

CHAPTER 141
SCHOOLS TRANSFER LAW

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SCHEDULE

CHAPTER 141
SCHOOLS TRANSFER LAW

A Law to return to and vest in voluntary agencies the proprietorship, management and control of certain educational institutions in the State.

[27th August, 1991 Short title

1. This Law may be cited as the Schools Transfer Law,

2. In this Law —

“Anglican Church of Nigeria” means church of Nigeria (Anglican Communion);

“appointed day” means 27th day of August, 1991;

“Commission” means the State Education Commission;

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

Interpretation

“functions” include powers and duties;

“Government” means Government of the State.

“Ministry” means any person or persons by whom a school is established;

“proprietor” means any person or persons by whom a school is established;

“State” means Enugu State of Nigeria;

"State school" means a school or institution vested to the State under the provisions of this Law or otherwise established and managed by the State in accordance with the provisions of this Law;

“voluntary agency” includes a persons religious body, mission society, company or corporation or any other body or persons to whom or to which the Government vests the proprietorship and management of an educational institution under the provisions of this Law;

“voluntary agency school or institution” means a school or institution vested in a voluntary agency under the provisions of this Law;

3. (1) Subject to the provisions of this Law, there shall on the appointed day, be transferred to and vested in the appropriate voluntary agency named in the second column of the Schedule to this Law, by virtue of this Law --- Transfer of schools.

(a) every property used for the purposes of the school or institution mentioned in the first column of the Schedule hereto opposite such school or institution, being property held immediately before the appointed day by the Government for the purposes of that school or institution; and

(b) all rights and liabilities to which the Government was entitled or subject immediately before the appointed day, being rights and liabilities acquired or incurred solely for the purposes of managing such property as aforesaid or otherwise carrying on the business of the school or institution or any part thereof

(2) This section shall not apply to rights and liabilities arising under—

(a) contract for any building repair or other work whatsoever or for the supply of any equipment, material or goods of any kind to the school or institution; or

(b) any scheme or contract providing for the payment of retiring benefits in respect of officers employed for the purposes of a State school who have ceased to be so employed before the appointed day, being contract or scheme entered into before the appointed day.

(3) Where after the appointed day any land or building used for the purposes of a voluntary agency school under this Law is convened for purposes other than the purposes of a school, such conversion shall be of no effect and such land or building shall continue to be used for the purposes of a voluntary agency school under this Law.

(4) Any person who, after the appointed day, with intent to defeat or stultify the purposes of this Law, converts or does any act in furtherance of an intention to convert a voluntary agency school building or land or other building used in connection therewith for purposes other than the purposes of a school under this Law, shall be guilty of an offence and shall be liable on conviction, to a fine of two hundred naira or imprisonment for six months, or to both such fine and imprisonment.

4. The Commissioner may at any time as he deems fit enter into and inspect any land, building or other property transferred to and vested in a voluntary agency by virtue of this Law or otherwise used for the purposes of a voluntary agency school in order to ensure that, that land, building or other property is actually being used for the purposes of the voluntary agency school.

5. (1) Where the property used for the purposes of a voluntary agency school is a land or any building or structure thereon, a voluntary agency or any officer, servant or agent of the voluntary agency duly authorized in writing in that behalf, may, at any time enter upon such land or any building or structure thereon and, without prejudice to any other remedies available to such voluntary agency, remove from such land, building or structure—

Removal of
unauthorised
persons.

- (a) any person who is unlawfully remaining there, or who is carrying on any unauthorized duties or business thereon as the case may be; or
- (b) any property whatsoever which is unlawfully on the land or in any building or structure on the land.

(2) Any person who—

- (a) obstructs a voluntary agency or an officer, servant or agent of a voluntary agency whilst —
 - (i). doing any act authorized under subsection (1), or
 - (ii). making use of any property vested in a voluntary agency under this Law; or
- (b) otherwise interferes with such property; shall be guilty of an offence and shall be liable, on conviction, to a fine of six hundred naira or imprisonment for two years or to both such fine and imprisonment.

(3) Without prejudice to any other remedies available to a voluntary agency, the State may institute criminal proceedings against any offender under this section.

6. The teaching and non-teaching staff of a voluntary agency school or institution shall, at the discretion of the Commission, be appointed by the Commission; and on such appointment, the Commission may, after consultation with the voluntary agency concerned, post such staff to the voluntary agency for deployment by the voluntary agency in such manner as the voluntary agency may deem fit for the effectual performance of its functions under this or any other Law

Staff

7. (1) A voluntary agency shall in respect of the control of a voluntary agency school under this Law perform the following functions—

Functions of
voluntary
agency.

- (a) management of the voluntary agency school within the meaning of this Law;
- (b) deployment of teachers and non-teaching staff posted to such voluntary agency school by the Commission;
- (c) maintenance of any premises forming part of or used in connection with such voluntary agency school;
- (d) acquisition and obtaining of equipment, furniture and other movable property required for the purpose of such voluntary agency school
- (e) provision of recreational facilities and school meals;

- (f) exercise of disciplinary control over the students of such voluntary agency school;
- (g) interview and selection of candidates for admission into such schools, from the list of candidates who pass the relevant year's Ministry of Education common entrance examination;
- (h) supervision of such voluntary agency school voluntary agency school.
- (i) Investigation of any matter affecting such voluntary agency school;
- (j) consultation with and advising the Ministry upon such matters as it thinks fit and upon any questions referred to it by the Ministry;
- (k) the doing of all such other acts and things which may be incidental or conducive to the efficient performance of its functions under this Law.

(2) A voluntary agency shall in respect of the management and control of teachers and non-teaching staff by the Commission posted to a voluntary agency school under this Law—

- (a) exercise disciplinary control over the teaching and non-teaching staff for misconduct and inefficiency relating to the services of such teaching and non-teaching staff; and
- (b) maintain such conditions of service of the teaching and non-teaching staff as are not inferior to those obtainable in the public service of the State.

(3) In the performance of its function under paragraph (g) of subsection (1) of this section, a voluntary agency shall—

- (a) maintain the academic standard prescribed by the Ministry ; and
- (b) control the number of students enrolled in a voluntary agency school or institution in accordance with the provisions of the Public Education Law or any other Law applicable

(4) A voluntary agency may delegate any of its functions under this Law to any of its officers, servants or agents.

Standing
Orders.

8. A voluntary agency may regulate its own procedure by means of standing orders.

9. For the purposes of any disciplinary proceedings under this Law, a voluntary agency shall have power—

Disciplinary
powers.

- (a) to procure and examine all such evidence and all such witnesses as it may think fit;
- (b) to require the evidence of any witness to be made on oath as would have been taken by the witness if he were giving evidence in a Magistrate's Court;
- (c) to issue a warrant to compel the attendance of any person who after having been summoned to attend fails to do so and does not before the warrant is issued explain such failure to the satisfaction of the voluntary agency and require him to pay all costs which shall have been occasioned in compelling his attendance or by reason of his refusal to obey the summons;
- (d) to enter upon any land at all reasonable times for the purpose of obtaining any information or evidence.

10. The Commissioner may make regulations providing for the procedure to be followed by a voluntary agency in the exercise of its disciplinary functions under this Law.

Disciplinary
procedure.

11. Any teacher or non-teaching staff who is not satisfied with the decision of a voluntary agency with respect to a disciplinary action taken against him by the voluntary agency, may within sixty days of such decision appeal to a committee appointed by the Commissioner pursuant to Part 3 of the Education Law.

Appeals on disciplinary matters.

12. (1) If in any case a voluntary agency considers that the public interest so requires, it may interdict a teacher posted by the Commission to a voluntary agency school under this Law and shall forthwith report the interdiction to the Commission.

Interdiction.

Provided that such interdiction shall not be carried out unless disciplinary proceedings are or are about to be taken, or that criminal proceedings are being instituted, against him.

(2) A teacher who is interdicted shall be paid such part of his salary and emolument, not being less than one half, as the voluntary agency may think fit.

(3) Where the teacher is interdicted pursuant to subsection (I) of this section and the disciplinary proceedings against the teacher do not result in removal of his name from the register or in dismissal or other punishment, he shall hereafter be entitled to the full salary and emolument which but for the interdiction he would have received.

Finances.

13. The Government shall be responsible for the payment of salaries, emoluments and benefits due to the teaching and non-teaching staff posted or deployed in the voluntary agency schools or institutions in accordance with the conditions of service from time to time approved by the Government.

Accounts and audits.

14. A voluntary agency shall keep accounts of the sums of money received and expended by it in the exercise at its functions under this Law, and those accounts shall be made up and audited in like manner as the accounts of a department of the Government.

Supervisory Powers.

15. For the purpose of general supervision of all educational institutions in the State including voluntary agency schools by the Commissioner the provisions of—

- (a) Sections 45 (1). 47(I) (b) and (e), 48(1) to (8); and 67(1) and (2) of the Educational Law;
- (b) Part 7 of the Education Law; and
- (c) Fifth and Sixth Schedules to the Education Law,

shall apply in relation to a voluntary agency or a voluntary agency school or institution under this Law if for the expressions "State Board" "State school or school" and "the manager or proprietor" under the Education Law, there were substituted the expressions "voluntary agency" "voluntary agency school" respectively under this Law; and reference to "teacher training institution" and "teacher" in the Education Law, shall include reference to "teacher training institution" and "teacher in a voluntary agency school" respectively under this Law.

16. The Governor may by order published in the State *Gazette* amend or vary the Schedule to this Law and where the Schedule is amended or varied—

Power of Governor to transfer schools.

- (a) so as to transfer a State school to a voluntary agency, the State school shall on the date appointed by the order, by virtue of this Law and without any further assurance, be

transferred to and vested in the voluntary agency named in that order and the provisions of this Law shall thereupon apply to the school so transferred and the voluntary agency to which it is transferred;

- (b) so as to revert a voluntary agency school or institution to State school, the voluntary agency school or institution shall on the date appointed by the order cease to be such school and revert to State school, unless a contrary intention be shown.

17. Nothing in section 24 of the Education Law shall be construed as affecting the legality of a voluntary agency institution or school under this Law and for the avoidance of doubt, it is hereby declared that any school or institution which the Governor under paragraph (a) of section 16 of this Law may by Law declare to be a voluntary agency school, is legally constituted under this Law.

Legality of
voluntary
agency
schools.

SCHEDULE

(Section 3)

FIRST COLUMN

which a school or
Schol or institution transferred to a
transferred

Voluntary Agency

Voluntary agency to

institution is

1. Chartered Teacher's Training College,
of Nigeria
Onitsha

The Roman Catholic Church

2. Holy Rosary Teacher`s Training
of Nigeria College, Enugu

The Roman Catholic Church

3. St, Cyprian Teacher`s Training
Nigeria

The Anglican Church of

College Ogbunike

4. St, Cyprian Teacher`s Training
Nigeria

The Anglican Church of

College Nsukka