

Extraordinary



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NATIONAL SENIOR SECONDARY EDUCATION COMMISSION BILL, 2022

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AN ACT TO REPEAL THE NATIONAL SECONDARY EDUCATION COMMISSION
ETC ACT CAP. N73, LFN 2004 AND ENACT THE NATIONAL SENIOR
SECONDARY EDUCATION COMMISSION ACT, 2022 TO PRESCRIBE MINIMUM
STANDARDS FOR SENIOR SECONDARY EDUCATION IN NIGERIA, MANAGE
THE NATIONAL SENIOR SECONDARY EDUCATION COMMISSION FUND, AND
FOR RELATED MATTERS

ENACTED by the National Assembly of the Federal Republic of
Nigeria-

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- 1 (2) The Board shall consist of-
- 2 (a) a part-time Chairman, who shall be an experienced educationist;
- 3 (b) a representative each of the Federal Ministry responsible for
- 4 education, and finance not below directorate cadre;
- 5 (c) a representative of each of the six geo-political zones of the
- 6 Federation on rotational basis for a single term, who shall be an experienced
- 7 educationist;
- 8 (d) a person to represent the Federal Capital Territory (FCT), Abuja,
- 9 who shall be an experienced educationist;
- 10 (e) a person to represent-
- 11 (i) the National Education Research and Development Council,
- 12 (ii) the National Teachers Institute,
- 13 (iii) the Nigerian Union of Teachers, and
- 14 (iv) the National Association of Proprietors of Private Schools
- 15 (NAPPS);
- 16 (f) two persons appointed on merit to represent public interest; and
- 17 (g) the Executive Secretary of the Commission, who shall serve as the
- 18 Secretary to the Board.
- 19 (3) The Chairman and other members of the Board other than ex-
- 20 officio members shall be appointed by the President on the recommendation of
- 21 the Minister.
- 22 (4) The supplementary provisions contained in the Schedule to this
- 23 Act shall have effect with respect to the proceeding of the Board and matters
- 24 provided in it.
- 25 **5.** The Chairman and other members of the Board, other than an ex
- 26 officio members shall hold office-
- 27 (a) for a term of four years in the first instance and may be re-
- 28 appointed for a further term of four years and no more; and
- 29 (b) on such terms and conditions as may be specified in the letter of
- 30 appointment.

Tenure of office

1	6.-(1) Notwithstanding the provisions of section 5 of this Act, a	Removal and
2	member of the Board shall cease to hold office as a member, where the	cessation of
3	member-	membership
4	(a) resigns the appointment by notice in writing addressed to the	
5	President;	
6	(b) is of unsound mind;	
7	(c) is bankrupt or makes a compromise with his creditors;	
8	(d) is convicted of a felony or any offence involving dishonesty or	
9	corruption;	
10	(e) is incapable of discharging the functions of the office, whether	
11	arising from infirmity of mind, body or any other cause; or	
12	(f) is guilty of misconduct.	
13	(2) Where the President is satisfied that it is not in the interest of the	
14	Commission or the public for a member to continue in office, the President	
15	may, in writing remove the member.	
16	(3) Where a vacancy occurs in the membership of the Board, it	
17	shall be filled by appointing a successor to represent the same interest for the	
18	unexpired term of office of such member.	
19	7. The Chairman and members of the Board shall be paid such	Allowances and
20	allowances and benefits as the Federal Government may, from time to time	benefits of Board
21	direct.	members
22	8. The Board shall have power to-	Powers of the
23	(a) approve the policy guidelines for the operation of the senior	Board
24	secondary education programme in Nigeria;	
25	(b) approve staff regulations and conditions of service;	
26	(c) approve the structuring of the Commission into such number of	
27	departments as it deems fit for the effective discharge of the functions of the	
28	Commission; and	
29	(d) perform any other function assigned to the Board under this	
30	Act.	

	1	PART III - FUNCTIONS OF THE COMMISSION
Functions of the Commission	2	9. The Commission shall-
	3	(a) prescribe and enforce the national minimum standards for senior
	4	secondary education in Nigeria;
	5	(b) formulate policy guidelines, subject to the approval of the Board,
	6	for the operation of senior secondary education programme in Nigeria;
	7	(c) advise the Federal Government on the funding and development
	8	of senior secondary education in Nigeria;
	9	(d) implement the senior secondary education programme in Nigeria;
	10	(e) present periodic progress reports, subject to the approval of the
	11	Board, on the implementation of senior secondary education programme to the
	12	President through the Minister;
	13	(f) identify areas of possible intervention in the provision of senior
	14	secondary education facilities;
	15	(g) collate and prepare after consultation with relevant stakeholders,
	16	periodic master plans for development of senior secondary education in
	17	Nigeria;
	18	(h) coordinate the implementation of the senior secondary education
	19	related activities in collaboration with non-governmental and multi-lateral
	20	agencies;
	21	(i) develop and disseminate curricula and instructional materials for
	22	senior secondary education in Nigeria in collaboration with other relevant
	23	agencies;
	24	(j) establish senior secondary education data bank and conduct
	25	research on senior secondary education in Nigeria;
	26	(k) support national capacity building for teachers and managers of
	27	senior secondary education in Nigeria;
	28	(l) regulate the implementation of the safe school initiatives in senior
	29	secondary schools in Nigeria;
	30	(m) collaborate with relevant agencies and organizations to promote

1 science, technology, engineering, arts and design, and mathematics
2 (STEAM), technical, vocational education and training (TVET) and
3 entrepreneurial skills at senior secondary education level;

4 (n) collaborate with relevant examination bodies to monitor the
5 conduct of external examinations at the senior secondary education level;

6 (o) collaborate with other relevant agencies and stakeholders to
7 promote inclusive senior secondary education programmes in accordance
8 with the provisions of this Act;

9 (p) collaborate with state governments to coordinate personnel
10 audit of teaching and non-teaching staff of all senior secondary educational
11 institutions in Nigeria from time to time;

12 (q) collaborate with donor agencies and other development
13 partners on matters relating to senior secondary education; and

14 (r) carry out such functions as the Minister may, from time to time,
15 determine as are necessary or expedient to ensure the efficient performance
16 of the functions of the Commission under this Act.

17 PART IV - APPOINTMENT OF THE EXECUTIVE SECRETARY AND

18 STAFF OF THE COMMISSION

19 10.-(1) There shall be for the Commission, an Executive Secretary,
20 who shall be-

Appointment of
the Executive
Secretary

21 (a) appointed by the President on the recommendation of the
22 Minister;

23 (b) the Chief Executive Officer and Accounting Officer of the
24 Commission; and

25 (c) responsible for the execution of the policy and the day-to-day
26 running of the affairs of the Commission.

27 (2) A person shall not be qualified to be appointed as the Executive
28 Secretary of the Commission unless the person possesses an academic
29 qualification in education and cognate experience of not less than ten years.

30 (3) The Executive Secretary shall hold office-

1 (a) for a term of four years in the first instance and may be re-
2 appointed for a further term of four years and no more; and

3 (b) on such terms and conditions as may be specified in the letter of
4 appointment.

5 (4) Notwithstanding the provisions of subsection (3) of this section,
6 the Executive Secretary may-

7 (a) resign the appointment by notice in writing addressed to the
8 President through the Board; or

9 (b) be removed by the President for-

10 (i) inability to discharge the functions of the office, whether arising
11 from infirmity of mind, body or any other cause, or

12 (ii) misconduct.

13 (5) Notwithstanding the provisions of subsection (4) of this section,
14 the Executive Secretary may be removed by the President, where the President
15 is satisfied that it is not in the interest of the Commission or the public for the
16 Executive Secretary to remain in office.

Staff of the
Commission

17 **11.**-(1) The Commission may, subject to the approval of the Board,
18 appoint staff as it deems necessary for the Commission-

19 (a) for the performance of its functions under this Act; and

20 (b) on terms and conditions with allowances and benefits as may be
21 determined by the Board in consultation with the National Salaries Incomes
22 and Wages Commission.

23 (2) Notwithstanding the provisions of subsection (1) of this section,
24 staff of the Commission may be appointed by the Commission by way of
25 transfer, secondment, or posting from the public service of the Federation.

Service in the
Commission

26 **12.**-(1) Service in the Commission shall be approved service for the
27 purpose of the Pension Reform Act and staff of the Commission shall be
28 entitled to pensions, gratuities and other retirement benefits prescribed under
29 the Pension Reform Act.

30 (2) Notwithstanding the provisions of subsection (1) of this section,

1 nothing in this Act shall prevent the appointment of a person to any office on
2 terms, which preclude the grant of pension, gratuity or other retirement
3 benefit in respect of that office.

4 (3) For the purpose of the application of the provisions of the
5 Pension Reform Act, any power exercisable by a Minister or other authority
6 of the Federal Government, other than the power to make regulations under
7 the Pension Reforms Act is vested in and shall be exercisable by the Board
8 and not by any other person or authority.

9 13.-(1) Subject to the provisions of this Act, the Commission may
10 make staff regulations relating generally to the conditions of service of the
11 staff, and without prejudice to the generality of the foregoing, such
12 regulations may provide for-

Staff Regulations
and discipline

13 (a) the appointment, promotion and disciplinary control of staff of
14 the Commission; and

15 (b) appeal procedure for staff against dismissal or other
16 disciplinary measures and until such regulations are made any instrument
17 relating to conditions of service in the Public Service of the Federation shall
18 be applicable, with such modifications as may be necessary, to the staff of
19 the Commission.

20 (2) The staff regulations made under subsection (1) of this section
21 shall not have effect until approved by the Board, and where approved the
22 Commission shall cause a notice of the staff regulations to be issued to all
23 affected staff in such manner as it may, from time to time, determine.

24 PART V - FINANCIAL PROVISIONS OF THE COMMISSION

25 14.-(1) The Commission shall maintain a fund ("the Fund") into
26 which shall be credited and be defrayed all the expenditure incurred by the
27 Commission.

Fund of the
Commission

28 (2) There shall be paid into the Fund maintained in subsection (1)
29 of this section-

30 (a) such budgetary allocations from the Federal Government for

	1	the running expenses of the Commission; and
	2	(b) all other assets accruing, from time to time, to the Commission
	3	other than payment made pursuant to section 22 of this Act.
Expenditure of the Commission	4	15. The Commission may, from time to time, apply the proceeds of
	5	the Fund established under section 15 (1) of this Act-
	6	(a) to the cost of administration of the Commission;
	7	(b) to reimburse members of the Board or any committee set up by
	8	the Board, for such expenses as may be expressly authorised by the Board;
	9	(c) to the payment of salaries, allowances, pensions, and other
	10	retirement benefits payable to the staff of the Commission, provided that no
	11	payment of any kind except as may be expressly authorised by the Board, shall
	12	be made to a person who is in receipt of emoluments from the Federal or State
	13	Government;
	14	(d) for the maintenance of property vested in the Commission; and
	15	(e) for other expenditure in connection with the functions of the
	16	Commission under this Act.
Annual estimates and accounts	17	16. -(1) The Commission shall, not later than 31st October in each
	18	year, submit to the Minister an estimate of its expenditure and income,
	19	including payments to the Fund, for the preceeding year.
	20	(2) The Commission shall keep proper accounts in respect of each
	21	financial year and proper records of every account and shall cause such
	22	accounts to be audited within six months after the end of each financial year by
	23	auditors appointed from the list of auditors and in accordance with the
	24	guidelines by the Auditor-General for the Federation.
Annual reports	25	17. The Commission shall prepare and submit to the President
	26	through the Minister, not later than six months after the end of each financial
	27	year, a report on the activities of the Commission during the preceding year and
	28	shall include in the report, a copy of the audited accounts of the Commission
	29	for that year and the auditor's report on the accounts.

Power to accept gifts

Power to borrow

Objectives of the National Senior Secondary Education Commission Fund

Establishment
of the National
Senior Secondary
Education
Commission
Fund

29 (b) take off grants from the Federal Government for the
30 Commission;

Disbursement
of the NSSEC
Fund

1 (c) money received by the Commission from endowments and fund-
2 raising activities relating to senior secondary education; and

3 (d) money received as foreign aid, local and international donor
4 grants for senior secondary education in Nigeria.

5 **22.**-(1) The Commission shall disburse the money in the NSSEC
6 Fund established under section 22 of this Act for the development of senior
7 secondary education in Nigeria.

8 (2) The NSSEC Fund shall be disbursed to senior secondary under the
9 Federal Unity Colleges, State Senior Secondary Education Board, and FCT
10 Senior Secondary Education Board in accordance with needs and in the
11 proportion directed by the President from time to time.

12 (3) The Commission shall, before the disbursement of the money in
13 the NSSEC Fund, set aside in each year 5 per cent of the total monies accruing
14 to the NSSEC Fund in the preceeding year, which shall be applied to-

15 (a) monitor and evaluate Federal Government's interventions under
16 this Act; and

17 (b) such other activities incidental to the objectives of the NSSEC
18 Fund.

19 (4) Notwithstanding the provisions of subsection (2) of this section,
20 the Commission shall have power to disqualify any Senior Secondary
21 Education Board that applied previous disbursement of the NSSEC Fund for
22 other purposes outside the provisions of this Act.

23 PART VII - ESTABLISHMENT AND FUNCTIONS OF THE STATE SENIOR
24 SECONDARY EDUCATION BOARD

Establishment
and composition
of the State Senior
Secondary Education
Board

25 **23.**-(1) For the purposes of implementation of the provisions of this
26 Act, each state of the Federation and the Federal Capital Territory, shall
27 establish a Senior Secondary Education Board, ("the Education Board"), which
28 shall consist of-

29 (a) a full-time Chairman who shall be-

30 (i) an experienced educationist, and

1 (ii) the Chief Executive and responsible for the day to day activities
2 of the Education Board;

3 (b) a representative of the Ministry responsible for education in the
4 State, not below directorate cadre;

5 (c) a representative of the Ministry responsible for finance in the
6 State, not below directorate cadre;

7 (d) a representative of the Commission, not below directorate
8 cadre;

9 (e) three members appointed from different local government
10 areas in the state in rotational order for two years, who shall be experienced
11 educationists; and

12 (f) the Secretary to the Education Board of the State.

13 (3) The Chairman and members of the Education Board who are
14 not public officers shall be appointed by the Governor of the State on the
15 recommendation of the Commissioner responsible for Education.

16 (4) Members of the Education Board, except local government
17 representatives, shall hold office-

18 (a) for a term of four years in the first instance and may be re-
19 appointed for a further term of four years and no more; and

20 (b) on such terms and conditions as may be specified in the letters
21 of appointment.

22 **24.**-(1) An Education Board shall establish and maintain a separate
23 account into which shall be paid and credited money from the Federal or
24 State Governments or any other source.

Establishment
of a separate account
by the Education
Board

25 (2) There shall be disbursed from the account all expenses relating
26 to the management of senior secondary education in the State.

27 PART VIII - MISCELLANEOUS PROVISIONS

28 **25.**-(1) For the purpose of carrying out the functions conferred on
29 the Commission under this Act, the Executive Secretary or any other officer
30 of the Commission authorized in that behalf-

Power to obtain
Information

	1	(a) shall have right of access to all the records of any institution or
	2	authority to which this Act applies; and
	3	(b) may, by notice in writing served on any person in charge of any
	4	institution or authority, require that person or authority to furnish information
	5	on such matters as may be specified in the notice.
	6	(2) A person or authority required to furnish information pursuant to
	7	subsection (1) of this section shall comply within 7 days of receipt of the
	8	notice.
Regulations	9	26. The Commission may, with the approval of the Board make
	10	regulations as are necessary for giving full effect to the provisions of this Act.
Directives by the Minister	11	27. The Minister may give the Commission directives of a general
	12	nature or relating generally to matters of policy with regards to the exercise by
	13	the Commission of its functions, and it shall be the duty of the Commission to
	14	comply with such directives.
Repeal	15	28. The National Secondary Education Commission Act, CAP N73,
	16	LFN 2004 is repealed.
Savings and transitional provision	17	29.-(1) The power, duties, and functions of the National Secondary
	18	Education Commission established under the National Secondary Education
	19	Commission Act CAP N73, LFN 2004 ("the repealed Act") are transferred to
	20	the Commission under this Act.
	21	(2) Anything made, done or having effect under the repealed Act and
	22	having any resulting or continuing effect shall be treated as from the
	23	commencement of this Act, as if it were made or done by the Commission
	24	established under this Act.
	25	(3) A person who before the commencement of this Act, was
	26	deployed, appointed or employed by the Commission established under the
	27	repealed Act shall continue in office and be deemed to have been deployed,
	28	appointed or employed by the Commission established under this Act.
	29	(4) All assets, rights, liabilities and obligations of the Commission
	30	under the repealed Act shall, by virtue of this Act, be deemed to be that of the

1 Commission established under this Act.

2 **30.** In this Act-

Interpretation

3 "Authority" means the State Senior Secondary Education Board or its
4 equivalent in the Federal Capital Territory and the Local Government;

5 "Board" means the Board established for the Commission under section 4 of
6 this Act;

7 "Commission" means the National Senior Secondary Education
8 Commission established under section 3 of this Act;

9 "Education Board" means the State Senior Secondary Education Board
10 established under section 24 of this Act;

11 "Executive Secretary" means the Executive Secretary of the Commission
12 appointed under section 11 of this Act;

13 "Federal Government" means the Federal Government of Nigeria;

14 "Fund" means the fund of the Commission established under section 15 of
15 this Act;

16 "Institution" means a senior secondary school or any other institution in
17 Nigeria recognized as such by the Commission, the Education Board or any
18 other authority which benefits from the National Fund;

19 "member" means a member of the Board established under section 4 of this
20 Act;

21 "Minister" means the Minister charged with responsibility for matters
22 relating to education; and

23 "NSSEC Fund" means the National Senior Secondary Education
24 Commission Fund established under section 21 of this Act.

25 **31.** This Bill may be cited as the National Senior Secondary Short title
26 Education Commission Bill, 2022.

1 SCHEDULE

2 [Section 4 (4)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Governing Board*

5 1.-(1) Subject to this Act and to section 27 of the Interpretation Act,
6 the Board may make standing orders regulating the proceeding of the Board or
7 a committee.

8 (2) The quorum at a meeting of the Board shall be not less than one-
9 third of the total number of the Board members present at the meeting.

10 *Meeting*

11 2.-(1) The Board shall meet not more than four times in each year.

12 (2) At any meeting of the Board, the Chairman shall preside but in his
13 absence, the members present at the meeting shall appoint one of their number
14 to preside at the meeting.

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

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

21 *Committees*

22 3.-(1) The Board may appoint one or more committees to carry out on
23 behalf of the Board such functions as the Board may determine.

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

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

1 *Miscellaneous*

2 4.-(1) The fixing of the seal of the Board shall be authenticated by
3 the signature of the Chairman or any other member authorized generally or
4 specially to act for that purpose by the Board.

5 (2) Any contract or instrument which, if made or executed by a
6 person not being a body corporate, may not be required to be under seal may
7 be made or executed on behalf of the Board by the Executive Secretary or
8 any person generally or specially authorized to act for that purpose by the
9 Board.

10 5. The validity of any proceedings of the Board or a committee
11 shall not be affected by-

12 (a) any vacancy in the membership of the Board or a committee;

13 (b) reason that a person not entitled to do so took part in the
14 proceedings of the Board or a committee.

15 6. A member of the Board or a committee who has a personal
16 interest in any contract or arrangement entered into or proposed to be
17 considered by the Board or a committee shall disclose his interest to the
18 Board or committee and shall not vote on any question relating to the
19 contract or arrangement.

EXPLANATORY MEMORANDUM

*(This memorandum does not form part of this Act but intends
to explain its purports)*

This Bill seeks to repeal the National Secondary Education Commission etc
Act CAP. N73, LFN 2004 and enact the National Senior Secondary
Education Commission Act, 2022 to prescribe minimum standards for
senior secondary education in Nigeria and manage the National Senior
Secondary Education Commission Fund.