

State

NATIONAL ARCHIVES
CERTIFICATE
29 SEP 1937
LEGAL DEPOSIT
LEGAL DEPOSIT NUMBER 87-1030



WESTERN NIGERIA

Education Laws

[CAP. 34]

Price Seven Shillings and Six Pence

*Education*CHAPTER 34
EDUCATION

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

SECTIONS

1. Short title.
2. Interpretation.

PART II

REGIONAL ADMINISTRATION

3. Delegation of functions by Minister.
4. Power to hold inquiries.
5. Establishment of Advisory Board of Education.
6. Establishment of *ad hoc* committees.

PART III

THE STATUTORY SYSTEM

7. The statutory system of education.

PART IV

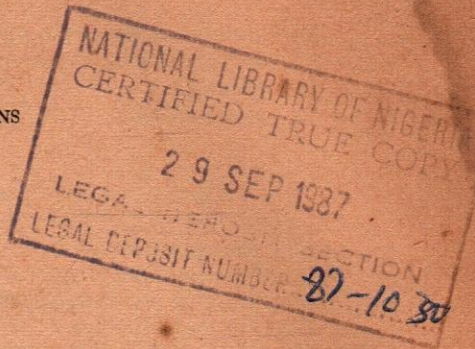
LOCAL EDUCATION AUTHORITIES

8. Appointment of local education authorities.
9. Duties and powers of local education authorities.
10. Certain expenditure not to be incurred without the consent of the Minister.
11. Establishment of Education Committees.
12. Composition of an Education Committee.
13. Right of Permanent Secretary to attend meetings of local education authorities and education committees.
14. Failure of education authority to discharge functions.
15. Employment of staff.
16. Revocation of orders and adjustment of assets and liabilities.
17. Transitory provisions.

PART V

GENERAL PROVISIONS RELATING TO EDUCATION

18. Pupils to be educated in accordance with the wishes of their parents.
19. Provisions relating to race, language and religion in public institutions.
20. Secular instruction in public institutions.
21. General provision for religious instruction in public schools.
22. Curriculum of public schools to include religious worship and instruction.
23. Religious instruction in voluntary agency institutions.
24. Religious instruction in community schools.
25. Pupils excused from attendance at religious worship or instruction.



Education

26. Certain conditions of attendance not to be required.
27. Registration of pupils at institutions.
28. Offences.
29. Regulations.

PART VI

FREE PRIMARY EDUCATION

30. Interpretation.
31. Primary school age.
32. Duty of parent to secure the education of his children.
33. Duty of Minister.
34. Tuition and other services in public primary schools to be free.
35. Sections 32, 33 and 34 not to apply in certain cases.
36. Customary courts to have jurisdiction over certain offences.

PART VII

POWERS OF THE MINISTER IN RELATION TO THE ESTABLISHMENT AND CONTINUANCE OF INSTITUTIONS

37. Government institutions.
38. Register of private institutions.
39. Opening of new institutions.
40. Proprietors of institutions to notify changes in institutions.
41. Power to withhold consent to open new institutions.
42. Provisions with respect to existing institutions.
43. Powers of Minister to close institutions.
44. Discontinuance of institutions.
45. Discontinuance of private institutions.
46. Transfer of institutions to new sites, and substitution of new institutions for old ones.
47. Powers of Minister to unite institutions.
48. Acquisition of land by agreement.
49. Restriction on the use of premises of public institutions.
50. Exemption from building bye-laws of buildings approved by the Minister.
51. Power to make regulations.

PART VIII

MANAGEMENT OF GOVERNMENT AND PUBLIC INSTITUTIONS

52. Government institutions.
53. Constitution of managers and governors and conduct of public institutions.
54. Grouping of public primary and modern schools under one management.
55. Membership of body of managers.
56. Minutes of proceedings of managers and governors.
57. Transitory provisions.
58. Powers of Minister in default of managers or governors.
59. Regulations.

Education

PART IX

TEACHERS

60. Interpretation.
61. Registration of teachers.
62. Appointment and dismissal of teachers in public institutions.
63. Married women not to be disqualified from teaching in public institutions.
64. Religious opinions not to disqualify from teaching in community institutions.
65. Establishment and constitution of a terms of service Committee.
66. Establishment and constitution of teachers' Council.
67. Allegations of misconduct against teachers.
68. Reference of cases of grave misconduct to the teachers' Council.
69. Orders of prohibition and suspension.
70. Rescission of orders of prohibition and suspension.
71. Appeals to the Minister.
72. Grave misconduct by a dismissed public officer who was a teacher.
73. Penalty for teaching whilst under order of prohibition or suspension.
74. Duties of Minister and local education authorities as to the training of teachers.
75. Regulations.

PART X

INSPECTION OF INSTITUTIONS

76. Inspection of institutions.
77. Appointment of Inspectors.
78. Removal of Inspectors.
79. Duties of Inspectors.
80. Power of local education authority to cause inspections.
81. Saving as to religious instruction.
82. Penalty for obstructing an Inspector.
83. Power to make regulations.

PART XI

FINANCIAL PROVISIONS

84. Grants in aid of educational services.
85. Provisions relating to loans.
86. Expenses of Ministers.
87. Contributions between local education authorities.

PART XII

SUPPLEMENTARY PROVISIONS

88. Education of pupils requiring special educational treatment.
89. Power to make regulations in respect of ancillary services.
90. Restriction on use and possession of certain literature, pictures, etc., in institutions.
91. Power of Minister to prevent unreasonable exercise of functions.
92. Determination of disputes and questions.
93. Compulsory acquisition of land.
94. Regulations to be laid before the Legislature.
95. Provisions as to evidence.
96. Saving for persons of unsound mind.

SCHEDULES

Education

CHAPTER 34

EDUCATION

A LAW TO MAKE PROVISION FOR EDUCATION AND FOR PURPOSES
CONNECTED THEREWITH.

W.R. Law
No.
6 of 1955
12 of 1957
33 of 1958.
1 of 1960.
17 of 1961.

[14th April, 1955.]

Date of
commence-
ment.

PART I

PRELIMINARY

1. This Law may be cited as the Education Law. Short title.
2. (1) In this Law, unless the context otherwise requires— Interpreta-
tion.
 - “appointed day” means the date of commencement of this Law;
 - “assist” in relation to an institution means to make grants in respect of the expenditure for educational services provided in the institution (whether such grants are in respect of the whole or part of the expenditure); but does not include the making of capital grant which is not recurrent for a special purpose;
 - “the Board” means the Advisory Board of Education established under the provisions of section 5 of this Law;
 - “child” means a person who is not over primary school age;
 - “class for religious instruction” means a class or assembly of not less than ten persons receiving instruction in religious subjects and no other instruction save such as may be prescribed;
 - “community institution” and “community school” mean an institution or school, as the case may be, owned and maintained by a local education authority;
 - “primary school age” has the meaning assigned to it by section 31 of this Law;
 - “the Constitution Order” means the Nigeria (Constitution) Order in Council, 1954;
 - “employed in the service of public education” means employed by a local education authority or a local authority for the purposes of education or employed by a voluntary agency in a post in respect of which a grant is made by the Government or a local education authority or a local authority;

Education

Cap. 68.

- “functions” include powers and duties;
- “government institution” means an institution owned and maintained by the Government.
- “higher institution” means a secondary school, training college, technical institute or trade centre;
- “institution” means an assembly of not less than ten persons assembled for the purpose of receiving regular instruction in any form of education whatsoever and includes a school but does not include any class for religious instruction;
- “literacy class” means a class or assembly of not less than ten persons receiving elementary instruction in reading, writing and numbers according to a syllabus approved by the Minister;
- “local authority” means a divisional or district council established under the provisions of the Local Government Law;
- “local education authority” means a local education authority appointed in accordance with the provisions of section 8 of this Law;
- “maintain” in relation to an institution means conduct the institution and defray the expenditure thereof (whether or not the institution is assisted);
- “the Minister” means the Minister to whom responsibility for education is assigned in accordance with section 119 of the Constitution Order;
- “the Minister of Finance” means the Minister to whom responsibility for financial matters is assigned in accordance with section 119 of the Constitution Order;
- “the Minister of Local Government” means the Minister to whom responsibility for local government is assigned in accordance with section 119 of the Constitution Order;
- “the Ministry” means the Ministry of Education;
- “nursery school” means a school which is used mainly for the purpose of providing education for persons who have attained the age of two years but have not attained the age of six years;
- “parent” in relation to any child means the person who has the lawful custody of the child;
- “the Permanent Secretary” means the public officer for the time being lawfully discharging the duties of the Permanent Secretary to the Ministry;

Education

“premises” in relation to any institution includes any detached playing fields;

“prescribed” means prescribed by regulations made by the Minister;

“primary school” means a school which provides a six-year basic course of full time instruction suitable for pupils between the age of six years and twelve years;

“private institution” means an institution which is not a Government or community institution and is not assisted from funds provided by the Government, a local education authority or a local authority;

“proprietor” in relation to an institution means the person or authority notified to the appropriate authorities as the proprietor of the institution in accordance with Part VII and includes, until any such notification is made, the person recognised as the proprietor immediately before the appointed day for the purposes of the Education Ordinance, 1952, and the regulations made thereunder;

Ordinance
No. 17
of 1952.

“public institution”, “public school”, “public primary school” and “public secondary modern school” mean an institution, school, primary school or secondary modern school, as the case may be, which is assisted out of funds provided by the Government or a local education authority or a local authority or is maintained by a local education authority or local authority;

“public officer” has the meaning assigned to that expression in the Constitution Order;

“pupil” where used without qualification means a person of any age for whom education is provided under this Law;

“registered pupil” means in relation to any institution a pupil registered as such in the register kept in accordance with the requirements of this Law;

“school” includes a primary, secondary school or secondary modern school but does not include a Sunday school, a class for religious instruction, a trade centre, a training college or any other institution intended solely for the education of adults;

“secondary modern school” means a school which provides either a three-year or a four-year course according to a prescribed syllabus of full-time instruction suitable for pupils who have completed the primary school course;

Education

“secondary school” means a school or a department of an institution classified as such by the Minister to which pupils are admitted after the satisfactory completion of their primary school course and providing a course of full-time instruction based on a syllabus approved by the Minister;

“special educational treatment” has the meaning assigned to it by paragraph (b) of sub-section (2) of section 9 of this Law;

“technical institute” means an institution which provides a course or courses of training in vocations, trades or crafts or a course or courses in industrial technology, in commercial subjects or in office arts but does not include a secondary school;

“trade centre” means an institution the main function of which is to provide a course or courses of training in industrial crafts or trade;

“training college” means an institution for the training of teachers;

“voluntary agency” means a person, mission, society, company, corporation or any other body of persons who or which is proprietor of one or more institutions but does not include a local education authority or local authority;

“voluntary agency institution” and “voluntary agency school” mean an institution or school, as the case may be, of which a voluntary agency is the proprietor.

(2) Nothing in this Law shall apply in relation to any institution referred to in item 19 of Part I of the First Schedule to the Constitution Order or in relation to any institution owned or maintained by the Government of the Federation of Nigeria pursuant to any power conferred by or under any item of the same Schedule or in relation to any teacher employed in any such institution.

(3) Where proceedings are taken against any person in respect of any offence against any of the provisions of this Law, such proceedings and any conviction or sentence imposed shall be without prejudice to any proceedings other than criminal proceedings which may be taken against such person under any other provision of this Law.

(4) Where power is conferred by the provisions of this Law on any person to appoint a public officer to perform any function or to be a member of any Board, Committee or Council, such appointment may be made by name or by reference to an office.

Education

PART II

REGIONAL ADMINISTRATION

3. (1) It shall be lawful for the Minister to delegate to a public officer of the Ministry all or any of the functions conferred upon him by or under the provisions of this Law: Delegation of functions by Minister.

Provided that nothing herein contained shall authorise the Minister to depute any person to make regulations under any power conferred upon him by this Law.

(2) Any such delegation may be made either generally or in respect of any particular function or matter and shall be in writing and, when made generally, shall be published in the Regional Gazette.

(3) Any such delegation shall be revocable at the will of the Minister and no such delegation shall prevent the exercise by the Minister of any function so delegated.

4. (1) The Minister may cause an inquiry to be held for the purpose of any of his functions under this Law and may appoint a person in writing to conduct any such inquiry. Power to hold inquiries.

(2) The provisions of the First Schedule to the Local Government Law, shall have effect with respect to the powers of a person conducting an inquiry under this section and the proceedings before such an inquiry. Cap. 68.

5. (1) There shall be established an Advisory Board of Education (hereinafter referred to as "the Board") which shall advise the Minister upon such matters connected with educational theory and practice as it thinks fit and upon any questions referred to it. Establishment of Advisory Board of Education.

(2) The Board shall consist of the following members, who shall be appointed by the Minister—

- (a) five members appointed from amongst the public officers of the Ministry;
- (b) ten members, of whom at least two shall be women, selected from amongst persons who appear to the Minister to represent the interests of local education authorities;
- (c) ten members, of whom at least two shall be women, selected from amongst persons who appear to the Minister to represent the interests of voluntary agencies which are the proprietors of institutions in the Region;

Education

- (d) one member selected from amongst persons who appear to the Minister to represent the interests of private institutions;
- (e) two members selected from amongst persons who appear to the Minister to represent the interests of the Nigerian Union of Teachers.
- (f) one member selected from amongst persons who are members of parent-teacher associations in the Region.
- (3) (a) Before appointing any member to represent the interests of local education authorities, the Minister shall consult with the Minister of Local Government.
- (b) Before appointing any member under paragraph (c), (d), (e) or (f) of sub-section (2) of this section, the Minister shall consult with such persons as appear to him to represent the interests concerned.
- (4) The Board may by resolution co-opt as a member any person whose advice it desires to have, but no co-opted member shall be entitled to vote.
- (5) The Minister shall appoint a member of the Board to be chairman thereof and shall appoint a public officer of the Ministry, who is not a member, to be Secretary of the Board.
- (6) The Permanent Secretary shall have the right to attend any meeting of the Board or of any committee of the Board or of any committee established under the provisions of section 6 of this Law and to take part in the proceedings thereat but he shall not vote on any matter.
- (7) The provisions contained in Part I of the First Schedule shall have effect with respect to the constitution and proceedings of the Board.

Establishment of
ad hoc
committees.

6. Notwithstanding the provisions of section 5, the Minister may, from time to time, establish separate committees to advise him on any particular matter connected with educational theory or practice, and the membership of such committees shall not be restricted to members of the Board and such committees may be established notwithstanding that the Board has considered the matter.

Education

PART III

THE STATUTORY SYSTEM

7. (1) The statutory system of public education shall be organised in three stages, that is to say, primary education, post-primary education and further education. The statutory system of education.

(2) Primary education shall consist of the education for which provision is made in Part VI of this Law.

(3) Post-primary education shall consist of the education to be provided, in accordance with this Law, in secondary schools and secondary modern schools.

(4) Further education shall consist of—

(a) full-time and part-time education for persons over primary school age in institutions other than secondary schools or secondary modern schools; and

(b) leisure-time occupation in such organised cultural training and recreative activities as are suited to their requirements for any persons over primary school age who are able and willing to profit by the facilities provided for that purpose.

PART IV

LOCAL EDUCATION AUTHORITIES

8. (1) The Minister may, with the concurrence of the Minister of Local Government, by order, appoint— Appointment of local education authorities.

(a) a local authority; or

(b) a joint board established under the provisions of section 57 of the Local Government Law, for the purpose of the joint operation of works and services that may be provided under this Law, Cap. 68.

to be the local education authority for the area over which the local authority or joint board, as the case may be, exercises authority.

(2) In the exercise of its functions as a local education authority, a local authority shall, except as may be otherwise expressly provided by this or any other Law, be subject to and have all the functions conferred or imposed upon it by the provisions for the time being in force of any Ordinance or Law under which it was established and of any other Ordinance or Law having effect with respect of such local authority.

Education

Duties and powers of local education authorities.

9. (1) A local education authority shall—

- (a) from time to time prepare and submit to the Minister, in such form and within such time as he may require, an estimate of the needs of its area for securing—
 - (i) that there shall be sufficient primary schools available to accommodate all pupils of primary school age within its area;
 - (ii) that there shall be sufficient secondary modern schools available to accommodate such pupils within its area above primary school age and under the age of sixteen years as are able to benefit from the instruction to be provided in such schools and wish to attend them;
- (b) maintain such existing public primary schools and secondary modern schools of the authority and establish and maintain such new public primary schools and secondary modern schools as the Minister may direct;
- (c) assist with the prescribed grant such voluntary agency primary or secondary modern schools within its area as the Minister may direct;
- (d) assume the management of any schools within its area when so directed by the Minister in accordance with the provisions of section 58;
- (e) establish and maintain such institutions for the training of teachers or provide or assist in providing such facilities for the training of teachers as may be required by any direction of the Minister under section 74;
- (f) furnish the Minister with such advice relative to education within its area and with such information, returns, accounts and estimates as he may require;
- (g) ensure, by inspection, that the premises of every public primary and secondary modern school situated within its area conform to the standards prescribed; and
- (h) perform such other duties as are imposed upon it by or under this Law.

(2) A local education authority may, with the approval of the Minister and of the Minister of Local Government—

- (a) establish, maintain or assist nursery schools and secondary schools within the area of its authority:

Education

- (b) provide for pupils who suffer from any disability of mind or body, either in special schools or otherwise, special educational treatment, that is to say, education by special methods appropriate for persons suffering from such disability or disabilities;
- (c) make such provision for conducting or assisting the conduct of research as appears to the authority to be desirable for the purpose of improving the educational facilities provided for its area;
- (d) organise, or participate in the organisation of, conferences for the discussion of questions relating to education and expend such sums as may be reasonable in paying or contributing towards any expenditure incurred in connection with conferences for the discussion of such questions including the expenses of any person authorised by the authority to attend any such conference;
- (e) make such arrangements for the provision of transport, and otherwise as it considers necessary, for the purpose of facilitating the attendance of pupils at public primary schools within the area of its jurisdiction;
- (f) for the purpose of securing adequate facilities for recreation and social and physical training, establish, maintain and manage or assist in the establishment, maintenance and management of camps, holiday classes, playing fields, play centres and other places (including playgrounds, gymnasiums and swimming baths not appropriated to any institution) at which facilities for recreation and for such training as aforesaid are available for pupils in attendance at institutions situated within its area of authority and may organise games, expeditions and other activities for such persons and may defray or contribute towards the expenses thereof; and
- (g) establish, maintain or assist trade centres and rural education centres within its area.

10. (1) A local education authority shall not incur expenditure in respect of education, other than expenditure in respect of public primary and secondary modern schools within its area, unless it has satisfied the Minister that it has met or has made adequate financial provision to meet its approved expenditure in respect of such schools and has obtained his consent.

Certain
expenditure
not to be
incurred
without the
consent of
the Minister.

Education

(2) The provisions of sub-section (1) of this section shall be in addition to the provisions of any other Law having effect in relation to a local education authority with respect to the expenditure which may be incurred by such authority.

Establishment of education committees.

11. (1) Every local education authority shall, in accordance with the provisions of section 12 of this Law, establish an education committee and may authorise such education committee to perform on its behalf any function imposed or conferred upon it with respect to education by the provisions of this Law, except the power to borrow money or to raise a rate.

(2) Before performing any function with respect to education, a local education authority shall require a report of the education committee it has so appointed on the exercise of such function and shall consider such report.

Composition of an education committee.

12. (1) The constitution of the education committee of a local education authority shall be specified in the order appointing such authority under sub-section (1) of section 8.

(2) Every such order shall, in relation to an education committee, comply with the following provisions:—

- (a) the chairman shall be a member of the local education authority;
- (b) not less than one-third of the members shall be members of the local education authority;
- (c) members who are not members of the local education authority shall be known as private members and shall, subject to the provisions of paragraph (e) of this sub-section, be suitable persons with experience and interest in education appointed by the local education authority;
- (d) of any private members to be appointed at least one shall be either a registered teacher or a member of the Nigerian Union of Teachers; and
- (e) not less than one-half of the private members shall be selected from persons who appear to the Minister to represent the interests of the voluntary agencies which are the proprietors of schools situated within the area of authority of the local education authority and shall be appointed after consultation with all such voluntary agencies.

Education

(3) In relation to a local education authority which is a local government council appointed on the dissolution of a council under sub-section (2) of section 9 or section 10 of the Local Government Law, the provisions of sub-section (2) of this section shall not apply. Cap. 68.

(4) Subject to the provisions of this Law, a local education authority may make, vary and revoke standing orders respecting the proceedings, quorum, summoning and place of meeting of an education committee.

13. (1) The Permanent Secretary or his representative shall have the right to attend any meeting of a local education authority or its education committee and to take part in the proceedings thereat and if he so requests his advice on any matter shall be recorded in the minutes of the meetings, but he shall not vote on any matter. Right of Permanent Secretary to attend meetings of local education authorities and education committees.

(2) Fourteen days at least before any meeting of its education committee a notice of such meeting, specifying the business to be transacted, shall be delivered or sent by post to the Minister or such public officer or officers of the Ministry as he may direct:

Provided that want of service of such notice on the Minister or any public officer shall not affect the validity of the meeting.

14. (1) If the Minister is satisfied that a local education authority has failed to discharge any duty imposed upon it by the provisions of this Law or any other Law he may by order declare such authority to be in default and may, with the consent of the Minister of Local Government, by the same or any subsequent order give such directions for the purpose of enforcing the execution of the duty as appear to him to be necessary. Failure of education authority to discharge functions.

(2) If a local education authority fails to comply with any direction contained in an order made under sub-section (1) of this section the Minister may, by order, with the consent of the Minister of Local Government, transfer to such person or authority and for such period as the Minister thinks fit all or any of the functions of the authority under this Law.

(3) When any function of a local education authority is transferred from that authority to another person or authority by an order made in accordance with sub-section (2) of this section—

(a) the local education authority shall cease to exercise that function for the period specified in the order;

Education

- (b) the person or authority to whom the function is transferred shall, in relation to any such function, have all the power and be subject to all the duties conferred or imposed by this Law as if it were a local education authority:

Provided that the Minister may direct that the provisions of sections 11 and 12 shall not apply in relation to such person or authority; and

- (c) the expenses incurred in the execution of the function transferred shall be met by the local education authority in default.

Employment
of staff.

15. (1) A local education authority shall not appoint any person to be the chief education officer of the authority without the consent of the Minister.

(2) Subject as aforesaid, the appropriate provisions shall apply in relation to the employment of staff by a local education authority.

(3) In this section "appropriate provisions" means in relation to an authority which is a local government council or joint board, the provisions of Part XII of the Local Government Law.

Cap. 68.

Revocation
of orders and
adjustments
of assets and
liabilities.

16. (1) The Minister may—

(a) upon the variation of an order made under this Part or upon the amendment of an Instrument relating to a local authority which is a local education authority, direct that such adjustments be made with respect to the assets and liabilities of that local authority held or incurred solely or mainly for the purpose of its functions as a local education authority under this Law as he shall think fit;

(b) upon the revocation of an order made under this Part or upon the revocation of an Instrument relating to a local authority which is a local education authority, direct that the assets and liabilities of that local authority held or incurred solely or mainly for the purposes of its function as a local education authority under this Law shall be transferred to and assumed by such local education authority as he may direct.

Cap. 68.

(2) In this section "Instrument" has the meaning assigned to it in section 2 of the Local Government Law.

Education

17. (1) In any area with respect to which no local education authority is appointed in accordance with section 8 of this Law, the following provisions shall apply:—

Transitory provisions.

(a) a local authority may, with the consent of the Minister and the Minister of Local Government—

(i) maintain or assist any existing institution within its jurisdiction; or

(ii) establish, maintain or assist within its jurisdiction new institutions;

(b) The Minister may, with the consent of the Minister of Local Government, by order confer on any local authority having jurisdiction therein any of the functions of a local education authority under this Law.

(2) Upon the appointment of a local education authority for an area the functions conferred or imposed upon a local authority in that area by or under sub-section (1) of this section shall cease to be exercisable by such authority.

PART V

GENERAL PROVISIONS RELATING TO EDUCATION

18. In the exercise and performance of all functions conferred or imposed on them by this Law the Minister and local education authorities shall have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, every pupil shall be educated in accordance with the wishes of his parents and in accordance with his age, ability and aptitude.

Pupils to be educated in accordance with the wishes of their parents.

19. No person shall be refused admission as a pupil to or prevented from attending as a pupil at any public institution on account of the religious persuasion, nationality, race or language of himself or of either of his parents.

Provisions relating to race, language and religion in public institutions.

20. (1) Subject to the provisions of this Law, the secular instruction to be given to the pupils in every public institution shall, save in so far as may be otherwise provided by the rules of management or articles of government, be under the control of the Minister.

Secular instruction in public institutions.

(2) Save in so far as may be otherwise provided by the rules of management or articles of government for the institution, the power to control the secular instruction provided in any public

Education

Registration
of pupils at
institutions.

27. The proprietor of every institution shall cause to be kept in accordance with regulations made by the Minister a register containing the prescribed particulars with respect to all persons who are pupils at the institution, and such regulations may make provision for enabling such registers to be inspected, for enabling extracts therefrom to be taken for the purposes of this Law by persons duly authorised in that behalf under the regulations, and for requiring the persons by whom any such register is required to be kept to make to the Minister, and to local education authorities such periodical (or other) returns as to the contents thereof as may be prescribed.

Offences.

28. (1) Any person who contravenes the provisions of section 19 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) Any person, being the proprietor of a public institution, who fails to comply with a direction of the Minister given in accordance with the provisions of sub-section (2) of section 23 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

Regulations.

29. Subject to the provisions of this Law, the Minister may by regulation make provision with respect to—

- (a) the instruction to be given in institutions;
- (b) the arrangements for the admission of pupils to public institutions or for the transfer of pupils from one public institution to another;
- (c) the standards of education to be attained by persons seeking admission to, or concluding their training in, public secondary schools and teacher training colleges;
- (d) the standard to be attained by pupils in any department of any public institution;
- (e) the examination of pupils in public institutions and the classification of certificates awarded to pupils in any institutions;
- (f) the discipline of pupils in public institutions (including their removal or withdrawal); and
- (g) the fees to be charged in public institutions.

Education

PART VI

FREE PRIMARY EDUCATION

30. (1) In this Part—

Interpreta
tion.

“child” means a person of primary school age who belongs to the Region;

“existing pupil” means a person over primary school age who belongs to the Region and is, immediately before the appointed day, registered as a pupil in a public primary school;

“school year” means such period, not exceeding twelve months, as the Minister may from time to time appoint as the school year for the purposes of primary education.

(2) A person shall be regarded as belonging to the Region for the purposes of this section—

(a) if he or his father was born in the Region and he is, for the time being, resident in the Region; or

(b) if he and his parent are, for the time being, resident in the Region; or

(c) if in any school year he is resident in the Region and he has been resident in the Region for a period of twelve months immediately preceding that school year,

and no other person shall be regarded as belonging to the Region.

(3) No duty imposed by this Part on parents shall be construed as relating to any person who is, for the time being, resident outside the Region.

31. In this Law “primary school age” in relation to any person means any age between the age attained by the person at the commencement of the school year after he attains the age of six years and the age attained by the person at the end of the school year after he attains the age of twelve years and accordingly any person shall be deemed to be of primary school age if at the commencement of any school year he has attained the age of six years and any person shall be deemed to be over primary school age at the end of the school year in which he attains the age of twelve years:

Primary
school age.

Provided that a person shall be deemed to be over primary school age if he has attained the age of seven years on the first day of January, 1955.

Education

Duty of parent to secure the education of his children.

32. It shall be the duty of the parent of every child of primary school age to cause him to receive efficient full-time education suitable to his age, ability and aptitude either by regular attendance at school or otherwise.

Duty of Minister.

33. It shall be the duty of the Minister to make such arrangements as appear to him to be necessary to secure—

(a) that every child or primary school age shall be afforded an opportunity to receive education in a public primary school; and

(b) that every existing pupil shall be afforded an opportunity to receive education in a public primary school until such pupil has completed the primary school course.

Tuition and other services in public primary schools to be free.

34. (1) The services provided in a public primary school shall be free of charge, except where the Minister otherwise directs or makes provision by regulation:

Provided that the Minister shall not give any direction or make provision by regulation under this Law for the charging of fees for tuition in a public primary school.

(2) Any person who receives or obtains any fee contrary to the provisions of sub-section (1) of this section shall be guilty of an offence and shall be liable to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

Sections 32, 33 and 34 not to apply in certain cases.

35. The provisions of sections 32, 33 and 34 shall not apply in relation to any person who is resident outside the Region at the time when he attains primary school age and who has not received such education outside the Region as may be prescribed by the Minister.

Customary courts to have jurisdiction over certain offences.

36. A customary court shall have jurisdiction to enforce within the local limits of its jurisdiction the provisions of section 34 and to impose the punishment specified in that section on persons subject to its jurisdiction who offend against such provisions.

PART VII

POWERS OF THE MINISTER IN RELATION TO THE ESTABLISHMENT AND CONTINUANCE OF INSTITUTIONS

Government institutions.

37. (1) The Minister may establish, unite or discontinue government institutions as he thinks fit.

Education

(2) The following provisions of this Part shall not apply in relation to government institutions.

38. (1) The Minister shall appoint a public officer of the Ministry to be Registrar of private institutions and it shall be the duty of the Registrar to keep a register of all private institutions.

Register of
private
institutions.

(2) The register kept in accordance with the provisions of this section shall be open to inspection at all reasonable times.

39. (1) No person shall open a new institution unless—

Opening of
new
institutions.

(a) not less than three months before the date of the establishment of the institution he has furnished the appropriate authorities with information, in the prescribed form, with respect to the following matters:—

(i) the name and address of the proprietor of the institution;

(ii) the situation of the institution and plan of the buildings;

(iii) the type of institution, the number and type of classes and the medium of instruction proposed;

(iv) the numbers, qualifications and nationality of the staff;

(v) the nature of the interest in or tenure to the land to be possessed by the proprietor; and

(b) prior to the opening of the institution he has obtained the consent of the Minister.

(2) For the purposes of sub-section (1) of this section, the appropriate authorities shall be—

(a) in the case of a community institution, the Minister or such public officer of the Ministry as the Minister may specify;

(b) in the case of a public institution, other than a community institution, the Minister, or such public officer of the Ministry as he may specify, and when such institution is a primary school or a secondary modern school the local education authority within whose area of authority the institution is to be situated;

(c) in the case of a private institution, the Registrar of private institutions.

Education

(3) Any person who in any return or statement which he is required to make under sub-section (1) of this section knowingly furnishes any information which is false in a material particular shall be guilty of an offence and shall be liable on summary conviction to a fine of twenty pounds.

(4) Any person who opens an institution without having conformed with the provisions of sub-section (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of fifty pounds and in addition to a penalty of two pounds for each day during which the institution remains open.

(5) In this section "public institution" includes an institution intended to be opened in respect of which a grant in aid has been approved under the provisions of regulations made under section 84.

Proprietors
of
institutions
to notify
changes in
institutions.

40. The proprietor of an institution shall notify the appropriate authorities of any change occurring in the institution with respect to any matter referred to in sub-section (1) of section 39, within one month of the occurrence thereof.

Power to
withhold
consent to
open new
institutions.

41. The Minister may withhold his consent to the opening of a new institution—

- (a) where the proprietor is not normally resident in Nigeria; or
- (b) where, in the opinion of the Minister, the proprietor is not a fit and proper person to be in charge of an institution; or
- (c) where, after an inspection, the Minister is satisfied that the site, buildings or equipment of the proposed new institution are not suitable or adequate for the purpose of the institution; or
- (d) where the proprietor has not a valid title to the land, or any interest therein on which the institution is situate; or
- (e) where, in the opinion of the Minister, the proposed teaching staff or any one of them have not the qualifications required under this Law; or
- (f) where, in the opinion of the Minister, the proposed number or type of classes is inadequate; or
- (g) where, having regard to any other educational facilities available in the area, the Minister is of the opinion that the proposed institution will not be in the interest of the community to be served.

Education

42. (1) With respect to institutions which are being conducted immediately before the commencement of this Law the following provisions shall apply :—

Provisions with respect to existing institutions.

- (a) every such institution in respect of which a grant in aid was being received under the provisions of the Education (Grant in Aid) Regulations, 1952, for the year of assessment preceding the appointed day shall be deemed, as at the appointed day, to be a public institution established in accordance with this Law;
- (b) every such institution, other than a public institution, shall be deemed, as at the appointed day, to be a private institution;
- (c) the proprietor of every institution deemed to be a private institution shall, within three months from the appointed day, furnish the Registrar of private institutions with information in the prescribed form with respect to the matters specified in sub-section (1) of section 39, and with such other information as the Minister may require:

Ordinance No. 17 of 1952, Schedule A.

Provided that the Minister may, by directions in writing, exempt any private institution or class of private institutions from the provisions of this paragraph.

(2) The proprietor of any private institution who fails to comply with the provisions of paragraph (c) of sub-section (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of twenty pounds.

43. (1) If at any time the Minister is satisfied that an institution is objectionable upon all or any of the following grounds :—

Powers of Minister to close institutions.

- (a) that the proprietor is not resident in Nigeria; or
- (b) that an offence against this Law has been committed in respect of that institution; or
- (c) that the proprietor of the institution is not a fit and proper person to be the proprietor of the institution or a teacher employed therein is not qualified to be a teacher in the institution; or
- (d) that the premises or any parts thereof are unsuitable for an institution; or

- (e) that the accommodation provided at the premises of the institution is inadequate or unsuitable having regard to the number, ages and sex of the pupils attending the institution; or
- (f) that efficient and suitable instruction is not being provided at the institution having regard to the age, ability and aptitude of the pupils attending thereat; or
- (g) that the manner in which the institution is conducted is dangerous or potentially dangerous to the physical or moral welfare of the pupils in attendance; or
- (h) in the case of an institution, other than a private institution, that, having regard to any other educational facilities available in the area the institution is not in the interest of the community to be served;

the Minister shall serve upon the proprietor of the institution a notice of complaint stating the grounds of complaint and specifying the measures necessary in the opinion of the Minister to remedy the matters complained of and the notice shall appoint a time not being less than three months after the service of the notice within which such measures are required to be taken.

(2) If the proprietor fails to comply with the terms of such notice the Minister may, after consultation with the Board, order the institution to be closed.

(3) (a) The proprietor of an institution which has been ordered to be closed by the Minister under the provisions of subsection (2) of this section who fails to close the institution within the time specified shall be guilty of an offence and liable on summary conviction to a fine of fifty pounds, and in addition to a penalty of two pounds for each day during which the institution is opened.

(b) If the offence continues after such conviction, the proprietor shall be liable on summary conviction on a second or any subsequent conviction to a fine of one hundred pounds and in addition to a penalty of two pounds for each day during which the institution is opened or to imprisonment for one year or to such fine, penalty and imprisonment.

44. (1) Subject to the provisions of this section, the proprietor of a public institution shall not discontinue the institution except by leave of the Minister and after serving on the Minister,

Education

and in the case of a public primary or secondary modern school on the local education authority in whose area of authority the school is situate, not less than one year's notice of his intention so to do.

(2) No such notice as aforesaid shall be withdrawn except with the consent of the Minister.

(3) If the Minister grants leave to discontinue an institution, he may impose such requirements as he thinks just—

- (a) in regard to the payment of the whole or any part of the amount of the expenditure incurred in respect of the premises by the Government or by a local education authority or local authority since the first day of January, 1954;
- (b) in regard to the conveyance of the premises to the authority, where the Minister is satisfied that the local education authority or local authority will require, for any purpose connected with education, any premises which are for the time being used for the purposes of the institution, provided such premises are not primarily built and intended for religious worship;
- (c) in regard to the payment by the local education authority of such part of the value of any premises so conveyed as is just having regard to the extent to which those premises were provided otherwise than at the expense of either the Government or of the authority or any local authority;
- (d) where any premises for the time being used for the purpose of the institution are not to be so conveyed, in regard to the payment to the authority by the proprietor of the school of such part of the value of those premises as is just having regard to the extent to which they were provided at the expense of the Government, the authority or any local authority.

(4) If, while any such notice as aforesaid is in force with respect to a voluntary agency institution, the proprietor of the institution informs the Minister that he is unable or unwilling to carry on the institution until the expiration of the notice, the Minister may authorise the local education authority in whose area of authority the institution is situate to conduct the institution during the whole or any part of the unexpired period of the notice as if it were a communitiy institution, and the said authority shall be entitled to the use of the premises of the institution free of charge for that purpose.

Education

(5) In case of any dispute between the Minister and the proprietor in the application of the provisions governing financial settlement in this section, the matter shall be submitted to arbitration and the provisions of the Arbitration Law shall apply.

Cap. 8.

(6) The proprietor of a public institution who—

(a) discontinues the institution without giving the notice required by this section; or

(b) discontinues the institution without having obtained the consent of the Minister; or

(c) fails to comply with any requirement of the Minister under sub-section (3) of this section, shall be guilty of an offence and shall be liable on summary conviction to a fine of twenty pounds.

(7) Where the Minister directs in accordance with sub-section (3) of this section that any sum shall be payable by any person or any local education authority such sum shall be recoverable from that person or local education authority as a civil debt at the suit of the person or authority to whom it is directed to be paid.

Discontinuance of private institutions.

45. (1) The proprietor of a private institution shall not discontinue the institution unless he has given not less than three months notice to the Registrar of private institutions of his intention to do so specifying the reasons for such discontinuance.

(2) The proprietor of a private institution who discontinues the institution without giving the notice required by sub-section (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of twenty pounds.

Transfer of institutions to new sites, and substitution of new institutions for old ones.

46. (1) Where the Minister is satisfied that it is expedient that any institution should be transferred to a new site either because it is not reasonably practicable to make to the existing premises of the institution the alterations necessary for securing that they should conform to the prescribed standards, or in consequence of any movement of population or of any action taken or proposed to be taken under the enactments relating to housing or to town and country planning, the Minister may authorise the transfer of the institution to the new site; and any transfer so authorised shall not be deemed, for the purposes of this Law, to constitute the discontinuance of the institution or the establishment of a new institution.

Education

(2) Where it is claimed that any institution or institutions proposed to be established is or are in substitution for another existing public institution or for two or more such institutions which is or are to be discontinued, then the Minister may by order direct that the institution or institutions proposed to be established shall be established in substitution for the institution or institutions to be discontinued, and where such direction is given the provisions of this Law relating to the discontinuance of institutions shall not apply with respect to the discontinuance of the institution or institutions to be discontinued.

(3) Before authorising any transfer under this section, the Minister shall consult any local education authority which will, in his opinion, be affected by the making of the order, and any such authorisation may impose such conditions on any such local education authority and may contain such incidental and consequential provisions as the Minister thinks fit.

47. (1) The Minister, if he is of the opinion that the union of any two or more public institutions will conduce to greater economy or efficiency, may direct such union to be effected.

Powers of
Minister to
unite
institutions

(2) Before making any such direction the Minister shall consult with the proprietors of the institutions affected and with the local education authority or authorities within whose area of authority the institutions are situated.

(3) When the institutions affected by a direction given under sub-section (1) of this section are not in the ownership of one proprietor, the Minister shall give directions—

- (a) in regard to the conveyance to the proprietors specified in such directions of any premises of the institutions affected which the Minister is satisfied will be required for the purposes of the new institution;
- (b) in regard to the payment to the proprietor of any institution affected by the Government or the local education authority of such part of the value of any premises so conveyed as is just having regard to the extent to which those premises were provided otherwise than at the expense of either the Government or of the local education authority or any local authority.

Education

(4) If the proprietor of any institution is aggrieved by any direction of the Minister with respect to any compensation for which provision is made in paragraph (b) of sub-section (3) of this section he may require the matter to be submitted to arbitration and the provisions of the Arbitration Law shall apply.

Cap. 8.

(5) An arbitrator appointed for the purposes of this section shall, in making any award, have regard to the law for the time being in force relating to the assessment of compensation in respect of land compulsorily acquired.

Acquisition
of land by
agreement.

48. (1) The Minister, on behalf of Her Majesty, may acquire by agreement, whether by way of purchase, lease, exchange or gift the premises of any institution.

(2) Any land acquired under the provisions of sub-section (1) of this section may be sold, conveyed, assigned or demised in accordance with the provisions of the Crown Lands Law to a local education authority, and the provisions of section 3 of that Law shall not apply in relation to the sale or conveyance of any such land to a local education authority.

Cap. 29.

49. The premises of a public institution shall not be used for any purpose which in the opinion of the Minister interferes with the purpose for which such institution was established.

Restriction
on the use of
premises of
public
institutions.

50. Where plans for any building required for the purposes of any public institution are approved by the Minister, he may by order direct that any provision of any Law or Ordinance with respect to standards of building or of any bye-law made under such Law or Ordinance shall not apply in relation to the building or shall apply in relation thereto with such modifications as may be specified in the order.

Exemption
from
building
bye-laws of
buildings
approved
by the
Minister.

51. (1) Subject to the provisions of this Law, the Minister may by regulation make provision for all or any of the following matters:—

Power to
make
regulations.

(a) the form of the particulars to be furnished to the Registrar of private institutions, to the Minister and to the appropriate authorities for the purposes of any of the provisions of this Part;

(b) the procedure with respect to the establishment, discontinuance or transfer to new sites of public or private institutions;

Education

- (c) the standards to which the premises of institutions are to conform;
- (d) the records, accounts and similar documents to be kept in public or private institutions and the returns or information to be supplied by persons and bodies responsible for such institutions.

(2) Regulations made under sub-section (1) of this section may make different provisions for different descriptions of public or private institutions.

(3) With respect to any regulation made under paragraph (c) of sub-section (1) of this section the Minister, if he is satisfied with regard to any institution that in any special circumstances prevailing at the time it would be unreasonable to require conformity with any particular requirement of such regulation, may give a direction that, notwithstanding that that requirement is not satisfied the premises of the institution shall, while the direction remains in force, be deemed to conform to the prescribed standards as regards the matters with which the direction deals.

PART VIII

MANAGEMENT OF GOVERNMENT AND PUBLIC INSTITUTIONS

52. (1) Every government institution shall be controlled and conducted in accordance with directions issued from time to time by the Minister. Government institutions.

(2) None of the following provisions of this Part shall apply to a government institution.

53. (1) For every public primary or secondary modern school situated within the area of a local education authority and for every public higher institution, there shall be an instrument providing for the constitution of the body of managers or governors of the school in accordance with the provisions of this Law, and the instrument providing for the constitution of the body of managers of a primary or secondary modern school is in this Law referred to as an instrument of management and the instrument providing for the constitution of the body of governors of a public higher institution is in this Law referred to as an instrument of government. Constitution of managers and governors and conduct of public institutions.

(2) The instrument of government shall be made by the Minister and the instrument of management shall be made by the Minister after consultation with the local education authority within whose area of authority the school is situate.

Education

(3) Subject to the provisions of this Law and of any trust deed relating to the institution—

(a) every public primary and secondary modern school situated within the area of authority of a local education authority shall be conducted in accordance with rules of management contained in the instrument of management; and

(b) every public higher institution shall be conducted in accordance with articles of government contained in the instrument of government, and such articles shall in particular determine the functions to be exercised in relation to the institution by the body of governors, and the head teacher respectively.

(4) An instrument of government or management shall provide—

(a) that any manager or governor at any time may resign his office; and

(b) that any manager or governor shall be removable by the Minister if the Minister is satisfied after consultation with the managers or governors of the institution concerned, that such removal is in the public interest.

(5) Where the Minister removes a governor or manager under the provisions of an instrument of government or management, the person removed may, in accordance with rules of court, appeal to the High Court and the High Court, if it is of the opinion that the removal of such person is not in the public interest, may reverse the decision of the Minister.

Grouping of
public
primary
and modern
schools
under one
management.

54. The Minister may, after consultation with the local education authority within whose area of authority the schools are situate, make a single instrument for any two or more public primary or secondary modern schools and such an instrument may relate exclusively to primary schools or exclusively to secondary modern schools or partly to primary schools and partly to secondary modern schools:

Provided that the Minister shall not make any such instrument of management with respect to a voluntary agency school except after consultation with the proprietor thereof.

Education

55. Every instrument of management shall provide for the constitution of a body of managers consisting of such number of members not being less than six as the Minister may determine: Membership of body of managers.

Provided that if the instrument of management relates to a voluntary agency school or to two or more such schools all of which are under the proprietorship of the same voluntary agency, two-thirds of the managers shall be nominated by the proprietor of the school or schools concerned:

Provided further that if the instrument of management relates to a community school or to two or more schools all of which are under the proprietorship of the same local education authority the members of the body of management shall be nominated by the authority.

56. The minutes of the proceedings of the managers or governors of public institutions shall be open to inspection by such public officers of the Ministry as the Minister may from time to time specify, and in the case of the minutes of the proceedings of the managers of public primary and secondary modern schools by the local education authority in whose area of authority the schools are situated. Minutes of proceedings of managers and governors.

57. (1) In relation to any public primary or secondary modern school which is situate in an area for which no local education authority is appointed in accordance with section 8, the following provisions shall apply instead of the provisions of sections 53, 54 and 55:— Transitory provisions.

(a) the constitution of the body of managers in force immediately before the appointed day shall continue to have effect;

(b) the school shall, subject to the provisions of this Law and of any regulations made thereunder, be managed and conducted in like manner as it was conducted immediately before the appointed day.

(2) Upon the first appointment of a local education authority as aforesaid the provisions of sub-section (1) of this section shall cease to apply to any public primary or secondary modern school situate within its area.

58. (1) If, either upon complaint by any person interested or otherwise, the minister is satisfied that the managers or governors of any public primary or secondary modern school or any public Powers of Minister in default of managers or governors.

Education

higher institution have failed to discharge any duty imposed upon them by or under this Law, the minister may make an order declaring the managers or governors, as the case may be, to be in default in respect of that duty, and giving such direction for the purpose of enforcing the execution thereof as appear to the Minister to be expedient.

(2) If the managers or governors declared to be in default fail to comply with the directions contained in an order made in accordance with the provisions of sub-section (1) of this section the Minister may transfer to such person or body and for such period as he thinks fit all or any of the functions of the managers or governors in default.

Regulations.

59. (1) The Minister may by regulation make provision with respect to all or any of the following matters:—

- (a) the organisation of public institutions;
- (b) the duties, responsibilities and functions of headmasters of public institutions and of bodies of managers and governors, in so far as such duties, responsibilities and functions are not provided for by this Law or in the rules of management or articles of government of the institution concerned.

(2) Regulations made under sub-section (1) of this section may make different provisions for different descriptions of institutions.

PART IX

TEACHERS

Interpretation.

60. In this Part—

- “order of prohibition” means an order made under paragraph (a) of sub-section (1) of section 69;
- “order of suspension” means an order made under paragraph (b) of sub-section (1) of section 69;
- “order of rescission” means an order made under sub-section (4) of section 70;
- “professional misconduct” means such conduct as is prescribed as professional misconduct by regulations made under sub-section (4) of section 67.

Education

61. (1) The Minister shall appoint a public officer of the Ministry to be Registrar of teachers and it shall be the duty of the said Registrar to keep a register of teachers containing the names and classification of all teachers authorised to teach in any institution in the Region. Registration of teachers.

(2) No person shall teach in any institution in the Region unless he has been enrolled on the register of teachers or after his name has been removed from such register or during any period of suspension.

(3) Any person who contravenes any provision of this section and any proprietor, manager or governor who knowingly permits such contravention shall be guilty of an offence and shall be liable to a fine of five pounds, and to an additional fine of one pound in respect of each day during which such offence continues.

(4) The provisions of this section shall not apply to the teaching of a class of religious instruction or a literacy class by persons other than registered teachers, or, with the approval of the Minister, to the teaching of any particular subject by a person who is not a registered teacher.

(5) Any teacher registered in accordance with the provisions of section 18 of the Education Ordinance, 1952, shall be deemed to be duly registered under this Law. Ordinance No. 17 of 1952.

62. (1) In every community institution, the appointment of teachers shall, save in so far as may be otherwise provided by the rules of management or articles of government for the institution, be under the control of the local education authority, and no teacher in a community primary or secondary modern school shall be dismissed except with the consent of the authority. Appointment and dismissal of teachers in public institutions

(2) Subject to the provisions of this Law, in every public institution of which a voluntary agency is the proprietor the appointment and dismissal of teachers shall be regulated by the rules of management or articles of government for the institution.

(3) The rules of management for every public primary and secondary modern school of which a voluntary agency is the proprietor—

(a) shall make provision for the appointment and dismissal of the teachers by the managers of the school and for enabling the local education authority to determine the number of teachers to be employed; and

Education

(b) may make such provisions as may be agreed between the local education authority and the managers of the school, or in default of such agreement as may be determined by the Minister, for enabling the authority to prohibit the appointment, without the consent of the authority, of teachers to be employed for giving secular instruction.

63. No woman shall be disqualified for employment as a teacher in any public institution, or be dismissed from such employment, by reason only of marriage.

Married women not to be disqualified from teaching in public institutions.

Religious opinions not to disqualify from teaching in community institutions.

64. (1) No person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being a teacher in any community institution, or from being otherwise employed for the purposes of such an institution and no teacher in such an institution shall be under an obligation to give religious instruction unless he has previously entered into an agreement with the authority for such purpose.

(2) Notwithstanding the foregoing provision, it shall be unlawful for any teacher in a community institution to give any form of religious instruction or to disseminate any religious doctrine among pupils contrary to any direction which the local education authority may give in accordance with section 24 of this Law.

(3) No teacher in any community institution shall receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he does or does not give religious instruction or by reason of his religious opinions or of his attending or omitting to attend religious worship.

65. (1) There shall be established a terms of service Committee which shall advise the Minister on the remuneration, terms and conditions of service of teachers who are employed in public institutions and of all persons who are otherwise employed in the service of public education in the Region:

Establishment and constitution of a terms of service Committee.

Provided that it shall not be the function of the Committee to advise the Minister with respect to the remuneration or terms and conditions of service of public officers.

(2) The terms of service Committee shall consist of the following members:—

(a) a chairman (who shall be a person who is not a public officer) appointed by the Minister;

Education

- (b) a public officer of the Ministry of Education, appointed by the Minister;
- (c) a public officer of the Ministry of Finance, appointed by the Minister of Finance;
- (d) a public officer of the Ministry of Local Government, appointed by the Minister of Local Government;
- (e) three members selected from persons who appear to the Minister to represent the interests of voluntary agencies, appointed by the Minister after consultation with such representatives of the voluntary agencies which or who are proprietors of institutions situated in the Region as he may think fit;
- (f) three members to represent the interests of local education authorities, appointed by the Minister after consultation with the Minister of Local Government; and
- (g) nine members selected from amongst persons who appear to the Minister to represent the interest of the Nigerian Union of Teachers, appointed by the Minister after consultation with the said Union.

(3) The Minister shall appoint a public officer of the Ministry and a person nominated by the Nigerian Union of Teachers to be joint secretaries to the terms of service Committee.

(4) The provisions contained in Part II of the First Schedule shall have effect with respect to the constitution and proceedings of the terms of service Committee.

66. (1) The Minister shall establish a teachers' Council (in this Part referred to as the Council), to advise on measures necessary to preserve high standards of conduct in the teaching profession and to perform the functions conferred on it by this Part.

Establishment and constitution of teachers' Council.

(2) The Council shall consist of not less than ten members, appointed by the Minister, of whom at least one shall be a woman.

(3) Members, who shall be teachers registered in accordance with the provisions of this Law or members of the Nigerian Union of Teachers, shall be appointed after consultation with the Nigerian Union of Teachers.

(4) The Minister shall appoint a public officer who is not a member of the Council to be secretary thereof.

(5) The provisions contained in Part III of the First Schedule shall have effect with respect to the constitution and proceedings of the Council.

Allegations
of mis-
conduct
against
teachers.

67. (1) If it is alleged that a teacher, other than a public officer, has, either before or after the appointed day, been guilty of professional misconduct and the Permanent Secretary is of opinion that the charge, if proved, would warrant the prohibition or suspension from teaching of the teacher the Permanent Secretary shall cause such inquiry as he thinks fit to be made into the allegation.

(2) If after such inquiry the Permanent Secretary is satisfied that there is a *prima facie* case of professional misconduct which would warrant the prohibition or suspension from teaching of the teacher—

(a) he shall, in writing, require the teacher to give a written explanation of his conduct;

(b) he may suspend the teacher from teaching or being employed in any institution in the Region until such time as his case has been adjudicated upon in accordance with the provisions of sections 68, 69 and 71.

(3) The Permanent Secretary shall not proceed with any inquiry under this section with respect to any act of misconduct if he is satisfied that more than three months have elapsed between the discovery of the act by the complainant and the making of the complaint.

(4) The Minister may by regulation, after consultation with the Council, make provision specifying acts which are to be regarded as professional misconduct for the purposes of this section.

Reference of
cases of grave
misconduct
to the
teachers'
Council.

68. (1) Where a teacher has, within twenty-one days of a requirement made in accordance with the provisions of section 67 failed to give a written explanation of his conduct or where he has given such a written explanation and it is in the opinion of the Permanent Secretary unsatisfactory, the Permanent Secretary shall forthwith refer the case together with copies of all documents relating to the case in his possession to the Council for its advice.

(2) When a case has been referred to it in accordance with the provisions of sub-section (1) of this section, the Council shall hold an inquiry and shall, without undue delay, tender to the Permanent Secretary its advice as to the degree of guilt, if any, of the teacher, and the disciplinary action, if any, that should be taken.

(3) Subject to any regulations made under the provisions of section 75 a teacher shall have the right to appear before the Council at an inquiry under this section into allegations against him.

Education

69. (1) If, after the conclusion of an inquiry held under section 68 and after complying with the requirements of sub-section (2) of this section, the Permanent Secretary is satisfied that an allegation of professional misconduct has been established against a teacher, he may—

Orders of prohibition and suspension.

- (a) order that the teacher be permanently prohibited from teaching and from being employed in any institution in the Region; or
- (b) order that the teacher be suspended from teaching and from being employed in any institution in the Region for such period as he may think fit.

(2) Where the opinion of the Permanent Secretary with respect to the guilt of a teacher, or the disciplinary action to be taken is not in agreement with the recommendation of the Council he shall, before making any finding or any order under sub-section (1) of this section, confer with the Council with a view to reaching agreement.

70. (1) A teacher in respect of whom an order of suspension or an order of prohibition has been made may apply in writing to the Permanent Secretary for rescission of such order.

Rescission of orders of prohibition and suspension.

(2) An application for rescission of an order shall not be made until the expiration of—

- (a) in the case of an order of suspension, one year from the making thereof;
- (b) in the case of an order of prohibition, two years from the making thereof.

(3) The Permanent Secretary shall, within twenty-one days after the receipt of an application made in accordance with the foregoing provisions of this section, refer the application to the Council for its advice and the Council shall, without delay, tender its recommendation to the Permanent Secretary as to whether the application should be granted or refused.

(4) The Permanent Secretary may, after considering the recommendation of the Council, refuse the application or make an order rescinding the order of prohibition or suspension in question:

Provided that where after considering the recommendation of the Council, the opinion of the Permanent Secretary with respect to the action to be taken is not in agreement with the recommendation of the Council, he shall, before refusing the application or

Education

making any order, confer with the Council with a view to reaching agreement.

(5) When the application of a teacher for rescission of an order has been refused in accordance with the provision of sub-section (4) of this section, he may, not earlier than one year after the date of such refusal, make a further application for rescission of that order and the provisions of sub-sections (3) and (4) of this section shall apply in relation to such further application as they apply to an application under sub-section (1) of this section.

Appeals to
the Minister.

71. (1) Subject to the provisions of this section, any teacher—

(a) in respect of whom an order of prohibition or suspension has been made; or

(b) whose application for an order of rescission has been refused, may appeal to the Minister.

(2) Notice of an appeal shall be lodged with the Permanent Secretary within twenty-one days after the publication in the Regional Gazette of the order of prohibition or suspension, or of the refusal of an order of rescission, as the case may be.

(3) The Permanent Secretary shall, on receipt of a notice of appeal given in accordance with the provisions of sub-section (2) of this section, provide the appellant in writing with the reasons for the order or the refusal of an order as the case may be.

(4) Within twenty-one days after the receipt by the appellant of the document provided by the Permanent Secretary in accordance with the provisions of sub-section (3) of this section, the appellant shall provide the Permanent Secretary with a full statement in writing of the grounds for his appeal.

(4A) The Permanent Secretary shall thereupon place before the Minister the statement provided by the teacher in accordance with sub-section (4) of this section and the reasons provided by the Permanent Secretary in accordance with sub-section (3) of this section.

(5) The Minister, after considering the statement provided by the teacher in accordance with sub-section 4 of this section and the reasons provided by the Permanent Secretary in accordance with sub-section (3) of this section, may—

(a) in relation to an order of prohibition or suspension, affirm, reverse or vary the order; or

Education

(b) in relation to the refusal of an order of rescission, affirm the refusal or make an order of rescission.

(6) The decision of the Minister on an appeal made under this section shall be final.

72. (1) Where a person who held a public office in which he was employed as a teacher has been dismissed from that public office for misconduct and the Permanent Secretary is of the opinion that such person's misconduct would warrant the teacher's being prohibited or suspended from teaching and from being employed in any institution in the Region, the Permanent Secretary shall require such person to show cause in writing within twenty-one days why an order of prohibition or suspension should not be made against him.

Grave misconduct by a dismissed public officer who was a teacher.

(2) After the expiration of twenty-one days from the date of a requirement under sub-section (1) of this section, the Permanent Secretary shall refer the case to the Council for its advice and the Council shall, without delay, tender to the Permanent Secretary its recommendation as to the disciplinary action, if any, which should be taken.

(3) The provisions of sections 68 to 71 inclusive shall apply in relation to any proceedings taken under this section and in relation to any teacher against whom such proceedings are taken as they apply in relation to proceedings taken under section 67 and in relation to any teacher against whom proceedings are taken under that section.

73. Any teacher who, while suspended or prohibited in accordance with any order made under section 69 of this Law, acts in contravention of such order, and any proprietor, manager or governor who knowingly employs him in contravention of such order shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding ten pounds, and, in addition, in the case of a continuing offence, to a fine not exceeding one pound in respect of each day during which the offence continues.

Penalty for teaching whilst under order of prohibition or suspension.

74. (1) The Minister shall make such arrangements as he considers expedient for securing that there shall be available sufficient facilities for the training of teachers for service in public institutions and for that purpose the Minister may, with the consent of the Minister of Local Government, give to any local education authority such directions as he thinks necessary requiring

Duties of Minister and local education authorities as to the training of teachers.

Education

them to establish, maintain or assist any training college or other institution for the training of teachers for primary and secondary modern schools or to provide or assist in the provision of any other facilities specified in the direction.

(2) Where by any direction given under this section a local education authority is required to perform any such functions as aforesaid, the Minister may give such directions to other local education authorities requiring them to contribute towards the expenses incurred in performing those functions as he thinks just.

Regulations.

75. Subject to the provisions of this Law, the Minister may by regulation make provision with respect to—

- (a) the registration of teachers (including, without prejudice to the generality of this expression, the form of the register, the duties of the registrar, the qualifications for registration and the removal of names from the register);
- (b) the examination of teachers and the classification of certificates given to teachers;
- (c) the instruction to be given in teacher-training institutions;
- (d) for requiring any pupil in, or any person entering, a teacher-training institution to give such security as may be prescribed—
 - (i) for the completion of the course of instruction; or
 - (ii) to serve as a teacher in a public institution for such period after completion of the course of instruction as may be prescribed;
- (e) the procedure of the Council relating to inquiries under section 68;
- (f) the classification of teachers and other persons in the service of public education to be employed in public institutions:

Provided that no regulations made under this paragraph shall apply in relation to public officers;
- (g) the salary scales, allowances and terms and conditions of service of teachers and other persons to be employed in public institutions:

Provided that no regulations made under this paragraph shall apply in relation to public officers.

Education

PART X

INSPECTION OF INSTITUTIONS

76. It shall be the duty of the Minister to cause inspections to be made of every institution at such intervals as appear to him to be appropriate, and to cause a special inspection of any such institution to be made whenever he considers such an inspection to be desirable.

Inspection
of
institutions.

77. For the purpose of enabling such inspections to be made, the Governor may appoint suitable persons being public officers or otherwise as Inspectors, and such Inspectors as are not public officers shall be styled Honorary Inspectors.

Appointment
of
Inspectors.

78. An Inspector who is not a public officer shall not be removed except by the Governor in Council on the ground of proved misbehaviour or incapacity:

Removal of
Inspectors.

Provided that he may at any time by notice in writing addressed to the Governor resign his office.

79. (1) An Inspector may be required to perform all or any of the following functions:—

Duties of
Inspectors.

- (a) provide the Minister with a knowledge of institutions and their potentialities and with expert views on educational matters;
- (b) assess and report on the efficiency of an institution by inspection;
- (c) offer all possible assistance to teachers in maintaining educational progress;
- (d) supervise, assess and report on the arrangements for the training of teachers;
- (e) maintain a thorough knowledge of educational developments through study research and travel and advance educational progress by the compilation of pamphlets and handbooks on general or particular aspects of education;
- (f) establish and maintain relations with local and national industrial and commercial enterprises and professional bodies so as to enable the Minister to secure training schemes suitable in type and volume to their needs.

(2) An Inspector who is a public officer may in addition to the functions enumerated in sub-section (1) of this section be required to perform any function which the Governor may from time to time specify.

Education

Power of local education authority to cause inspections.

80. Any local education authority may cause an inspection to be made of any educational institution maintained or assisted by the authority, and such inspections shall be made by officers appointed by the local education authority.

Saving as to religious instruction.

81. The religious instruction given in a voluntary agency institution shall not be subject to inspection, but may be inspected under arrangements made for that purpose by the managers or governors of the school.

Penalty for obstructing an Inspector.

82. If any person obstructs any person authorised to make an inspection in pursuance of the provisions of this Part in the execution of his duty, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

Power to make regulations.

83. The Minister may by regulation make provision with respect to—

- (a) the conduct of the inspection of institutions;
- (b) the making of reports of inspections and the notification of the contents or any part of the contents of a report to any person affected;
- (c) the manner in which any person affected by a report may notify the authority to whom it is made that he disputes any fact or opinion contained in the report.

PART XI

FINANCIAL PROVISIONS

Grants in aid of educational services.

84. (1) The Governor in Council may by regulation make provision—

- (a) for the payment by the Minister to local education authorities of annual grants in respect of the expenditure incurred or to be incurred by such authorities in the exercise of any of their functions relating to education other than their functions relating to the medical inspection and treatment of pupils;
- (b) for requiring local education authorities to make such payments to voluntary agencies or bodies approved by the Minister in respect of expenditure incurred or to be

Education

incurred for the purposes of educational services provided by them or under their management in primary or secondary modern schools within the area of the authority as may be prescribed;

(c) for the payment by the Minister to voluntary agencies and to other persons or bodies (other than local education authorities) approved by the Minister of grants in respect of expenditure incurred or to be incurred for the purposes of educational services provided by them or on their behalf or under their management or for the purposes of educational research;

(d) for the payment by the Minister, for the purpose of enabling pupils to take advantage without unreasonable hardship to themselves or their parents of any educational facilities available to them, of the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable, and of sums by way of scholarships, exhibitions, bursaries and other allowances in respect of pupils over primary school age, including pupils undergoing training as teachers.

(2) Regulations made by the Governor in Council under this section may make provision—

(a) whereby the making of payments by the Minister or by a local education authority in pursuance thereof is dependent upon compliance with the provisions made by or under this Law relating to public institutions;

(b) for withholding any instalment of any grant in pursuance thereof or cancelling any such grant where—

(i) the provisions made by or under this Law relating to public institutions are not being complied with; or

(ii) any payment made to the grantee is not being applied for the purposes for which the grant was made.

(3) The Minister may make grants in accordance with regulations made under paragraphs (a), (c) and (d) of sub-section (1) of this section to the extent that the necessary funds are provided by the Regional Legislature.

85. (1) (a) A local authority which is a local education authority may, with the approval of the Minister, from time to time raise loans within Nigeria for the purposes of their functions under this Law.

Provisions
relating to
loans.

Education

(b) Subject to the provisions of paragraph (a) of this subsection, the provisions of any enactment under which a local authority is established relating to the raising of loans by such authority shall apply in relation to the raising of loans under the power conferred by this section as it applies to the raising of loans under the enactment under which the authority is established.

(2) The Minister may make regulations prescribing the conditions upon which voluntary agencies may raise loans for the purpose of building premises to be used as public institutions and such regulations may make provision for prohibiting the raising of loans for such purposes except with the approval of the Minister.

Expenses of
Ministers.

86. Any expenses incurred by the Minister or by the Minister of Local Government in the exercise of their functions under this Law shall be defrayed out of monies provided by the Regional Legislature.

Contribu-
tions
between local
education
authorities.

87. (1) Where a child who belongs to the area of a local education authority is receiving instruction as a pupil in a public primary school situated within the area of some other local education authority, then, if a claim therefor is made within the prescribed period, that other authority shall, subject as hereinafter provided, be entitled to recover from the authority such contributions as may be determined by agreement between the authorities concerned, or in default of such agreement by the Minister, such contribution to be equal to the cost to the other authority of providing for the education:

Provided that if in the case of any child the Minister is satisfied that there was no sufficient reason why the education provided for him should not have been provided by the authority for the area to which he belongs, the Minister may, on the application of that authority, direct that no contribution shall be recoverable in respect thereof under this sub-section.

(2) For the purposes of this section, a child shall be deemed to belong to the area in which his parent resides:

Provided that if the parent of the child cannot be found or has no place of residence in the Region, the child shall be deemed to belong to the area of the local education authority in whose area he was born.

Education

(3) If it is impracticable to determine under the provision of the last foregoing sub-section to what area a child belongs, he shall be treated as belonging to such area as may be determined by agreement between the local education authorities concerned, or in default of such agreement by the Minister.

(4) Nothing in this section shall be construed as preventing the payment by agreement between local education authorities of contributions in respect of functions performed by one authority on behalf of another in cases where the authority by whom the functions are performed is not entitled to recover contributions under this section.

PART XII

SUPPLEMENTARY PROVISIONS

88. (1) The Minister may make regulations defining the several categories of pupils of primary school age requiring special educational treatment and making provision as to the special methods appropriate for the education of pupils of each category.

Education of pupils requiring special educational treatment.

(2) Any arrangement made by a local education authority or a voluntary agency for the special educational treatment of pupils of any such category shall, so far as is practicable, provide for the education of pupils in whose case the disability is serious in special schools appropriate for that category, but where that is impracticable, or where the disability is not serious, the arrangements may provide for the giving of such education in any public school.

(3) The Minister may by regulations make provision as to the requirements to be complied with by any school as a condition of approval of the school as a special school, and as to the withdrawal of approval from any school which fails to comply with requirements so prescribed.

(4) The regulations made under this section with respect to special schools shall be such as to secure that, so far as is practicable, every pupil in attendance at any such school will attend religious worship and religious instruction or will be withdrawn from attendance at such worship or instruction in accordance with the wishes of his parent.

89. The Minister may by regulation make provision—

- (a) for the physical welfare and, with the concurrence of the Minister responsible for public health, for the medical inspection of pupils in public institutions; and

Power to make regulations in respect of ancillary services.

Education

(b) for the supply of meals and other refreshments for pupils in attendance at public institutions.

Restriction on use and possession of certain literature, pictures, etc., in institutions.

90. (1) The Minister may by order prohibit the use or possession, by any person in any institution, of any book, newspaper, document or other printed or written matter of a subversive or immoral nature, or any film, picture, or other visual aid of such description.

(2) Any person who, in any institution, uses or causes or permits to be used, or is found in possession of any article, the use or possession of which has been prohibited by the Minister in accordance with the provisions of sub-section (1) of this section, shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds.

Power of Minister to prevent unreasonable exercise of functions.

91. If the Minister is satisfied, either on complaint by any person or otherwise, that any local education authority or the managers or governors of any public institution have acted or are proposing to act unreasonably with respect to the exercise of any function conferred or imposed by or under this Law, he may, notwithstanding any enactment rendering the exercise of the power or the performance of the duty contingent upon the opinion of the authority or of the managers or governors, give such directions as to exercise of the power or the performance of the duty as appear to him to be expedient.

Determination of disputes and questions.

92. (1) Save as otherwise expressly provided by this Law, any dispute between a local education authority and the managers or governors of any institution with respect to the exercise of any function conferred or imposed by or under this Law, may, notwithstanding any enactment rendering the exercise of the powers of the performance of the duty contingent upon the opinion of the authority or of the managers or governors, be referred to the Minister; and any such dispute so referred shall be determined by him.

(2) Any dispute between two or more local education authorities as to which of them is responsible for the provision of education for any pupil, or whether contributions in respect of the provision of education for any pupil are payable under this Law by one local education authority to another, shall be determined by the Minister.

Education

93. A local government council or a joint Board which is a local education authority may acquire land, compulsorily or by agreement, subject to and in accordance with Part XVIII of the Local Government Law, for the purposes of their functions under this Law and such purposes shall be deemed to be "local government purposes" in relation to any such council in construing Part XVIII of the Local Government Law.

Compulsory
acquisition
of land.

Cap. 68.

94. (1) Any regulation made by the Minister under the provisions of this Law (except regulations made under sub-section (4) of section 67 or paragraph (g) of section 75), shall be made after consultation with the Board, and, in so far as such regulations give powers to or impose duties upon local education authorities, with the consent of the Minister of Local Government.

Regulations
to be laid
before the
Legislature.

(2) All regulations made under this Law shall be laid before both Houses of the Regional Legislature as soon as may be after they are made.

95. In any legal proceedings any document purporting to be—

Provisions
as to
evidence.

- (a) a document issued by a local education authority, and to be signed by the clerk of that authority or by the chief education officer of that authority or by any other officer of the authority authorised to sign it;
- (b) an extract from the minutes of the proceedings of the managers or governors of any public institution, and to be signed by the chairman of the managers or governors or by their clerk;
- (c) a certificate giving particulars of the attendance of a pupil at a public institution, and to be signed by the head teacher of the institution; or
- (d) a certificate issued by a medical officer signed by such an officer;

shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be, and to have been signed by the person by whom it purports to have been signed, without proof of his identity, signature, or official capacity, and any such extract or certificate as is mentioned in paragraph (b), (c) or (d) of this section shall be evidence of the matters therein stated.

Education

Saving for persons of unsound mind.

Cap. 73.

96. No power or duty conferred or imposed by this Law on the Minister, on local education authorities, or on parents shall be construed as relating to any person who is for the time being the subject of an order made under section 13 of the Lunacy Law.

FIRST SCHEDULE

(SECTIONS 5, 65 AND 66)

PART I

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEEDINGS OF THE ADVISORY BOARD OF EDUCATION

Tenure of office of members.

1. Subject to paragraph 3 of this Part, a member of the Board shall hold office for a period of three years from the date of his appoint:

Provided that whenever the seat of a member becomes vacant under the provisions of paragraph 3 of this Part, any person appointed to fill the vacancy thereby caused shall vacate his seat at the expiration of the remainder of the term of office of the person in whose place he is appointed.

Eligibility for re-appointment.

2. A person who has vacated his office as a member of the Board shall be eligible for re-appointment.

Vacation of office.

3. (1) The seat of a member of the Board appointed by name shall become vacant—

- (a) upon his death; or
- (b) if without having previously obtained the leave of the Minister, he be absent from the meetings of the Board or from Nigeria, for a continuous period of twelve months; or
- (c) if he be declared a bankrupt under any law in force in any part of Her Majesty's dominions or any territory in which Her Majesty has from time to time jurisdiction; or
- (d) if in any part of Her Majesty's dominions or in any territory under Her Majesty's protection or in any territory in which Her Majesty has from time to time jurisdiction he be sentenced to imprisonment, by whatever name called, for a term exceeding six months; or
- (e) if by the order of any competent authority he becomes disqualified by reason of misconduct from practising as a legal or medical practitioner or a teacher in any part of Her Majesty's dominions or in any territory under Her Majesty's protection or in which Her Majesty has from time to time jurisdiction; or
- (f) if, under any law in force in Nigeria, he be found or declared to be of unsound mind or adjudged to be a lunatic; or
- (g) if by writing under his hand addressed to the Minister he resigns his seat; or

Education

(h) if he otherwise ceases to possess qualification for appointment under the provisions of this Law.

(2) (a) The Minister may remove from office any member who has in his opinion ceased to represent the interest in respect of which he was appointed.

(b) Before removing any member in accordance with the provisions of this sub-paragraph the Minister shall consult with such persons as appear to him to represent the interests concerned.

4. (1) Whenever any member of the Board is temporarily absent from Nigeria or is unable to attend any meeting of the Board by reason of sickness or from any other unavoidable cause, by a like appointment, a temporary member may be appointed to take the place of the member so absent. Temporary Members of Board.

(2) Such appointment shall terminate when the circumstances giving rise to such appointment cease to exist.

5. (1) The Board shall meet at such times and places as the Minister or chairman may appoint; and in any event shall meet not less than once in every six months unless by resolution it decides otherwise. Meetings of the Board.

(2) A meeting of the Board shall be convened if ten or more members make a request in writing to that effect to the chairman, specifying the business to be transacted.

(3) Fourteen days at least before a meeting of the Board a summons to attend the meeting, specifying the time and place appointed therefor and signed by the Secretary, shall be left at or sent by post to the usual place of residence of every member of the Board:

Provided that want of service of the summons on any member of the Board shall not affect the validity of a meeting.

6. The chairman (or in his absence the member appointed to preside) and six other members, of whom not less than four shall be members who are not public officers of the Ministry, shall form a quorum. Quorum.

7. At every meeting the chairman, if present, shall preside and in his absence such member of the Board as the Minister shall appoint shall preside. Chairman to preside.

8. (1) Every question which comes before the Board for decision shall be decided by a majority of the votes of the members present and voting. Voting.

(2) The member presiding at any meeting shall have a vote and, in the event of an equality of votes, a casting vote.

9. No act or proceedings of the Board shall be questioned on account of any vacancy among its members. Vacancies.

10. (1) The Board may delegate in writing, subject to any limitations contained in such delegation, any of its functions to special committees appointed by it, and the Board may appoint such advisory committees as may from time to time be considered necessary. Delegation of functions.

(2) The Board shall appoint the chairman of any such committee.

(3) No delegation made under this paragraph shall prevent the exercise by the Board of any function so delegated.

Education

Minutes.

11. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by a person purporting to have acted as chairman of a meeting to which the minutes relate, or of a meeting at which they were read, be evidence of the proceedings of the first mentioned meeting.

Standing Orders.

12. Subject as aforesaid, the Board may make standing orders governing its procedure and the procedure of any committee appointed by it and especially with regard to the holding of meetings, the proceedings thereat, the keeping of minutes and the opening, keeping, closing and auditing of accounts.

PART II

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEEDINGS OF THE TERMS OF SERVICE COMMITTEE

Tenure of office of members.

1. Subject to paragraph 3 of this Part, a member of the Committee shall hold office for a period of three years from the date of his appointment:

Provided that whenever the seat of a member becomes vacant under the provisions of paragraph 3 of this Part, any person appointed to fill the vacancy thereby caused shall vacate his seat at the expiration of the remainder of the term of office of the person in whose place he is appointed.

Eligibility for re-appointment.

2. A person who has vacated his office as a member of the Committee shall be eligible for re-appointment.

Vacation of office.

3. (1) The seat of a member of the Committee appointed by name shall become vacant—

- (a) upon his death; or
- (b) if without having previously obtained the leave of the Minister, he be absent from the meetings of the committee or from Nigeria, for a continuous period of twelve months; or
- (c) if he be declared a bankrupt under any law in force in any part of Her Majesty's dominions or any territory in which Her Majesty has from time to time jurisdiction; or
- (d) if in any part of Her Majesty's dominions or in any territory under Her Majesty's protection or in any territory in which Her Majesty has from time to time jurisdiction he be sentenced to imprisonment, by whatever name called, for a term exceeding six months; or
- (e) if by the order of any competent authority he becomes disqualified by reason of misconduct from practising as a legal or medical practitioner or a teacher in any part of Her Majesty's dominions or in any territory under Her Majesty's protection or in which Her Majesty has from time to time jurisdiction; or
- (f) if, under any law in force in Nigeria, he be found or declared to be of unsound mind or adjudged to be a lunatic; or
- (g) if by writing under his hand addressed to the Minister he resigns his seat; or

Education

(h) if he otherwise ceases to possess qualification for appointment under the provisions of this Law.

(2) (a) The Minister may remove from office any member who has in his opinion ceased to represent the interest in respect of which he was appointed.

(b) Before removing any member in accordance with the provisions of this sub-paragraph the Minister shall consult with such persons as appear to him to represent the interests concerned.

4. (1) Whenever any member of the Committee is temporarily absent from Nigeria or is unable to attend any meeting of the Committee by reason of sickness or from any other unavoidable cause, by a like appointment, a temporary member may be appointed to take the place of the member so absent. Temporary members of Committee.

(2) Such appointment shall terminate when the circumstances giving rise to such appointment cease to exist.

5. (1) The Committee shall meet at such times and places as the chairman shall appoint. Meetings of the Committee.

(2) Thirty days at least before a meeting of the Committee a summons to attend the meeting specifying the time and place appointed therefor and signed by one of the secretaries, shall be left at or sent by post to the usual place of residence of every member of the Committee:

Provided that want of service of the summons on any member of the Committee shall not affect the validity of a meeting.

6. The Chairman, or in his absence the person appointed to be chairman, and nine members shall form a quorum. Quorum.

7. The chairman, if present, shall preside at any meeting of the Committee, and in his absence such member as the Committee may elect for the meeting. Presiding at meetings.

8. (1) All decisions of the Committee shall be made at a meeting thereof and shall be by vote of the majority of members present and voting on the question. Voting.

(2) The member presiding shall have a vote and, in the event of an equality of votes, a casting vote.

9. Subject as aforesaid, the Committee may make standing orders governing its procedure and the procedure of any committee appointed by it and especially with regard to the holding of meetings, the proceedings thereat, the keeping of minutes and the custody and production for inspection of such minutes. Standing orders.

PART III

PROVISIONS RELATING TO THE CONSTITUTION AND POWERS
OF THE TEACHERS' COUNCIL

1. Subject to paragraph 3 of this Part, a member of the Council shall hold office for a period of three years from the date of his appointment: Tenure of office of members.

Education

Provided that whenever the seat of a member becomes vacant under the provisions of paragraph 3 of this Part, any person appointed to fill the vacancy thereby caused shall vacate his seat at the expiration of the remainder of the term of office of the person in whose place he is appointed.

Eligibility
for re-
appointment.

2. A person who has vacated his office as a member of the Council shall be eligible for re-appointment.

Vacation of
office.

3. The seat of a member of the Council shall become vacant—

- (a) upon his death; or
- (b) if without having previously obtained the leave of the Minister, he be absent from the meetings of the Council or from Nigeria, for a continuous period of twelve calendar months; or
- (c) if he be declared a bankrupt under any law in force in any part of Her Majesty's dominions or any territory in which Her Majesty has from time to time jurisdiction; or
- (d) if in any part of Her Majesty's dominions or in any territory under Her Majesty's protection or in any territory in which Her Majesty has from time to time jurisdiction he be sentenced to imprisonment, by whatever name called, for a term exceeding six months; or
- (e) if by the order of any competent authority he becomes disqualified by reason of misconduct from practising as a legal or medical practitioner or a teacher in any part of Her Majesty's dominions or in any territory under Her Majesty's protection or in which Her Majesty has from time to time jurisdiction; or
- (f) if, under any law in force in Nigeria, he be found or declared to be of unsound mind or adjudged to be a lunatic; or
- (g) if by writing under his hand addressed to the Minister he resigns his seat; or
- (h) if he otherwise ceases to possess qualification for appointment under the provisions of this Law.

Temporary
members of
Council

4. (1) Whenever any member of the Council is temporarily absent from Nigeria or is unable to attend any meeting of the Council by reason of sickness or from any other unavoidable cause, by a like appointment a temporary member may be appointed to take the place of the member so absent.

(2) Such appointment shall terminate when the circumstances giving rise to such appointment cease to exist.

Election of
chairman.

5. (1) When the Council first meets and thereafter whenever the office of chairman becomes vacant, the members of the Council shall elect a chairman from amongst their own members.

(2) The office of chairman of the Council shall become vacant—

- (i) at the commencement of the first meeting of the Council occurring more than twelve months after his election; or
- (ii) if he ceases to be a member of the Council; or
- (iii) if he dies; or
- (iv) if he resigns his office.

Education

6. Subject to the provisions of this Law and of any regulation made under section 75, the Council shall meet at such times and places as the Permanent Secretary or the Chairman may appoint. Meetings of the Council.

7. (1) The chairman, if present, shall preside at any meeting of the Council. Presiding at meetings.

(2) In the absence of the chairman from a meeting such member of the Council as the chairman may appoint shall preside and, in default of an appointment, such member as the Committee may elect for the meeting.

8. The chairman or, in his absence, the person elected or appointed to preside, and four other members shall form a quorum. Quorum.

9. (1) All decisions of the Council shall be made at a meeting thereof and shall be by vote of the majority of members present and voting on the question. Voting.

(2) The member presiding shall have a vote and, in the event of an equality of votes, a casting vote.

10. No act or proceedings of the Council shall be questioned on account of any vacancy among its members. Vacancies.

11. Minutes shall be kept of the proceedings of the Council and any such minutes shall, if signed by a person purporting to have acted as chairman of a meeting to which the minutes relate, or of a meeting at which they were read, be evidence of the proceedings of the first mentioned meeting. Minutes.

12. Subject as aforesaid, the Council may make standing orders governing its procedure and the procedure of any committee appointed by it and especially with regard to the holding of meetings, the proceedings thereat, the keeping of minutes, the custody and production for inspection of such minutes and the opening, keeping, closing and auditing of accounts. Standing Orders.

SUBSIDIARY LEGISLATION⁽¹⁾

DELEGATION OF POWERS TO PERMANENT SECRETARY

W.R.L.N.
39 of 1958.
(section 3)

[30th January, 1958.]

There are hereby delegated to the public officer in the third column of the Schedule hereto the powers conferred upon the Minister as set out in the second column by the section of the Education Law set out in the first column.

(¹) Subsidiary legislation on the appointment of Local Education Authorities is not included in this Revised Edition.

Education

SCHEDULE

Section	Powers conferred	Officer
Sub-section (1) of section 58 of the Education Law.	Making of an order declaring the managers or governors, as the case may be, of any public, primary or secondary modern school or any public higher institution which have failed to discharge any duty imposed upon them by or under this Law, to be in default in respect of that duty, and giving such directions for the purpose of enforcing the execution thereof as appear to him to be expedient.	Permanent Secretary, Ministry of Education.

DELEGATION OF POWERS TO PUBLIC OFFICERS

[1st May, 1958.]

W.R.L.N.
295 of 1958.
(section 3)

There are hereby delegated to the public officers set out in the third column of the Schedule hereto the powers set out in the second column opposite to the said officers subject to the limitations and restrictions set out in the fourth column which said powers are conferred upon the Minister by the sections of the Education Law set out in the first column.

SCHEDULE

Section	Powers conferred	Officers	Restrictions
9 (1) (b)	Direction as to maintenance and establishment of primary and secondary modern schools by Local Education Authorities.	Local Education Advisers.	Limited to primary schools.
10	Consent to Local Education Authorities to incur certain expenditure.	The Permanent Secretary.	
12 (2) (e)	Selection of private members to sit on education committees.	Local Education Advisers.	
20 (1)	Control of secular instruction in public institutions.	The Permanent Secretary.	
23 (2)	Direction in respect of religious instruction in voluntary agency schools in special cases.	The Principal Assistant Secretary.	
25 (2)	Control of arrangements for alternative religious instructions.	Local Education Advisers.	Limited to primary and secondary modern schools.
38	Appointment of Registrar of private institutions.	The Principal Assistant Secretary.	
41	Withholding consent to open new institutions.	Local Education Advisers.	Limited to primary and secondary modern schools.
		The Permanent Secretary.	
		The Permanent Secretary.	
		Local Education Advisers.	Limited to primary schools.

*Education*SCHEDULE—*continued*

<i>Section</i>	<i>Power conferred</i>	<i>Officers</i>	<i>Restrictions</i>
43 (1)	Closing institutions	The Permanent Secretary.	
46	Transfer of institutions ...	The Permanent Secretary. Local Education Advisers.	Limited to primary schools.
48	Acquisition of land by agreement.	The Permanent Secretary.	
49	Restrictions on use of premises	The Principal Assistant Secretary. Local Education Advisers.	Limited to primary schools.
50	Exemption from building by-laws.	The Principal Assistant Secretary.	
51 (3)	Exemption from prescribed standards.	The Principal Assistant Secretary. Local Education Advisers.	Limited to primary schools.
52 (1)	Control of Government institutions.	The Permanent Secretary.	
53 (2)	Making of Instruments of Government and Instruments of management.	Local Education Advisers.	Limited to Instruments of management.
54	Grouping of public primary and modern schools under one management.	The Principal Assistant Secretary. Local Education Advisers.	Limited to primary schools.
55	Determination of numerical strength of body of managers.	The Principal Assistant Secretary. Local Education Advisers.	Limited to primary schools.
61 (1)	Appointment of Registrar of Teachers.	The Permanent Secretary.	
61 (4)	Approval of persons who have never been registered teachers to teach any particular subject.	The Principal Assistant Secretary.	
71 (2) (3)	Powers in respect of Teachers' appeals.	The Permanent Secretary.	
85 (1) (a)	Approval for the raising of loans by local authorities which are Local Education Authorities.	The Permanent Secretary.	
87 (1)	Determination of contribution between local education authorities.	The Permanent Secretary.	Excluding the proviso to this section.
87 (3)	Determination of the local education authority in whose area a child belongs.	The Permanent Secretary.	

*Education*SCHEDULE—*continued*

<i>Section</i>	<i>Powers conferred</i>	<i>Officers</i>	<i>Restrictions</i>
1st Schedule, Part I, paragraph 4.	Approval of temporary members of Advisory Board.	The Permanent Secretary.	
1st Schedule, Part II, paragraph 4.	Approval of temporary members of the Terms of Service Committee.	The Permanent Secretary.	
1st Schedule, Part III, paragraph 4.	Approval of temporary members of Teachers' Council.	The Permanent Secretary.	

W.R.L.N.
296 of 1958.
(section 3)

DELEGATION OF POWERS TO PUBLIC OFFICERS

[1st May, 1958.]

There are hereby delegated to the public officers set out in the third column of the Schedule hereto the powers set out in the second column of the Schedule which said powers are conferred upon the Minister by the regulations in the Teachers (General Provisions) Regulations set out in the first column.

SCHEDULE

<i>Regulation</i>	<i>Powers conferred</i>	<i>Officers</i>
23	To give approval for any teacher to act as the teacher in charge of a school where there is difficulty in obtaining the services of a teacher who is qualified under regulations 20, 21 and 22 of the Teachers (General Provisions) Regulations.	Local Education Advisers.
19 (b)	Approval for holders of the Teachers' Grade II Certificate to teach in certain classes in secondary modern schools, secondary schools and teacher training colleges.	Senior Assistant Secretary.
21 (b)	Approval for trained but uncertificated teachers to teach in class six of a primary school.	Local Education Adviser.
22 (b)	Approval for uncertificated teachers to teach in classes above class four in primary schools.	Senior Assistant Secretary.

Education

EDUCATION GRANT-IN-AID REGULATIONS

W.R.L.N.
85 of 1957
76 of 1958
167 of 1958.
(section 84)

1. These Regulations may be cited as the Education (Grant-in-Aid) Regulations. Short title.

2. In these regulations—

“attendance period” means each period of a day during which the pupils are in continuous attendance at a school for the purpose of instruction; Interpretation.

“approved” means approved by the Minister;

“graduate” means the holder of a degree or equivalent qualification granted by a university or institution recognised by the Minister;

“the law” means the Education Law;

Cap. 34.

“prescribed” in relation to scales of salaries and allowances means prescribed by regulations made by the Minister;

“school year” in relation to a primary school means the period appointed under section 30 of the Law, and in relation to any other class of institution means such period, not exceeding twelve months, as the Minister may appoint as the school year for the purposes of that class of institution.

3. (1) For the purposes of these regulations the Minister may, after consultation with the Board, approve any voluntary agency which satisfies the following conditions:— Approval of voluntary agencies.

(a) is registered under the Land (Perpetual Succession) Ordinance, or is a body corporate having perpetual succession and the power to hold land; and L. of N. 1948, Cap. 107.

(b) owns one or more schools situated within the Region which in the opinion of the Minister are *prima facie* deserving of a grant-in-aid on the grounds of efficiency, social usefulness and educational necessity; and

(c) supplies to the Minister proof that no school established or conducted by it is conducted on a profit-making basis; and

(d) gives an undertaking that any extension of its educational activities will comply with the requirements as to any areas of operation laid down by the Minister; and

(e) supplies to the Minister proof that it follows a policy of education acceptable to the Regional Government, and where such a voluntary agency is a group of persons, supplies proof of common resources and a common policy of education; and

(f) maintains a satisfactory system of supervision of its schools; and

(g) has either adequate facilities for the training of teachers or is party to an agreement with another voluntary agency or with the Regional Government for a supply of trained teachers:

Provided that the Minister may approve a voluntary agency which does not satisfy the provisions of sub-paragraph (a) of this paragraph in respect of its primary and secondary modern schools only.

Education

(2) The Minister may, after consultation with the Board, order that a voluntary agency already approved be no longer accorded that status but such order shall not be made unless the voluntary agency has been furnished with a statement of the reasons for the proposed withdrawal of the approval and has been given an opportunity of making representations thereon.

(3) The Minister, pending consultation with the Board, may give his provisional approval to any voluntary agency on such conditions as he may consider fit.

(4) A voluntary agency which immediately before the commencement of the Law had the status of an approved voluntary agency for the purpose of regulation 4 of the Education (Grant-in-Aid) Regulations, 1952, shall be deemed as at the date of the commencement of these regulations to be approved under this regulation.

Ordinance
No.
17 of 1952,
Schedule A.

PART II

ANNUAL GRANTS

Grants by
local
education
authorities
or by local
authorities.

4. (1) For each school year a grant shall, unless the Minister in any case otherwise directs, be made by the appropriate authority in respect of each primary school, of which an approved voluntary agency is the proprietor, which is declared by the Minister to satisfy the conditions specified in regulation 6.

(2) The grant shall be made to the managers of the school and shall be calculated in accordance with regulation 8.

(3) In this regulation "appropriate authority" means—

(a) in relation to a primary school which is situate in an area in respect of which a local education authority is appointed, that local education authority; and

(b) in relation to a primary school which is situate in an area in respect of which no local education authority is appointed, the local authority having jurisdiction in the area upon which the function of a local education authority to assist voluntary agency schools is conferred under section 17 of the Law.

Grants by
the Minister.

5. (1) For each school year a grant shall be made by the Minister to each local education authority and to each local authority—

(a) in respect of each primary school maintained by it which in the opinion of the Minister, satisfies the conditions specified in regulation 6; and

(b) in respect of each primary school assisted by it in accordance with regulation 4.

(2) For each school year a grant may be made by the Minister to the Governors of a higher institution—

(a) of which an approved voluntary agency or local education authority or local authority is the proprietor; and

(b) which satisfies the conditions specified in regulations 6 and 7.

Education

(3) The amounts of the grants which may be made under paragraphs (1) and (2) of this regulation shall be calculated in accordance with regulation 9 and regulations 10 and 11, respectively:

Provided that, if the Minister has reason to believe that any such grant will not be applied for the purpose for which it is made unless it is made direct to such voluntary agency concerned he shall make the grant direct to such voluntary agency.

6. The following conditions shall be satisfied by a primary school, or higher institution in order that a grant may be payable in respect thereof—

General conditions to be satisfied.

- (a) the requirements imposed by or under the Law on public primary schools, or public higher institutions, as the case may be, shall be complied with;
- (b) the institution shall be in the interest of the community to be served;
- (c) the institution shall be kept on a satisfactory level of efficiency and shall be open to inspection by an Inspector;
- (d) the institution shall not be conducted for profit;
- (e) the proprietor shall have a valid title to or interest in the land on which the institution is situated;
- (f) without prejudice to such requirements as may be imposed on institutions by regulations made under the Law—
 - (i) the instruction shall be in accordance with a suitable curriculum and syllabus framed with due regard to the ages, abilities and aptitudes of the pupils, to the periods for which they may be expected to remain at school, and to the organisation and circumstances of the school;
 - (ii) the premises shall be suitable for an institution and accommodation provided thereat shall be adequate and suitable having regard to the number, ages and sex of the pupils attending the institution;
 - (iii) accounts shall be kept of the revenue and expenditure of the institution which accounts, together with all books, papers and moneys relating thereto, shall at all reasonable times be available for inspection by an auditor approved for the purpose by the Minister;
- (g) teachers whose salaries are part of the recognised expenses of the institution shall be paid at the prescribed scales of salary which are appropriate to their qualifications and at the proper incremental points in that scale having regard to their length and conditions of service;
- (h) the number of teachers shall be reasonably proportionate to the number of pupils and the composition and qualifications of the staff shall comply with the maximum and minimum requirements specified by the Minister; and
- (i) no teacher in the institution whose salary forms part of the recognised expenses of the institution shall be permitted to engage in any vocation or occupation which in the opinion of the Minister interferes with the proper conduct of his scholastic duties.

Education

Additional conditions to be satisfied by higher institutions.

7. In addition to the conditions specified in regulation 6 a higher institution shall satisfy the following conditions:—

- (a) the number of attendance periods during the year in respect of which the grant is made shall be at least three hundred and sixty:

Provided that such less number as the Minister may determine shall be sufficient if it is necessary to close the institution during part of the year owing to infectious disease or other unavoidable cause, or if the institution is earning a grant for the first time and is not opened until after the beginning of the school year;

- (b) the composition and qualifications of the staff shall comply with the minimum requirements prescribed by Table I; and
 (c) in the case of a training college, the course of training provided shall be in preparation for an examination for a teacher's certificate approved by the Minister.

Calculation of grants-in-aid of primary schools by local education and local authorities.

8. (1) The grant-in-aid payable in respect of a primary school in accordance with regulation 4 by a local education authority or a local authority shall consist of the recognised expenses of the school together with—

- (a) a sum for each unit of the average number of pupils on the register of the school at the end of the second term in the appropriate school year;
 (b) a sum for each unit of the approved number of class teachers employed in the school in that year.

(2) The recognised expenses of a primary school shall be calculated by adding together—

- (a) the sum equal to the amount of the salaries of the non-expatriate staff approved in respect of the school, computed in accordance with the prescribed scales of salary;
 (b) the expenses in connection with the expatriate staff approved in respect of the school, computed in accordance with the prescribed scales of allowances; and
 (c) the amount of any allowance payable to the head teacher of the school in accordance with the prescribed scales of allowance.

(3) (a) The sum payable in respect of pupils shall be at the rate of five shillings for each unit.

(b) The sum payable in respect of class teachers shall be at the rate of ten pounds for each unit.

9. (1) The grant-in-aid payable by the Minister in accordance with paragraph (1) of regulation 5 shall be—

- (a) in the case of a school maintained by a local education authority or a local authority, the prescribed proportion of the amount which would be payable under paragraph (2) of regulation 8 if the school were assisted by the local education authority or the local authority;
 (b) in the case of a school assisted by a local education authority or a local authority, the prescribed proportion of the grant payable in accordance with paragraph (2) of regulation 8.

Education

(2) For the purposes of paragraph (1) of this regulation the Governor in Council shall by order prescribe in respect of each school year the proportion of expenditure payable to local education authorities and local authorities (which shall be the same for all such authorities).

(3) (a) A sum prescribed under paragraph (2) of this regulation for any school year may not be varied after the commencement of the school year.

(b) Before making any order in respect of a school year which is less than the proportion prescribed for the preceding school year the Governor in Council shall cause not less than twelve months notice of his intention to make such order to be given to all local education authorities and local authorities affected.

10. (1) The grant-in-aid of a training college shall consist of an amount equal to the recognised expenses of the training together with a sum for each unit of the average number of pupils on the register of the training college for the appropriate school year.

(2) The recognised expenses of a training college shall be calculated by adding together—

(a) the sum equal to the amount of the salaries of the non-expatriate staff approved in respect of the training college, computed in accordance with the prescribed scales of salary;

(b) the expenses in connection with the expatriate staff approved in respect of the training college, computed in accordance with the prescribed scales of allowance;

(c) the amount of any allowance payable to members of the staff with special responsibilities in accordance with the prescribed scales of allowance.

(3) The sum payable in respect of pupils shall be at the rate of twenty-two pounds per unit in respect of general training expenses plus two pounds per unit in respect of books.

11. (1) A grant-in-aid of a higher institution, other than a training college, shall be an amount equal to the net expenditure of the institution for the appropriate school year.

Calculation
of grants-in-
aid of higher
institutions.

(2) The net expenditure of a higher institution shall be calculated as follows—

(a) there shall be added together—

(i) the sum equal to the amount of the salaries of the non-expatriate staff approved in respect of the institution, computed in accordance with the prescribed scales of salaries:

Provided that the number of staff in respect of which any sum is so computed shall not exceed the maximum number of staff specified in Table I;

(ii) the expenses in connection with the expatriate staff approved in respect of the institution, computed in accordance with the prescribed scales of allowance:

Education

Provided that the number of staff in respect of which any sum is so computed shall not exceed the maximum number of staff specified in Table I;

(iii) the amount of any allowances payable to members of the staff with special responsibilities in accordance with the prescribed scales of allowance;

(iv) a sum not exceeding six pounds for each unit of the average number of registered pupils on the register at the institution for the appropriate school year:

Provided that such sum shall not be used to defray any expenses incurred in the boarding of pupils.

(v) such sum (if any) as may be approved for the provision of a reserve fund for future development;

(b) there shall be deducted from the aggregate of the amounts specified under sub-paragraph (a) of this paragraph—

(i) a sum equal to fifteen pounds for each unit of the average number of male pupils on the register of the institution for the appropriate school year;

(ii) a sum equal to ten pounds for each unit of the average number of female pupils on the register of the institution for the appropriate school year.

(3) A provisional calculation of the net expenditure shall be made for each year from the estimated expenditure of the institution prepared by the governors thereof in advance of the year to which the grant relates and approved by the Minister and such provisional calculation shall provide for a fixed grant payable quarterly and such grants shall be adjusted on the basis of the actual expenditure disclosed when the accounts of the school to which the grant relates are closed.

Grants-in-aid of administrative and supervisory expenses.

12. (1) For each school year the Minister may make a grant to a local education authority, a local authority or an approved voluntary agency in aid of the administrative and supervisory expenses of such local education authority, local authority or approved voluntary agency.

(2) A grant made to an approved voluntary agency and a local education authority or a local authority in aid of administrative expenses shall be the equivalent of the total actual expenditure approved by the Minister for the purpose.

(3) A grant made to a local education authority, a local authority, or an approved voluntary agency in aid of supervisory expenses shall be computed in accordance with Table II.

Provisional payments.

13. (1) A provisional calculation of grants-in-aid of local education authorities and grants-in-aid of primary school, training college or administrative and supervisory expenses shall be made by the authority by which the grant is payable in advance of the school year to which the grant relates and such provisional calculation shall provide for a fixed grant payable in such instalments as the Minister may direct.

Education

(2) The amount paid in accordance with a provisional calculation shall be adjusted after the end of the school year to which it relates:

Provided that in the case of grants-in-aid of primary schools the provisional calculation may be adjusted after such period as the Minister may direct.

14. (1) The amounts payable in respect of grants-in-aid of a primary school or other institution under this Part shall be paid to the managers or governors of the school or institution or any person or persons nominated by them to receive such amounts.

Persons responsible for application of grants.

(2) The managers or governors of the school or institution shall be responsible for the proper application of the grant.

15. (1) (a) The grant-in-aid of a primary school or higher institution under this Part shall be applied for the following purposes:—

Control of Minister over purposes to which grants applied.

(i) in payment of the salaries and allowances of the staff approved in respect of the school or institution, computed in accordance with the prescribed scales of salary;

(ii) to such other purposes as the Minister may from time to time approve.

(b) Every person responsible for the proper application of a grant-in-aid under this Part who—

(i) neglects or fails to apply any amount payable in respect of the grant to the purposes specified in sub-paragraph (a) of paragraph (1) of this regulation;

(ii) neglects or fails to ensure that the person or persons nominated to receive a grant applies the grant to the purposes specified in sub-paragraph (a) of paragraph (1) of this regulation;

shall be guilty of an offence and shall be liable on conviction to imprisonment for six months or to a fine of fifty pounds or to both such imprisonment and fine.

(2) Where the managers or governors of an institution fail to apply a grant to the purposes specified in sub-paragraph (a) of paragraph (1) of this regulation the Minister may—

(a) in the case of an institution assisted by a local education authority or local authority in accordance with regulation 4 revoke or reduce the grant made in respect of that institution to such local education authority or local authority in accordance with regulation 5;

(b) in the case of an institution assisted by a grant made by the Minister, revoke or reduce the grant.

(3) Where the Minister reduces a grant he shall have regard to the extent to which the amount prescribed by these regulations has been applied to purposes other than those directed.

(4) Where the Minister revokes a grant the amount payable shall not exceed the net outstanding liabilities incurred for the purposes for which the grant was made at the date of the revocation.

Education

(5) Where the Minister revokes or reduces a grant to a local education authority or local authority in accordance with sub-paragraph (b) of paragraph (2) of this regulation he may direct that local education authority or local authority to revoke or reduce the grant made by it to the institution concerned and the provisions of paragraphs (3) and (4) of this regulation shall apply accordingly.

Grants in respect of part of school year.

16. (1) Notwithstanding anything in this Part the Minister, a local education authority or a local authority may make a grant under this Part for part only of a school year.

(2) If a grant is made for part only of a school year the amount shall be reduced as the Minister thinks proper having regard to the length of the period.

Power to withhold grants in respect of certain persons.

17. (1) Notwithstanding anything in this Part, if the Minister is satisfied that the employment of a person in an institution or on the administrative or supervisory staff of a voluntary agency, local education authority or local authority—

(a) would not be conducive to the efficiency of the institution or the administration or supervision of the education provided by such voluntary agency, local education authority or local authority, as the case may be; or

(b) would hinder the implementation of the educational programme of the Government of the Region; or

(c) would involve a breach by the person employed of any agreement entered into by him to serve as a teacher in an institution or on any such administrative or supervisory staff;

he may direct that a grant to that institution under any of the preceding regulations or a grant-in-aid of supervisory and administrative expenses shall not include any amount which would otherwise be payable in respect of the salary, expenses or allowances of such person.

(2) Before giving a direction under sub-paragraph (a) or (b) of paragraph (1) of this regulation the Minister shall consult with the proprietors and, where the Minister thinks fit, the managers or governors of the institutions concerned.

PART III

GRANTS FOR TEACHER TRAINING AND SPECIAL PURPOSES

Grants for the training of teachers.

18. (1) The Minister may make grants to a local education authority, a local authority or an approved voluntary agency in respect of the cost of training teachers for service in the higher institutions maintained by such local education authority, local authority or approved voluntary agency.

(2) In order that a grant may be made under this regulation the following conditions shall be satisfied:—

(a) the student in respect of whom a grant is made shall be a person selected by such committee or body as the Minister may appoint for the purpose from amongst persons proposed by the local education authority, local authority or approved voluntary agency;

Education

(b) the training shall be at a university or other institution (whether in West Africa or elsewhere) approved by the Minister;

(c) the student shall enter into such an agreement as may be approved by the Minister to complete the course of training and thereafter teach for a period to be specified in such agreement in the schools of the local education authority, local authority or approved voluntary agency concerned.

(3) The grant payable under this regulation may, at the Minister's discretion, cover—

(a) the fees payable in respect of the course of training;

(b) a maintenance allowance in respect of board and lodging except where free board and lodging are provided, expenses involved in membership of societies and other activities connected with the institution at which the course is held or in other cultural and athletic activities, and the cost of books, apparatus, clothes, travelling and personal expenditure;

(c) an additional maintenance allowance for a student who is obliged to support himself unaided during the vacations.

(4) In assessing the amount of a grant under this regulation the Minister shall have regard to any income or other means of support available to the student, including sums accruing to him by virtue of any scholarship or other benefit awarded by a local education authority or other body.

(5) A grant under this regulation shall be payable in such instalments as the Minister may direct.

(6) A grant awarded in respect of any student may be revised or cancelled if the Minister thinks fit in the circumstances of the case.

19. (1) Grants may be paid to an approved voluntary agency, local education authority or local authority in aid of all or any of the following special purposes:—

Grants-in-aid for special purposes.

(a) the building of institutions other than secondary modern schools;

(b) the building of secondary modern schools which satisfy the following conditions:—

(i) the requirements imposed by and under the Law on secondary modern schools;

(ii) the conditions specified in paragraphs (b) to (i) inclusive of regulation 6;

(c) science equipment;

(d) special equipment;

(e) marriage training schools;

(f) special educational treatment;

(g) adult education, including literacy classes;

(h) the payment of expatriate staff on temporary engagement for the improvement or establishment of trade vocational departments in schools; and

Education

- (i) any other special educational purposes which, in the opinion of the Minister, may from time to time be regarded as calling for financial support.
- (2) Such grants shall be of such amount and made under such conditions as shall be determined from time to time by the Minister.
- (3) The provisions of regulation 15 shall apply in relation to a grant made under this regulation as they apply to a grant made under Part II.

TABLE I

(REGULATIONS 7 (b) AND 11 (2))

PART A

SECONDARY GRAMMAR SCHOOLS: MINIMUM STAFF

(i) The minimum number of graduate teachers required on the staff of a Secondary Grammar School or part of a Secondary Grammar School is one for every ninety pupils or part thereof on the register, the total number of graduates and other teachers being such as there is not less than one teacher for every thirty pupils on the roll.

(ii) Teachers who have not any of the following qualifications may not teach above Class II of a Secondary Grammar School without the special permission of the Minister: a University degree recognised by the Minister, a pass in an Intermediate examination of London University or other approved Intermediate degree examination, a Yaba Diploma, a Ministry of Education Certificate, a Higher School Certificate of an approved examination syndicate, a Teachers' Senior Certificate.

PART B

SECONDARY GRAMMAR SCHOOLS: MAXIMUM STAFF

<i>No. of Classes</i>	<i>Assistants + Principal</i>		<i>Total Staff</i>
4	5	1	6
5	7	1	8
6	8	1	9
7	10	1	11
8	11	1	12
9	13	1	14
10	14	1	15
11	15	1	16
12	17	1	18
16	23	1	24

In special cases approved by the Minister an extra member of staff may be allowed.

Education

Where staff is employed in a secondary grammar school both on a whole time basis and a part time basis, any question which may arise as to whether the maximum or minimum numbers required by this Table have been complied with shall be determined by the Minister.

TABLE II
(REGULATION 12 (3))

1. A local education authority, local authority or approved voluntary agency shall be entitled to appoint one supervisor in respect of every forty schools of which the authority or agency is the proprietor.
2. The Minister may make a grant for a supervisor where the number of schools is less than forty if he considers that special circumstances exist which justify such a grant.
3. In respect of the supervision of schools in areas which the Minister considers difficult of access, he may reduce the number of schools for which a supervisor is allowed.
4. The grant payable in respect of a supervisor shall be—
 - (a) the sum equal to the amount of his salary computed in accordance with the prescribed scale appropriate to his qualifications;
 - (b) a special responsibility allowance of £50 per annum;
 - (c) a special transport allowances of £120 per annum.

EDUCATIONAL INSTITUTIONS (ESTABLISHMENT)
REGULATIONS

W.R.L.N.
306 of 1955.
(section 51)

1. These Regulations may be cited as the Educational Institutions (Establishment) Regulations. Short title.
2. The form of the particulars to be furnished to the appropriate authorities specified in sub-section 2 of section 39 of the Education Law in respect of the establishment of, and in the case of private institutions the registration of, an educational institution shall be as specified in the Schedule hereto. Form of particulars to be furnished.

SCHEDULE

Form W.R. Ed. 14

MINISTRY OF EDUCATION, WESTERN REGION OF NIGERIA
APPLICATION FOR PERMISSION TO ESTABLISH A NEW
*PUBLIC/PRIVATE INSTITUTION
APPLICATION FOR REGISTRATION OF A
PRIVATE INSTITUTION

(Please complete the following carefully, as permission to establish, and the registration of, the institution will depend on the information given. The Provincial Education Officer of the Province in whose area it is proposed to open the institution will give advice if necessary)

Education

PART 1

If the institution was being conducted immediately before the commencement of the Education Law, give the following particulars:—

- (1) Date on which permission to open was given.....
 (2) By whom was the permission given?.....

Note.—A copy of the letter in which permission to open was given must be attached.

PART 2

- (1) Proposed Name of institution/Name of institution.....
 (2) Province..... (3) Division.....
 (4) Locality.....
 (5) Name and address of proprietor(s).....
 (6) Name and address of manager (if any).....

PART 3

SITUATION AND BUILDINGS

- (1) You are required to attach to this form:

(i) A sketch plan of the locality showing the position of the site. This need not be to scale but should indicate clearly its position with respect to surrounding towns or villages and roads.

(ii) A site plan to scale showing the size of the plot and the position of all buildings (now built and proposed) thereon; also the position of any well or water supply and of the latrines.

(iii) A scale "plan" and "elevation" of the buildings (now built and proposed). Notes should be added indicating the materials used or to be used in constructing the roof, walls and floor. The plans must show the position of all doors and windows and their respective sizes.

†(2) Has the site been surveyed?.....

If so, give (i) Date of survey.....
 (ii) Name and address of surveyor.....

†(3) Has the site been approved by a representative of the Medical or Health Department?.....

If so, give (i) Date of approval.....
 (ii) By whom approved.....
 (iii) Department..... Letter ref.....

(4) Are there any arrangements for drinking water on the site?.....

If not, give the distance of the nearest supply.....

(5) What facilities are available for playground space for the children?.....

(6) Have the present buildings and/or the plans for future buildings been approved by—

(a) A qualified engineer?.....

If so, give (i) Date of approval.....

(ii) By whom approved.....

(iii) Address.....

(b) A representative of the Medical or Health Department?.....

If so, give (i) Date of approval.....

(ii) By whom approved.....

(iii) Department..... Letter ref.....

†*Note.*—A copy of the certificate or letter of approval should be attached in either or both cases.

Education

(7) What latrine accommodation is provided? Give the number of seats for males and females respectively.....

Note.—Adequate latrine accommodation must be provided before the school is opened. Minimum requirements are one seat per sixteen boys (or less) and one seat per sixteen girls (or less). Separate accommodation must be provided for male and female staff.

(8) Attach a brief outline of your building programme (not required in the case of complete institutions which are already established).

Note.—(i) Number of classrooms, laboratories, handicraft rooms, boarding houses, staff quarters, latrines, etc., to be built initially or which are now available, and the number to be added each year until the institution is complete.

(ii) Any changes to this plan must be notified within one month.

(9) To whom will the buildings legally belong?.....

PART IV

1.—ORGANISATION

(1) Type of institution.....

Note.—See note 1 on the attached sheet.

(2) If this is to be a nursery school to what primary school, if any, is it to be attached?.....

(3) (a) New institutions: How many classes will there be and what is the proposed enrolment—

(i) in the first year?..... classes..... enrolment

(ii) when the institution is complete?....., or

(b) Already established but incomplete institutions:

(i) How many classes are there and what is the present enrolment?..... enrolment

(ii) How many classes will there be and what is the proposed enrolment when the institution is completed?..... enrolment, or

(c) Already established and complete institutions:

(i) Number of classes.....

(ii) Enrolment.....

(4) If this is to be a teacher training college what facilities are available for teaching practice and demonstration work?.....

Note.—(i) Any new institution should in general be opened with one class only, an additional class being added each year until the institution is complete. If it is proposed to open with more than one class the reasons for this must be clearly stated under "Other information" below.

(ii) The word 'class(es)' should be amended to read 'form(s)' or 'standard(s)' if appropriate.

2.—SYLLABUS

(5) What language is or will be the medium of instruction in each class?.....

(6) What external examination will the students sit?.....

†(7) You are required to attach to this form:

(i) A brief outline of your syllabuses. (This may be by reference to a Government publication or the syllabuses for an external examination.)

(ii) Your proposed time-table showing class, subject, length of period and teacher.

(iii) A summary of the time-table showing class, subject, number of hours per week and teacher(s).

Education

3.—EQUIPMENT

†(8) Give particulars of the seating and desk accommodation which is:

(i) immediately available or initially proposed

.....

(ii) proposed for the complete institution.

.....

Note.—This should be specific to the type of room and should include the arrangements for the teacher. The long bench desk and form are not considered to be satisfactory.

†(9) In the case of institutions where special equipment is required you must attach a list of such equipment stating what will be initially and finally available.

Note.—See note 2 on the attached sheet.

†(10) What storage space do you propose to have—

(i) in the rooms (cupboards, shelves, etc.,)?

.....

(ii) in special storage rooms?

.....

PART V

STAFF

(1) Particulars of proposed or present staff.

Name in full (<i>block letters</i>)		Registered Number	Sex	Nationality	Qualifications	Salary per annum
Surname	Other names					

Note.—If any teacher has not been registered give the date of application for registration.

(2) Have any of the above staff, additional to their qualifications, attended any special courses in respect of their employment? If so, give details—

.....

(3) Have you any staff in training? If so, give details (as above) and course of training—

.....

Education

PART VI

LAND POSSESSED AND FINANCE

- (1) Who owns the site?.....
- (2) Is the ownership in dispute?.....
- If so, attach a letter explaining the position.
- (3) Have you any title to the land or other guarantee of security of tenure?.....
- (4) If the land and/or buildings are rented what is the rent per annum?.....
- †(5) What capital sum have you immediately available for this project? (round figures).....
- (6) What further sources of capital are available to you in the future?.....
- (7) What fees are to be or are charged in each class?.....
- (8) What sources of revenue, other than fees, will there be or are there to enable all expenses to be met?.....
- Give the amount per annum.....

PART VII

OTHER INFORMATION

- †(1) Has the institution been opened before under this or any other name?.....
- †(2) If so, when was it closed?.....
- †(3) Why was it closed?.....

Note.—If it was closed by order of the Education Department or Ministry a copy of the order must be attached.

- †(4) Have you previously applied to open this institution?.....
- If so, was permission refused?.....

Note.—A copy of the letter refusing permission should be enclosed.

- (5) Have you ever received a "warning of closure"?.....
- If so, enclose a copy of the letter of warning.
- (6) Any other relevant information—
-
-
-

PART VIII

I/We certify (i) that I/we have read the Education Law and regulations now in force and to the best of my/our belief the institution will be conducted in accordance therewith;

(ii) that the information given above and attached is correct and I/we hereby apply for permission to open and/or registration of the institution to which the above particulars and attachments refer.

Date.....

Signature(s).....

Proprietor(s)

Education

PART IX

(1) Comments by the officer of the Ministry responsible for the inspection of the institution—

.....

(2) Comments by the Local Authority/Local Education Authority (if required)—

.....

PART X

Permission is/is not given for this institution to be opened and to be registered.
 Date.....

Date of registration..... Minister
 Registered number

Permission withdrawn and institution struck off the register.
 Date..... Registrar of private institutions
 Letter ref.....

The above institution has become a public institution.
 Date..... Letter ref.....

*Delete whichever is inapplicable.

†Sections indicated need not be completed by private institutions which were being conducted immediately before the commencement of the Law.

GOVERNMENT HIGHER INSTITUTIONS (FEES)
 REGULATIONS

W.R.L.N.
 227 of 1957;
 158 of 1960;
 363 of 1961.
 (section 29)

Short title.

1. These Regulations may be cited as the Government Higher Institutions (Fees) Regulations.

Fees to be charged.

2. The fees to be paid each year by registered pupils at Government Higher Institutions shall be as set out in the Schedule to these regulations.

When payable.

3. (a) The consolidated fee to be paid by the registered pupils at Government Secondary Grammar Schools shall be payable in three equal instalments and one instalment shall be paid before the beginning of each term. The equipment fee to be paid by registered pupils at Government Secondary Grammar Schools shall be paid at such times and in such instalments as the Principal of the School in respect of which a pupil is registered may desire.

(b) The consolidated fee to be paid by registered pupils at Government Teacher Training Colleges shall be payable in two equal instalments and one instalment shall be paid before the beginning of each of the first two terms

Education

The equipment fee to be paid by registered pupils at Government Teacher Training Colleges shall be paid at such times and in such instalments as the Principal of the College in respect of which a pupil is registered may direct.

(c) The consolidated fee to be paid by registered pupils at Government Trade Centres shall be paid in one instalment before the beginning of the first term.

(d) The consolidated fee to be paid by registered pupils at Government Women's Occupational Trade Centres shall be paid in one instalment before the beginning of the first term.

SCHEDULE

(REGULATION 2)

In this Schedule, "Institutional year" in relation to any higher institutions means such period, not exceeding twelve months, as the Minister may appoint as the institutional year for the purpose of that class of institution.

GOVERNMENT SECONDARY GRAMMAR SCHOOLS FOR BOYS
AND GIRLS

- | | |
|---|---|
| 1. All registered pupils excluding pupils registered in respect of Higher School Certificate Classes. | } £65 Consolidated Fee;
£10 Equipment Fee. |
| 2. All pupils registered in respect of Higher School Certificate Classes. | } £70 Consolidated Fee;
£15 Equipment Fee. |

GOVERNMENT TEACHER TRAINING COLLEGES FOR MEN

- | | | |
|---------------------------|--|--|
| 3. All registered pupils. | £15 Consolidated Fee
£6 Equipment Fee | } In respect of the institutional year commencing on any date in the year 1957. |
| | £20 Consolidated Fee
£6 Equipment Fee | } In respect of the institutional year commencing on any date in the year 1958 and succeeding institutional years. |

GOVERNMENT TEACHER TRAINING COLLEGES FOR WOMEN

- | | | |
|---------------------------|---|---|
| 4. All registered pupils. | £5 Consolidated Fee
£8 Equipment Fee | } In respect of the institutional year commencing on any date in the year 1957. |
|---------------------------|---|---|

Education

£20 Consolidated Fee
£10 Equipment Fee

In respect of the institutional year commencing on any date in the year 1958 and succeeding institutional years.

GOVERNMENT TRADE CENTRES

5. All registered pupils. £36 Consolidated Fee.

GOVERNMENT WOMEN'S OCCUPATIONAL TRADE CENTRES

6. All registered pupils. £7 10s Consolidated Fee in respect of institutional year commencing before 1st January, 1958.
£15 Consolidated Fee in respect of institutional year commencing on or after 1st January, 1958.

SCHOOLS AND INSTITUTIONS
(BUILDING ACCOMMODATION) REGULATIONS

1. These Regulations may be cited as the Schools and Institutions (Building and Accommodation) Regulations.

2. (1) In these regulations—
“the Law” means the Education Law.

(2) Other expressions, to which meanings are assigned by the Law, shall have the same meanings for the purpose of these regulations.

3. (a) In every primary school the minimum accommodation in respect of each pupil accommodated in any classroom therein shall not be less than one hundred cubic feet of internal space and 10 square feet of floor space, inclusive of teaching space.

(b) In respect of each pupil there shall be provided desk or table space not less than 18 inches long by 15 inches wide together with seating accommodation not less than 9 inches wide and incorporating a back rest.

(c) Latrine accommodation shall be provided of either bucket, pit or flush pattern in accordance with the following scale:—
One bucket, pit or flush latrine per sixteen boys (or less) and one per sixteen girls (or less). Separate accommodation shall be provided for male and female staff.

(d) It shall be the duty of every Headmaster to draw up rules for the evacuation of school buildings in the event of fire or other emergency to ensure first the safety of the pupils and second the safety of school records and property. This drill shall be practised not less than twice each term and an appropriate entry made in the school log book.

W.R.L.N.
35 of 1957.
(sections 51
(1) (c) and
59 (1) (b)).

Short title.

Interpretation.
Cap. 34.

Primary
Schools.

Education

4. (a) In every Secondary Modern School the minimum accommodation in respect of each pupil accommodated in any classroom therein shall be not less than 126 cubic feet of internal space and 14 square feet of floor space inclusive of teaching space. Secondary
Modern
Schools.

(b) In respect of each pupil there shall be provided desk space not less than 18 inches long by 15 inches wide together with seating accommodation not less than 9 inches wide and incorporating a back rest. All desks shall be of single or dual pattern.

(c) Latrine accommodation shall be provided of either bucket, pit or flush pattern in accordance with the following scale—

One bucket, pit or flush latrine per sixteen boys (or less) and one per sixteen girls (or less). Separate accommodation shall be provided for male and female staff.

(d) It shall be the duty of every Headmaster to draw up rules for the evacuation of school buildings in the event of fire or other emergency to ensure first the safety of the pupils and second the safety of school records and property.

SCHOOLS AND INSTITUTIONS (EXAMINATION FEES)
REGULATIONS

W.R.L.N.
128 of 1957
322 of 1958.
(sections 29
(e)
and 75 (b)).

1. These Regulations may be cited as the Schools and Institutions (Examination Fees) Regulations. Short title.

2. The fees to be paid by entrants to the examinations specified in the Schedule to these regulations shall be as specified in the said Schedule. Fees to be
charged.

SCHEDULE

1. *Teachers' Grade II Examinations:*

	£	s	d
(i) Internal candidates (in final year of four-year course) or post-secondary course)	1	0	0
(ii) Internal candidates (in final year of post-Grade III course)	5	0	0
(iii) Internal referred candidates (for each attempt, independent of the number of subjects) ...	1	5	0
(iv) External candidates, Part I	4	0	0
(v) External candidates, Part II	4	0	0
(vi) External referred candidates, Part II (for each attempt)... ..	4	0	0

Education

2. <i>Teachers' Grade III Examination:</i>						
(i) Internal candidates (in final year)	...	...	...	...	1	0 0
(ii) Referred candidates	...	...	...	...	0	10 0
3. <i>Secondary Modern Schools Examinations:</i>						
All candidates	...	...	...	...	0	15 0
4. <i>Primary School Leaving Certificate:</i>						
All candidates	...	...	...	...	0	2 6

W.R.L.N.
94 of 1957
160 of 1957
196 of 1960.
(sections 29
(¹) and 51).
Short title.

SCHOOLS AND INSTITUTIONS (RECORDS) REGULATIONS

Interpreta-
tion.

Cap. 34.

1. These Regulations may be cited as the Schools and Institutions (Records) Regulations.

2. In these regulations unless the context otherwise requires—

- (a) "the Law" means the Education Law as amended by any later enactment;
"authority" means local education authority;
- (b) other expressions which have meanings assigned to them by the Law shall have the same respective meanings for the purpose of these regulations.

Registers and
Records to
be kept in
Public
Institutions.

3. (1) At every Government or public primary school or public Secondary Modern School the following records and books shall be kept by the teacher in charge and produced at the request of an inspecting officer, supervisor, secretary or member of the Body of Managers:—

- (a) a register of admission, progress and withdrawal which shall be kept in accordance with Schedule A;
- (b) a register of attendance which shall be kept in accordance with Schedule B;
- (c) a log book in which shall be entered by the teacher in charge the visits of members of the Body of Managers, inspecting officers, supervisor or secretary, the appointment, absence, illness, or failure of duty of any of the school staff or any special event or circumstances affecting the school which may deserve to be recorded;
- (d) a report file in which reports made by any inspecting officer or supervisor shall be kept, and produced in conjunction with the log book;
- (e) a visitors' book;

Education

- (f) a school cash book which shall be kept in accordance with Schedule C. In every public Secondary Modern School there will also be kept a separate account for fees;
- (g) a copy of the Education Law, all regulations made thereunder and any amendments thereto;
- (h) a copy of the approved syllabus and schemes of work;
- (i) a school time-table and analysis thereof approved by the appropriate supervisor which must be clearly exhibited;
- (j) a class time-table which shall be exhibited in each class-room;
- (k) teachers' weekly diaries of all work done;
- (l) teachers' lesson notes;
- (m) a corporal punishment book in which shall be entered by the headmaster or teacher authorised by the headmaster, the date of all such punishment awarded, the nature of the offence and punishment, the name of the teacher administering the punishment and the name of the pupil. Such corporal punishment shall be kept to the minimum and shall be administered only by the headmaster, or teacher authorised by the headmaster, such authorisation to be entered in the log book:

Provided that no female pupil shall receive corporal punishment from a male teacher;

- (n) a stock book showing items of equipment.

(2) The registers and books listed in sub-paragraphs (a) and (f) of paragraph (1) of this regulation shall be kept for at least ten years and those in sub-paragraphs (b) and (m) for at least five years after the last entry. The log book, report file, and visitors' book shall be retained permanently.

(3) At every Government and public Secondary Grammar School the following records and books shall be kept by the principal and produced at the request of an inspecting officer or a member of the Board of Governors:—

- (a) a register of admission, progress and withdrawal;
- (b) a register of attendance which shall be kept in accordance with Schedule B;
- (c) a log book in which shall be entered by the principal the visits of members of the Board of Governors and inspecting officers, the appointment, absence, illness, or failure of duty of any of the school staff or any special event or circumstances affecting the school which may deserve to be recorded;
- (d) a report file in which reports made by an inspecting or visiting officer shall be kept and produced in conjunction with the log book;
- (e) a visitors' book;
- (f) a school accounts book showing every item of income and expenditure;

Education

- (g) a copy of the Education Law, all regulations thereunder and any amendments thereto;
- (h) a copy of the syllabus in each subject;
- (i) a school time-table and analysis;
- (j) a class time-table and home-work time-table which shall be exhibited in each classroom;
- (k) a corporal punishment book as specified in sub-paragraph (m) of paragraph (1) of this regulation.

(4) The registers and books listed in sub-paragraphs (a) and (f) of paragraph (3) of this regulation shall be kept for at least ten years and those in sub-paragraphs (b) and (k) for at least five years after the last entry. The log book shall be retained permanently.

(5) At every Government and public teacher training college the following records and book shall be kept by the principal and produced at the request of an inspecting officer or member of the Board of Governors—

- (a) a register of admission, progress and withdrawal;
- (b) a log book in which shall be entered by the principal the visits of members of the Board of Governors, and inspecting officers, the appointment, absence exceeding a week, illness or failure of duty of any of the College staff or any special event or circumstances affecting the College which may deserve to be recorded;
- (c) a report file in which reports made by an inspecting officer shall be kept and produced in conjunction with the log book;
- (d) a visitors' book;
- (e) a college account book showing every item of income and expenditure;
- (f) a copy of the Education Law, all regulations made thereunder and any amendments thereto;
- (g) a copy of the approved syllabus and schemes of work;
- (h) a college time-table and analysis.

(6) The registers and books listed in sub-paragraphs (a) and (e) of paragraph (5) of this regulation shall be kept for at least ten years. The log book, report file, and visitors' book shall be retained permanently.

Registers to be kept in private institutions.

4. (1) At every private institution the following records and books shall be kept by the proprietor and produced at the request of an inspecting officer—

- (a) a register of admission, progress and withdrawal;
- (b) a register of attendance;
- (c) a log book;
- (d) a report file;
- (e) a visitors' book;
- (f) a school or college time-table and analysis;

Education

- (g) a corporal punishment book as specified in sub-paragraph (m) of paragraph (1) of regulation 3;
- (h) a copy of the Education Law, all regulations thereunder and any amendments thereto;
- (i) a class time-table in each class-room;
- (j) a copy of the approved syllabus and scheme of work;
- (k) teachers' weekly diaries of all work done;
- (l) teachers' lesson notes.

(2) The registers and books listed in sub-paragraphs (a) and (c) of paragraph (1) of this regulation shall be kept for at least ten years and those in sub-paragraphs (b) and (g) for at least two years after the last entry.

4A. The teacher in charge of an institution mentioned in paragraph (1) of regulation 3, or the principal of an institution mentioned in paragraph (3) or paragraph (5) of regulation 3, or the proprietor of a private institution, as the case may be, shall submit to the Minister a statement of accounts relating to the income and expenditure of such institution at such times, within such periods in such form, and with such vouchers and other documents as may be required by the Minister.

Teacher or Principal or Proprietor to submit statement of accounts to Minister.

5. (1) Any person responsible for keeping the records prescribed by regulation 3 or 4 who fails to keep or produce the books and records so prescribed shall be guilty of an offence. Penalties.

(1A) Any person responsible for submitting a statement of accounts, voucher or other document required to be submitted under the provisions of regulation 4A who fails to submit such statement of accounts, voucher or other document as required thereunder shall be guilty of an offence.

(2) Any member of a Body of Managers or Board of Governors of an institution in which the person responsible for keeping the records prescribed by regulation 3 or 4 fails to keep or produce the books and records so prescribed shall be guilty of an offence.

(3) A person convicted of an offence under these regulations shall be liable to a fine of fifty pounds.

SCHEDULE A

1. The Admission Register shall contain the following particulars in respect of every pupil admitted to the school:—

- (a) Admission number.
- (b) Name in full; surname first in block capitals.
- (c) Sex.
- (d) Name and address of parent and guardian.
- (e) Day, month and year of birth.
- (f) Day, month and year of admission or re-admission.

Education

- (g) Name and address of school last attended, if any.
- (h) Last class attended at previous school.
- (i) Number of Transfer Certificate from previous school.
- (j) Record of Progress—one column for each class and year of entering to be given.
- (k) Date of leaving school.
- (l) Number of transfer certificate, if any.
- (m) Number of School Leaving Certificate, if any.
- (n) Number of Testimonial, if any.
- (o) Remarks, *e.g.*, reason for leaving school, re-admission and previous admission number.

2. Every entry in an Admission Register shall be written in ink and any correction shall be made in such a manner that the original entry and the correction are both clearly distinguishable.

3. The following grounds are hereby prescribed as those on which a pupil may be deemed to have left school, that is to say:—

- (i) that he or she has been registered as a pupil of another institution;
- (ii) that his or her parent or guardian has notified the Headmaster in writing that the child will no longer attend the institution at which he is registered;
- (iii) that he or she has been continuously absent from the institution for a period of not less than four weeks and the Body of Managers has failed, after reasonable enquiry, to obtain information of the cause of the absence;
- (iv) that the Body of Managers has ascertained that the pupil has died;
- (v) that the pupil has completed the full course prescribed for the institution.

SCHEDULE B

1. The Attendance Register for each class shall contain the following particulars in respect of every pupil whose name is entered in the admission register until such time as the pupil is deemed to have left the institution:—

- (a) Admission number.
- (b) Name in full, surname first in block capitals, the names of all boys in attendance at the start of the school year to be entered in blue or black ink in alphabetical order and thereafter the names of all the girls, in red ink.
- (c) Sex.

Education

2. The Attendance Register shall be kept in accordance with the following procedure:—

- (a) There shall be columns to show the attendance or absence at every morning and afternoon session.
- (b) There shall be columns to show a weekly summary of attendances.
- (c) The register shall be closed thirty minutes after the commencement of each session.
- (d) The presence of a pupil shall be indicated by an oblique stroke in blue or black ink in the column used for that session.
- (e) The absence of a pupil shall be indicated by an "o" in blue or black ink.
- (f) The late arrival of a pupil before the register is closed shall be indicated by an oblique stroke in red ink.
- (g) No deletion or erasure shall be made in the Attendance Register. All errors shall be circled in red ink and the correct entry made alongside.
- (h) If during the first period in any session the class is receiving instruction at some place other than its own school, then the teacher in charge in addition to keeping an Attendance Register should send a list of absentees or a "nil" return to each school concerned each day. There should be a reconciliation of the two sets of registers twice a term.
- (i) At the end of each term a summary shall be made of attendances and absences in the case of each child.
- (j) The Headmaster shall check and initial all weekly summaries during the last session of the week.
- (k) The Headmaster shall check and initial all terminal summaries.

3. Where two classes are taught by one teacher, one register may be kept, showing the two classes separately on each page.

Education

TEACHERS (GENERAL PROVISIONS) REGULATIONS

PART I

PRELIMINARY

W.R.L.N.
87 of 1956
161 of 1957
228 of 1957
26 of 1961
328 of 1961.
(sections 29
(c)
and 75).

1. These Regulations may be cited as the Teachers (General Provisions) Regulations. Short title.

2. In these regulations—

Interpreta-
tion.

“Advanced Level” in relation to an examination organised by an examining body has the meaning assigned to it in the regulations relating to that examination and in relation to a subject in which a person is examined for a teachers’ certificate specified in regulation 11 or the Higher Elementary examination means at the academic standard which is required of pupils who have passed the Cambridge Overseas School Certificate with a credit in that subject and thereafter completed one year’s normal work in that subject;

“certificated teacher” means a person who has been granted a certificate specified in regulation 11 or holds such other academic or professional qualifications as are approved by the Minister for recognition as a certificated teacher;

“the Law” means the Education Law;

Cap. 34.

“the Minister” means the Regional Minister for the time being charged with responsibility for education;

“modern school” means a girls’ school established before the first day of January, 1955, which provides a two-year course of post-primary education approved by the Minister;

“part of the Federation” means Lagos or the Southern Cameroons;

“the Permanent Secretary” means the Permanent Secretary having supervision of matters and departments with responsibility for which the Minister is charged;

“preliminary training centre” means an institution providing preliminary training for pupils in preparation for their entry into service as probationary or vocational teachers;

“the Registrar” means the Registrar of teachers appointed in accordance with sub-section (1) of section 61 of the Law;

“trained teacher” means a teacher other than a certificated teacher who has completed a course of training for teaching at an institution approved by the Minister;

“uncertificated teacher” means a teacher other than a certificated teacher or a trained teacher.

Education

PART II

REGISTRATION OF TEACHERS

Form of register.

3. The register shall be in the form specified in the First Schedule.

Classification of qualifications.

4. (1) For the purpose of entry upon the register the qualifications of persons entitled to be registered shall be classified in the manner specified in the Second Schedule.

(2) Where a person is registered with qualifications approved in accordance with paragraph (2) of regulation 5 those qualifications shall be entered on the register under such classifications as the Minister may direct.

(3) A public officer of the Ministry registered in accordance with paragraph (3) of regulation 5 shall be entered on the register as such and without any other classification.

Ordinance No. 17 of 1952.

(4) A person deemed by sub-section (5) of section 61 of the Law to be registered shall, subject to paragraph (5) of this regulation, be entered on the register with such qualification as appeared on the register kept in accordance with the provision made under the Education Ordinance, 1952, and such qualifications shall be classified in the manner specified in the Second Schedule.

(5) The Registrar, if he is satisfied that a registered teacher holds some qualification specified in the Second Schedule other than that in respect of which he is entered upon the register as being qualified may, upon the application of the teacher, in such form as the Minister may from time to time prescribe, enter the first registered qualification on the register as the qualification in respect of which the teacher is registered.

5. (1) Subject to the provisions of this Part, a person shall be qualified to be registered as a teacher—

(a) if he has any of the qualifications specified in the Second Schedule, other than the following qualifications:—

(i) the qualifications specified in paragraphs (3), (4), (9) and (11) of Class II in the Second Schedule;

(ii) the qualifications specified in paragraphs (9), (11) and (12) of Class III in the Second Schedule;

(iii) the qualifications specified in paragraphs (3), (4), (5) and (7) of Class IV in the Second Schedule;

(iv) the qualifications specified in paragraphs (2), (4) and (5) of Class V in the Second Schedule;

(v) the qualifications specified in Class VI in the Second Schedule;

(vi) the qualifications specified in Class VII in the Second Schedule;

(b) if he has any of the following qualifications:—

(i) the qualifications specified in paragraphs (3), (4), (9) and (11) of Class II in the Second Schedule;

Education

(ii) the qualifications specified in paragraphs (9), (11) and (12) of Class III in the Second Schedule;

(iii) the qualifications specified in paragraphs (3), (4), (5) and (7) of Class IV in the Second Schedule;

(iv) the qualifications specified in paragraphs (2), (4) and (5) of Class V in the Second Schedule;

(v) the qualifications specified in Class VI in the Second Schedule;

(vi) the qualifications specified in Class VII in the Second Schedule;

and has been appointed as a teacher and makes his application through the person by whom he is appointed;

(c) if he has a primary school leaving certificate and has been appointed as a teacher and makes his application for registration not later than the thirty-first day of March, 1957;

(d) if—

(i) (a) he has completed a course at a Preliminary Training Centre to the satisfaction of the Minister; or

(b) he has a certificate of satisfactory work and attendance at a Secondary School or Secondary Modern or Modern School approved by the Minister for a period of not less than one year;

(ii) and has been appointed as a teacher and makes his application for registration not later than the thirty-first day of March, 1958;

(e) if—

(i) (a) he has completed a period of not less than two years at a Secondary School or Secondary Modern School to the satisfaction of the Minister; or

(b) holds a Modern II pass certificate;

(ii) and has been appointed as a teacher and makes his application for registration not later than the thirty-first day of March, 1959.

(2) Subject to the provisions of this Part, a person shall be qualified to be registered as a teacher who holds a degree, diploma or certificate or has completed a course of training or of education (other than such as are specified in the Second Schedule), which is approved by the Minister for the purpose of this regulation.

(3) A person who is a public officer of the Ministry and is approved by the Permanent Secretary for the purposes of this regulation shall (whether or not he is otherwise entitled to be registered in accordance with the preceding paragraphs of this regulation) be qualified to be registered as a teacher.

6. Notwithstanding the provisions of regulation 5, a person shall not be entitled to be registered as a teacher—

Disqualifications.

(a) if, upon it being alleged by the Registrar, that such person is morally unfit to be registered as a teacher, he does not satisfy the Registrar, or in the case of an appeal, the Permanent Secretary or Minister, as the case may be, as to his moral fitness;

Education

- (b) if he is for the time being suspended or prohibited from teaching in any other Region or part of the Federation in accordance with any written law.

Form of application.

7. (1) Application for registration shall be made in such form as may from time to time be prescribed by the Minister.

(2) Where the Registrar refuses to Register an applicant he shall notify him of the grounds of his refusal.

Appeals.

8. (1) An applicant aggrieved by a decision of the Registrar refusing him registration may appeal, within twenty-one days of the notification of the decision, to the Permanent Secretary.

(2) Where the grounds upon which registration has been refused are that the applicant does not possess such qualification as would entitle him to be registered in accordance with regulation 5 and the Permanent Secretary agrees with the decision of the Registrar, the Permanent Secretary shall notify the applicant accordingly, and the decision shall be final.

(3) Where the grounds upon which registration has been refused are that the applicant is disqualified for registration in accordance with regulation 6, the Permanent Secretary shall notify his decision to the applicant and if the applicant is aggrieved with the decision of the Permanent Secretary, he may within twenty-one days of such notification appeal to the Minister. The decision of the Minister shall be final.

Duties of Registrar.

9. It shall be the duty of the Registrar—

- (a) to maintain the register of teachers in the form and in the manner prescribed by this Part;
- (b) to maintain a list of all persons not on the register who are teaching particular subjects in accordance with the provisions of sub-section (4) of section 61 of the Law;
- (c) to maintain a list of teachers who are for the time being suspended or prohibited from teaching in accordance with the provisions of section 69 of the Law;
- (d) to remove from the register the name of a teacher who is for the time being prohibited from teaching in accordance with the provisions of section 69 of the Law;
- (e) to restore to the register the name of any teacher in respect of whom an order of prohibition has been rescinded in accordance with section 70 of the Law;
- (f) to maintain a list of teachers who have been suspended or prohibited from teaching in any other Region or part of the Federation.

Inspection of register.

10. The register shall be open to inspection by members of the public during normal office hours.

Education

PART III

TEACHERS' CERTIFICATES

11. The certificates which may be granted to teachers by the Ministry of Education shall be of the following classes:—

Classification of certificates.

- (a) Teachers' Grade I certificate;
- (b) Teachers' Grade IIA certificate;
- (c) Teachers' Grade II certificate;
- (d) Teachers' Honourary Grade II certificate;
- (e) Teachers' Grade III certificate;
- (f) Teachers' Honourary Grade III certificate.

12. A Teachers' Grade I certificate may be granted to a person if he—

Qualification for Grade I certificate.

- (1) (a) has passed the examination which entitles him to the Teachers' Grade II or Higher Elementary Certificate and
- (b) (i) has satisfactorily completed a training course in a special subject approved by the Minister; or
- (ii) has passed the Intermediate Examination of the University of London; or
- (iii) has passed the Cambridge Overseas Higher School Certificate in not less than two main subjects which shall appear on a list approved by the Minister; or
- (iv) has passed the General Certificate of Education granted by a body approved by the Minister, in not less than two subjects at Advanced Level which shall appear on a list approved by the Minister; or
- (v) has passed the City and Guilds of London Institute Final Examination in one subject which shall appear on a list approved by the Minister; and
- (c) has passed a practical teaching test in teaching the special subject or subjects in which he has qualified; and
- (d) has completed a minimum period of three years satisfactory teaching service after obtaining the Teachers' Grade II or Higher Elementary Certificate;
- (2) (a) (i) holds any of the qualifications specified in sub-paragraph (b) of the preceding paragraph; or
- (ii) has passed the City and Guilds of London Institute Final or Full Technological Certificate in one subject which shall appear on a list approved by the Minister; and subsequently,
- (b) has taught the special subject or subjects in which he has qualified in a school or schools approved by the Minister for a period of not less than five years; and
- (c) has passed a practical teaching test in teaching the special subjects or subjects in which he has qualified;
- (3) (a) has passed the examination which entitles him to the Teachers' Grade IIA Certificate; and
- (b) holds any of the qualifications specified in sub-paragraph (b) of paragraph (1) of this regulation; and

Education

- (c) has passed a practical teaching test in teaching the special subject or subjects in which he has qualified; and
- (d) has completed a minimum period of two years satisfactory teaching service after obtaining the Teachers' Grade IIA Certificate;
- (4) (a) has passed the examination which entitles her to the Teachers' Grade IIA Certificate (Women's Subjects); and
- (b) holds any of the qualifications specified in sub-paragraph (b) of paragraph (1) of this regulation; and
- (c) has passed a practical teaching test in teaching the special subject or subjects in which she has qualified; and
- (d) has completed a minimum period of one year's satisfactory teaching experience after obtaining the Teachers' Grade IIA Certificate (Women's Subjects).

Qualification
for Grade IIA
certificate.

13. A Teachers' Grade IIA Certificate may be granted to a person if he—
- (1) (a) (i) has passed the examination which entitles him to the Cambridge Overseas School Certificate; or
 - (ii) has passed an examination which shall include a pass in English Language and which entitles him to the General Certificate of Education at Ordinary Level, granted by a body approved by the Minister; or
 - (iii) has passed the Royal Society of Arts Senior School Commercial Certificate in English and not less than three other subjects; or
 - (iv) has obtained such other academic or professional qualification which appears to the Minister to be of a standard equivalent to any of the qualifications specified in sub-paragraphs (a) (i), (ii) or (iii); and
 - (b) has satisfactorily completed a course of training of not less than two years at an institution approved by the Minister for the purpose; and
 - (c) has passed an examination on a syllabus both of which are approved by the Minister; and
 - (d) has passed a practical teaching test in the subjects in which he has specialised in the examination specified in sub-paragraph (c); or
 - (2) (a) has passed the examination which entitles him to the Teachers' Grade II or Higher Elementary Certificate, and which includes a pass in not less than two subjects at Advanced Level; and
 - (b) has fulfilled any one of the conditions specified in sub-paragraphs (a) (i) to (iv) of paragraph (1);
 - (c) has passed a practical teaching test in two of the subjects passed at Advanced Level in the Teachers' Grade II or Higher Elementary Examination.

Qualification
for Grade II
certificate.

14. A Teachers' Grade II Certificate may be granted to a person if he—
- (1) (a) (i) has passed an examination which shall include a pass in English Language and which entitles him to the General Certificate of Education Ordinary Level, granted by a body approved by the Minister; or

Education

- (ii) has passed the examination which entitles him to the Cambridge Overseas School Certificate; or
- (iii) has completed a full Secondary School Course, and has failed to pass the Cambridge Overseas School Certificate but has obtained permission from the Minister to continue the course; or
- (iv) has passed the examination which entitles him to the Teachers' Grade III, or Teachers' Elementary Certificate; or
- (v) has obtained such other academic or professional qualification which appears to the Minister to be of a standard equivalent to any of the qualifications specified in this sub-paragraph; and subsequently;
 - (b) has satisfactorily completed a course of training of not less than two years at an institution approved by the Minister for the purpose; and
 - (c) has passed an examination on a syllabus both of which are approved by the Minister; and
 - (d) has passed a practical test in teaching in any class in a primary school; or
- (2) (a) has reached the standard to be attained for admission as a student to a public teacher training college specified in—
 - (i) paragraph (d) or (e) of regulation 26;
 - (ii) regulation 27; or
 - (iii) regulation 28; or
 - (iv) regulation 29; and
 - (b) has satisfactorily completed a course of training of not less than four years at an institution approved by the Minister for the purpose; and
 - (c) has passed an examination on a syllabus both of which are approved by the Minister; and
 - (d) has passed a practical test in teaching in any class in a primary school; or
- (3) (a) (i) is an uncertificated teacher; and
 - (ii) has taught for not less than seven years in a School or Schools approved by the Minister; or
 - (b) (i) has passed the Examination which entitles him to the Teachers' Grade III or Teachers' Elementary Certificate; and
 - (ii) has taught for not less than four years in a school or schools approved by the Minister, such period to commence after the date on which he is awarded such certificate; and
 - (c) is recommended by his employer, and approved by the Minister; and
 - (d) has passed an examination on a syllabus both of which are approved by the Minister; and
 - (e) has successfully completed a course of training in practical teaching approved by the Minister for the purpose; and
 - (f) has passed a practical test in teaching in any class in a primary school.

Education

Qualifica-
tions for
Grade III
certificate.

15. A Teachers' Grade III Certificate may be granted to a person if he—
- (1) has reached the standard to be attained for admission as a student to a public teacher training college specified in Part IV of these regulations; and
 - (2) has satisfactorily completed a course of training of not less than two years at an institution approved by the Minister for the purpose; and
 - (3) has passed an examination on a syllabus both of which are approved by the Minister; and
 - (4) has passed a practical test in teaching in any class in a primary school.

Honorary
Grade II
certificate.

16. (1) An Honorary Teachers' Grade II Certificate may be granted by the Minister to a teacher—
- (a) if he—
 - (i) holds a Teachers' Grade III Certificate; or
 - (ii) is trained but uncertificated; or
 - (iii) is uncertificated; and
 - (b) if his length of service in schools approved by the Minister, together with any period or periods of training as a teacher totals not less than fifteen years; and
 - (c) if he shall not have been reported on adversely by any inspecting officers approved by the Minister; and
 - (d) if the Minister is satisfied that he is of good character, outstanding ability, and has capacity for organisation.
- (2) An honorary certificate may be cancelled at any time by the Minister.
- (3) A list of persons who have been awarded honorary certificates shall be published from time to time in the Gazette.

Honorary
Grade III
certificate.

- 16A. (1) An Honorary Grade III Certificate may be granted by the Minister to a teacher—
- (a) if he—
 - (i) is trained but uncertificated; or
 - (ii) is uncertificated; and
 - (b) if his length of service in schools approved by the Minister, together with any period or periods of training as a teacher, totals not less than fifteen years; and
 - (c) if he shall not have been reported on adversely by any inspecting officers approved by the Minister; and
 - (d) if he has completed to the satisfaction of an inspecting officer approved by the Minister a special course of training for the purpose of testing his ability as a teacher; and
 - (e) if the Minister is satisfied that he is of good character.
- (2) An honorary certificate may be cancelled at any time by the Minister.
- (3) A list of persons who have been awarded honorary certificates shall be published from time to time in the Gazette.

Education

17. The holder of a Teachers' Grade I Certificate may teach—
- (a) in any class in a primary school as an assistant or as a head teacher; and
- (b) in any class in a secondary modern school as an assistant or as a head teacher; and
- (c) in classes in a secondary school up to and including that in which pupils are presented for the Cambridge Overseas School Certificate or for an examination declared by the Minister to be of equivalent standard: provided that in classes three and above he shall be permitted to teach only those subjects which are endorsed as special subjects on his certificate; and
- (d) in a teacher training college as an assistant; and
- (e) subject to the approval of the Minister, in a teacher training college, as principal.
- Classes Grade I certificate holder may teach.
18. The holder of a Teachers' Grade IIA Certificate may teach—
- (a) in any class in a primary school as an assistant or as a head teacher; and
- (b) in any class in a secondary modern school as an assistant or as a head teacher; and
- (c) subject to the approval of the Minister—
- (i) up to and including class four in a secondary school providing that in classes three and four he shall be permitted to teach only those subjects which are endorsed as special subjects on his certificate; and
- (ii) in a teacher training college as an assistant.
- Classes Grade IIA certificate holder may teach.
19. The holder of a Teachers' Grade II Certificate may teach—
- (a) in any class in a primary school as an assistant or as a head teacher; and
- (b) subject to the approval of the Minister—
- (i) in any class in a secondary modern school as an assistant or as a head teacher; and
- (ii) up to and including class four in a secondary school as an assistant; and
- (iii) in a teacher training college as an assistant.
- Classes Grade II certificate holder may teach.
20. The holder of the Teachers' Grade III Certificate may teach in any class in a primary school as an assistant teacher.
- Classes Grade III certificate holder may teach.
21. A trained teacher may teach—
- (a) up to and including class five in a primary school; and
- (b) subject to the approval of the Minister, in class six of a primary school; or
- (c) in such other class as the Minister shall approve.
- Classes trained but uncertificated teacher may teach.
22. An uncertificated teacher may teach—
- (a) up to and including class four in a primary school; or
- (b) in such other class as the Minister shall approve.
- Classes uncertificated teacher may teach.

Education

Approval to act as teacher in charge of a primary school.

23. Notwithstanding the provisions of regulations 20, 21 and 22, where there is difficulty in obtaining the services of a teacher who is qualified under these regulations to teach in any primary school as a head teacher, the Minister may give approval for any teacher not so qualified to act as the teacher in charge of that school.

Examinations to be held.

24. The Minister shall cause examinations to be held from time to time to determine the award of teachers' certificates and may prescribe fees which shall be payable by persons submitting themselves for examination.

Syllabus, etc., for examinations.

25. (1) The syllabuses for teachers' certificate examinations and the rules governing their conduct and any changes thereto shall be approved by the Minister after consultation with the Board.

(2) The Minister shall give not less than two years' notice of any change in the syllabuses for any other teachers' certificate examination.

(3) The Minister shall cause such syllabuses and such rules as are in force to be published for sale to the public.

PART IV

TEACHER TRAINING INSTITUTIONS

Standards to be attained for admission.

26. A person shall not be admitted as a student at a public teacher training college unless—

- (a) he has passed the examination which entitles him to the Cambridge Overseas School Certificate; or
- (b) he has passed an examination which shall include a pass in English Language and which entitles him to a General Certificate of Education at Ordinary Level granted by a body approved by the Minister; or
- (c) he has obtained such other academic qualification as is approved by the Minister; or
- (d) he has passed the examination prescribed by the Minister upon completion of a three-year course in a secondary modern school; or
- (e) he has a certificate of satisfactory work and attendance for three years at a secondary school approved by the Minister.

Temporary qualifications effective until 31st March, 1957.

27. Notwithstanding the provisions of regulation 26 a person may be admitted as a student at a public teacher training college at any time before the thirty-first day of March, 1957, if such person—

- (a) (i) has completed one year in a secondary modern school, a modern school, a preliminary training centre or in a secondary school; and
- (ii) has taught for not less than one year in a school approved by the Minister; or
- (b) has completed two years in a girls' secondary modern School.

Temporary qualifications effective until 31st March, 1960.

28. Notwithstanding the provisions of regulation 26 a person may be admitted as a student at a public teacher training college at any time before the thirty-first day of March, 1960, if such person—

- (a) (i) has completed one year in a secondary modern school, a preliminary training centre or a secondary school; and

Education

- (ii) has taught for not less than two years in a school approved by the Minister; or
- (b) has completed two years in a secondary modern school or secondary school and has taught for not less than one year in a school approved by the Minister.

29. (1) Notwithstanding the provisions of regulation 26 a person may be admitted as a student at a public teacher training college at any time before the thirty-first day of March, 1961, if such person—

Temporary
qualifica-
tions
effective
until
31st March,
1961.

- (a) has been granted a Primary School Leaving Certificate upon leaving a school in the Region or such certificate granted upon leaving a school of similar status in another Region or part of the Federation as the Minister may approve; and
- (b) has taught in a school approved by the Minister for a period not less than the qualifying period.

(2) For the purposes of paragraph (1) of this regulation the qualifying period shall be—

- (a) in the case of a student admitted before the thirty-first day of March, 1956, one year;
- (b) in the case of a student admitted during the period commencing on the thirty-first day of March, 1956 and ending on the 30th day of March, 1958 (both dates inclusive), two years;
- (c) in the case of a student admitted during the period commencing on the 31st day of March, 1958 and ending on the 30th day of March, 1959 (both dates inclusive), three years;
- (d) in the case of a student admitted on or after the thirty-first day of March, 1959, four years.

30. (1) A person shall not be admitted as a student in a public teacher training college unless he has entered into an agreement, in such form as may be approved by the Minister, with the person prescribed by paragraph (2) of this regulation—

Security to
be given by
students.

- (a) for the completion of the course of instruction; and
- (b) to serve as a teacher in a public institution after completion of the course of instruction for the period prescribed in paragraph (4) of this regulation.

(2) The agreement shall be—

- (a) in the case of a student who is sponsored by a voluntary agency or local authority with that voluntary agency or local authority;
- (b) in the case of any other student, with the Minister.

(3) Where the student is not of full age the guardian of the student shall be a party to the agreement.

(4) The period for which a person shall agree to serve as a teacher shall be—

- (a) in the case of male teachers, two years for every year of instruction but not exceeding five years;
- (b) in the case of female teachers, one year for every year of instruction but not exceeding five years.

*Education*FIRST SCHEDULE
REGISTER OF TEACHERS

Date of Registration	Registered number	Surname	Other names	Classification	Remarks

SECOND SCHEDULE
CLASSIFICATION OF TEACHERS

<i>Class</i>	<i>Sub-division of class</i>	<i>Qualification</i>
I	—	Extended Scale.—Teachers who are selected by the Minister to hold and who are holding posts of special responsibility in secondary education, technical education (including trade training), teacher training or the supervision and administration of primary education. (No teacher shall be approved unless he holds one of the qualifications classified in class II or III or has experience which in the opinion of the Minister is necessary and comparable to classes II and III.)
II	(1)	University degree and teaching qualifications approved by the Minister;
	(2)	Full membership of a recognised professional institution and teaching qualifications approved by the Minister;
	(3)	University degree approved by the Minister;
	(4)	Full membership of a recognised professional institution, approved by the Minister;
	(5)	Full Domestic Science Course (of not less than three years) in the United Kingdom;
	(6)	Three-year course in Physical Education approved by the Minister;
	(7)	National Froebel Diploma three-year course;
	(8)	Higher National Certificate or Diploma of a technical

*Education*SECOND SCHEDULE—*continued*

CLASSIFICATION OF TEACHERS

<i>Class</i>	<i>Sub-division of class</i>	<i>Qualification</i>
		College in the United Kingdom approved by the Minister and teaching qualifications approved by the Minister;
	(9)	Higher National Certificate or Diploma of a Technical College in the United Kingdom approved by the Minister;
	(10)	Full Technological City and Guilds Certificate and teaching qualifications and experience approved by the Minister;
	(11)	Full Technological City and Guilds Certificate and industrial qualifications and experience approved by the Minister;
	(12)	Full Technological City and Guilds Certificate.
III	(1)	Diploma of Higher College, Yaba and teaching qualifications approved by the Minister;
	(2)	United Kingdom Teacher Training Certificate;
	(3)	City and Guilds Teachers' Certificate;
	(4)	National Froebel Foundation Diploma two-year course;
	(5)	Professional Certificate of the Colonial Department of the University of London Institute of Education or successful completion of other courses recognised as comparable by the Minister;
	(6)	Teachers' Grade I Certificate (Senior Certificate);
	(7)	General Certificate of Education—Advanced Level, and the successful completion of a Teacher Training Course at the Nigerian College of Technology;
	(8) (a)	Secondary VI pass, or School Leaving Certificate of an approved Schools Examinations Board, or General Certificate of Education—Ordinary Level or the West African School Certificate; and
	(b)	The successful completion of a three-year special course at a Government Technical Institute or a course considered comparable by the Minister;
	(9)	City and Guilds Final Certificate and approved teaching experience;
	(10)	City and Guilds Final Certificate and industrial experience approved by the Minister;
	(11)	Diploma of Higher College, Yaba;
	(12)	City and Guilds Final Certificate.

*Education*SECOND SCHEDULE—*continued*

CLASSIFICATION OF TEACHERS

<i>Class</i>	<i>Sub-division of class</i>	<i>Qualification</i>
IV	(1)	Teachers' Grade II Certificate (Higher Elementary);
	(2)	Teachers' Grade IIA Certificate;
	(3) (a)	Secondary VI pass, or School Leaving Certificate of an approved Schools Examinations Board, or General Certificate of Education—Ordinary Level, or the West African School Certificate; and
	(b)	The successful completion of a two-year course of training at a Government Technical Institute or a course considered comparable by the Minister;
	(4) (a)	Secondary IV pass, or Certificate of satisfactory work and attendance at an approved secondary school for a period of four years or not less than two years before the normal completion of a full secondary school course; and
	(b)	The successful completion of a two-year course of training at a Government Technical Institute or a course considered comparable by the Minister;
	(5)	A pass in an Intermediate Examination of an approved University, or Higher School Certificate of an approved Schools Examinations Board, or General Certificate of Education—Advanced Level;
V	(6)	Successful completion of a course of training at a special ex-servicemen's course at Enugu Trade Centre.
	(7)	Ordinary National Certificate.
	(1)	Teachers' Grade III Certificate;
	(2)	Completion of a course of training for a Teachers' Grade II Certificate— (i) after the successful completion of a full secondary school course; or (ii) after the successful completion of a full primary course, and/or full secondary modern course;
	(3)	Domestic Science Teachers' Grade III Certificate;
	(4)	Completion of a three-year course for women, approved by the Minister;
	(5)	Teachers (without professional qualifications) specially selected by the Minister.
VI	(1) (a)	Secondary VI pass; or
	(b)	School Leaving Certificate of an approved Schools Examinations Board; or
	(c)	General Certificate of Education—Ordinary Level; or

*Education*SECOND SCHEDULE—*continued*

CLASSIFICATION OF TEACHERS

<i>Class</i>	<i>Sub-division of class</i>	<i>Qualification</i>
	(d)	The West African School Certificate;
	(2)	Royal Society of Arts Senior School Commercial Certificate;
	(3)	Completion of a course for a Teachers' Grade III Certificate;
	(4)	Completion of a course for the Domestic Science Teachers' Grade III Certificate;
	(5)	Successful completion of articles of apprenticeship approved by the Minister after passing the Primary School Leaving Certificate Examination;
	(6)	City and Guilds Intermediate Examination;
	(7) (a)	Secondary IV pass; or
	(b)	Certificate of satisfactory work and attendance at an approved secondary school for a period of four years (or not less than two years before the completion of a full secondary school course) and two years probationary teaching approved by the Minister;
	(8) (a)	Satisfactory completion of a three-year secondary modern school course; or
	(b)	Certificate of satisfactory work and attendance at an approved secondary school for three years and two years probationary teaching approved by the Minister;
VII	(1) (a)	Secondary IV pass; or
	(b)	Certificate of satisfactory work and attendance at a secondary school approved by the Minister for a period of four years or of not less than two years before the completion of a full secondary school course;
	(2) (a)	Satisfactory completion of a three-year secondary modern school course; or
	(b)	Certificate of satisfactory work and attendance at an approved secondary school for three years;

TEACHERS (PROFESSIONAL MISCONDUCT) REGULATIONS

W.R.L.N.
38 of 1956.
(section
67(4)).

1. These Regulations may be cited as the Teachers (Professional Short title. Misconduct) Regulations.

Education

Interpreta-
tion.

Cap. 28.

Cap. 34.

Acts of
professional
misconduct.
Cap. 34.

2. In these regulations—
“indecent dealings” and “unlawful carnal knowledge” have the meanings assigned to them respectively in section 154 and section 6 of the Criminal Code;
“school” has the meaning assigned to it in the Education Law.

3. The acts specified in the Schedule to these regulations shall be professional misconduct for the purposes of section 67 of the Education Law.

SCHEDULE

- (1) Conviction of a felony or misdemeanour.
- (2) Conviction of an offence contrary to any provision of the Education Law, or any regulation made thereunder.
- (3) In relation to an application for registration as a teacher, knowingly furnishing to the Registrar of teachers information which is false in a material particular.
- (4) In relation to an application for employment as a teacher—
 - (a) knowingly making a statement which is false in a material particular;
 - (b) with intent to defraud, failing to disclose to the employer any material information within his knowledge.
- (5) Having unlawful carnal knowledge with a person who is a pupil at a school.
- (6) Indecently dealing with a person who is a pupil at a school.
- (7) Conduct prejudicial to the maintenance of good order and discipline in an institution.
- (8) Conduct in respect of the staff or pupils of an institution which is disgraceful or dishonourable.

W.R.L.N.
39 of 1956
105 of 1956
151 of 1962.
(section
75(e)).

Short title.

Interpreta-
tion.

TEACHERS COUNCIL (DISCIPLINARY PROCEDURE)
REGULATIONS
PART I

PRELIMINARY

1. These Regulations may be cited as the Teachers Council (Disciplinary Procedure) Regulations.

2. In these regulations—
“Chairman” in relation to proceedings at a meeting of the Council, includes a person presiding at that meeting in accordance with paragraph 7 of Part III of the First Schedule to the Law;
“complainant” means a body or person by whom a complaint has been sent to the Permanent Secretary with a view to proceedings against a teacher under Part IX of the Law, so however that a body shall not be treated as a complainant unless and until notice has been sent to the Permanent Secretary intimating the intention of that body or person to take part in the proceedings;

Education

- “the Council” means the Teachers Council;
 “conviction” means a conviction of felony or misdemeanour;
 “judicial assessor” means the judicial assessor appointed under regulation 11;
 “the Law” means the Education Law;
 “the Registrar” means the Registrar of teachers appointed under sub-section (1) of section 61 of the Law.

3. A member of the Council who is a complainant or a witness for the complainant or the teacher concerned in a case or who has a personal interest in a case shall not take part in the proceedings of the Council relating to that case.

Certain members of Council not to take part in proceedings.

4. A member of the Council who has been absent while any part of the evidence at an inquiry is taken shall take no further part in that inquiry.

Members absent during part of inquiry not to take further part.

PART II

COMMENCEMENT OF PROCEEDINGS

5. (1) When a case in respect of a teacher has been referred to the Council by the Permanent Secretary in accordance with section 68 of the Law, the chairman shall direct the Registrar to serve on the teacher a notice of inquiry which shall—

Notice of inquiry.

- (a) specify, in the form of a charge or charges, the matters into which the inquiry is to be held; and
 (b) state the day and time when and the place where such inquiry will be held.

(2) Except with the agreement of the teacher the date of the inquiry shall not be fixed earlier than twenty-eight days after the date of the notice of inquiry.

(3) A notice of inquiry shall be in the form set out in the Schedule to these regulations with such variations as circumstances may require. Schedule.

(4) A notice of inquiry shall be served upon the teacher either personally or by post in a registered letter addressed to him at his address on the register or at his last known address if that address differs from his address on the register and it appears to the Registrar that such service will be more effective.

(5) Where a notice of inquiry is served by registered post in accordance with the provisions of paragraph (4) it shall be deemed to have been served on the twenty-first day after the day on which it is posted.

(6) There shall be sent with any notice of inquiry a copy of these regulations.

(7) In any case where there is a complainant a copy of the notice of inquiry shall be sent to him.

6. (1) On application sent to the chairman by any party to an inquiry the chairman may if he thinks fit postpone the holding of the inquiry to such later date as he may determine. Postponement of inquiry.

Education

(2) Where the holding of an inquiry is postponed the chairman shall direct the Registrar to give notice to every party to the inquiry of such postponement and of the date on which the postponed inquiry is to be held.

7. (1) The charges specified in the notice of inquiry shall not relate to a matter which was not enquired into by the Permanent Secretary in accordance with section 67.

(2) Subject to the provisions of paragraph (1) of this regulation the charges specified in the notice of inquiry shall be the charges into which inquiry was held in respect of the teacher by the Permanent Secretary in accordance with section 67 of the Law or such additional or substituted charges as may appear to the Permanent Secretary to be disclosed by that inquiry.

Amendment
of notice of
enquiry.

8. (1) Where before the hearing it appears to the chairman, or at any stage of the hearing it appears to the Council, that a notice of inquiry is defective, the chairman or Council, as the case may be, shall give such directions for the amendment of the notice as he or they may think necessary to meet the circumstances of the case, unless having regard to the merits of the case, the required amendments cannot be made without injustice.

(2) Where in the opinion of the chairman or the Council it is expedient, in consequence of the exercise by him or them of the powers conferred by the last foregoing paragraph, that the inquiry should be postponed or adjourned, the chairman or the Council shall give such directions in that behalf as appear necessary.

(3) The chairman shall direct the Registrar to give notice in writing as soon as may be to the complainant (if any) and to the teacher of any exercise by the chairman or the Council of their powers under either of the two last foregoing paragraphs.

Production
and inspection
of
documents.

9. (1) Any party may at any time give to the other party notice to produce any document which he believes to be in the possession of the other party and which is relevant to allegations contained in the charge or charges.

(2) Any party who intends to rely on any document at the inquiry shall allow the other party to inspect the same and take copies thereof.

PART III

PROCEDURE AT HEARING

Representation of Parties

Representa-
tion of
parties.

10. (1) The Registrar, the teacher whose conduct is the subject-matter of the inquiry, and the complainant (if there be one) may appear and may, subject to paragraph (2) of this regulation, be represented at the inquiry by a legal practitioner.

(2) A complainant or teacher intending to be represented by a legal practitioner shall give not less than seven days notice in writing of his intention to the Registrar and if he fails to do so the Council may refuse to permit him to be so represented.

Education

(3) A complainant being a body corporate or an unincorporated body of persons may be represented at an inquiry by their clerk or other officer duly appointed instead of by a legal practitioner.

11. Where any party to an inquiry is represented by a legal practitioner the Council may be assisted by an officer of the Legal Department of the Region as judicial assessor appointed by the Attorney-General for the purpose. Judicial assessor.

12. It shall be the function of the judicial assessor—

(a) to advise the Council during the inquiry upon any point of law or procedure which arises therein;

(b) at the conclusion of evidence and addresses to advise the Council upon the evidence and the law relating to the case in accordance with regulation 21. Functions of judicial assessor.

Procedure at Commencement of Hearing

13. Where the teacher does not appear the Council shall call upon the Registrar to satisfy them that a notice of inquiry was served on the teacher as required by regulation 5 and, if satisfied thereof, may, if they think fit, proceed with the inquiry. Proof of service and notice.

14. (1) If the teacher appears, or if in a case where he does not appear the Council proceed with the inquiry the chairman shall first read the charge or charges to the Council. Charges to be read.

(2) After the reading of the charge or charges the teacher may, if he so desires, object to any charge in point of law and upon any such objection any other party may reply thereto.

(3) If the Council consider that any objection should be upheld and that the case is not one in which they should exercise their powers under Regulation 14A they shall adjourn the case and refer the question to the Permanent Secretary.

“Variation of Charge

14A. The Council may alter or add to any charge where objection to any charge in point of law is upheld or at any time before the conclusion of proceedings under paragraph (1) of regulation 15 or under regulations 19, 20, or paragraph (2) or (3) of regulation 24, as the case may be: Council may alter charge.

Provided that any alteration or addition made to a charge shall relate only to a matter into which inquiry has been held in respect of the teacher by the Permanent Secretary in accordance with section 67 of the Law or to a matter disclosed by that inquiry.

14B. (1) Where any charge has been altered or added to under the provisions of regulation 14A and the teacher appears, the chairman shall forthwith read and explain to the teacher the charge as altered or added to and shall call upon him to state whether he agrees that the Council may proceed with the inquiry in respect of that charge. Procedure on variation of charges where the teacher appears.

(2) If the teacher states that he does not agree that the Council may proceed with the inquiry the Council shall consider any reason that he may

Education

give for so stating and if proceeding immediately with the inquiry is not likely in the opinion of the Council to prejudice the teacher in making his defence, or the complainant or the Registrar as the case may be in his conduct of the case, the Council may proceed with the inquiry as if the charge as altered or added to had been the original charge.

(3) If the charge as altered or added to is such that proceeding immediately with the inquiry is likely in the opinion of the Council to prejudice the teacher in making his defence, or the complainant or the Registrar as the case may be in his conduct of the case, the Council may either direct that the inquiry shall be postponed or adjourned for such period as they may consider necessary or that a new inquiry in respect of that charge shall be commenced in accordance with the provisions of Part II of these regulations as if the case in respect of the teacher has been referred afresh to the Council by the Permanent Secretary in accordance with section 68 of the Law.

(4) Where a charge is altered or added to after the hearing of evidence has commenced the complainant or the Registrar, as the case may be, and the teacher shall be allowed to recall any witness who may have been examined and examined or cross-examine such witness with reference to such alteration or addition.

Procedure on variation of charges where teacher does not appear.

14c. Where any charge has been altered or added to under the provisions of regulation 14A and the teacher does not appear the Council shall direct that a new inquiry in respect of that charge shall be commenced in accordance with Part II of these regulations as if the case in respect of the teacher had been referred afresh to the Council by the Permanent Secretary in accordance with section 68 of the Law."

Cases relating to Conviction

Proof of conviction.

15. (1) In cases relating to conviction the following order of proceedings shall be observed with respect to proof of the convictions alleged in the charge:—

- (a) the complainant, if any appears, or, if no complainant appears, the Registrar shall adduce evidence of the convictions or such of them as he is prepared to prove;
- (b) if the teacher appears, then as respect each conviction of which evidence is adduced the chairman shall ask the teacher whether he admits the convictions;
- (c) if, where the teacher appears, he does not admit all the convictions, he may then adduce evidence as respects any conviction which he has not admitted on the question whether he was convicted as alleged;
- (d) where the teacher adduces evidence in accordance with the preceding sub-paragraph, he may at the conclusion of the evidence address the council on the question of whether the allegations have been proved.

Education

(2) On the conclusion of the proceedings under the last foregoing paragraph the Council shall consider every conviction alleged in the charge or charges which has not been admitted and shall determine whether it has in their opinion been proved.

16. When the Council has arrived at its conclusion with respect to the charges, they shall in closed court record their recommendation as to the finding on each charge. Recom-
mendation
as to finding.

17. Where the Council have recommended that the teacher be found guilty of any charge, the Council shall proceed as follows:— Evidence and
address rela-
ting to dis-
ciplinary
action.

- (a) the chairman shall invite the complainant, if any appears, or if no complainant appears, the Registrar to address the Council and to adduce evidence as to the circumstances connected with the conviction and as to the character and antecedents of the teacher;
- (b) the teacher shall then be given an opportunity of adducing evidence with respect to the matter referred to in paragraph (a) of this regulation and of addressing the Council by way of mitigation.

18. After the conclusion of the proceedings in accordance with regulation 17 the Council shall in closed court record their recommendation as to the punishment which should be imposed with respect to each charge which in their opinion has been proved and the chairman shall then sign the proceedings and transmit them to the Permanent Secretary. Recom-
mendation
as to dis-
ciplinary
action.

*Cases relating to Commission of Professional Misconduct
in other Region*

19. Where an allegation is made against a teacher that he was found guilty of professional misconduct in another Region, the Council shall proceed with respect to that allegation in the same manner as is prescribed by regulations 15, 16, 17 and 18 with respect to allegations of conviction. Application
of procedure
relating to
convictions.

Cases relating to other acts of misconduct

20. (1) In cases relating to misconduct other than a conviction or commission of professional misconduct in another Region the following order of proceedings shall be observed with respect to proof of the charges:— Proof of mis-
conduct.

- (a) the complainant may, and shall if required by the Council, make an opening address stating the substance of the charge or charges and the nature and general effect of the evidence he proposes to adduce in support of it without entering into any unnecessary detail;
- (b) the evidence in support of the charge or charges shall then be adduced by the complainant;
- (c) with respect to any charge or charges of which evidence has been adduced the teacher shall be called upon to make his defence and he may then adduce evidence to disprove the charge or charges and, whether he adduces evidence or not, may address the Council. Only one address may be made under this paragraph and where the teacher adduces evidence, it shall be made either before that evidence is begun or after it is concluded;

Education

- (d) (i) at the close of the case for the teacher the complainant may, with leave of the Council, adduce evidence to rebut any evidence adduced by the teacher: and if he does so, the teacher may make a further address limited to the rebutting evidence;
- (ii) leave shall not be granted by the Council to adduce rebutting evidence unless they are satisfied that new matter was adduced in the defence of the teacher which the complainant could not foresee;
- (e) the complainant may address the Council by way of reply to the teacher's case—
 - (i) if oral evidence (not being evidence as to character) other than that of the teacher himself has been given on the teacher's behalf;
 - (ii) with the leave of the Council, where no such evidence has been given;
- (f) the judicial assessor (if any) will, if so required by the Council, advise the Council upon the evidence and the law relating to the case, and thereafter no further addresses shall be allowed.

(2) Where the teacher does not appear and the Council decide to proceed with the case, the order of proceedings specified in paragraphs (a), (b) and (c) shall apply.

(3) Where the complainant does not appear the powers and duties conferred upon him by paragraph (1) shall be discharged by the Registrar.

Deliberation
on recom-
mended
findings.

21. (1) At the conclusion of the proceedings under regulation 20, the Council shall in closed court consider and determine with respect to each charge which if any of the facts alleged in the charge have been proved to their satisfaction and record the facts alleged which they consider have been proved.

(2) The Council shall then record their recommendations as to the finding on each charge.

W.R.L.N.
38 of 1956.

(3) Where with respect to any charge contrary to paragraphs (7) or (8) of the Schedule to the Teachers (Professional Misconduct) Regulations, the Council have determined that some, but not all, of the facts alleged in the charge have been proved to their satisfaction and they are of the opinion that the facts proved amount to professional misconduct within the meaning of the paragraph in question they may recommend that the teacher be found guilty of such misconduct.

(4) If in the course of their deliberations on their recommendations the Council require the advice of the judicial assessor, the deliberation shall be suspended and the advice asked and given in open Court.

Procedure
after finding
of guilty.

22. Where the Council have recommended that the teacher be found guilty of any charge the Council shall proceed as follows:

- (a) the chairman shall invite the complainant, if any appears, or if no complainant appears, the Registrar to address the Council and to adduce evidence as to the circumstances connected with the misconduct and as to the character and antecedents of the teacher;

Education

- (b) the teacher shall then be given an opportunity of adducing evidence with respect to the matters referred to in paragraph (a) of this regulation and of addressing the Council by way of mitigation.

23. After the conclusion of the proceedings in accordance with regulation 22 the Council shall in closed court record their recommendation as to the punishment which should be imposed with respect to each charge which in their opinion has been proved and the chairman shall then sign the proceedings and transmit them to the Permanent Secretary.

Recommendation as to disciplinary action.

Cases relating to conviction or misconduct in another Region and to other Professional Misconduct

24. (1) Where, in the case of any inquiry, it is alleged against the teacher that he has been convicted, or has been found guilty of misconduct in another Region and in addition that he has been guilty of other professional misconduct the procedure of the Council shall be in accordance with the following paragraphs of this regulation.

Allegation of both conviction or misconduct in other Region and other misconduct.

(2) The Council shall first proceed with every charge that the teacher has been convicted and every charge that the teacher has been guilty of professional misconduct in another Region until they have completed the procedure required by regulation 15.

(3) The Council shall then proceed with every charge that the teacher has been guilty of such conduct as aforesaid until they have completed the proceedings required by regulation 20 of these regulations.

(4) The Council shall then take any proceedings required by regulations 16 to 18 or by regulations 21 to 23 of these regulations, as the case may be, or, if in the circumstances of the case proceedings are required by both those sets of regulations, the Council shall take the proceedings under both sets concurrently.

PART IV

EVIDENCE

25. (1) The Council may in the course of its enquiry hear such witnesses and receive such documentary evidence as in its opinion may assist it in coming to a conclusion as to the truth or otherwise of the charges which form the subject-matter of the inquiry.

General provisions as to evidence.

(2) The rules contained in Part X of the Evidence Ordinance with respect to the examination of witnesses shall, in so far as they are applicable to proceedings under these regulations, be observed by the Council.

L. of N. 1948, Cap. 63.

(3) A person shall not be required to answer any question or produce any document which he could not be required to answer or produce in proceedings in a Court of law.

26. The Council may call and examine any witness at an inquiry whether or not the parties consent thereto.

Council may call witnesses.

Education

- Questioning of witnesses. 27. (1) The Council may, through the chairman, put questions to any witness.
- (2) The judicial assessor may, with the leave of the chairman put questions to any witness.

PART V

GENERAL PROVISIONS AS TO PROCEDURE

- Power to adjourn. 28. Any inquiry under these regulations may be adjourned from time to time as the Council think fit.
- Persons who may be present at proceedings. 29. (1) Where in the interests of justice or for any other special reason it appears to the Council that the public should be excluded from any proceedings or part thereof, the Council may direct that the public shall be so excluded.
- (2) The Council shall where it is so directed by these regulations and may, in any other cases on any deliberation amongst the members, sit in closed court.
- (3) Where the council sit in closed court, no person shall be present except the members of the Council conducting the inquiry together (but subject to the next following paragraph) with the judicial assessor (if any) and the officer responsible for recording the proceedings.
- (4) When the Council sit in deliberation on their recommendation on any finding or punishment the persons who may be present shall not include the judicial assessor.
- (5) Except as above mentioned, all the proceedings shall be in open court.
- Procedure on incidental questions. 30. If any objection on any matter of law, evidence or procedure is raised by either party at the inquiry the other party shall have a right to answer the same and the person raising the same shall have the right of reply.
- Record of proceedings. 31. (1) A shorthand writer may be appointed by the Council to take shorthand notes of their proceedings.
- (2) If no shorthand writer is appointed a record of the proceedings shall be kept by the Secretary of the Council.

PART VI

SUPPLEMENTARY

- Standing Orders. 32. Subject to the provisions of these regulations the provisions of the Standing Orders of the Council with respect to the summoning of meetings and the method of voting on any question shall apply to proceedings under these regulations but otherwise such Standing Orders shall not apply.
- Cases not provided for. 33. In any case not provided for by these regulations such course shall be adopted as appears best calculated to do justice.

Education

The voluntary agency to which the loan is made shall be required to undertake that the building in respect of which the loan is made will be used for educational purposes approved in writing by the Minister and will not be used for any incidental or additional purpose without the Minister's prior consent in writing. Condition 3.

The voluntary agency may be required to agree that the loan shall be secured upon such property of the voluntary agency as may be acceptable to the Minister. The terms and conditions of the loan shall be specified in a written agreement. Condition 4.
Condition 5.

Printed by the Government Printer, Ibadan, Western Nigeria 1456(62)/363/13,000