

**NIGERIAN EDUCATIONAL RESEARCH COUNCIL
DECREE 1972**



ARRANGEMENT OF SECTIONS

Section

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Establishment of the Nigerian Educational Research Council. 2. Functions of the Council. 3. Research library, etc. 4. Power of Commissioner to give directions to the Council. 5. Secretary and other members of staff of the Council. 6. Application of Pensions Act, etc. 7. Offices and premises. 8. Compulsory acquisition of land. | <ol style="list-style-type: none"> 9. Power to borrow. 10. Financial provisions. 11. Expenditure of the Council. 12. Annual report. 13. Regulations. 14. Interpretation. 15. Citation and commencement. |
|---|--|

SCHEDULE

Supplementary Provisions relating to the Council.

Decree No. 31

[1st December 1971]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) There is hereby established a body to be known as the Nigerian Educational Research Council 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.

Establishment of the Nigerian Educational Research Council.

(2) The provisions of the Schedule to this Decree shall have effect with respect to the membership and procedure of the Council and the other matters therein mentioned.

2. The functions of the Council shall be—

Functions of the Council.

(a) to encourage, promote and co-ordinate educational research programmes carried out in Nigeria;

(b) to identify such educational problems in Nigeria periodically as are mostly in need of research and to establish the order of priority therefor;

(c) to encourage research into educational problems and for that purpose to undertake, commission, co-operate in and finance such research projects as it thinks appropriate;

(d) to maintain a central register for educational research projects and to publish periodically a list of completed educational research projects;

(e) to compile and to publish or sponsor the publication of the results of educational research particularly in relation to Nigerian problems and to popularise such results where their general recognition is, in the Council's opinion, of national importance;

(f) to sponsor such national or international educational conferences as may be relevant to its functions under this Decree;

(g) to maintain relationships with corresponding educational research bodies in Nigeria and in other countries; and

(h) to carry out such other activities likely to assist in the performance of the functions imposed on it under this Decree.

Research
library, etc.

3.—(1) The Council shall assemble, maintain and extend a collection of books and publications (including such publications as may be deposited with the Council pursuant to the provisions of this section) and maintain such facilities, including facilities for reading, micro-filming, micro-film reading and micro-copying, as it considers appropriate for an educational research library of the highest standing and may make the library accessible to such categories of persons as it thinks fit and upon such terms and conditions as it considers necessary.

(2) Every person in charge of any institution carrying out educational research projects shall, within one month after the completion of each such project, deposit with the Council at his own expense three copies of the publication incorporating the results of, and other relevant information relating to, such completed project.

(3) If any person to whom subsection (2) above relates fails to comply with the obligation imposed by that subsection, he shall be guilty of an offence and shall be liable on conviction to a fine of £50; and the court before which he is convicted may in addition order him to deliver to the Council three copies of the publication in question in accordance with the provisions of the said subsection (2).

(4) The obligation imposed by subsection (2) above is in addition to any similar obligation which may be imposed by or under any enactment or law.

Power of
Commissioner to give
directions to the Council.

4. Subject to this Decree, the Commissioner may give the Council 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 Council of its functions, and it shall be the duty of the Council to comply with such directions.

Secretary
and other
members of
staff of the
Council.

5.—(1) The Council shall appoint a Secretary to manage the affairs of the Council under its direction.

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

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

Application
of Pensions
Act, etc.
Cap. 147.

6.—(1) The Federal Commissioner for Establishments may by order published in the Federal Gazette declare the office of the Secretary or of any person employed by the Council to be a pensionable office for the purposes 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 in the public service of the Federation within the meaning of the Constitution of the Federation.

1963 No. 20.

(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 of that Act (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 the references to the Commissioner there were substituted references to the Council, and

(b) the power under section 9 (1) of the Act 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 Council and not by any 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.

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

Offices and premises.

(a) purchase or take on lease any land, and

(b) build, equip and maintain offices and premises.

(2) The Council may sell or lease any land, offices or premises held by it and no longer required for the performance of its functions.

8.—(1) For the purposes of the Public Lands Acquisition Act, the purposes of the Council shall be public purposes of the Federation within the meaning of that Act.

Compulsory acquisition of land.
Cap. 167.

(2) The Chief Federal Lands Officer may, by an instrument under his hand, vest in the Council any property acquired pursuant to subsection (1) above; and the Council shall pay into the Consolidated Revenue Fund of the Federation a sum equal to the aggregate amount of any expenses (including compensation) incurred on behalf of the Government of the Federation by virtue of that subsection in respect of any property vested in the Council by such an instrument.

9. The Council may with the consent of the Commissioner borrow on such terms or conditions (as the Council with the consent aforesaid may determine) such sums of money as the Council may require in the exercise of the functions conferred on it under this Decree or any other written law.

Power to borrow.

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

Financial provisions.

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

(a) such moneys as may from time to time be lent or granted to the Council by the Government of the Federation or a State,

(b) all moneys raised for the purposes of the Council by way of gift, grant in aid, testamentary disposition or otherwise,

(c) all subscriptions or fees and charges for services rendered by the Council, so however that no charges shall be made for services performed for the Government of the Federation or a State or for such other public bodies or institutions as may be exempted by the Council,

- (d) all interest received in respect of moneys invested by the Council, and
- (e) all other assets from time to time accruing to the Council.

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

(a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payments into and out of the fund,

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

(c) for securing that the accounts are audited periodically by an auditor appointed from a panel approved by the Commissioner, and

(d) requiring copies of the accounts and of the auditor's report thereon to be furnished to the Federal Executive Council through the Commissioner as soon as may be after the end of the period to which the accounts relate.

Expenditure
of the
Council.

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

(a) to the cost of the administration of the Council and of any research institute under its administration,

(b) to the provision of scholarships and other awards for the training of persons in educational research,

(c) for reimbursing members or members of any committee set up by the Council for such expenses as may be expressly authorised by the Commissioner,

(d) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to the officers (including the Secretary) and servants of the Council or any research institute under its administration, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Commissioner) shall be made to any person who is in receipt of emoluments from the Government of the Federation or a State,

(e) for the maintenance of any property vested in the Council or any research institute under its administration, and

(f) for and in connection with all or any of the functions of the Council under this Decree or any other written law.

(2) Except as provided for in subsection (1) above no other remuneration shall be paid to any member of the Council or any member of any committee thereunder.

Annual
report.

12. The Council shall as soon as possible after the end of each year submit to the Federal Executive Council through the Commissioner a report on the activities of the Council and any research institute under its administration during the last preceding year.

Regulations.

13.—(1) The Council may make regulations generally for its purposes under this Decree; and without prejudice to the generality of the foregoing, regulations may provide for—

(a) the functions and responsibilities of the Secretary, and

(b) the disciplinary control of all officers and servants of the Council.

(2) Regulations made under subsection (1) above shall not have effect until they are approved by the Commissioner, and when so approved they shall be published in the Federal Gazette.

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

Interpreta-
tion.

“the Commissioner” means the Federal Commissioner for Education ;

“the Council” means the Nigerian Educational Research Council established by section 1 (1) of this Decree ;

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

“the Secretary” means the person appointed under section 5 (1) of this Decree ;

“State” means any State created in pursuance of the States (Creation and Transitional Provisions) Decree 1967.

1967 No. 14.

15. This Decree may be cited as the Nigerian Educational Research Council Decree 1972 and shall be deemed to have come into force on 1st December 1971.

Citation
and
commence-
ment.

SCHEDULE

Section 1 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Membership

1.—(1) Subject to this Schedule, the Council shall consist of a Chairman to be appointed by the Federal Executive Council on the recommendation of the Commissioner and the following other members to be appointed by the Commissioner on nomination by the appropriate body in each case, that is—

(a) two representatives from the Federal Ministry of Education, one of whom shall be the Chief Federal Adviser on Education ;

(b) one representative from each State Ministry of Education ;

(c) one representative from each university in the Federation ;

(d) one representative each from the following bodies, that is—

(i) the Association of Principals of Secondary Schools,

(ii) the Association of Principals of Teacher Training Colleges,

(iii) the West African Examinations Council,

(iv) the Nigerian Union of Teachers,

(v) the National Manpower Board, and

(vi) the Nigerian Institute of Social and Economic Research.

(2) Subject to paragraph 3 below, the Federal Executive Council may, on the recommendation of the Commissioner, appoint a person to act in the place of the Chairman during a long absence or during the temporary incapacity from illness of the Chairman ; and that person while so acting may exercise all the functions of the Chairman under this Decree.

(3) Subject as aforesaid, if any other member of the Council is incapacitated by illness or long absence from performing the duties of his office, a temporary member may be appointed, in the same manner and in accordance with the same procedure under which the incapacitated member was appointed, to fill that office and that person, while the appointment subsists, may exercise all the functions of a member under this Decree.

(4) The Federal Executive Council may by order published in the Federal Gazette increase or reduce or otherwise vary the composition of membership of the Council.

SCHEDULE—*continued**Terms of Service*

2. Subject to paragraph 3 below, a member of the Council who is not a public officer shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for one further period of three years; thereafter he shall no longer be eligible for re-appointment:

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

3.—(1) Any member, not being a public officer, may resign his appointment by a letter addressed to the appointing authority and that member's resignation shall take effect from the date of the receipt of the letter by the appointing authority.

(2) The appointing authority may at any time by a notice in writing remove any member from his office for reasons stated in that notice.

1964 No. 1.

(3) The foregoing provisions of this paragraph shall be without prejudice to section 11 of the Interpretation Act 1964 relating to appointments.

(4) In this paragraph, "the appointing authority" means—

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

(b) in the case of any other member, the Commissioner.

Proceedings of the Council

4. Subject to this Decree and to 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 Council may make standing orders regulating the proceedings of the Council or any committee thereof.

5. The quorum of the Council shall be ten and the quorum of any committee of the Council shall be determined by the Council.

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

7. The following persons, that is to say—

(a) the Permanent Secretary, Federal Ministry of Education, and

(b) the Directors of such research institutes as may come under the aegis of the Council in pursuance of section 2 of this Decree,

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

8. The Council shall meet not less than twice in each year and on such other occasions as may be necessary.

Committees

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

(a) the Chairman of the Council,

SCHEDULE—*continued*

(b) the Secretary to the Council, and

(c) four other persons elected by the Council from amongst its members ; and the Chairman of the Council shall be the chairman of the Executive Committee.

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

(3) Subject to its standing orders, the Council may appoint such other standing and ad hoc committees as the Council thinks fit to consider and report on any matter with which the Council is concerned.

(4) Without prejudice to sub-paragraph (1) above, every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Council and shall be made up of such number of persons, not necessarily members of the Council, as the Council may determine in each case.

Miscellaneous

10. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council or by that of the Secretary if authorised in that behalf by the Council.

11. 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 Council by any person specially or generally authorised to act for that purpose by the Council.

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

13. The validity of any proceedings of the Council or of its committees shall not be affected—

(a) by any vacancy in the membership of the Council or any such committee, or

(b) by any defect in the appointment of any such member, or

(c) by reason that a person not entitled to do so took part in the proceedings.

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

MADE at Lagos this 22nd day of August 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 purport)*

The Decree establishes the Nigerian Educational Research Council which is empowered to undertake, promote and co-ordinate educational research programmes of various kinds throughout the Federation.

The Council, unlike other similar Research Councils set up by the Federal Government, is to function independently of the Nigerian Council for Science and Technology.

COMPANIES (AMENDMENT) DECREE 1972



Decree No. 32

[22nd August 1972]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. In section 297 of the Companies Decree 1968, in subsection (1) thereof, immediately after paragraph (e) there shall be inserted the following new paragraph—

Amendment
of section
297 of the
Companies
Decree.
1968 No. 51.
1961 No. 20.

“(f) all outstanding contributions payable to the National Provident Fund established by the National Provident Fund Act 1961, in respect of a worker by any company, being contributions payable to the Fund during the period of 12 months immediately preceding the relevant date.”

1961 No. 20.

2. This Decree may be cited as the Companies (Amendment) Decree 1972.

Citation

MADE at Lagos this 22nd day of August 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 effect)*

The Decree places all outstanding contributions of not more than 12 months immediately before a winding up of a company, payable by a company to the National Provident Fund in respect of any worker, in priority to all other debts in a winding up of such company.