

**JOINT ADMISSIONS AND MATRICULATION BOARD
DECREE 1978**



Decree No. 2

[13th February 1978]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. There is hereby established a body to be known as the Joint Admissions and Matriculation Board (hereinafter referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

Establish-
ment of the
Board.

2.—(1) The Board shall consist of the following members to be appointed by the Commissioner with the approval of the Federal Executive Council, that is—

Membership
of the
Board.

- (a) a Chairman who shall be a vice-chancellor of a University ;
- (b) the vice-chancellor of each University or his representative ;
- (c) two representatives of intermediate post-secondary institutions ;
- (d) two representatives of advanced teachers colleges ;
- (e) two representatives of the Nigeria Conference of Principals of Secondary Schools ;
- (f) the Permanent Secretary, Federal Ministry of Education or his representative ;
- (g) the Registrar of the West African Examinations Council or his representative ;
- (h) the Executive Secretary of the National Universities Commission or his representative ;
- (i) the Registrar of the Board who shall be an ex-officio member of the Board but shall not have the right to vote at meetings of the Board ; and
- (j) three other persons to represent interests not otherwise represented above.

(2) The supplementary provisions set out in the Schedule to this Decree shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

3.—(1) The Chairman shall hold office for a period of two years and shall be eligible for re-appointment.

Tenure of
office.

(2) A person appointed to be a member of the Board (not being a public officer) shall hold office for a period of two years and shall be eligible for re-appointment for two further periods of two years.

(3) Any member, not being a public officer, may resign his appointment by a letter under his hand addressed to the Commissioner.

(4) Members of the Board, not being public officers, shall be paid such remuneration and allowances as the Federal Executive Council may from time to time determine.

Removal
from office
of member
of the Board.

4.—(1) The Commissioner may at any time remove any member of the Board from office if the Commissioner is of the opinion that it is not in the interest of the Board for the member to continue in office and shall notify the member in writing to that effect.

(2) Where the Board is satisfied that the continued presence on the Board of any member is not in the national interest or in the interest of the Board, the Board may recommend to the Commissioner that the member concerned be removed from his office.

Functions
of the
Board.

5. (1) Notwithstanding the provisions of any other enactment, the Board shall be responsible for the following matters that is to say—

(a) the general control of the conduct of matriculation examinations for admissions into all Universities in Nigeria ;

(b) the appointment of examiners, moderators, invigilators, members of subject panels and committees and other persons with respect to matriculation examinations and any other matter incidental thereto or connected therewith ;

(c) the placement of suitably qualified candidates in the Universities after having taken into account the vacancies available in each and every University, the preferences expressed or otherwise indicated by candidates for certain Universities and courses and such other matters as the Board may consider appropriate in the circumstances ;

(d) the collection and dissemination of information on all matters relating to admissions into Universities or to any other matter relevant to the discharge of the functions of the Board under this Decree ; and

(e) the carrying out of such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under or pursuant to this Decree.

(2) For the avoidance of doubt, the Board shall be responsible for determining matriculation requirements and conducting examinations leading to undergraduate admissions and for admissions to non-degree courses but shall not be responsible for examinations or any other selective process for post-graduate courses.

(3) Subject to the provisions of this Decree the Commissioner may give the Board directions of a general character or relating generally to particular matters with regard to the exercise by the Board of its functions under this Decree and it shall be the duty of the Board to comply with such directions.

Registrar to
the Board.

6.—(1) There shall be appointed by the Federal Executive Council on the recommendation of the Commissioner, a Registrar who shall have appropriate qualifications.

(2) The Registrar shall be the chief executive officer of the Board and shall be responsible for the execution of the policy of the Board and the day-to-day running of the affairs of the Board.

(3) The Registrar shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further terms as the Federal Executive Council may determine.

(4) Subject to this section, the Registrar shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment, and as may from time to time be approved by the Federal Executive Council.

7.—(1) The Board may appoint other employees of the Board to assist the Registrar in the exercise of his functions.

Staff of the Board.

(2) The remuneration and tenure of office of the other employees of the Board shall be determined by the Board after consultation with the Federal Commissioner for Establishments.

(3) Notwithstanding the provisions of subsection (1) above, employees of the Board may be appointed by the Board by way of transfer or secondment from any of the public services in the Federation.

8.—(1) The Federal Commissioner for Establishments may by order published in the *Gazette* declare the office of any person employed by the Board to be a pensionable office for the purposes of the Pensions Act.

Application of Pensions Act, Cap. 147.

1963 No. 20.

(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.

(3) For the purpose of the application 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 Board ; 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 Board and not by any other authority.

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

9. The Board shall establish and maintain a fund which shall consist of—

Resources of the Board.

(a) such sums as may be provided to it by the Federal Military Government for the running expenses of the Board ; and

(b) such sums as may be collected or received by the Board from other sources either in the execution of its functions or in respect of any property vested in the Board or otherwise howsoever.

10. The Board may from time to time apply the proceeds of the fund established in pursuance of section 9 of this Decree—

Expenditure of the Board.

(a) to the cost of administration of the Board ;

(b) for reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorised by the Board in accordance with such rates as may be approved from time to time by the Federal Executive Council ;

(c) to the payment of salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to the employees of the Board and of fees to agents, 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 a State ;

(d) for the maintenance of any property acquired or vested in the Board ; and

(e) for and in connection with all or any of the functions of the Board under or pursuant to this Decree.

Annual estimates, accounts and audit.

11.—(1) The Board shall submit to the Commissioner not later than 31st December in each financial year an estimate of its expenditure and income during the next succeeding financial year.

(2) The Board shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as it may think appropriate.

(3) The accounts of the Board shall be audited as soon as may be after the end of the financial year to which such accounts relate by auditors appointed by the Board with the approval of the Federal Commissioner for Finance.

Annual reports.

12.—The Board shall prepare and submit to the Federal Executive Council, through the Commissioner, not later than 30th June in each financial year a report in such form as the Commissioner may direct on the activities of the Board during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Board for that year and the auditors' report thereon.

Power to obtain information.

13.—(1) For the purpose of carrying out the functions conferred on the Board under this Decree, the Registrar or any other employee of the Board authorised in that behalf—

(a) shall have a right of access to all relevant records of any University to which this Decree applies ;

(b) may by notice in writing served on any person in charge of any such University require that person to furnish or cause to be furnished 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) above to comply with the notice within a reasonable period of time.

Regulations.

14.—The Federal Executive Council may make regulations for carrying into effect the provisions of this Decree.

Interpretation.

15.—(1) In this Decree, unless the context otherwise requires—

“the Board” means the Joint Admissions and Matriculation Board established by section 1 of this Decree ;

“the Chairman” means the Chairman of the Board ;

"the Commissioner" means the Federal Commissioner charged from time to time with responsibility for higher education ;

"member" means any member of the Board including the Chairman ;

"the Registrar" means the Registrar to the Board appointed pursuant to section 6 of this Decree ;

"University" means any University in Nigeria and includes any other institution in Nigeria providing courses leading to the award of first degrees.

(2) It is hereby declared, for the avoidance of doubt, that this Decree is without prejudice to the application of any enactment or law setting up any University, so however that where any of the provisions of any such enactment or law is inconsistent with any provision of this Decree, this Decree shall prevail.

16. This Decree may be cited as the Joint Admissions and Matriculation Board Decree 1978.

Citation.

SCHEDULE

Section 2 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings

1. Subject to this Decree 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 person presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof. 1964 No. 1

2. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend any particular meeting, a member may be appointed by the members present to act as chairman for that particular meeting.

3. A quorum at a meeting of the Board shall consist of ten members at least three of whom shall be members appointed under paragraph (b) of section 2 (1) of this Decree.

4. Where standing orders made under paragraph 1 above provide for the Board to co-opt persons who are not members of the Board, such persons may advise the Board on any matter referred to them by the Board, but shall not be entitled to vote at a meeting of the Board.

Committees

5. Subject to its standing orders, the Board may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Board is concerned.

6. Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

7. The quorum of any committee set up by the Board shall be as may be determined by the Board.

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

Miscellaneous

9. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman and any other person authorised in that behalf by the Board.

10. Any contract or instrument which, if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Board by any person generally or specially authorised to act for that purpose by the Board.

11. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been signed and sealed.

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

- (a) by any vacancy in the membership of the Board ; or
- (b) by any defect in the appointment of a member of the Board ; or
- (c) by reason that a person not entitled to do so took part in the proceedings.

MADE at Lagos this 13th day of February 1978.

LT-GENERAL O. OBASANJO,
*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 sets up the Joint Admissions and Matriculation Board to administer a centralised admissions system for all Nigerian universities. The Board would be solely responsible for the conduct of matriculation examinations for admission into the universities with respect to undergraduate and to non-degree courses but each institution of higher learning would be left with responsibility for matters relating to post-graduate admissions.