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#### CHAPTER 4\*

### ADVANCED TEACHERS COLLEGE HONG A LAW TO ESTABLISH THE ADVANCED TEACHERS COLLEGE HONG AND OTHER PURPOSES CONNECTED THEREWITH

[1 July 1981]

#### PART I—PRELIMINARY

1. This Law may be cited as the Advanced Teachers' College, Hong Law.
2. In this Law, unless the context otherwise requires:-
  - "Board" means the Academic Board of the College established under section 12;
  - "Chairman" means the Chairman of the Council; "College" means the Advanced Teachers College, Hong;
  - "Committee" means the Finance and General Purposes Committee of the College, established under section 14;
  - "Council" means governing council of the College;
  - "Members of staff" means the members of the staff of the College, including the Principal;
  - "Governor" means the Governor of the State;
  - "Principal" means the Principal of the College;
  - "State" means the Gongola State of Nigeria;
  - "Statutes" means the statutes of the College which are made by the Council;
  - "Deputy Principal" means the Deputy Principal of the College.

#### PART II—ESTABLISHMENT, OBJECTIVES, FUNCTIONS AND POWERS OF THE COLLEGE

3. There shall be in the State a College to be called the Advanced Teachers College, Hong, which shall be a body corporate having perpetual succession and a common seal and with power to sue and be sued in its corporate name.
4. The College shall have the following objectives:-
  - (a) to offer courses leading to the Nigerian Certificate in Education (N.C.E.) through three-year academic and professional courses on successful completion of which candidates qualify as teachers in primary schools, secondary schools and teacher-training colleges;
  - (b) to act as centre for research into the various areas of educational theory and practice;
  - (c) to run from time to time in-service vocation courses for serving teachers;
  - (d) to play a consultancy role in all sections of the teaching profession.
- 5.—(1) The College shall function essentially as a teaching and examining body and shall

provide courses of instruction in academic and professional subjects for the students of the college and for appropriate persons.

2. The examinations conducted by the College shall be moderated by the Institute of Education of the Ahmadu Bello University, Zaria, or such other Nigerian University to which the College shall be affiliated.

**6.—**(1) Subject to the provisions of this Law and the Statutes of the College, the College shall have the following powers:-

- (a) to stipulate the requisite condition for the admission of students into the College;
- (b) to set up departments and other units of learning and research in accordance with the aims and objectives of the College;
- (c) to create such offices and posts as may be required by the College to pursue its goals, and to appoint and remove persons from such offices or posts and to prescribe their conditions of service;
- (d) to provide such physical facilities as libraries, classrooms blocks, laboratories, workshops, hostels, dining halls, sports fields and other buildings or facilities as the College may require for its purposes;
- (e) to provide adequate residential, recreational and welfare amenities for the members of the staff of the College;
- (f) to draw up rules for the discipline of the students of the College;
- (g) to arrange examinations and to arrange for the award of certificates and other distinctions to persons who have successfully pursued their courses of study and any other requirements prescribed by the College;
- (h) to print or publish academic materials or undertake academic services as may be considered consistent with the aims and objectives of the College;
- (i) to do all other things which are incidental to its powers, as may advance the objectives and functions of the College;

2. The College shall have powers to hold land and to contract.

3. Subject to the provisions of this Law and of the Statutes, the powers conferred on the College by sub-section (1) and (2) of this section shall be exercised on behalf of the College by the Council or by the Board or in any other manner which may be authorised by the Statutes.

### PART III—THE COLLEGE COUNCIL

**7.** Soon after the coming into effect of this Law, there shall be established a Council to be called the Advanced Teachers College Hong Council.

**8.** The Council shall be composed of the following members:-

- (a) a Chairman who shall be appointed by the Governor;
- (b) four *ex-officio* members who shall be:-
  - (i) the Permanent Secretary, State Ministry of Education or his representative;
  - (ii) the Permanent Secretary, State Ministry of Finance or his representative;
  - (iii) representative of the State Ministry of Justice;
  - (iv) the Chief Inspector of Education
- (c) a distinguished member of the teaching profession.
- (d) three other members who shall be:-
  - (i) a representative of the staff of the College, to be nominated by the senior members of the staff;
  - (ii) a representative of an Institute of Education, a Department of Education or

Faculty of Education of a Nigerian University;

(iii) one person to be nominated by the Federal Ministry of Education.

**9.—**(1) The Chairman shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment.

(2) Any member of the Council, other than an ex-officio member shall hold office for such period not exceeding three years as may be determined by the appointing authority and he shall be eligible for re-appointment.

(3) Any member of the Council, other than an ex-officio member may, by a written notice to the Council, resign his office.

(4) Any vacancy occurring in the membership of the Council shall be filled by the appointment of a successor who shall represent the same interest as his predecessor for the remainder of the term of office of the predecessor.

**10.—**(1) Subject to the provisions of this Law the Council shall be the governing authority of the College and shall have the power:-

(a) to make, amend or revoke the Statutes in the direction and regulation of the affairs of the College;

(b) to superintend generally all affairs of the College, and in particular, the control of the property and finance of the College;

(c) to do anything else which is incidental to its powers under this Law;

(2) The Council may delegate any of its functions except the powers to make or amend or revoke the provisions of any Statute, to the Chairman or to any other person he may authorise, such person being an officer of the college, or to any committee the Council may constitute, but no decision of such person or committee shall take effect until it is confirmed by the Council.

**11.—**(1) The College Secretary shall be the Secretary of the Council and shall attend all its meetings unless excused for good cause by the Chairman.

(2) In the absence of the College Secretary, the Chairman may, in consultation with the Principal, appoint a suitable person to act as Secretary for any particular meeting.

#### PART IV—THE ACADEMIC BOARD OF THE COLLEGE

**12.** There shall be an Academic Board for the College and the Board shall have direct control over the academic work and activities of the College.

**13.** The Board shall be composed of:-

(a) the Principal who shall be its Chairman;

(b) the Deputy Principal;

(c) all heads of the teaching departments of the College;

(d) the Librarian;

(e) three members of the academic staff other than the heads of departments as may be selected by the senior members of the staff of the College;

(f) one person to represent the Institute of Education of the Ahmadu Bello University, Zaria or such other Nigerian University to which the College is affiliated;

(g) two persons, whether or not members of the staff, as may be appointed by the Principal.

#### PART V—ESTABLISHMENT AND FUNCTIONS OF THE FINANCE AND GENERAL PURPOSES COMMITTEE

**14.** There shall be a Committee known as the Finance and General Purposes Committee.

**15.** The Committee shall be composed of the following members:-

- (a) the Chairman of the Council who shall be the Chairman of the Committee;
- (b) the Principal;
- (c) the Permanent Secretary of the State Ministry of Finance or his representative;
- (d) Permanent Secretary, State Ministry of Education;
- (e) three other members of the Council, one of whom shall be a member of the Board, to be appointed by the Council; and
- (f) The Permanent Secretary Ministry of Justice.

**16.** Subject to the direction of the Council, the Committee may:—

- (a) exercise control over the property, revenue and expenditure of the College;
- (b) deal on behalf of the Council, with any matter requiring decision in the intervals between meetings of the Council;
- (c) perform such other function of the Council as the Council may, from time to time, delegate to it.

**17.** The supplementary provisions contained in the First Schedule shall have effect in relation to the constitution and proceedings of the various bodies appointed under or by virtue of the provisions of this Law including the Committee established under Part V.

**18.** The Governor may, by order published in the State Gazette, transfer all or any of the properties, whether movable, or immovable, held, used by or being without further assurance, vested in the College, to be applied for the purposes of the College and, as from the date of the order, any property so transferred under the order shall, without further assurance, vest in the College and shall be used for the purposes of the College.

**19.—**(1) The Council may, on behalf of the College acquire and hold such movable or immovable property as may be necessary or expedient for the carrying into effect the provisions of this Law, and for the same Purpose, may sell, lease, mortgage, or otherwise alienate or dispose of any property so acquired.

(2) The council shall have the power to enter into contracts on behalf of the College.

**20.** The Council may, with the approval of the Governor, on behalf of the College, invest the funds of the College in such manner and to such extent as may be necessary or expedient for carrying into effect the provisions of this Law.

**21.** The revenue of the College shall include:-

- (a) revenue from time to time accruing to the College by way of government grant, subvention or endowment or other forms of grant-in-aid.
- (b) fees charged by and payable to the College in respect of students;
- (c) any other amounts, charges or dues receivable by the Council;
- (d) payment for publications or other services rendered by the College;
- (e) donations and legacies; and
- (f) any other amounts that may be lent to the Council.

**22.—**(1) Before the end of each financial year, or at such other times as may be required by the Council, the principal shall present for scrutiny and acceptance by the Council estimates of revenue and expenditure for the following financial year and the accepted estimates shall, immediately after acceptance, be presented to the Governor for approval.

(2) The Council shall with the prior approval of the Director of Audit of the State for the purposes of auditing the accounts of the College, appoint an independent auditor who:-

- (a) shall hold office for one year
- (b) is eligible for re-appointment and

(c) shall receive such remuneration as the Council may determine.

**23.** The auditor shall have the right of access to the books, accounts and vouchers of the College and shall be entitled to such information and explanation as he may deem necessary for the audit of the College accounts.

**24.-(1)** A statement of accounts, showing revenue and expenditure, shall be prepared in respect of the previous financial year the accounts of which are to be audited, together with a statement of the assets and liabilities of the College for the same financial year as at the last day of the financial year.

(2) The statement, duly certified by the principal, shall be audited and, after verification by the Council, shall, together with the auditor's report on it, be forwarded to the Governor who shall cause it to be published in the State Gazette after submitting the same to the House of Assembly of the State.

#### **PART VII – OFFICER OF THE COLLEGE**

**25.(1)** The officers of the College shall be:-

- (a) the chairman of the council;
- (b) the principal;
- (c) the Deputy Principal;
- (d) the College Secretary;
- (e) the Librarian
- (f) the Finance officer;
- (g) the Estate Manager, and
- (h) the Heads of Departments.

(2) The Principal shall be the professional and administrative head of the College and shall be responsible to the Council for promoting and maintaining efficiency and discipline in the College.

(3) The College Secretary, in addition to the duties assigned to him under the provisions of this Law, shall be responsible to the Principal for the execution of the decisions made by the Council or by the Board and for administrative matters pertaining to staff appointments, the admissions of students and their graduation.

(4) The Head of Department shall be the professional and administrative head of his department and responsible to the Principal.

(5) The Librarian shall be responsible to the Principal for the administration of the College Library and for the co-ordination of library services in the College.

(6) The Finance Officer shall be responsible to the Principal for the day-to-day administration of the financial affairs of the College.

(7) The Estate Officer shall be responsible to the principal for maintenance of the College buildings and other physical facilities, minor works, security, transport and the supervision of the College projects.

#### **PART VII—APPOINTMENT OF STAFF**

**26. —(1)** The first Principal shall be appointed by the Governor.

(2) Every subsequent Principal shall be appointed by the Council and the appointment shall be subject to the approval of the Governor.

(3) The first Principal may, for reasons of misconduct or inefficiency, be removed from office by



the Governor.

(4) Every subsequent Principal may for reasons of misconduct or inefficiency, be removed from office by the Council, subject to the approval of the Governor.

(5) The first Principal and every subsequent Principal shall each hold office for five years from the date of his appointment or until he resigns, but is eligible for re-appointment.

**27.**—(1) There shall be a committee of the Council to be known as the Appointment and Promotion Committee.

(2) The Committee shall be composed of the following members:-

- (a) the Chairman of the Council who shall be the Chairman of the Committee;
- (b) the Principal;
- (c) the Permanent Secretary of the State Ministry of Education;
- (d) the Chief Inspector of Education of the State Ministry of Education;
- (e) three other members of the Council one of whom shall be a member of the Academic Board, to be appointed by the Council from section 13 (c) to (e) of this Law.

**28.**—(1) Subject to the direction of the Council, the Committee may:-

- (a) exercise control over all appointments, dismissals, disciplinary control and promotions of senior academic and administrative staff of the College other than the Principal and make appropriate recommendations to the Council;
- (b) perform such other functions of the Council as the Council may, from time to time delegate it.

(2) The power to appoint the intermediate and junior staff of the College shall be exercised by the Principal with the assistance of such a Committee and shall be constituted by him for that purpose.

**29.** Any staff vacancy existing in the College shall except for good reasons which must be stated on record, be filled through advertisement.

**30.** Subject to the provisions of this Law the rates of remuneration, scales of salary, other benefits and condition of service of the members of the staff of the College shall be determined by the Council.

**31.**—(1) Any member of the College staff may, subject to such conditions as may be determined by the Council resign his appointment with the College by a written notice to the Council.

(2) A member of the staff of the College who ceases to hold office otherwise than by removal for misconduct or inefficiency is eligible for re-appointment.

**32.**—(1) Subject to the provisions of sub-sections (3) and (4) of section 26 of this Law, the Principal or any other senior member of staff of the College may for reasons of misconduct or inefficiency be removed from office by the Council.

(2) The Principal may suspend or remove from office any member of the intermediate or junior staff of the College, subject to such conditions as may be determined by the Council.

(3) No member of the College staff shall be removed from office unless he has been given reasons thereof and an opportunity to make representation in defence of himself.

#### PART IX—MISCELLANEOUS PROVISIONS

**33.**—(1) Subject to the provisions of this Law and of any Statutes or Regulations made thereunder, the quorum and procedure of any committee established by virtue of this Law shall be that as may be determined by that committee.

(2) The Chairman shall be an *ex-officio* member of all the committees of the Council and of the Board.

(3) The Principal shall be an *ex-officio* member of all the committees of the Council and of the Board and of all joint committees thereof.

34. —(1) Subject to the provisions of the Statutes the Principal shall enforce and maintain discipline in the College and shall have power to suspend for such period as he may in his discretion determine a student or group of students from attending the College for any cause which he considers adequate to warrant that action and any suspension shall immediately thereafter, be reported to the Council.

(2) The Principal may, with the prior approval of the Council, expel a student from the College for misconduct.

(3) Notwithstanding the provisions of sub-section (1) and (2) of this section the College may specify in the rules it may make under section 6(1) (f) of this Law which types of misconduct warrant suspension and which warrant expulsion.

35. The conditions laid down in the second schedule to this law may govern the Statutes and conditions of service of the staff of the College until such time, not exceeding one year from 1st January, 1982 when the College shall complete arrangements to absorb or otherwise the staff in its service.

36.—(1) The College Secretary shall have custody of the common seal of the College and shall be responsible for affixing it to documents.

(2) The common seal of the College shall not be used except upon the direction of the Council and when used shall be authenticated by the signature of the Chairman or some other person duly authorised by the Council and by the signature of the secretary in the manner specified in the statutes; and it shall be officially and judicially noticed.

37. The Council may, with the approval of the Governor make, add to, delete from or otherwise amend the provisions of any Statute and the provisions shall as so made, added to, deleted from or amended, be published in the State Gazette.

38.—(1) The Governor may, after consultation with the Council, give to the Council directions of a general character as to the discharge by the Council of its functions in relation to matters appearing to the Governor to affect the public interest, and the Council shall give effect to such directions.

(2) The Governor may, after consultation with the Council, give to the Council specific directions for the purpose of remedying any defect which may be discovered in the general condition of the Council for the discharge of its functions under this Law and the Council shall give effect to such directions.

(3) The Council shall afford the Governor facilities for:-

(a) obtaining information with respect to the property of the College and the functions of the Council; and

(b) the verification of the information furnished in such manner and at such times as the Governor may require and the Council shall also furnish him with returns of accounts and other information, with report thereto.

39.—(1) In the event of any doubt or dispute arising at any time regarding the meaning of any of the provisions of this Law or the Statutes, the matter shall be referred to the Governor who shall advise thereon and give his decision accordingly and the decision shall be binding upon the authorities, the staff and the students of the College.

(2) The provisions of sub-section (1) of this section shall be deemed to exclude the jurisdiction of the Law Courts from determining any doubt or dispute.



FIRST SCHEDULE  
SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL AND OTHER  
CONSTITUENT BODIES OF THE COLLEGE

- 1.**—(1) The Chairman, or in his absence the person appointed or elected to act as Chairman, may, at any time, direct the Secretary to summon a meeting of the Council.  
(2) Any five members of the Council may by notice in writing signed by them request the Chairman to summon a special meeting of the Council for the purposes set out in the notice, and the chairman shall thereupon order a special meeting to be summoned.  
(3) The Council shall meet at such times and places as the Chairman may appoint, provided that the Council shall hold at least two meetings in each academic year.  
(4) At the meeting of the Council:-  
    (a) the Chairman of the Council shall, if present, be the chairman of the meeting;  
    (b) if and so long as the Chairman is not present, or if the office of Chairman is vacant, the members of the Council who are present shall elect one of their number to be chairman of the meeting.
- 2** —(1) Where upon any special occasion, the Council desires to obtain the advice of, or any special information from any person on any particular matter, the Council may co-opt that person to be a member for the meeting or meetings for which he may be required and that person, whilst so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.  
(2) Where upon any special occasion, the Academic Board, the Appointment and Promotion Committee, the Finance and General Purpose Committee or any other committee appointed under the provisions of this Law desires to obtain any advice or any special information from any person, that person may be co-opted as a member of the Board or of the particular committee for the meetings for which he may be required, and that person, whilst so co-opted, shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.
- 3.** —(1) The quorum for a meeting of the Council shall be five members who shall include at least one *ex-officio* member, but the quorum for a special meeting of the Council shall be eight members.  
(2) The quorum for a meeting of the following bodies shall be:-  
    (a) the Board; one-third of its total membership;  
    (b) the Appointment and Promotion Committee, the Finance and General Purposes Committee; the Chairman or the Principal, and three other members of the Committee; and  
    (c) any other committee; one-half of the total membership of the committee.
- 4.** —(1) The Principal may, at any time, direct the Secretary to summon a meeting of the Board.  
(2) The Chairman, or, in his absence the Deputy Chairman, if any has been appointed by any committee, may summon a meeting of a particular committee.
- 5.** —(1) Every question at any meeting of the Council or of any other body established under the provisions of this law, shall be determined by a majority of the votes of the members present.  
(2) Each member, including the Chairman, present and voting at any meeting shall have one vote but in the case of an equal division of votes, the Chairman of the meeting shall have a second or casting vote.
- 6.** —(1) The Secretary of the Council or that of each established body shall keep an accurate record of the proceedings of each meeting of the Council, or the body as the case may be, in a minutes book to be kept for that purpose.

(2) The minutes of every meeting shall be signed by the chairman of the meeting after they have been approved at the next meeting.

(3) Where the Secretary is absent at a meeting of the Council or a body established under this Law, the Chairman may appoint any suitable person to act as a secretary for the particular meeting.

7. Subject to the provisions of this Law, the Council may appoint committees, including the Finance and General Purposes Committee, to which it may delegate any of its responsibilities and functions subject however, to the approval of the Governor.

8. —(1) Without prejudice to the provisions of this Law the Council may, with the approval of the Governor, make standing orders for its meetings and in them:-

(a) provide for the notice to be given of meetings and for the proceedings at, and the custody and production for inspection of the minutes of meetings; and

(b) provide for other procedural matters that may be considered necessary or desirable.

(2) The Board, the Appointment and Promotion Committee and the Finance and General Purposes Committee may, with the approval of the Council, make similar standing orders as in sub-paragraph (1) of this paragraph and without prejudice to the generality of the sub-paragraph

(1) the standing orders may make provisions for special meetings for the election of a deputy or temporary chairman.

9. No act or other proceedings of the Council, the Board, the Committee or any other committee shall be invalid by reason only that:-

(a) there is some defect in the appointment of a person purporting to be a member of it; or

(b) there is vacancy among the members of it.

## SECOND SCHEDULE TRANSITIONAL STATUS OF STAFF

1. As from the 1st day of January, 1982, all the existing staff of the College who were, on that date, in the Civil Service of the Government of the State shall be considered to have been on secondment to the College for a period of two years with status, designation and functions which correspond as nearly as may be to those which appertained to them while in the service of the Government.

2. —(1) During the period of secondment any staff concerned may apply in writing to the Council for his transfer to the service of the College.

(2) An officer concerned who does not apply for transfer as in sub-paragraph (1) of this paragraph or whose transfer is not approved by the Council, shall, at the expiry of the period of two years of secondment, revert to the Civil Service of the State.

3.—(1) In special circumstances and subject to an agreement between the Council, the Ministry of Education of the State and any particular officer concerned, the period of secondment referred to in paragraph (1) of this Schedule may, in respect of that officer, be extended for a further period to be stated in the agreement.

(2) The extension under this paragraph of the period of secondment shall be subject to approval of the Civil Service Commission of the State.

4. Any contract officer in the public service of the State who wished to take up appointment with the College shall first resign from the Civil Service of the State.