

- 1 (v) Office of the Head of Civil Service of the Federation;
- 2 (vi) Nigerian Institute for Policy and Strategic Studies;
- 3 (vii) One member representing the organised Private Sector;
- 4 (viii) Industrial Training Fund; and
- 5 (ix) Central Bank of Nigeria.
- 6 (c) one person representing each of the geo-political zones in the
- 7 country, other than that of the Chairman, with knowledge and close association
- 8 with management training, industry, commerce or economies; and.
- 9 (d) The Director-General, Centre for Management Development.
- 10 (2) The Chairman and members of the Council, other than the ex-
- 11 officio members referred to in subsection (2)(b) of this section, shall be
- 12 appointed by the President on the recommendation of the Minister.
- 13 (3) The Chairman and members of the Council shall be persons of
- 14 proven integrity, ability, good repute with high professional competence in a
- 15 related discipline.
- 16 (4) The provisions of Part II of the Schedule to this Act shall have
- 17 effect with respect to the proceedings of the Council and other matters therein
- 18 mentioned.
- 19 **3.-(1) The Chairman and members of the Council other than the ex -**
- 20 **officio Members shall hold office for a term of four years in the first instance**
- 21 **and may be re-appointed for another term of four years and no more.**
- 22 (2) The office of the Chairman or any member of the Council shall
- 23 become vacant where:
- 24 (a) he resigns his office by notice in writing under his hand addressed
- 25 to the President through the Minister;
- 26 (b) he becomes of unsound mind or is incapable of carrying out his
- 27 duties due to infirmity of mind or body;
- 28 (c) he is declared bankrupt by a court of competent jurisdiction;
- 29 (d) he is found guilty of gross misconduct relating to his duties or is
- 30 convicted of a felony or of any offence involving dishonesty, corruption or

1 embezzlement;

2 (f) in the case of an ex - officio member, he ceases to hold the office
3 on the basis of which he became a member of the Council; or

4 (g) the President is satisfied that it is not in the interest of the
5 Councilor of the public for the person appointed to continue in office.

6 (3) The Chairman and members of the Council shall hold office on
7 part time basis.

8 **4. Remuneration of Members of the Council** Members of the
9 Council shall be entitled to sitting allowances, travel expenses and such
10 other benefits as may be determined from time to time by the appropriate
11 authority.

Remuneration of
Members of the
Council

12 PART 11 - FUNCTIONS AND POWERS OF THE COUNCIL.

13 **5. The Council shall:**

Functions and
Powers of the
Council

14 (a) advise the Minister on policies, plans and programmes for the
15 enhancement of the number, quality and effective utilization of the
16 managerial manpower resources of the country in all sectors of the
17 economy;

18 (b) formulate policies and guidelines for the co-ordination of
19 management education and training activities throughout the country;

20 (c) develop, regulate and promote high national standards of
21 management education, entrepreneurial development and supervisory
22 training programmes in line with international standards;

23 (d) accredit every management consultant, trainer or institution
24 operating within Nigeria with the requisite qualifications;

25 (f) accredit every registered management training firm or
26 institution upon the fulfillment of criteria set by the Council;

27 (g) keep and maintain a register of all management consultants,
28 management training institutions, their training programmes, curriculum,
29 location, standards, duration, type and cost;

30 (h) sanction or prohibit any management trainer, consultant or

1 training institution from commencing, undertaking, carrying on or engaging in
2 training programmes without accreditation;

3 (i) assess periodically, the training programmes management
4 development training institutions competence; and offered by the private and
5 public with a view to determining their competence; and

6 (j) to perform any other functions as may be necessary to achieve the
7 goals and objectives of the Council.

Appointments
and establishment
of Committee

8 6. The Council shall constitute an Appointments and Establishment
9 Committee consisting of not less than 4 members of the Council whose
10 function shall be to advise it on matters relating to the appointment, conditions
11 of service, advancement, promotion and discipline of staff of the Council.

12 PART III - STAFF OF THE COUNCIL.

13 7.-(1). The Council shall appoint a Council Secretary who shall:

14 (a) be an officer of the Centre established under section 15 of this Act.

15 (b) be responsible to the Council and the Director-General

16 (c) be responsible for:

17 (i) taking the minutes of meetings of the Council;

18 (ii) keeping records and conducting the correspondence of the
19 Council; and

20 (iii) issuing notices for the meetings of the Council; and

21 (d) perform such other duties as may be assigned to him, from time to
22 time by the Council or the Director-General.

23 (2) The Council Secretary shall possess such professional
24 qualifications and cognate experience as the Council may prescribe.

Other staff of
the Council

25 8.-(1) The Council may from time to time appoint such other category
26 of staff or engage staff on secondment from other Government Ministries,
27 Departments and Agencies as it may deem expedient and necessary to assist the
28 Council in the performance of its functions under this Act.

29 (2) The Council shall pay its employees such remuneration,

1 postgraduate programmes and Diploma Courses for the development of
2 professional Managers in the country;

3 (j) conduct examinations and grant certificates in areas of
4 management to persons who have pursued a course of study approved by the
5 Council and have satisfied such other requirements as may be prescribed by the
6 Council from time to time;

7 (k) collaborate with similar management training institutions within
8 and outside Nigeria in the execution of its mandate with a view to embracing
9 international standards; and

10 (l) carry out any other duties as may be necessary for the efficient
11 discharge of its functions under this Act.

12 17.-(1) There shall be for the Centre a Director - General who shall be
13 appointed by the President on the recommendation of the Minister.

14 (2). The Director- General shall be:

15 (a) the chief executive and accounting officer of the Centre;

16 (b) charged with the general responsibility for matters affecting the
17 day-to-day management and operations of the Centre; and

18 (c) responsible for any other duties or functions as may be necessary
19 for the effective and efficient running of the Centre.

20 (3) The Director-General shall hold office for a period of four years in
21 the first instance and may be reappointed for a further term of four years and no
22 more.

23 (4) The terms and conditions of appointment of the Director-General
24 shall be as specified in his letter of appointment.

25 18. The Director-General may, with the approval of the Council
26 require any management training institution to furnish such information on any
27 aspect of its operations as may appear to the Director-General to be necessary
28 to enable the Council carry out any of its functions under this Act.

29 PART VI - OFFENCES AND PENALTIES

30 19.-(1) Any person who operates as a management consultant or

1 **14.** The Council may, with the consent of the Minister, borrow on Borrowing
2 such terms and conditions as the Council may determine, such sums of
3 money as the Council may require in the exercise of the functions conferred
4 on it under this Act.

5 PART V - ESTABLISHMENT OF THE CENTRE FOR MANAGEMENT

6 DEVELOPMENT, ETC

7 **15.** There is established, the Centre for Management Development Establishment of
8 (in this Act referred to as "the Centre") which shall be the operational arm of the Centre for
9 the Council. Development

10 **16.**-(a) provide to the Council information and other technical data
11 necessary for the Council's policy making and coordinating functions;

12 (b) undertake management development for small and medium
13 enterprises in the country through the provision of relevant training and
14 extension services;

15 (c) establish and maintain a world class library on management
16 studies;

17 (d) undertake, commission and participate in in-depth research
18 studies and consultancy services in relevant fields;

19 (e) publish journals, research papers and books on modern
20 management and supervisory techniques;

21 (f) promote the development of programmes aimed at improving
22 the performance of private and public enterprises;

23 (g) provide macro and micro economic training programmes to
24 economic planners, budget and project officers at the Federal, State, Local
25 Government and sectoral levels;

26 (h) act as a policy laboratory for vigorous and sustained
27 development and promotion of highly specialized skills required for
28 enhancing efficient and effective planning and management of the Nigerian
29 economy;

30 (i) undertake the development of executive professional

1 (b) such moneys as may be granted to the Council by the Industrial
2 Training Fund or any other body;

3 (c) all subscription fees or charges for services rendered by the
4 Council or any of its arms;

5 (d) all other assets that may from time to time accrue to the Council;
6 and

7 (e) all other sums accruing to the Council by way of gift, and
8 testamentary dispositions.

9 (2) The Council shall apply the proceeds of the fund established
10 pursuant to subsection (1) of this section:

11 (i) to the cost of administration of the Council;

12 (ii) for reimbursing members of the Council and any committee of the
13 Council for such expenses expressly authorized by the Council;

14 (iii) to the payment of salaries or other remuneration or allowances,
15 pension and other retirement benefits payable to members or employees of the
16 Council.

Power to accept
gifts

17 **12.-(1)** The Council may accept gifts of land, money or other property
18 upon such terms and conditions, if any, as may be specified by the person or
19 organisation making the gift.

20 (2) The Council shall not accept any gift if the conditions attached by
21 the person or organisation making the gift are inconsistent with the functions of
22 the Council or any other law in Nigeria

Council estimates
and expenditure

23 **13.-(1)** The Council shall not later than 1st October in each financial
24 year or soon thereafter submit to the Minister for approval, its estimate of
25 revenue and expenditure in respect of the following financial year.

26 (2) The Council shall prepare and submit to the Minister not later than
27 31st July in each financial year, a report on its activities during the preceding
28 financial year and the report shall be accompanied by a copy of the audited
29 accounts of the Council for that period and of the auditors report on the
30 accounts.

1 allowances and other benefits as may be determined by the Council from
2 time to time.

3 (3) The Council shall make rules relating generally to the
4 conditions of service of employees of the Council and without prejudice to
5 the generality of the foregoing, the rules may provide for the appointment,
6 promotion and disciplinary control of all employees of the Council.

7 9.-(1) Service in the Council shall be approved service for purposes
8 of the Pension Reform Act and accordingly employees of the Council shall,
9 in respect of their services, be entitled to pensions and other retirement
10 benefits as are applicable to persons holding equivalent grades in the Public
11 Service of the Federation.

Service in the
Council

12 (2) Notwithstanding the provisions of subsection (1) of this
13 section, nothing in this Act shall prevent the appointment of a person to any
14 office on terms which preclude the grant of pension in respect of that office.

15 (3) For the purpose of the application of the provisions of the
16 Pension Reform Act, any power exercisable there under by the Minister or
17 other authority of the Government of the Federation, other than the power to
18 make regulations; is vested in and shall be exercisable by the Council and
19 not by any other authority.

20 10. Every member, agent, auditor or employee for the time being
21 of the Council shall be indemnified out of the assets of the Council against
22 any liability incurred by him in defending any proceedings, whether civil or
23 criminal in which judgment is given in his favour or in which he is acquitted,
24 if any such proceedings has been brought against him in his capacity as such
25 a member, agent, auditor or employee.

Indemnity

26 PART IV - FINANCIAL PROVISIONS

27 11.-(1). The Council shall establish and maintain a fund into which
28 shall be paid and credited:

Fund of the
Council

29 (a) such moneys as may from time to time be appropriated or
30 granted to the Council by the Government of the Federation or of a State;

1 trainer without accreditation from the Council commits an offence and is
2 liable on conviction to a fine not less than N250,000 00 or to imprisonment
3 for a term not less than 6 months or both.

4 (2) Any management development training institution which
5 operates with an unaccredited member of faculty or with substandard
6 equipment, tools or in an uncondusive environment commits an offence and
7 is liable on conviction to a fine not less than N1,000,000.00 or to
8 imprisonment for a term not less than 1 year for every principal officer of the
9 institution or both.

10 PART VII - MISCELLANEOUS

11 20. The Minister may give to the Council directives of a general
12 character or relating generally to particular matters with regard to the
13 exercise by the Council of its functions and it shall be the duty of the Council
14 to comply with the directives.

15 21.-(1) Notwithstanding anything to the contrary contained in any
16 other enactment, no suit against the Council, a member or any employee of
17 the Council, for any act done in pursuance or execution of any enactment or
18 law, or of any public duty or authority, or in respect of an alleged negligence
19 or default in the execution of such enactment or law, duty or authority, shall
20 lie or be instituted in any court unless it is commenced within 12 months
21 next after the act or neglect complained of or in the case of continuing
22 damage or injury, within 12 months next after the ceasing thereof.

23 (2) No suit shall be commenced against the Council before the
24 expiration of a period of one month notice of intention to commence the suit
25 shall have been served upon the Council by the intending plaintiff or his
26 authorised agent and the notice shall clearly and explicitly state:

27 (a) the cause of action;

28 (b) the particulars of the claim;

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

30 the relief which he claims.

Limitation of
suits against the
Council and its
staff

1 (3) The notice referred to in subsections (1) and (2) of this section and
2 any summons, notice or other document required or authorised to be served
3 upon the Council under the provisions of this Act or any other enactment or law
4 may be served by delivering the same to the Director - General, the Council
5 Secretary or by sending it by registered post to the principal office of the
6 Council.

Regulations

7 **22.**-(1) The Council may with the approval of the Minister make
8 regulations as may be necessary or expedient to give effect to the provisions of
9 this Act.

10 (2) Regulations made under this Act shall be published in the Federal
11 Government Gazette.

Repeal, Savings,
etc.

12 **23.**-(1). The Nigerian Council for Management Development Act
13 CAP. N99, Laws of the Federation of Nigeria 2004 is hereby repealed.

14 (2) The National Centre for Economic Management and
15 Administration Act CAP. N14 Laws of the Federation of Nigeria 2007 is
16 hereby repealed.

17 (3) Without prejudice to section 6 of the Interpretation Act, CAP 123,
18 Laws of the Federation of Nigeria 2004, the repeal referred to in sub section (1)
19 of this section shall not affect anything done under or pursuant to the
20 enactment.

21 (4) The National Centre for Economic Management and
22 Administration established pursuant to the National Centre for Economic
23 Management and Administration Act is hereby dissolved.

24 (5) The statutory functions, rights, interests, obligations and liabilities
25 of the National Centre for Economic Management and Administration shall by
26 virtue of this Act be assigned to and vested in the Nigerian Council for
27 Management Development established by this Act.

28 (6) The Nigerian Council for Management Development shall be
29 subject to all the obligations and liabilities to which the defunct National
30 Centre for Economic Management and Administration was subject and all

1 other persons shall have the same rights, powers and remedies against the
2 Nigerian Council for Management Development as they had against the
3 National Centre for Economic Management and Administration before the
4 commencement of this Bill;

5 (7) Any proceeding or cause of action pending or existing
6 immediately before the commencement of this Act by or against the
7 National Centre for Economic Management and Administration in respect
8 of any right, interest, obligation or liability may be continued or commenced
9 and any determination of a court of law, tribunal or other authority or person
10 may be enforced by or against the Nigerian Council for Management
11 Development.

12 (8) All assets, funds, resources, movable or immovable property
13 which immediately before the commencement of this Act were vested in the
14 National Centre for Economic Management and Administration shall by
15 virtue of this Act and without further assurance, be vested in the Nigerian
16 Council for Management Development;

17 (9) Any person immediately before the commencement of this Act
18 being a holder of an office in the National Centre for Economic
19 Management and Administration shall on the commencement of this Act be
20 deemed to have been appointed to his office by the Nigerian Council for
21 Management Development.

22 **24.** In this Act, unless the context otherwise requires:

Interpretation

23 "Centre" means the Centre for Management Development;

24 "Council" means the Nigerian Council for Management Development;

25 "Director-General" means the Director-General of the Centre for
26 Management Development;

27 "Fees" includes annual subscription and payment for the issuance of
28 documents or performance of duties by the Council in connection with the
29 provisions of this Act;

30 "Member" means a member of the Council and includes the Chairman;

- Citation
- 1 "Minister" means the Minister in-charge of National Planning Commission.
- 2 25. This Act may be cited as the Nigerian Council for Management
3 Development Bill, 2016.
- 4 THE NIGERIAN COUNCIL FOR MANAGEMENT DEVELOPMENT ACT, 2016
5 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL
6 SCHEDULE
7 *Section 2(5)*
- 8 PART 1 - QUALIFICATION AND TENURE OF OFFICE OF MEMBERS
- 9 1. A person under section 2 of this Act shall not be a member of the
10 Council unless he is a citizen of Nigeria.
- 11 2. A member of the Council other than a public office holder may
12 resign his appointment by a letter under his hand addressed to the Minister and
13 copied to the Chairman, or in the case of the Chairman, copied to the Director -
14 General and the resignation shall take effect from the date of the receipt of the
15 letter by the Minister.
- 16 3. Where a member of the Council ceases to hold office before the
17 date when his term of office would have expired by effluxion of time, the body
18 or person by whom he was appointed or elected shall as soon as practicable
19 appoint or, as the case may be, elect another person to fill the vacancy for the
20 residue of the term aforesaid, so however that the foregoing provision of this
21 paragraph shall not apply where a person holding office as a member of the
22 Council ceases to hold office at the time when the residue of his term does not
23 exceed six months.
- 24 4. The foregoing provisions of this Schedule shall be without
25 prejudice to the provisions of Section 11 of the Interpretation Act which relates
26 to appointment.
- 27 5. Any accredited member of a profession who ceases to be such
28 accredited member shall, if he is also a member of the Council cease to hold his
29 position on the Council.
- 30 6. A person who is a member by virtue of his office shall cease to be a

1 member if he cease to occupy the particular office.

2 PART 11 - PROCEEDINGS OF THE COUNCIL.

3 7. Subject to the provisions of this Act and section 27 of the
4 Interpretation Act (providing for decisions of a body to be taken by a
5 majority of the members of the body and for the Chairman to have a second
6 or casting vote), the Council may make standing orders regulating the
7 proceedings of the Council or any committee thereof.

8 8. The Council shall meet at least four times in a year and at such
9 other times as the Chairman may from time to time determine and in any
10 case, shall not meet more than six times in a year.

11 9. Every meeting of the Council shall be presided over by the
12 chairman and if the chairman is
13 unable to attend, a member may be appointed by the members present to act
14 as chairman for that particular meeting.

15 10. The Quorum for the meeting of the Council shall be any
16 number above one third of the-total number of members of the Council and
17 in the case of any of its committees shall not be less than half of the members
18 of such committee.

19 11. Where standing orders made under paragraph 1 of this Part of
20 this Schedule provide for the Council to co-opt persons who are not
21 members of the Council, such persons may advise the Council on any matter
22 referred to them by the Council but shall not be entitled to vote at a meeting
23 of the Council or count towards a quorum.

24 12. Subject to its standing orders, the Council may appoint such
25 number of standing and ad-hoc committees as it thinks fit to consider and
26 report on any matter with which the Council is concerned.

27 13. Every committee appointed under paragraph 12 of this
28 Schedule shall be presided over by a member of the Council and shall be
29 made up of such number of persons, not necessarily members of the
30 Council, as the Council may determine in each case.

1 **14.** A decision of a committee shall be of no effect until it is confirmed
2 by the Council.

3 PART III - MISCELLANEOUS

4 **15.** The fixing of the seal of the Council shall be authenticated by the
5 signature of the chairman and the Council Secretary.

6 **16.** Any contract or instrument which, if made or executed by any
7 person not being a body corporate would not be required to be under seal, may
8 be made or executed on behalf of the Council by any person, generally or
9 specially authorised to act for that purpose by the Council.

10 **17.** Any document purporting to be a contract, instrument or other
11 document duly signed or sealed on behalf of the Council shall be received in
12 evidence and shall unless the contrary is proved, be presumed to have been so
13 signed and sealed.

14 **18.** The validity of any proceeding of the Council or of any of its
15 committees shall not be affected by:

16 (a) any vacancy in the membership of the Council or any of its
17 committees;

18 (b) any defect in the appointment of any member; or

19 (c) reason of the fact that any person not entitled to do so took part in
20 the proceedings.

21 **19.** Any member of the Council and any person holding a position on
22 a committee of the Council who has a personal interest in any contract or
23 arrangement entered into or proposed to be considered by the Council or its
24 committee shall not be present at any deliberation relating to the contract
25 arrangement.

EXPLANATORY MEMORANDUM

(This note does not form part of this Act but is intended to explain its purport)

This Act repeals the Nigerian Council for Management Development Act, CAP. N99, Laws of the Federation of Nigeria, 2004, enacts the Nigerian Council for Management Development Act, 2011 and prescribes penalties for any violation of its provisions.