

A BILL

FOR

AN ACT TO ESTABLISH THE NIGER DELTA INSTITUTE OF TECHNOLOGY AND SKILLS ACQUISITION, EGBEMA IMO STATE, AND TO MAKE COMPREHENSIVE PROVISIONS FOR MANAGEMENT AND ADMINISTRATION, PROVIDE FOR DETAILED IDENTIFICATION OF AREAS IN TECHNOLOGY AND SKILLS ACQUISITION AND FOR RELATED MATTERS

Sponsored by Hon. Goodluck Opiah

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 1. There is established at Egbema, Imo State, an Institute to be
2 known as the Niger Delta Institute Of Technology And Skills Acquisition (in
3 this Bill referred to as the "Institute").
- 4 (2) The Institute shall be a body corporate with perpetual
5 succession and a common seal and may sue and be sued in its corporate
6 name.
- 7 2.-(1) The government of the Institute, and the direction of its
8 affairs shall vest in the Board of Governors of the Institute (in this Act
9 referred to as the "Board").
- 10 (2) The Board shall consist of:-
- 11 (a) a Chairman and other members to be appointed by the
12 President;
- 13 (b) the Director of the Institute;
- 14 (c) the Federal Director of Technology and Technical Skills;
- 15 (d) one representative to be chosen from the Federal University of
16 Technology, Owerri or University of Port Harcourt and Federal University
17 of Technology, Minna in rotation by the National Universities Commission;
- 18 (e) a representative of the Federal Polytechnic Nekede.

Establishment of the Institute

Governing Board of the Institute

1 (3) Subject to subsection (4) of this section, a person appointed as a
2 member of the Board (not being an ex-officio member) shall hold office for
3 three years and shall be eligible for re-appointment for one further period of
4 three years.

5 (4) The President may terminate the appointment of a Member of the
6 Board (not being an ex-officio member) if satisfied that it is not in the interest
7 of the Institute that the person concerned should continue in office.

8 (5) Any member of the Board (not being an ex-officio member) may
9 by notice in writing under his hand addressed to the Minister resign his office.

10 (6) The supplementary provisions contained in the schedule to this
11 Act shall have effect with respect to the proceedings of the Board and the other
12 matters therein mentioned.

Functions of the
Institute

13 3.-(1) The functions of the institute shall be:-

14 (a) To provide detailed identification of Technology, technical and
15 skills acquisition needs for the economy in training and develop training
16 programmes to meet those needs;

17 (b) to carry out training of students and artisans and re-training of
18 professionals to meet newest requirement in the areas identified in paragraph

19 (a) above;

20 (c) to establish a Residential Campus at Egbema, Imo State, and such
21 other place as may be decided by the Board;

22 (d) to establish an audio-visual production unit which shall produce
23 suitable teaching support materials;

24 (e) to promote or undertake any other activity that in the opinion of the
25 Board is calculated to help achieve the purposes of the Institute.

26 (2) The Institute shall ensure that the training approach to be followed
27 at the Institute shall be highly job-specific and practical and shall utilise
28 modern methods of management skills development usually utilised by similar
29 establishments in order to attain the highest standards.

Director of the
Institute and
other Staff

30 4.-(1) There shall be an officer of the Institute to be known as the

1 Director who shall be appointed by the President.

2 (2) The Director shall be the Chief executive of the Institute and
3 shall be responsible to the Board for the day-to-day management of the
4 affairs of the Institute.

5 (3) The Director shall hold office for a fixed term of four years,
6 subject to renewal by the President for only one more term of same duration
7 and no more.

8 (4) There may be appointed from time to time by the Board such
9 other staff, including teachers, instructors, staff of units and departments as
10 may be required for the purpose of the efficient performance of the functions
11 conferred on the Institute under or pursuant to this Act.

12 5. Service in the Institute shall be approved service for the
13 purposes of the Pensions Acts, and accordingly, officers and' other persons
14 employed in the Institute shall in respect of their services in the Institute be
15 entitled to pensions, gratuities and other retirement benefits as are enjoyed
16 by persons holding equivalent grades in the Civil Service of the Federation.

Service of the
Institute to be
Pensionable
Cap. 346

17 6.-(1) The Institute shall establish and maintain a FUND which
18 shall be applied towards the promotion of the objectives specified in this
19 Act.

Financial
Provisions

20 (2) There shall be paid and credited to the fund established
21 pursuant to subsection (1) of this section:

22 (a) such sums as may be provided by the Government of the
23 Federation;

24 (b) fees charged for services rendered by the Institute; and

25 (c) all sums accruing to the Institute by way of gifts, testamentary
26 disposition and endowments or contributions from Philanthropic persons or
27 organizations or otherwise howsoever.

28 7.-(1) The Institute may accept gifts of land, money or other
29 property upon such terms and conditions, if any, as may be specified by the
30 person or organization making the gift.

Power to accept
gifts

1 (2) The Institute shall not accept any gift if the conditions attached by
2 the person or organization making the gift to the acceptance thereof are
3 inconsistent with the functions and objectives of the Institute.

Borrowing
Power

4 8.-(1) The Institute may, with the consent of the Minister or in
5 accordance with the general guidelines approved by the President, borrow by
6 way of loan or overdraft from any source any money(s) required by the Institute
7 for meeting its obligations and discharging its functions under this Act so
8 however that where the sum or the aggregate of the sums involved at anyone
9 time does not exceed N10, 000,000.00, no such consent or authority shall be
10 required.

11 (2) The Institute may, subject to the provisions of this Act and the
12 conditions of any trust created in respect of any property, invest all or any of its
13 funds with the life consent or general authority.

14 (3) The Board may invest any surplus funds of the Institute in such
15 securities as may be approved by the President.

Annual estimates,
accounts and
audit

16 9.-(1) The Board shall cause to be prepared not later than 30th June in
17 each year an estimate of the expenditure and income of the Institute during the
18 next succeeding year and when prepared, they shall be submitted by the
19 Minister.

20 (2) The Board shall cause to be kept proper accounts of the Institute
21 and proper records in relation thereto and when certified by the Board, such
22 accounts shall be audited as provided in Subsection (3) of this Section.

23 (3) The accounts of the Institute shall be audited as soon as may be
24 after the end of each year.

Annual Report

25 10. The Board shall, not later than 30th September in each year,
26 submit to the Minister a report on the activities of the Institute and its
27 administration during the immediately preceding year and shall include in such
28 report the audited accounts of the Institute.

Staff Regulations

29 11.-(1) The Board may, subject to the provisions of this Act, make
30 staff regulations relating generally to the conditions of service of the

1 employees of the Institute and without prejudice to the generality of the
2 foregoing, such regulations may provide for:

3 (a) the appointment, promotion and disciplinary control (including
4 dismissal) of employees of the Institute; and

5 (b) appeals by such employees against dismissal or other
6 disciplinary measures; and until such regulations are made, any instrument
7 relating to the conditions of service of officers in the Civil Service of the
8 Federation shall be applicable, with such modifications as may be
9 necessary, to the employees of the Institute.

10 (2) Staff Regulations made under subsection (1) of this Section,
11 shall not have effect until approved by the Minister and when so approved,
12 they need not be published in the Federal Gazette but the Board shall cause
13 them to be brought to the notice of all affected persons in such manner as it
14 may from time to time determine.

15 12. No suit shall be commenced against the Institute before the
16 expiration of a period of one month after written notice of intention to
17 commence, the suit shall have been served upon the Institute by the
18 intending plaintiff or his agent; and the notice shall clearly and explicitly
19 state:

Procedure in
respect of suits
against the
Institute

20 (a) the cause of action;

21 (b) the particulars of the claim;

22 (c) the name and place of abode of the intending plaintiff;

23 (d) the relief which he claims.

24 13. The notice referred to in Section 12 of this Act and any
25 summons, notice or other document required or authorized to be served
26 upon the Institute under the provisions of this Act or any other enactment or
27 law may be served by delivering the same to the Chairman or the Director of
28 the Institute or by sending it by registered post addressed to the Director at
29 the Principal office of the Institute.

Service of
documents

Restriction on
execution against
the property of
the Institution

1 **14.** In any action or suit against the Institute no execution of
2 attachment or process in the nature, thereof shall be issued against the Institute
3 but any sums of money which may, by the judgment of the Court, be awarded
4 against the Institute shall subject to any directions given by the Institute be paid
5 from the general reserve fund of the Institute.

Power to give
directions

6 **15.** The Minister may give the Board directions of a general character
7 or relating generally to particular matters (but not to any individual or case)
8 with regard to the exercise - by the Board of its functions under this Act, and it
9 shall be the duty of the Board to comply with such directions.

Interpretation

10 **16.** In this Act, unless the context otherwise requires:
11 "the Board" means the Board of Governors Of the Institute constituted as
12 provided in Section 2(1) of this Act;
13 "the Chairman" means the Chairman of the Board;
14 "the Director" means the Director of the Institute;
15 "the Institute" means the Niger Delta Institute of Technology and Skills
16 Acquisition established by Section I of this Act;
17 "Member" means any member of the Board including the Chairman;
18 "Minister" means the Minister in charged with responsibility for Technology.

Short Title

19 **17.** This Bill may be cited at the Niger Delta Institute of Technology
20 and Skills Acquisition Bill, 2017.

SCHEDULE

PROCEEDINGS OF THE BOARD

Meetings

24 1.-(1) Subject to this Act and to Section 27 of the Interpretation Act,
25 Cap. 192 (which provides for the decisions of statutory body to be taken by a
26 majority of the body and for the person presiding to have a second or casting
27 vote), the Board may make standing Orders regulating the proceedings of the
28 Board or of any committee thereof.

29 (2) The quorum of the Board shall be the Chairman and four other

1 members, and the quorum of any committee of the Board shall be
2 determined by the Board.

3 2.-(1) The Board shall meet not less than four times in each year,
4 and subject thereto, the Board shall meet whenever it is summoned by the
5 Chairman; and if the Chairman is required to do so by notice given to him by
not less than three other members, he shall summon a meeting of the Board
to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman shall preside; but if
he is absent, the members present at the meeting shall appoint one of their
10 number to preside at that meeting.

11 (3) Where the Board desires to obtain the advice of any person on a
12 particular matter, the Board may co-opt him as a member for such period as
13 it thinks fit; but a person who is a member by virtue of this sub-paragraph
14 shall not be entitled to vote at any meeting of the Board and shall not count
15 towards the quorum.

16 (4) Notwithstanding anything in the foregoing provisions of this
17 paragraph, the first meeting of the Board shall be summoned by the Minister.

18 *Committees:*

19 3.-(1) The Board may appoint one or more committees to carry out
20 on behalf of the Board such of its functions as the Board may determine

21 (2) A committee appointed under this paragraph shall consist of
22 such number of persons (not necessarily all members of the Board) as may
23 be determined by the Board, and a person other than a member of the Board
24 shall hold office on the committee in accordance with the terms of his
25 appointment.

26 (3) A decision of a committee of the Board shall be of no effect until
27 it is confirmed by the Board.

28 *Supplementary*

29 4.-(1) The fixing of the seal of the Institute shall be authenticated
30 by the signature of the Chairman or of some other members authorized

1 generally, or specially to act for that purpose by the Board.

2 (2) Any contract or instrument which if made or executed by a person
3 not being a body corporate would not be required to be under seal may be made
4 or executed on behalf of the Institute by the Director or any person generally or
5 specially authorized to act for that purpose by the Board.

6 (3) Any document purporting to be a document duly executed under
7 the seal of the Institute shall be received in evidence and shall, unless the
8 contrary is proved, be presumed to be so executed.

9 (4) Members of the Board who are not public officers shall be paid out
10 of moneys at the disposal of the Board such remuneration, fees or allowances in
11 accordance with such scales as may be approved from time to time by the
12 Minister.

13 (5) The validity of any proceedings of the Board or of a Committee
14 thereof shall not be affected by any vacancy on the membership of the Board or
15 of committee, or by reason that a person not entitled to do so took part in the
16 proceedings.

17 (6) Any member of the Board, and any person holding office on a
18 committee of the Board, who has a personal interest in any contract or
19 arrangement entered into or proposed to be considered by the Board or a
20 committee thereof shall forthwith disclose his interest to the Board and, shall
21 not vote on any question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Niger Delta Institute of Technology and Skills Acquisition, Egbema Imo state, and to make comprehensive provisions for management and administration, provide for detailed identification of areas in technology and skills acquisition.