nationwide basis;
- (d) one representative each of the following academic disciplines, that is—
 - (i) Agriculture and Veterinary Sciences;
 - (ii) Education;
 - (iii) Environmental Sciences;
 - (iv) Humanities, Social and Management Sciences;
 - (v) Health Sciences;
 - (vi) Engineering Sciences and Technology;
 - (vii) Earth, Mineral and Natural Sciences; and
 - (viii) Law;
- (e) the Executive Secretary, who shall be an *ex officio* member of the Board.

[1993 No. 10.]

(2) The chairman and the other members of the Commission shall be appointed by the President.

3. Tenure of office

(1) Subject to the provisions of this Act, a person appointed to be a member of the Commission, not being a public officer, shall hold office for a period of three years from

the date of his appointment and shall be eligible for reappointment for such other period as may be specified in his instrument of appointment.

(2) Any member, not being a public officer, may resign his appointment, by a letter addressed to the President.

(3) Members of the Commission, not being public officers, shall be paid such remuneration and allowances as the President may determine.

4. Functions of the Commission

(1) The functions of the Commission shall be to—

- (a) advise the President and the Governors of the States, through the Minister, on the creation of new universities and other degree-granting institutions in Nigeria;
- (b) prepare, after consultation with all the State Governments, the universities, the National Manpower Board and such other bodies as it considers appropriate, periodic master plans for the balanced and co-ordinated development of all universities in Nigeria and such plans shall include—
 - (i) the general programmes to be pursued by the universities, in order to ensure that they are fully adequate to meet national needs and objectives;
 - (ii) recommendations for the establishment and location of new universities as and when considered necessary, and in accordance with the Commission's approved guidelines;
 - (iii) recommendations for the establishment of new academic units in existing universities or the approval or disapproval of proposals to establish such academic units;
- (c) make such other investigations relating to higher education as the Commission may consider necessary in the national interest;
- (d) make such other recommendations to the Federal and State Governments, relating to universities and other degree-awarding institutions as the Commission may consider to be in the national interest;
- (e) inquire into and advise the Federal Government on the financial needs, both recurrent and capital, of university education in Nigeria and, in particular, to investigate and study the financial needs of university research and ensure that adequate provision is made for this in the universities;
- (f) receive block grants from the Federal Government and allocate them to Federal universities, in accordance with such formula as may be laid down by the Federal Government;
- (g) take into account, in advising the Federal and State Governments on university finances, such grants as may be made to the universities by State Governments and by persons and institutions in and outside Nigeria;
- (h) collate, analyse and publish information relating to university education in Nigeria and from other sources, where such information is relevant to the discharge of its functions under this Act;

- (i) undertake periodic reviews of the terms and conditions of service of personnel engaged in the universities and to make recommendations thereon to the Federal Government, where appropriate;
- (j) recommend to the visitor of a university that a visitation be made to such university as and when it considers it necessary;
- (k) act as the agency for channelling all external aid to the universities in Nigeria; and
- (l) carry out such other activities as are conducive to the discharge of its functions under this Act.

[1993 No. 10.]

(2) The Minister may give the Commission directives of a general character or relating generally to particular matters, 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.

Staff of the Commission

5. Executive Secretary of the Commission

(1) There shall be appointed by the President an Executive Secretary to the Commission, who shall have appropriate qualifications.

(2) The Executive Secretary shall be the chief executive officer of the Commission and shall be responsible for the execution of the policy of the Commission and the 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 reappointment for such further terms of five years as the President may determine.

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

6. Staff of the Commission

(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 Minister responsible for establishments.

(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.

7. Application of Pensions Act

(1) The Federal Civil Service Commission may, by order published in the *Federal Gazette*, declare the office of any person employed by the Commission to be a pensionable office for the purposes of the Pensions Act.

[Cap. P4.]

(2) Subject to subsections (3) and (4) of this section, the Pensions Act shall, in its application by virtue of subsection (1) of this section to any office, have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

(3) For the purpose of the application of the Pensions Act and in accordance with subsection (2) of this section—

- (a) section 21 of that Act shall have effect as if, for the references to the Minister, there were substituted references to the Commission; and
- (b) the power under section 4 (2) of that Act shall be exercisable by the Commission and not by any other authority.

(4) Nothing in the foregoing provisions shall prevent the appointment by the Commission of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

National Universities Commission Fund, etc.

8. Establishment of the National Universities Commission Fund

(1) There shall be established by the Commission a fund to be known as the National Universities Commission Fund.

[L.N. 49 of 1959.]

(2) There shall be paid into the Fund established in pursuance of subsection (1) of this section—

- (a) such sums as may be made available to the Commission for the purpose of making grants to the universities in pursuance of paragraphs (f) and (g) of section 4 (1) of this Act; and
- (b) such sums as may, from time to time, be credited to the Fund by way of payment of the principal and interest on and other charges in respect of any loan made out of the fund, and also interest from investments made from the Fund.

(3) Disbursements from the Fund shall be made in accordance with rules made under section 23 of the Finance (Control and Management) Act and, without prejudice to the foregoing, rule (26) of the Public Funds of the Federation (Disbursement) Rules, shall continue in force and have effect, as if made under this subsection.

[Cap. F26.]

9. Maintenance of separate fund by the Commission

(1) The Commission shall establish and maintain a separate fund from which there shall be defrayed all expenditure incurred by the Commission, except such expenditure as may be incurred by it pursuant to section 8 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 from time to time accruing to the Commission otherwise than in pursuance of section 8 of this Act.

10. Expenditure of the Commission

The Commission may, from time to time, apply the proceeds of the fund established in pursuance of section 9 (1) of this section—

- (a) to the cost of administration of the Commission;
- (b) for reimbursing members of the Commission or members 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 President;
- (c) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation 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 the Government 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.

11. Annual estimates and accounts

(1) The Commission shall submit to the Minister, not later than 31 October in each financial year, an estimate of its expenditure and income (including payments to the National Universities Commission Fund) during the next succeeding financial year.

(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 financial year by the Auditor-General for the Federation.

12. Annual report

The Commission shall prepare and submit to the President through the Minister, not later than 30 June in each financial year a report in such form as he may direct on the activities of the Commission during the immediately preceding financial 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.

13. Power to obtain information

(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 to which this Act applies;
- (b) may by notice in writing served on any person in charge of any such institution require that person to furnish information on such matters as may be specified in the notice.

(2) It shall be the duty of any person 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 university or any other degree-granting institution in Nigeria recognised for that purpose by the Commission.

14. Regulations

The Minister may by regulations published in the Federal *Gazette* prescribe anything falling to be prescribed generally for the purposes of this Act.

15. Interpretation

In this Act, unless the context otherwise requires—

“**academic units**” includes departments, faculties, schools, colleges, institutes, centres and all such academic divisions in the universities at the postgraduate, undergraduate, pre-degree and non-degree levels;

“**accreditation**” means a system for recognising educational institutions and programmes offered in these institutions for a level of performance, integrity and quality which entitles them to the confidence of the educational community, the public they serve and employers of labour;

“**chairman**” means the chairman of the National Universities Commission;

“**Commission**” means the National Universities Commission established under section 1 of this Act;

“**Executive Secretary**” means the person appointed as the Executive Secretary to the Commission in pursuance of section 5 (1) of this Act;

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

“**Minister**” means the Minister charged with responsibility for higher education.

16. Short title

This Act may be cited as the National Universities Commission Act.

SCHEDULE
[Section 1 (2).]

Supplementary provisions relating to the Commission, etc.

Proceedings

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 Commission may make standing orders regulating the proceedings of the Commission or any committee thereof.

[Cap. 123.]

2. Every meeting of the Commission shall be presided over by the chairman or, if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum at a meeting of the Commission shall consist of the chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and five other members of whom at least two shall be members appointed pursuant to paragraphs (a) and (c) of section 2 (1) of this Act.

4. Where upon any special occasion the Commission desires to obtain the advice of any person on any particular matter, the Commission 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.

Committees

5. (1) Subject to its standing orders, the Commission may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Commission 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 Commission and shall be made up of such number of persons, not necessarily members of the Commission, as the Commission may determine in each case.

(3) The quorum of any committee set up by the Commission shall be as may be determined by the Commission.

6. Where standing orders made pursuant to sub-paragraph 1 of this paragraph provide for a committee of the Commission to consist of or co-opt persons who are not members of the Commission, the committee may advise the Commission on any matter referred to it by the Commission.

Miscellaneous

7. The fixing of the seal of the Commission shall be authenticated by the signature of the chairman or of the Executive Secretary of the Commission.

8. Any contract or 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 specially authorised to act for the purpose by the Commission.

9. Any document purporting to be a contract, instrument or other document duly 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 Commission or a committee thereof shall not be affected—

- (a) by any vacancy in the membership of the Commission; or
- (b) by any defect in the appointment of a member of the Commission or committee.

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

CHAPTER N81

NATIONAL UNIVERSITIES COMMISSION ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
