

**NATIONAL COMMISSION FOR ALMAJIRI AND OUT OF SCHOOL CHILDREN
EDUCATION ACT, 2023**

EXPLANATORY MEMORANDUM

This Act establishes the National Commission for Almajiri and Out of School Children Education to provide for a multimodal system of education to tackle the menace of illiteracy, develop skill acquisition and entrepreneurship programmes, prevent youth poverty, delinquency and destitution in Nigeria.

NATIONAL COMMISSION FOR ALMAJIRI AND OUT OF SCHOOL CHILDREN EDUCATION ACT, 2023

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COMMISSION FOR ALMAJIRI AND OUT OF SCHOOL CHILDREN EDUCATION ACT, 2013

CHAPTER

PART

Enacted by the National Assembly for the purpose of providing a coordinated system of education to tackle the menace of illiteracy, lack of acquisition and entrepreneurship programmes, poverty, unemployment and related matters.

Enacted by the

by the National Assembly of the Federal Republic of Nigeria

ESTABLISHMENT OF THE NATIONAL COMMISSION FOR ALMAJIRI AND OUT OF SCHOOL CHILDREN EDUCATION

1. (1) There is established the National Commission for Almajiri and Out of School Children Education (in this Act referred to as "the Commission") which shall have the functions assigned to it by this Act. Establishment of the National Commission for Almajiri and Out of School Children Education
- (2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
2. (1) There is established for the Commission a Governing Board (in this Act referred to as "the Board") which shall administer and direct the affairs of the Commission. Composition of the Board
- (2) With a view to the general welfare of the Commission, the Board shall exercise general control and superintendence over the policy, finances and property of the Commission, including its public relations.
- (3) The Board shall consist of a Chairman and a person each to represent each of the following Ministries and bodies —
 - (a) Federal Ministry responsible for education;
 - (b) the States of the Federation having administrative jurisdiction over the Commission, and such other States as the Minister may designate necessary for effective administrative cooperation;
 - (c) the President of the Nigerian Supreme Council for Islamic Education.

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| <p>1. (1) There is established the National Commission for Almajiri and Out of School Children Education (in this Act referred to as "the Commission") which shall have the functions assigned to it by this Act.</p> <p>(2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.</p> | <p>Establishment of the National Commission for Almajiri and Out of School Children Education</p> |
| <p>2. (1) There is established for the Commission, a Governing Board (in this Act referred to as "the Board"), which shall administer and direct the affairs of the Commission.</p> <p>(2) Without prejudice to the generality of subsection (1), the Board shall exercise general control and superintendence over the policy, finances and property of the Commission, including its public relations.</p> <p>(3) The Board shall consist of a chairman and a person each to represent each of the following Ministries and bodies —</p> <p>(a) Federal Ministry responsible for education;</p> <p>(b) the States of the Federation having almajiri influence or prevalence of out of school children, and such other States as the Minister may consider necessary for effective implementation of this Act;</p> <p>(c) the President of the Nigerian Supreme Council for Islamic Affairs or his representative;</p> | <p>Governing Board of the Commission</p> |

- (d) the Chairman, Christian Association of Nigeria or his representative;
- (e) National Board for Arabic and Islamic Studies;
- (f) Nigeria Educational Development and Research Council;
- (g) National Business and Technical Examination Board; and
- (h) the Executive Secretary of the Commission.

(4) The Chairman and members of the Board other than the *ex-officio* members who are representing ministries and other statutory bodies, shall be appointed by the President, on the recommendation of the Minister.

(5) A member of the Board, other than an *ex-officio* member, shall hold office for a term of four years, renewable for another term of four years only.

(6) The Minister may, with the approval of the President, and in writing, remove any member of the Board if he is satisfied that it is not in the interest of the Commission that the person concerned should continue in office.

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

Schedule

3. The Board shall have power to —

Powers of the Board

- (a) manage and supervise affairs of the Commission;
- (b) make rules and regulations for performing the functions of the Commission;
- (c) enter and inspect premises, projects and such places as may be necessary for the purposes of performing its functions under this Act;
- (d) pay the staff of the Commission such remuneration and allowances as appropriate;
- (e) enter into such contracts as may be necessary or expedient for the performance of its functions and ensure the efficient performance of the functions of the Commission;
- (f) do other things as are necessary and expedient for the efficient performance of the functions of the Commission.

4. (1) Subject to the provisions of section 2 of this Act a member of the Board, other than an *ex-officio* member, shall hold office for a Single term of four years and no more.

Tenure of office

- (2) A member of the Board other than an *ex-officio* member, may resign his appointment by notice in writing under his hand, addressed to the President, and the resignation shall take effect only upon receipt by the President.
5. There shall be paid to every member of the Board such remunerations, allowances and expenses as the Federal Government may direct. Allowances of members
6. (1) Notwithstanding the provisions of section 2 of this Act, a person shall cease to hold office as a member of the Board if — Cessation of membership of the Board
- (a) he becomes bankrupt, suspends payment or compounds with his creditors;
 - (b) he is convicted of a felony or any offence involving dishonesty or fraud;
 - (c) he becomes of unsound mind, or incapable of carrying out his duties;
 - (d) he is guilty of a serious misconduct in relation to his duties;
 - (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practising his profession in any part of the world by an order of a competent authority made in respect of that member; or
 - (f) he resigns his appointment by a letter addressed to the President.
- (2) Where a vacancy occurs in the membership of the Board it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest and shall be appointed by the President, subject to the confirmation of the Senate in consultation with the House of representatives.

PART II — OBJECTIVES AND FUNCTIONS OF THE COMMISSION

7. The objectives of the Commission are to — Objectives of the Commission
- (a) formulate policy and issue guidelines in all matters relating to almajiri and out of school children in Nigeria;
 - (b) provide funds for —
 - (i) the research and personnel development for the improvement of almajiri and out of school children in Nigeria,

- (ii) the development of programmes on almajiri and out of school children, and
- (iii) equipment, instructional materials, including teaching aids and amenities, construction of classrooms and other facilities relating to almajiri and out of school children;
- (c) arrange effective monitoring and evaluation of the activities of agencies concerned with almajiri and out of school children; and
- (d) establish and manage ^{special} primary schools for almajiri and out of school children.

8. In addition to the objectives set out in section 7 of this Act, the Commission shall —

Functions of the
Commission

- (a) establish schools in the settlements predominantly populated by Almajiri and out of school children;
- (b) co-operate with other participating Ministries and agencies, including —
 - (i) the Ministry responsible for Health,
 - (ii) the Ministry responsible for Information and National Orientation,
 - (iii) the Ministry of Internal Affairs,
 - (iv) Federal Ministry responsible for Agriculture,
 - (v) Federal Ministry responsible for Trade and Industry, and
 - (vi) Federal Ministry responsible for Women Affairs and Social Development;
- (c) ensure effective inspection of almajiri and out of school children activities in Nigeria, through the Federal and State Ministries of Education, discharge duties relating to almajiri and out of school children;
- (d) collate, analyse and publish information relating to almajiri and out of school children in Nigeria and obtain from the States and from other sources, such information as is relevant to the discharge of its functions under this Act;
- (e) determine standards of skills to be attained in Almajiri and Out of School Children's schools established by the Commission, and review such standards;

- (f) prepare reliable statistics of almajiri and out of school age children;
- (h) act as the agency for channeling all external aid to almajiri and out of school children schools in Nigeria;
- (i) subject to the provisions of sections 17 and 18 of this Act, receive block grants and funds from the Federal Government or any agency authorised in that behalf, particularly by the Universal Basic Education Commission and allocate them to all almajiri and out of school children's schools in accordance with such formulas as may be laid down by the Commission;
- (j) ensure effective and equitable management of funds accruing to the Commission under this Act;
- (k) disburse funds for all authorised expenditure, including —
 - (i) payment of emoluments and overheads,
 - (ii) procurement of equipment and all other materials required by the Commission,
 - (iii) contribution towards provision of settled or mobile classrooms and instructional materials,
 - (iv) contribution towards the acquisition of sites for the establishment of schools, and
 - (v) all other payments relating to the performance of its functions under this Act.

9. The Commission shall, subject to any directive of the Minister, have power to do anything which in its opinion, is calculated to facilitate the carrying on of its objectives and performance of its functions under this Act. Powers of the Commission

10. Subject to the provisions of this Act, the Minister may give to the Commission, directives of a general character or relating generally to matters of policy, with regard to the performance by the Commission of its functions under this Act and the Commission to comply with such directives. Power of Minister to give directives to the Commission

PART III — STAFF OF THE COMMISSION

11. (1) There shall be appointed by the President, on the recommendation of the Minister, an Executive Secretary for the Commission, who shall have appropriate qualifications and experience in education and teaching. Executive Secretary of the Commission

- (2) The Executive Secretary shall be the chief executive of the Commission and be responsible for the execution of the policies of the Commission and the running of the affairs of the Commission.
- (3) The Executive Secretary shall hold office for a single term of five years and no more.
12. (1) The Commission may appoint such other employees of the Commission as it may require, to assist the Executive Secretary in the performance of the functions of the Commission under this Act. Other staff of the Commission
- (2) The remuneration and tenure of the office of the other employees of the Commission shall be determined by the Commission in consultation with the Minister.
- (3) Notwithstanding the provisions of subsection (1), employees of the Commission may be appointed by the Commission by way of transfer or secondment from any of the public services in the Federation.
13. (1) Service in the Commission shall be pensionable under the Pension Reform Act and accordingly, employees of the Commission shall, in respect of their services in the Commission, be entitled to pensions, gratuities and other retirement benefits as are prescribed in that Act. Pension Act No. 4, 2014
- (2) Notwithstanding the provisions of subsection (1), nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.
- (3) For the purposes of the application of the Pension Reform Act, any power exercisable under it by the Minister or authority of the Federal Government, not being the power to make regulations under section 23, is vested in and shall be exercisable by the Commission and not by any other person or authority.
- (4) Subject to subsection (2), the Pensions Reform Act shall in its application by virtue of the provisions of subsection (1) 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.
14. (1) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Commission may, subject to the Land Use Act — Offices and premise of the Commission
- (a) purchase or take on lease any interest in land, or other property; and Cap. L5, LFN, 2004
- (b) construct offices and premises, equip and maintain same across the Nation.
- (2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Act.

15. (1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission. Indemnity of officers

(2) Any sum of money which may, by the judgment of any court, be awarded against the Commission shall, subject to any direction given by court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.

PART IV — ALMAJIRI EDUCATION AND OUT OF SCHOOL CHILDREN EDUCATION CENTRES

16. (1) The Commission shall establish Almajiri and Out of School Children Education Centers at such place as the Commission may determine. Establishment of Almajiri and Out of School Children Education Centres

(2) Every Almajiri and Out of School Children Education Centre (in this Act referred to as "the Centre") shall be responsible to the Commission.

(3) The Commission shall conduct research into almajiri and out of school children life-styles, including their occupations, the role of parents' economic activities, migratory patterns, and their demographic distributions, relationship with sedentary community populations and attitudes to education, experimental education methodologies and evaluate programmes relating to skill acquisition and entrepreneurship.

(4) The Nigeria Educational Research and Development Council and National Board for Arabic and Islamic Studies shall prepare such data as may be required by it to develop —

(a) the curriculum for almajiri and out of school children;

(b) reading and teaching materials;

(c) teacher training programmes; and

(d) resource materials.

(5) The Commission shall prepare from any other sources, such data as may be required by it to —

(a) develop and maintain almajiri and out of school children teacher training programmes; and

(b) develop and maintain almajiri and out of school children outreach programmes, including electronically mediated ones, and to do this in collaboration with other Centres as well as other institutions, such as the

National Teachers Institute and the National Education Technology Centre.

PART V — FUND AND OTHER FINANCIAL PROVISIONS OF THE COMMISSION

17. (1) The Commission shall establish a National Almajiri and Out of School Children Fund (in this Act referred to as "the Fund") into which shall be paid all money received from the Federal Government, through the state governments and other sources, including gifts, endowment and profits. Establishment of National Almajiri and Out of School Children Fund
- (2) The Fund shall be disbursed in accordance with the accepted rules and procedures and in pursuit of the objectives of almajiri and out of school children, as may be directed by the Commission, including the making of appropriate grants to state governments, local governments, universities and other agencies and communities.
18. (1) The Commission shall establish and maintain a separate fund from which shall be defrayed all expenditure incurred by the Commission. Maintenance of separate fund by the Commission
- (2) To ensure effective cooperation and liaison of the Commission, the Commission shall encourage States to provide visible offices and administrative facilities in the States.
- (3) There shall be paid and credited to the fund established under subsection (1), such payments as may be made to the Commission by the Federal Ministry of Education, for running expenses of the Commission and all other payments of money accruing to the Commission.
19. (1) The Commission may accept gifts of land, money, or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift. Powers to accept gift
- (2) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Commission under this Act.
20. The Commission may, with the consent of the President, borrow, on such terms and conditions as the Commission may determine, such sums of money as the Commission may require in the performance of its functions under this Act. Powers to borrow
21. The Commission shall apply the proceeds of the fund established under section 17 (1) of this Act — Expenditure of the Commission
- (a) to the cost of administration of the Commission;
- (b) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation, allowances and gratuities payable to the members of the Board and employees of the Commission, so however that

no payment of any kind under this paragraph shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;

(c) for the maintenance of any property vested in the Commission; and

(d) for and in connection with any of its functions under this Act.

22. 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. Annual estimate and accounts

23. 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 he may direct, on the activities of the Commission during the immediate preceding year, and shall include in such report, a copy of the audited accounts of the Commission for that year and the Auditor's-General report on it. Annual report

PART VI — POWER TO OBTAIN INFORMATION

24. (1) For the purposes of performing the functions conferred on the Commission under this Act, the Executive Secretary or any other officer authorised in that behalf — Power to obtain information

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

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

(2) A person required to furnish information under subsection (1), shall comply with the notice within a reasonable period of time.

(3) In this section, the reference to an institution to which this Act applies is a reference to any regular school established under this Act the Universal Basic Education Programme.

25. (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission. Limitation of suits against the Commission

(2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Board, the Executive Secretary or any other officer or employee of the Commission for any act done under or in execution of this Act or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or such law or enactment, duty or authority, shall lie or be instituted in any court unless — Cap. P41, LFN, 2004

(a) it is commenced within three months next after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

26. A notice, summons or other document required or authorised to be served upon the Commission under the provisions of this Act or any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and addressed to the Executive Secretary at the principal office of the Commission. Service of document:

27. In this Act —

Interpretation

"Chairman" means the Chairman of the Commission;

"Commission" means the National Commission for Almajiri and Out of School Children Education, established by section 1 of this Act;

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

"Executive Secretary" means the person appointed as the Executive Secretary of the Commission under section 11 (1) of this Act;

"Minister" means Minister charged with responsibility for matters relating to education; and

"out of school children" include those Children who, for one reason or the other, are out of school.

28. This Act may be cited as the National Commission for Almajiri and Out of School Children Education Act, 2023. Citation

SCHEDULE

Section 2 (7)

SUPPLEMENTARY PROVISIONS RELATING THE BOARD

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 of its members and for the Chairman to have a second or casting vote.
2. Every meeting of the Board shall be presided over by the Chairman or if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at that meeting.
3. The quorum at a meeting of the Board shall consist of the Chairman, or in an appropriate case, the person presiding at the meeting under paragraph 2, and six other members.
4. Where upon any special occasion, the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

Committees

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

(2) Every committee appointed under the provisions of subparagraph (1), 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.
6. The decision of a Committee shall be of no effect until it is confirmed by the Board.

Miscellaneous

7. The affixing of the seal of the Commission shall be authenticated by the signature of the Chairman or the Executive Secretary of the Commission or such other member authorised generally or specially by the Board, to act for that purpose.
8. Any contract or instrument which if made by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Commission by the Executive Secretary or by any person generally or specifically authorised by the Board to act for that purpose.

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

10. The validity of any proceedings of the Board or its committee shall not be adversely affected by —

(a) any vacancy in the membership of the Board;

(b) any defect in the appointment of a member of the Board or committee; or

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

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

CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS
AUTHENTICATION ACT, CAP. A2, LAWS OF THE FEDERATION OF NIGERIA,
2004, THAT THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF
THE NATIONAL ASSEMBLY.


SANI MAGAJI TAMBAWAL, fcna
CLERK TO THE NATIONAL ASSEMBLY

26th
.... DAY OF May 20 23

**SCHEDULE TO THE NATIONAL COMMISSION FOR ALMAJIRI AND OUT OF SCHOOL CHILDREN
EDUCATION BILL, 2023**

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
National Commission for Almajiri and Out of School Children Education Bill, 2023	An Act to establish the National Commission for Almajiri Education and Out-of-School Children Education to provide for a multimodal system of education to tackle the menace of illiteracy, develop skill acquisition and entrepreneurship programmes, prevent youth poverty, delinquency and destitution in Nigeria; and for related matters.	This Bill establishes the National Commission for Almajiri Education and Out-of-School Children Education to provide for a multimodal system of education to tackle the menace of illiteracy, develop skill acquisition and entrepreneurship programmes, prevent youth poverty, delinquency and destitution in Nigeria.	6th April, 2023.	2nd May, 2023.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.


SANI MAGAJI TAMBAWAL, fca
Clerk to the National Assembly

26th Day of May, 2023



MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria

27th May, 2023

I ASSENT.