

## ACTS

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*dated 25th October, 2001*

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### THE TERTIARY EDUCATION COMMISSION ACT, 2001

#### ARRANGEMENT OF SECTIONS

##### *Section*

#### PART I—PRELIMINARY

1. Interpretation.

#### PART II—ESTABLISHMENT OF COMMISSION.

2. Establishment of Tertiary Education Commission.
3. Composition of Commission.
4. Remuneration of Chairman and other members of Commission.
5. Filling of vacancies.
6. Meetings of Commission.

#### PART III—FUNCTIONS OF COMMISSION.

7. Functions of Commission.
8. Independence of Commission.
9. Commission to appoint committees.

#### PART IV—ADMINISTRATIVE PROVISIONS.

10. Executive Secretary.
11. Other staff of Commission.
12. Funds of Commission.
13. Accounts.
14. Annual report.
15. Regulations.

SIGNED this 30th day of September, 2001.

ALHAJI AHMAD TEJAN KABBAH,  
*President.*

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No. 8



Sierra Leone

2001

## **The Tertiary Education Commission Act, 2001**

Short title:

Being an Act to establish the Tertiary Education Commission for the development of tertiary education in Sierra Leone and to provide for other matters connected therewith.

[25th October, 2001] Date of commencement

Enacted by the President and Members of Parliament in this present Parliament assembled.

## PART I PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires—

“Commission” means the Tertiary Education Commission established by section 2;

“tertiary education institution” means—

- (a) a university or university college;
- (b) a polytechnic; or
- (c) a post secondary school educational institution at the prescribed level;

“Minister” means the Minister responsible for education.

## PART II—ESTABLISHMENT OF COMMISSION

Establishment  
of Tertiary  
Education  
Commission.

2. (1) There is hereby established a body to be known as the Tertiary Education Commission.

(2) The Commission shall be a body corporate having perpetual succession, a common seal, and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

Composition  
of  
Commission.

3. (1) The Commission shall consist of—

(a) a Chairman, who shall be a person of wide academic and administrative experience; and

(b) the following members:—

- (i) two persons being heads of a university or university college respectively in Sierra Leone or their representatives;

- (ii) a principal of a polytechnic in Sierra Leone representing polytechnic institutions on a rotational basis;
- (iii) a representative of the Science and Technology Council;
- (iv) Chairman, National Council for Technical, Vocational and other Academic Awards;
- (v) Chairman, Conference of Principals of Teachers' Colleges;
- (vi) one representative of the Chamber of Commerce, Industry and Agriculture;
- (vii) the National President, Conference of Principals of Secondary Schools;
- (viii) the Development Secretary or his representative;
- (ix) the Financial Secretary or his representative;
- (x) the Director-General of Education or his representative;
- (xi) a representative of the Sierra Leone Academy of Arts and Sciences;
- (xii) four other persons from relevant bodies at least two of whom shall be women:

Provided that the holder of an office referred to in sub paragraph (i), (ii), (iv), (viii), (ix) or (x) shall be represented by a deputy.

(2) The Chairman or any other member of the Commission who is not a public officer shall be appointed by the President on the recommendation of the Minister and subject to the approval of

Parliament, from among persons who are not under any legal disability from holding public office and shall serve for a period of five years but any such appointment may be renewed when necessary.

(3) The Chairman or any member referred to in subsection (2) may resign his office by notice to the Minister and may be removed from office by the President on the recommendation of the Minister for inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause, or for stated misconduct to which the provisions of section 137 of the Constitution shall, with the necessary modifications, apply.

(4) No member shall hold office under more than one provision in subsection (1) and where at any time a member becomes the holder of two offices on the Commission, he shall notify one of the institutions which he represents for another person to be nominated for appointment in his stead.

Remuneration  
of Chairman  
and other  
members of  
Commission.

4. The Chairman or other member of the Commission shall be paid such remuneration or allowances as the Minister shall determine.

Filling of  
vacancies.

5. (1) Where the Chairman or a member of the Commission dies, resigns, is removed from office or is absent from Sierra Leone for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office—

- (a) the members of the Commission shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of the member, the Chairman shall arrange, subject to this Act, to have another person, appointed, elected or nominated to the Commission, as the case may be.

(2) Where a person is elected as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member and shall, subject to this Act, be eligible for re-appointment, re-election or re-nomination, as the case may be.

6. (1) The Commission shall meet, for the dispatch of business Meetings.  
at such time and place as the Chairman may decide but shall meet at  
least once every six months.

(2) The Chairman shall, at the request in writing of not less  
than eight members of the Commission, call an extraordinary meeting  
of the Commission at such time and place as he may determine.

(3) The Chairman shall preside at every meeting of the  
Commission and in his absence the members present shall elect one of  
their number to preside.

(4) The quorum at a meeting of the Commission shall be  
eleven.

(5) All questions proposed at a meeting of the Commission  
shall be decided by a majority of the votes of the members present and  
voting and where the votes are equal the Chairman or the person  
presiding shall have a casting vote.

(6) The Commission may at any time co-opt any person to  
act as an adviser at its meeting but that person shall not be entitled to  
vote on any matter for decision by the Commission.

(7) Subject to this section, the Commission shall regulate  
the procedure at its meetings

### PART III — FUNCTIONS OF COMMISSION

7. (1) The object for which the Commission is established is Functions of  
to advise Government on tertiary education and to provide an Commission.  
institutional liaison with Government and other stakeholder  
organisations offering assistance in the tertiary education sector and to  
ensure parity of the products of tertiary education institutions .

(2) Without prejudice to the generality of subsection (1), it  
shall be the responsibility of the Commission to -

- (a) consider estimates and proposed expenditures  
of every tertiary education institution in Sierra  
Leone;
- (b) seek funding from prospective donors in favour  
of the promotion of tertiary education in Sierra  
Leone;

- (c) assess the funding and other resources for academic programmes of all tertiary education institutions in Sierra Leone with a view to ensuring that their respective programmes are not at variance with the overall socio-economic aims and aspirations of the country;
- (d) serve as a depository of all academic and non-academic programmes of tertiary education institution in Sierra Leone;
- (e) liaise with the Senate and the Academic Boards or any such bodies of tertiary education institutions for the purpose of fulfilling its obligations under paragraph (d);
- (f) advise and recommend, when necessary, remedies for any lapses in the performance of any tertiary education institution;
- (g) ensure that the financial management policy of the Government is fully complied with by every tertiary education institution in Sierra Leone;
- (h) ensure fair play in the admission of students to and the recruitment and promotion of staff of tertiary education institutions;
- (i) advise, monitor and ensure parity in the terms and conditions of service, including promotion of staff, in tertiary education institutions in Sierra Leone;
- (j) serve as the depository of all rules and regulations binding the conduct of students and staff of each tertiary education institution in Sierra Leone;
- (k) advise the Government on the establishment of new universities, polytechnics or campuses;

- (l) advise the Government on any reviews or modification of courses or legislation relating to polytechnics and universities, and
- (m) do all such things as will contribute to the attainment of the object stated in subsection (1).

**8.** In the performance of its functions under this Act, the Commission shall not be subject to the control or direction of any person or authority.

Indepence of  
Commission.

**9.** (1) The Commission may appoint committees consisting of members or non-members or both to exercise, or advise the Commission on, any of its functions under this Act.

Commission to  
appoint  
Committees.

(2) The members of a committee appointed under subsection (1) shall be paid such allowances as may be determined by the Commission.

#### Part IV — ADMINISTRATIVE PROVISIONS

**10.** (1) The Commission shall have an officer with the designation of Executive Secretary appointed by the Commission upon such terms and conditions as the Commission shall determine.

Executive  
Secretary.

(2) The Executive Secretary shall be responsible to the Commission for—

- (a) the day-to-day administration of the Commission;
- (b) the recording of minutes of meetings of the Commission;
- (c) overseeing the work and discipline of the other employees of the Commission; and
- (d) performing such other duties imposed on him by this Act or as the Commission may direct.



Other staff of  
Commission.

**11.** (1) There shall be appointed by the Commission such other employees as the Commission may require for the effective discharge of its functions under this Act.

(2) Public officers may be seconded or otherwise give assistance to the Commission.

Funds of  
Commission.

**12.** The activities of the Commission shall be financed by a fund consisting of—

- (a) monies appropriated by Parliament for the purposes of the Commission;
- (b) gifts or donations from any person or organisation, whether local or external, and
- (c) any monies otherwise accruing to the Commission in the course of its activities.

Accounts.

**13.** (1) The Commission shall keep proper books of accounts and proper records in relation to the accounts and shall prepare within the period of three months after the end of each financial year, a statement of its accounts in such form as the Auditor-General may direct.

(2) The books and accounts of the Commission shall each year be audited by the Auditor-General or an auditor appointed by him and a report on the audit shall be submitted to the Commission.

Annual  
Report.

**14.** (1) The Minister shall table before Parliament within six months after the end of each financial year a report on the activities and operations of the Commission during the preceding year.

(2) The report of the Commission referred to in subsection (1) shall include a copy of the audited accounts of the Commission together with the Auditor-General's report on it.

Regulations.

**15.** The Commission may, by statutory instrument, make regulations to give effect to this Act.

PASSED in Parliament this *14th* day of *August*, in the year of our Lord two thousand and one.

J. A. CARPENTER,  
*Clerk of Parliament.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. A. CARPENTER,  
*Clerk of Parliament.*