

JOINT ADMISSIONS AND MATRICULATION BOARD ACT

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Supplementary provisions relating to the Board

JOINT ADMISSIONS AND MATRICULATION BOARD ACT

An Act to establish the Joint Admissions and Matriculation Board to administer a centralised admissions system for Universities, Polytechnics and Colleges of Education.

[1989 No. 33. 1993 No. 4]

[7th December, 1989]

[Commencement.]

1. Establishment of the Joint Admissions and Matriculation Board

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

2. Membership of the Board

(1) The Board shall consist of the following members to be appointed by the President, on the recommendation of the Minister, that is-

(a) a chairman who shall have appropriate qualifications;

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(b) five representatives of all the Universities in Nigeria;

(c) three representatives of all the Colleges of Education in Nigeria;

- (d) three representatives of all Polytechnics in Nigeria;
- (e) one representative of the Nigerian Conference of Principals of Secondary Schools;
- (f) one representative of the Federal Ministry responsible for education;
- (g) the Registrar of the West African Examinations Council or his representative;
- (h) the Executive Secretary of the National Universities Commission or his representative;
- (i) the Executive Secretary of the National Board for Technical Education or his representative;
- (j) the Executive Secretary of the National Commission for Colleges of Education or his representative;
- (k) the Registrar of the National Business and Technical Examinations Board or his representative;
- (l) the Registrar of the Board who shall be an *ex-officio* member;
- (m) three other persons to represent interests not otherwise represented on the Board.

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

[Schedule.]

3. Tenure of office

- (1) The chairman shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years.
- (2) A person appointed to be a member of the Board, not being public officer, shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years.
- (3) Any member, not being a public officer, may resign his appointment by a letter under his hand addressed to the Minister.
- (4) Members of the Board, not being public officers, shall be paid such remuneration and allowances as the President may, from time to time, determine.

4. Removal from office of member of the Board

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

(2) Where the Board is satisfied that the continued presence on the Board of any member is not in the national interest or the interest of the Board, the Board may recommend to the Minister that the member concerned be removed from his office and if the Minister, after making such inquiries as he considers necessary, approves of the recommendation, he may in writing declare the office of the member vacant.

5. Functions of the Board

(1) Notwithstanding the provisions of any other enactment, the Board shall be responsible for-

(a) the general control of the conduct of matriculation examinations for admissions into all Universities, Polytechnics (by whatever name called) and Colleges of Education (by whatever name called) in Nigeria;

(b) the appointment of examiners, moderators, invigilators, members of subject panels and committees and other persons with respect to matriculation exami-

nations and any other matter incidental thereto or connected therewith;

(c) the placement of suitably qualified candidates in collaboration with the tertiary institutions after taking into account-

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(i) the vacancies available in each tertiary institution;

(ii) the guidelines approved for each tertiary institution by its proprietor or other competent authority;

(iii) the preferences expressed or otherwise indicated by candidates for certain tertiary institutions and courses; and

(iv) such other matters as the Board may be directed by the Minister to consider, or the Board itself may consider appropriate in the circumstances;

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

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

this Act.

(2) For the avoidance of doubt, the Board shall be responsible for determining matriculation requirements and conducting examinations leading to undergraduate admis-

sions and also for admissions to National Diploma and Nigerian Certificate in Education courses, but shall not be responsible for examinations or any other selective processes for postgraduate courses and any other courses offered by the tertiary institutions.

6. **Power of Minister to give directives**

Subject to the provisions of this Act, the Minister may give the Board directives of a general character or relating generally to particular matters with regard to the exercise by the Board of its functions under this Act and it shall be the duty of the Board to comply with such directives.

7. **Registrar to the Board**

(1) The President shall, on the recommendation of the Minister, appoint for the Board, a Registrar who shall have appropriate qualifications.

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

(3) The Registrar shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further periods as the President may, from time to time, determine.

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

8. Other staff of the Board

(1) The Board may appoint such other employees of the Board to assist the Registrar in the exercise of his functions under this Act.

(2) The remuneration and tenure of office of the other employees of the Board shall be determined by the Board after consultation with the Federal Civil Service Commission.

(3) Notwithstanding the provisions of subsection (1) of this section, employees of the Board may be appointed by the Board by way of transfer or secondment from the public service of the Federation or of any of the States.

9. Application of Pensions Act

(1) It is hereby declared that service in the Board shall be pensionable under the Pensions Act, and accordingly, employees of the Board shall, in respect of their services in the Board, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

(Cap. P4.)

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of that office.

(3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by a Minister or authority of the Federal Government (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

(4) Subject to subsection (2) of this section, the Pensions Act shall, in its application by virtue of the subsection (1) of this section to any office, have effect as if the office

were in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

10. Fund of the Board

The Board shall establish and maintain a fund which shall consist of-

- (a) such sums as may be provided by the Federal Government for the running expenses of the Board; and
- (b) such other sums as may be collected or received by the Board from other sources either in the execution of its functions or in respect of any property vested in the Board or otherwise howsoever.

11. Expenditure of the Board

The Board may, from time to time, apply the proceeds of the fund established in pursuance of section 10 of this Act-

- (a) to the cost of administration of the Board;
- (b) for reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorised by the Board in accordance with such rates as may be approved, from time to time, by the President;
- (c) to the payment of salaries, fees or other remuneration or allowances, pensions, superannuation allowances and gratuities payable to the employees of the Board and of fees to agents, so however that no payment of any kind under this paragraph (except such as may be expressly authorised) shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;
- (d) for the maintenance of any property acquired or vested in the Board; and
- (e) for and in connection with all or any of the functions of the Board under or pursuant to this Act.

12. Annual estimates, accounts and audit

(1) The Board shall submit to the Minister, not later than 30 September in each year an estimate of its expenditure and income during the next succeeding year.

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

(3) The accounts of the Board shall be audited, not later than six months after the end of the year to which such accounts relate, by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

13. Annual report

The Board shall prepare and submit to the President, through the Minister, not later than 30 June in each year, a report in such form as the Minister may direct on the activities of the Board during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Board for the year and the auditors' report thereon.

14. Power to obtain information

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

(a) shall have a right of access to all relevant records of any tertiary institution to which this Act applies;

(b) may by notice in writing served on any person in charge of any such tertiary institution require that person to furnish or cause to be furnished information on such matters as may be specified in the notice.

(2) It shall be the duty of any person required to furnish information pursuant to subsection (1) of this section to comply with the notice within a reasonable period of time.

15. Regulations

The Minister may make regulations for carrying into effect the provisions of this Act.

16. Repeal, savings and transfer of liabilities, staff, etc.

(1) The Joint Admissions and Matriculation Board Act 1978 is hereby repealed, and accordingly, the Board established under that Act is hereby dissolved.

[1978 No. 2.]

(2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Joint Admissions and Matriculation Board Act 1978 (in this section referred to as "the repealed Act") shall not affect anything done under or pursuant to the repealed Act.

[Cap. I23.]

(3) By virtue of this Act and without further assurance, there shall be vested in the Board established by this Act all assets, funds, resources and other movable or immovable property which immediately before this Act were vested in the Board established by the repealed Act.

(4) The rights, interests, obligations and liabilities of the Board established by the repealed Act existing before this Act under any contract or instrument, or in law or in equity, apart from any contract or instrument shall, by virtue of this Act, be assigned to and vested in the Board established by this Act.

(5) Any contract or instrument as is mentioned in subsection (4) of this section shall be of the same force and effect against or in favour of the Board established by this Act and shall be enforceable as fully and effecti vely as if instead of that Board, the Board established by this Act has been named therein or had been a party thereto.

(6) The Board shall be subject to all the obligations and liabilities to which the Board established under the repealed Act was subject to immediately before this Act and all other persons shall have the same rights, powers and remedies against the Board as they had against the Board immediately before this Act.

(7) Any proceedings pending or cause of action existing immediately before the commencement of this Act by or against the Board, in respect of any right, interest, obligation or liability of the Board may be continued or, as the case may be, commenced in any court of law, tribunal or before any other authority or person; and any determination of a court of law, tribunal or any authority or person may be enforced by or against the Board to the same extent that such proceedings or cause of action or determination might have been continued, commenced or enforced by or against the Board established under the repealed Act.

(8) Notwithstanding the repeal of the enactment referred to in this section, if the Board established by the Act thinks it expedient that any vacancy in the Board should be filled by a person holding office at the commencement of this Act in the Board dissolved by this section, it may employ such person by way of transfer to the Board established by this Act and the previous service in that Board by such person shall count as service for the purposes of any pension subsequently payable by the Board established by this Act.

17. Interpretation

(1) In this Act, unless the context otherwise requires-

"Board" means the Joint Admissions and Matriculation Board established by section 1 of this Act;

"chairman" means the chairman of the Board;

"member" means a member of the Board and includes the chairman;

"Minister" means the Minister charged, from time to time, with responsibility for matters relating to higher education;

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

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

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

18. Short title

This Act may be cited as the Joint Admissions and Matriculation Board Act.

SCHEDULE

[Section 2 (2).]

Supplementary provisions relating to the Board

Proceedings

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority or its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

[Cap. I23.]

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

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

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

Committees

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

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

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

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

9. A decision of a committee shall be of no effect until it is confirmed by the Board.

Miscellaneous

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

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

12. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed to have been so signed and sealed.

13. The validity of any proceedings of the Board shall not be affected by-

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

JOINT ADMISSIONS AND MATRICULATION BOARD ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation