

BILL

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THE TERTIARY EDUCATION COMMISSION ACT, 2024

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No.

2024



A BILL ENTITLED

The Tertiary Education Commission Act, 2024

Short title.

Being an Act to provide for the continuation of the Tertiary Education Commission, to provide for the regulation of tertiary education institutions throughout Sierra Leone and to provide for other related matters

[

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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 referred to in section 2;

"Government" means the Government of Sierra Leone;

"Minister" means the Minister responsible for technical and higher education;

"National Council for Technical and Vocational Education" means the National Council for Technical and Vocational Education referred to in section 2 of the National Council for Technical and Vocational Education Act, 2024 (Act No. of 2024);

"tertiary education" means formal post-secondary education, including public and private universities, colleges, technical training institutes and vocational schools;

"tertiary education institution" means -

- (a) a university or university college;
- (b) a polytechnic;
- (c) community technical college;
- (d) Government Technical Institute; or
- (e) a post-secondary school educational institution at a prescribed level.

PART II—THE TERTIARY EDUCATION COMMISSION

2. (1) There is hereby continued in existence, the body which immediately before the commencement of this Act, was known as the Tertiary Education Commission.

Continuation
of
Commission.

(2) The Commission is 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.

(3) The Commission shall have a common seal, the use of which shall be authenticated by the signature of -

- (a) the Chairman or other member of the Commission authorised either generally or specially by the Commission in that behalf; and
- (b) the Executive Secretary or some other person authorised by the Commission for that purpose.

3. (1) The Commission shall consist of a Chairman, who shall be a person of proven academic and administrative experience, and the following other members -

Composition
of
Commission.

- (a) 3 Vice Chancellors, representing universities on a rotational basis -
 - (i) 2 from public universities; and
 - (ii) one from a private university;
- (b) a Principal of a polytechnic institution in Sierra Leone, representing polytechnic institutions on a rotational basis;

- (c) the Chairman, National Science, Technology and Innovation Council;
- (d) the Chairman, National Council for Technical, and Vocational Education;
- (e) the Chairman, Conference of Principals of Community Technical Colleges;
- (f) the President, Sierra Leone Chambers of Commerce, Industry and Agriculture;
- (g) the Chairman, Conference of Principals of Secondary Schools;
- (h) the Chief Technical and Higher Education Officer;
- (i) the President, Sierra Leone Labour Congress; and
- (j) one person from a technical and higher education institution in each of the 5 administrative regions of Sierra Leone, at least 2 of whom shall be female.

(2) The Chairman and members of the Commission, who are not ex-officio, shall be appointed by the President on the recommendation of the Minister, subject to the approval of Parliament.

Tenure of
members.

4. (1) The Chairman and a member of the Commission, who is not an ex-officio officer, shall hold office for a term of 5 years and shall be eligible for re appointment for a further term of 5 years only.

(2) A person shall cease to be a member of the Commission on any of the following grounds-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend 3 consecutive meetings of the Commission without reasonable cause;
or
- (f) if he resigns his office by written notice to the Minister.

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

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

(3) A minimum of 8 members of the Commission may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Commission for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his stead, shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Commission shall be 8.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Commission and shall be incorporated in the minutes of the next succeeding meeting of the Commission:

Provided that, if a member requires that such proposal be placed before a meeting of the Commission, this subsection shall not apply to such proposal.

(8) The Commission may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on an issue for the decision by the Commission.

(9) The Commission shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Commission shall regulate its own procedure.

Disclosure of
interest.

6. (1) A member of the Commission who has any interest, whether direct or indirect in any matter being considered or to be considered by the Commission, shall disclose the nature of his interest to the Commission and the disclosure shall be recorded in the minutes of the Commission and that member shall not take part in a deliberation or decision of the Commission relating to that matter.

(2) A member of the Commission who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Commission.

Immunity of
members.

7. (1) An action or other proceedings shall not lie or be instituted against a member of the Commission or member of a committee of the Commission for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the Commission shall not be personally liable for any debt or obligation of the Commission.

8. The Chairman and other members of the Commission and any person co-opted by the Commission under subsection (8) of section 5 shall be paid such remuneration and shall be reimbursed by the Commission for expenses incurred in connection with the discharge of their functions. Remuneration of members.

9. (1) Where the Chairman or a member of the Commission dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months, in the case of - Filling of vacancies.

(a) the Chairman, 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) a member, the Chairman shall, subject to this Act, have another person appointed to the Commission.

(2) Where a person is appointed 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, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III—FUNCTIONS OF THE COMMISSION

10. (1) The object for which the Commission is established is to advise the Minister on technical and higher education matters, to provide an institutional liaison with the Ministry and other stakeholder organisations offering assistance in the tertiary education sector, to regulate technical and higher education institutions throughout Sierra Leone and to ensure parity in the products of tertiary education institutions. Functions of Commission.

(2) Without prejudice to the generality of subsection (1) the Commission shall have responsibility to -

- (a) enquire into the financial needs of tertiary education institutions and advise the Minister accordingly;
- (b) consider estimates and proposed expenditures of tertiary education institutions throughout Sierra Leone and advise the Minister on resource needs of the institutions for the consideration of the Ministry of Finance;
- (c) assist in seeking funds from prospective donors in favour of the promotion of tertiary education throughout Sierra Leone;
- (d) assess funding and other resources for academic programmes of tertiary education institutions throughout Sierra Leone, in order to ensure that their respective programmes are not at variance with the national socio-economic aims and aspirations;
- (e) serve as depository of -
 - (i) academic and non-academic programmes in technical and higher education throughout Sierra Leone;
 - (ii) rules and regulations binding the conduct of students and staff of technical and higher education throughout Sierra Leone;

- (f) liaise with the relevant tertiary education institution authorities, including the Senates or Academic Boards of such institutions, for purpose of fulfilling its obligations under paragraph (d) and subparagraph (i) of paragraph (e);
- (g) advise and recommend remedies for lapses in the performance of tertiary education institutions throughout Sierra Leone;
- (h) ensure that tertiary education institutions fully comply with Government financial management policy and laws;
- (i) ensure fair play in the admission of students to and the recruitment and promotion of staff in tertiary education institutions throughout Sierra Leone;
- (j) advise, monitor and ensure parity in the terms and conditions of service, including promotion of staff, in tertiary education institutions throughout Sierra Leone;
- (k) advise the Minister on the establishment of new universities, polytechnics or tertiary education campuses throughout Sierra Leone;
- (l) do all things necessary to attain the objects stated in subsection (1).

(3) The Commission shall, for the purpose of serving as a depository of academic and non-academic programmes in tertiary education institutions, under subparagraph (i) of paragraph (e) of subsection (2),-

-
- (a) ensure that a tertiary education institution prepare, in collaboration with relevant professional, industrial and manpower development agencies, periodic master plan for the balanced and coordinated development of tertiary education institutions throughout Sierra Leone;
 - (b) ensure that a tertiary education institution submit, for accreditation by the Commission, programmes offered by the tertiary education institution, in order to ensure-
 - (i) that they are relevant and adequate to meet national needs and objectives; and
 - (ii) parity of esteem of the products;
 - (c) ensure that a tertiary education institution submit, for approval by the Commission, new academic programmes and units;
 - (d) ensure that investigations relating to tertiary education institutions are conducted in the national interest;
 - (e) monitor and register degrees, diplomas and certificates issued by tertiary education institutions throughout Sierra Leone;
 - (f) monitor the activities of tertiary education institutions and offer remedies, make recommendations, proffer advice or impose penalties for infringement of this Act including, the levy of fines, suspension, revocation of licences, closure of programmes or courses and confiscation of property;

(g) validate, register and determine the equivalencies of national and international qualifications and awards, including degrees, diplomas and certificates;

(h) provide programmes and institutional accreditation for tertiary education institutions offering academic courses, including online courses, throughout Sierra Leone.

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

Independence
of
Commission.

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

Committees
of
Commission.

(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

13. (1) The Commission shall have an Executive Secretary, who shall be appointed by the Commission upon such terms and conditions as the Commission may determine.

Executive
Secretary.

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

(a) provide overall leadership in the conduct and management of the day-to-day business or activities of the Commission;

- (b) recording the minutes of meetings of the Commission;
- (c) oversee the work and discipline of other staff of the Commission; and
- (d) performing such other duties imposed on him by this Act or as the Commission may direct.

Other staff.

14. The Commission shall, in addition to the Executive Secretary, appoint such other staff as may be required for the effective discharge of its functions under this Act.

PART V—FINANCIAL PROVISIONS

Funds of
Commission.

15. (1) The activities of the Commission shall be financed by funds consisting of -

- (a) monies appropriated from time to time by Parliament for the purposes of the Commission;
- (b) monies given to the Commission by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of the Commission; or
- (c) other monies which may, from time to time, accrue to the Commission.

(2) The funds of the Commission shall be applied only for the purposes of the approved budget of the Commission.

Accounts and
audit.

16. (1) The Commission shall keep proper books of account and other records in relation to the activities, property and finances of the Commission in a form approved by the Auditor-General, and shall prepare in respect of each financial year, a financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Commission kept under subsection (1) shall, not later than 2 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or an auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Commission and to require such information and explanation thereon as he may think fit.

(4) The Auditor-General or the auditor appointed by him shall submit to the Commission, a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Commission; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Commission.

17. The financial year of the Commission shall be the same as the financial year of the Government. Financial year.

18. (1) The Minister shall, within 3 months after the end of the financial year, table an annual report on the activities and operations of the Commission during the preceding year. Annual report.

(2) An annual report submitted by the Commission under subsection (1), shall include the accounts and annual financial statement prepared under section 16 and the report of the audit thereon.

PART VI - OFFENCES.

Operation
without
Commission.

19. (1) A person or institution shall not operate as a tertiary or higher education institution without accreditation by the Commission.

(2) A person or institution that contravenes subsection (1), commits an offence and is liable to a fine not exceeding NLe. 200, 000 and a further fine of NLe.100, 000 for each day the offence continues.

Confer of
qualification
by unaccredited
institution.

20. (1) A tertiary or higher education institution that is not accredited by the Commission shall not confer a qualification.

(2) A tertiary or higher education institution that contravenes subsection (1), commits an offence and is liable to a fine not exceeding NLe.500, 000 and the proprietor, proxy or Commission members to imprisonment for a term not exceeding 10 years.

False claim
by foreign
e institution.

21. (1) A foreign institution shall not falsely claim to be registered and accredited as an educational institution by its home country or by the Commission.

(2) A foreign institution that contravenes subsection (1), commits an offence and is liable to a fine not exceeding NLe. 500, 000 and the proprietor, proxy or Commission members to imprisonment for a term not exceeding 10 years.

Failure to
comply with
Act and
Regulations.

22. (1) A tertiary or higher education institution shall comply with this regulations made thereunder including, regulations relating to discipline, registration and renewal requirements.

(2) A tertiary or higher education institution that contravenes subsection (1), commits an offence and is liable to a fine not exceeding NLe.100,000.

23. (1) A person or institution shall not -

Obstruction
or false
declaration.

(a) obstructs the Commission in the performance of its functions; or

(b) makes a false declaration to the Commission.

(2) A person or institution that contravenes subsection (1), commits an offence and is liable to a fine not exceeding NLe. 200, 000.

PART VII—MISCELLANEOUS PROVISIONS

24. The Minister may, in consultation with the Commission, Regulations.
by statutory instrument, make Regulations for giving effect to this Act.

25. The Tertiary Education Commission Act, 2001 (Act No. 8 Repeal.
of 2001) is hereby repealed.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to provide for the continuation of the Tertiary Education Commission, to provide for the regulation of tertiary education institutions throughout Sierra Leone and to provide for other related matters.

The Bill is divided into 7 parts.

Part 1 - Preliminary, contains the interpretation section that defines key words used in the Bill.

Part 2 - deals with the Tertiary Education Commission

Part 3 - describes the functions of the Commission.

Part 4 - contains the administrative provisions that deal with the appointment and functions of the Executive Secretary and other staff of the Commission.

Part 5 - deals with the financial provisions of the Commission and its audited reports.

Part 6 - deals with offences.

Part 7 - Miscellaneous contain the power to make Regulations.

MADE this day of , 2024.

DR. HAJA RAMATULAI WURIE (MRS. KAMARA)
Minister of Technical and Higher Education.

FREETOWN,
SIERRA LEONE.