

STUDENTS LOANS BOARD DECREE 1972



Decree No. 25

[1st September 1971]

Commence
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a body to be known as the Students Loans Board.

Students
Loans Board

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

(3) The supplementary provisions contained in the Schedule to this Decree shall have effect in relation to the Board.

Schedule.

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

Membership
of the Board.

(a) a representative of the National Universities Commission ;

(b) one representative from each of the following Federal Ministries, that is—

(i) Education,

(ii) Economic Development and Reconstruction, and

(iii) Finance ;

(c) a representative of any University or institution in Nigeria, the application of whose student or prospective student is to be considered by the Board ; and

(d) the Secretary to the Board.

(2) The members of the Board shall, apart from the Secretary, be appointed by the Commissioner—

(a) in the case of the Chairman, with the approval of the Federal Executive Council, and

(b) in the case of any other member, after consultation with the appropriate body in each case, so however that different representatives may from time to time be appointed under subsection (1) (c) above (and subject thereto) for different occasions for the purposes of any meetings of the Board for considering all applications.

(3) Subject to subsection (2) above the Federal Executive Council may by order published in the Federal Gazette increase or reduce or otherwise vary the composition of the membership of the Board.

Tenure of
office, etc.

3.—(1) Subject to the provisions of this Decree, a person appointed to be a member of the Board, not being a public officer, shall hold office for a period of three years from the date of his appointment or for such period as may be specified in his instrument of appointment and shall be eligible for re-appointment for one further period of three years ; thereafter, he shall no longer be eligible for re-appointment :

Provided that nothing in this subsection shall be construed as entitling any person who has held office as Chairman for a term and who is being re-appointed under this section to be appointed again as Chairman.

(2) Any member, not being a public officer, may resign his office by a letter addressed to the Commissioner and the resignation shall have effect from the date of the receipt of the letter by the Commissioner.

(3) Members of the Board, not being public officers, shall be paid such remuneration and allowances as the Commissioner may with the approval of the Federal Executive Council determine.

Secretary
and other
members of
staff of
the Board.

4.—(1) There shall be appointed by the Board a Secretary who shall be the Chief Executive Officer of the Board and shall have such qualifications and experience as are appropriate for a person required to perform the functions conferred on the Secretary by or under this Decree.

(2) The Board may appoint such other persons to be officers and servants of the Board as the Board may determine to assist the Secretary in the exercise of his functions.

(3) Notwithstanding the foregoing provisions of this section, the Board may appoint any of its officers and servants by way of transfer or secondment of serving officers in any of the public services of the Federation.

(4) The remuneration and tenure of office and conditions of service of the Secretary and other officers and servants of the Board shall be determined by the Board after consultation with the Federal Commissioner for Establishments.

Application
of Pensions
Act.
Cap. 147.

5.—(1) The Federal Commissioner for Establishments may by order published in the Federal Gazette declare that the office of the Secretary or of any person employed by the Board to be a pensionable office for the purpose of the Pensions Act.

(2) Subject to subsections (3) and (4) below, the Pensions Act shall in its application by virtue of the foregoing subsection to any office have effect as if the office were an office in the public service of the Federation within the meaning of the Constitution of the Federation.

(3) For the purposes of the application of the provisions of the Pensions Act in accordance with subsection (2) above—

(a) paragraph (1) of section 7 thereof (which confers on the Commissioner power to waive the requirement to give notice of desire to retire at the age of forty-five) shall have effect as if for references to the Commissioner there were substituted references to the Board, and

(b) the power under section 9 (1) thereof to require an officer to retire at any time after attaining the age of forty-five subject to his being given six months' notice in writing shall be exercisable by the Board and by no other authority.

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

6.—(1) The Board shall maintain and administer a fund to be known as the Nigerian Universities Revolving Loan Scheme in accordance with the provisions of this Decree, and there shall be vested in the Board all the property and such other assets as may hereafter be acquired by the Board.

Establishment of loan scheme.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) above—

(a) such moneys as may be appropriated to the Board by the Federal Military Government, the Government of a State or any other organisation ;

(b) all investments or other moneys earned or arising from any such investment, property or assets of the Board ;

(c) all moneys from time to time received by or falling due to the Board in respect of any loan made by the Board, or the interest payable in respect of any such loan ; and

(d) all other moneys from time to time accruing to the Board in respect of any matter incidental to its powers, rights and duties.

7.—(1) Subject to the provisions of section 8 (1) and (2) of this Decree the Board may make loans to any person in accordance with the provisions of this section.

Power of Board to make loans.

(2) No person shall be entitled to a loan exceeding in the aggregate such amount as may be approved by the Board to cover such fees or other dues and expenses approved by the University or institution for the period of his course of studies.

(3) No person shall be entitled to a loan under this Decree unless he is a student in, or has been accepted as a student of, a University or other institution in Nigeria.

8.—(1) Before considering any application for a loan the Board shall direct the Secretary to make such investigation thereon as it thinks appropriate and the Secretary shall thereafter furnish the Board with full particulars of the result of the investigation.

Procedure as to making of loans.

(2) When making a loan the Board shall require the person to whom the loan is to be made to enter into a written agreement and the terms of the agreement shall be such as may, from time to time, be required by the Board.

(3) If any person in his application under subsection (1) above—

(a) knowingly makes to the Board any statement which is false in a material particular, or

(b) with intent to defraud fails to disclose to the Board any material information within his knowledge,

he shall be guilty of an offence and liable on conviction to a fine of £500 or imprisonment for 12 months.

9.—(1) Every loan, together with interest which shall be at two per cent per annum, shall be repaid by monthly instalments calculated to cover both principal and interest and the repayment shall commence—

Method of repayment of loans.

(a) in the case of a borrower who takes up employment immediately after leaving the University or institution within 6 months of his being employed, and

(b) in the case of any unemployed borrower within any period that may be approved by the Board.

(2) The minimum monthly payment to be made in pursuance of subsection (1) above shall be seven pounds and ten shillings or ten per cent of the borrower's income, whichever is higher.

Power to
deduct loan
from
emoluments.

10.—(1) Every sum payable under section 9 of this Decree shall, if the Board so directs, be deducted from any emoluments paid, or any payment made on account of such emoluments, by an employer to an employee.

(2) Any direction under subsection (1) above shall be in writing addressed to an employer or be published in the Federal Gazette and shall specify the employee to whom it relates together with the amount or amounts to be deducted whether by reference to deduction tables issued by the Board or otherwise.

(3) Every employer required to make any deduction from emoluments or amounts on accounts of emoluments paid by him to any employee shall account to the Board in such manner as the Board may prescribe for the deductions so made, and in the event of failure by such employer to make such deduction or properly to account therefor, the amount thereof together with a penalty of ten per cent of such amount shall be recoverable as a debt due by such employer to the Board :

Provided that no penalty shall be payable to the Board by the Government of the Federation or of a State.

(4) Where, after leaving the University or institution, a borrower becomes self-employed, whether in Nigeria or abroad, he shall make payment of every sum payable under section 9 of this Decree directly to the Board on such terms and conditions as the Board may direct and the Board shall be empowered to recover such sum in any manner it may deem appropriate or expedient in the circumstances.

Power to
obtain
information,
etc.

11.—(1) For the purposes of the foregoing sections 9 and 10 above the Secretary or any other officer or servant of the Board may by notice in writing either generally or otherwise require any borrower to furnish information in respect of such matter and in such manner as may be specified by him.

(2) Any borrower required to furnish any information pursuant to subsection (1) above shall within two months from the notice comply therewith.

(3) If any borrower required to furnish information pursuant to subsection (1) of this section knowingly or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine of £500 or imprisonment for 12 months.

Sundry
powers in
relation to
repayment
of loans.

12.—(1) In relation to any loan made by it, the Board shall have power to accept payment of the whole or part of the principal and interest of the loan before the time when such payment is due, upon such terms and conditions as the Board may deem fit.

(2) The Board shall have power, with the approval in each case of the Commissioner—

(a) to postpone upon such terms and conditions as the Board may deem fit the payment of any sum due in respect of any principal and interest at any time for a period of not more than five years ; and

(b) to extend from time to time the period of repayment of any loan, or compound or release any loan or part thereof upon such terms and conditions as the Board may deem fit.

(3) Where any property devolves upon the Board for the purpose of the enforcement of any security given in any agreement entered into pursuant to section 8, the Board may either manage and hold such property or sell or otherwise dispose of it as the Board may think fit.

(4) Where it appears to the Board that any sum being the whole or part of the loan made by the Board has not been applied for the purposes for which the loan was made, the Board may order that such sum be repaid to the Board within the time mentioned in the order, and any sum so ordered to be repaid shall thereupon become a debt due to the Board.

13. The Board shall in each financial year prepare an estimate of its income and expenditure for the next following financial year which shall thereafter be laid by the Commissioner before the Federal Executive Council for consideration and approval.

Annual estimates.

14.—(1) The Board shall keep proper accounts and other records relating thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Commissioner may direct.

Accounts.

(2) The accounts of the Board shall be audited by auditors to be appointed annually by the Board with the approval of the Commissioner.

(3) As soon as the accounts of the Board have been audited, the Board shall furnish a copy of the statements of the accounts to the Commissioner, together with a copy of any report made thereon by the auditors.

15.—(1) The Board shall prepare and submit to the Commissioner not later than 31st May in each financial year a report in such form as the Commissioner may direct on the activities of the Board during the last preceding financial year, and shall include in the report a copy of the audited accounts of the Board for that last preceding financial year and of the auditor's report on those accounts.

Annual report.

(2) The Commissioner shall cause a copy of each report made to him under this section to be laid before the Federal Executive Council.

16. Subject to this Decree, the Commissioner may give the Board directions of a general character or relating generally to particular matters (but not to any individual or case) with regard to the exercise by the Board of its functions, and it shall be the duty of the Board to comply with the directions.

Power of Commissioner to give directions to the Board.

17. The Commissioner may, with the approval of the Federal Executive Council, make regulations for carrying into effect the provisions of this Decree.

Regulations.

Interpretation.

18. In this Decree, unless the context otherwise requires—

“the Board” means the Students Loans Board established by section 1 above;

“borrower” means the person to whom a loan has been made in accordance with the provisions of this Decree;

“the Chairman” means the Chairman of the Board appointed in pursuance of section 2 above;

“the Commissioner” means the Federal Commissioner for Education;

“employee” means a borrower in the employment of an employer;

“employer” includes the Government of the Federation or of a State, agent or representative of any other employer in Nigeria and the principal agent, manager or other representative in Nigeria of any employer who is outside Nigeria;

“institution” means an institution of higher learning approved for the purposes of this Decree by the Board;

“member” means a member of the Board and includes the Chairman;

“secretary” means the secretary to the Board appointed in pursuance of section 4 above.

Citation and commencement.

19.—(1) This Decree may be cited as the Students Loans Board Decree 1972.

(2) This Decree shall be deemed to have come into operation on 1st September 1971.

SCHEDULE

Section 1 (3)

SUPPLEMENTARY PROVISIONS

Proceedings of the Board

1. Subject to the following provisions of this Schedule and section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Board may make such standing orders regulating the proceedings of the Board or any committee thereof.

2. The Chairman shall preside at every meeting of the Board, but in his absence the members present at the meeting shall elect one of the members present at the meeting to preside at that meeting.

3. Subject to its standing orders, the Board may appoint such committees as it thinks fit, but the decision of any committee appointed under this paragraph shall be of no effect until confirmed by the Board.

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

5. Where the Board desires to obtain the advice of any person on a particular matter, the Board 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 subsection shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

6. The affixing of the common seal of the Board shall be authenticated by the signature of the Chairman (or some other person authorised by the Board to act in that behalf) and the signature of the Secretary.

7. 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 executed on behalf of the Board by the Secretary or by any person generally or specially authorised to act for that purpose by the Board.

8. Any document purporting to be duly executed under seal or on behalf of the Board shall be received in evidence and presumed to be so executed unless the contrary is proved.

9. The validity of any proceedings of the Board shall not be affected—

(a) by any vacancy in its membership 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.

10. Service upon the Board of any notice, order or other document may be affected by delivering it or sending it by registered post addressed to the Secretary.

MADE at Lagos this 27th day of June 1972.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree establishes the Students Loans Board as a body corporate with power to maintain and administer the Nigerian Universities Revolving Loan Scheme. Under the Decree, no person shall be entitled to a loan unless he is a student in, or has been accepted as a student of, a University or other approved institution of higher learning in Nigeria. The Decree provides for method of repayment of loans granted and enjoins the Board to prepare a yearly estimate of its income and expenditure for the consideration and approval of the Federal Executive Council.



Decree No. 26

[27th June 1972]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. There shall be established a body to be known as the Organising Committee of the Second All-Africa Games (hereinafter in this Decree referred to as "the Committee") which shall be a body corporate under that name.

Commence-
ment.Establish-
ment of
Organising
Committee
of All-Africa
Games.

2. The Committee shall consist of—

(a) a chairman,

(b) a secretary, and

(c) twenty other members

all appointed by the Commissioner.

Composi-
tion of
Committee.

3. Subject to any directives the Commissioner may give to it, the Committee shall be charged with the general duty of—

Powers of
Committee.

(a) making all arrangements connected with and necessary for the success of the Second All-Africa Games (hereinafter in this Decree referred to as "the games") scheduled to take place in Lagos in January 1973 ;

(b) making all arrangements for the manufacture, printing, publication and sale or otherwise of any souvenirs whatever connected with or depicting any aspect of the games to the exclusion of any other person.

4. The Committee may, subject to the approval of the Commissioner, appoint such staff or agents as it may deem necessary for the proper performance of its functions under this Decree.

Staff of
Committee.

5.—(1) The Committee shall establish and maintain a fund from where there shall be defrayed all expenditure incurred by the Committee in the exercise of its functions under this Decree.

Financial
provisions.

(2) There shall be paid or credited to the fund—

(a) such sums of money as may from time to time be provided for the Committee by the Federal Military Government ;

(b) such sums of money as may from time to time be collected or received by the Committee or may be due to the Committee from the discharge of its functions under this Decree.

(3) The fund shall be managed in accordance with rules made by the Commissioner, and without prejudice to the power to make rules under this subsection, the rules shall in particular include provision—

(a) specifying the manner in which the assets of the fund are to be held and regulating the making of payments to and from the fund ;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified by the rules ;

(c) for securing that the accounts are audited, as soon as may be but not later than six months from the end of the games in 1973, by an auditor appointed by the Commissioner, acting after consultation with the Federal Commissioner for Finance ;

(d) requiring copies of the account and the auditor's report thereof to be furnished to the Commissioner as soon as may be but not later than three months from the date the auditor was appointed.

(4) The audited account of the Committee shall be submitted through the Commissioner to the Federal Executive Council not later than twelve months from the end of the games in 1973.

Penalties.

6.—(1) Any person, other than the Committee or a person appointed by or acting under the authority of the Committee, who manufactures, prints, publishes or sells any souvenirs whatever that would depict, portray, reflect or show any aspect of the games shall be guilty of an offence and liable on conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) Where an offence committed under this section is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of a body corporate (or any person purporting to act in any such capacity), he as well as the body corporate shall be deemed to be guilty of the offence and may be proceeded against and punished accordingly.

7.—(1) This Decree may be cited as the Second All-Africa Games Decree 1972.

(2) In this Decree, "the Commissioner" means the Federal Commissioner charged with responsibility for sports ; and

"souvenirs" includes wearing apparels and articles for personal or domestic use.

MADE at Lagos this 27th day of June 1972.

GENERAL Y. GOWON,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree establishes a body corporate known as the Organising Committee of the Second All-Africa Games.

The Committee is charged with the duty of making all necessary arrangements for the success of the Second All-Africa Games scheduled to take place in Lagos in January 1973, and it is given the exclusive function of making arrangements for the manufacture, printing, publication and sale of any souvenirs connected with the games.

It is an offence punishable with a fine not exceeding £1,000 or imprisonment for a term not exceeding 2 years for any person or body other than the Committee or its agent to manufacture, print, publish, or sell any souvenirs connected with the games.