

# A BILL

## FOR

AN ACT TO REPEAL THE NIGERIAN INSTITUTE OF TRANSPORT TECHNOLOGY ACT, CAP 116 LFN 2011 AND ESTABLISH THE NATIONAL INSTITUTE OF TRANSPORT TECHNOLOGY AND FOR OTHER MATTERS CONNECTED THEREWITH 2015

*Sponsored by Senator Mao Oluabunwa*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL INSTITUTE OF  
2 TRANSPORT TECHNOLOGY, ETC.

3 1.-(1) There is hereby established a body to be known as the  
4 National Institute of Transport Technology (hereafter in this Act referred to  
5 as "the Institute").

Establishment of  
the National  
Institute of  
Transport  
Technology

6 (2) The Institute:

7 (a) shall be a body corporate with perpetual succession and a  
8 common seal;

9 (b) may sue and be sued in its corporate name;

10 (c) may hold and dispose of property.

11 2.-(1) There is established for the Institute a Governing Council (in  
12 this Act referred to as "the Council").

Governing  
Council of the  
Institute

13 (2) The Council shall consist of the following members:

Membership of  
the Council

14 (a) a Chairman;

15 (b) one representative of Federal Ministry of Transportation;

16 (c) 10 members who are professionally qualified and experienced  
17 in the management and operations of Transport and Logistics selected from  
18 each of the following:

19 (1) Nigerian Ports Authority;

- 1 (2) Nigerian Shippers Council;
- 2 (3) Nigerian Railway Corporation;
- 3 (4) Nigerian Maritime Administration and Safety Agency
- 4 (NIMASA);
- 5 (5) Nigerian Civil Aviation Authority (NCAA);
- 6 (6) Chartered Institute of Logistics & Transport;
- 7 (7) The Armed Forces and Police;
- 8 (8) Nigerian National Petroleum Corporation (NNPC);
- 9 (9) The Federal Roads Authority;
- 10 (10) One person representing transport research institution and
- 11 universities offering courses relating to transportation;
- 12 (11) National Association of Road Transport Owners (NARTO).

13 (d) The Director-General.

14 (3) The Chairman and members of the Council shall be appointed by

15 the President on the recommendation of the Minister.

Tenure of Office

16 3.-(1) The members of the Council, other than the Director General

17 shall each hold office for a term of four years in the first instance and may be re-

18 appointed for a further term of four years and no more.

19 (2) The Director-General shall hold office in the first instance for a

20 term of five (5) years and may be reappointed for one further term of five (5)

21 years and no more.

22 (3) The President on the recommendation of the Minister may

23 terminate the appointment of a member of the Council if he is satisfied that it is

24 no longer in the interest of the Institute for the member to continue in the office.

25 (4) A member of the Council shall cease to hold office if:

- 26 (a) he becomes of unsound mind;
- 27 (b) he becomes bankrupt or makes a compromise with his creditors;
- 28 (c) he is convicted of a felony or of any offence involving dishonesty;
- 29 (d) he is guilty of serious misconduct in relation to his duties; or
- 30 (e) his nomination by his organization or association is withdrawn.

1                   (5) The supplementary provisions contained in the Schedule to this  
2 Act shall have effect with respect to the proceedings of the Council and the  
3 other matters therein.

4                   **4.-(1) For the purpose of carrying out the functions of the Institute**  
5 **as specified in this Act, the Council shall have power to:**

Power of the  
Council

6                   (a) formulate the general policies of the Institute;

7                   (b) approve the fees to be charged for courses of instruction and  
8 other services offered by the Institute;

9                   (c) monitor and regulate the management of the Institute;

10                  (d) approve the establishment of such departments, schools,  
11 teaching and research units in the Institute as may from time to time be  
12 necessary;

13                  (e) institute lectureship, other posts, offices and to make  
14 appointment therein;

15                  (f) provide code of conduct for all inhabitants of the Institute;

16                  (g) institute and award fellowships, scholarship, bursaries, prizes  
17 and other forms of assistance distinctions and titles;

18                  (h) arrange for the general welfare of members of staff and their  
19 family in exceptional circumstances;

20                  (i) ensure the provisions of infrastructural facilities necessary for  
21 the Institute

22                  (j) approve the annual estimates of the revenue and expenditure of  
23 the Institute and plan of activities; and the annual audited accounts

24                  (k) carry out such other activities as are necessary and expedient in  
25 the discharge of any of the functions under or pursuant to this Act.

26                  (2) The Council may operate through standing and ad hoc  
27 committees on issues relevant for the pursuance and attainment of the  
28 objectives for which the Institute is established.

29                  (3) The Council shall provide and institute relevant establishment  
30 and management instruments for the effective management of the Institute's

Objectives and  
Functions

1      **affairs but which shall not contravene the Public Service guidelines.**

2                    **(5) The objectives, of the Institute shall be to:**

3                    **(a) Provide management training to all categories of senior and**  
4 **middle cadre officers in all modes of transport; and in all aspects of logistics in**  
5 **and outside Nigeria. This involves:**

6                    **(i) The development of long term professional programmes leading to**  
7 **the award of lower and higher professional qualifications relevant to the needs**  
8 **of the transport and logistics industry;**

9                    **(ii) provide continuous professional development skills in the**  
10 **industry through short-term training programmes and courses; and**

11                    **(iii) supporting and encouraging various modal training institutions**  
12 **through “Train the Trainers” programmes.**

13                    **(iv) establish and maintain collaboration and affiliation with regional**  
14 **and international professional organizations and agencies in transport,**  
15 **research and consultancy activities.**

16                    **(b) Serve as a Transport Intelligence Centre by, among others:**

17                    **(1) providing information and knowledge that would guide**  
18 **government and its regulatory agencies through constant monitoring and**  
19 **evaluation of the following among others:**

20                    **(i) professional standards and practice in transport and logistics;**

21                    **(ii) transport education and training;**

22                    **(iii) transport operations across the country.**

23                    **(2) Serve as a center for strategic thinking, policy analysis and**  
24 **forecast through evaluation of policies, plans and programmes on transport.**

25                    **(c) Provide equipment and facilities for the encouragement,**  
26 **promotion and conduct of applied research and training in all modes of**  
27 **transport. Through this the Institute shall:**

28                    **(i) serve as a Transport Data Bank in Nigeria.**

29                    **(ii) formulate safety standards, procedures and practices in Transport**  
30 **and logistics.**



1                    (iii) offer consultancy services to both public and private transport  
2                    and logistics organizations in and outside the country.

3                    (a) training:

Functions and  
Activities of the  
Institute

4                    The Institute shall carry out training activities as follows:

5                    (i) Initiate, develop, and offer long-term professional courses of  
6                    instruction leading to the award of lower and higher certificates, and  
7                    relevant professional qualifications;

8                    (ii) Short-term re-orientation programmes in the forms of courses,  
9                    seminars, workshops and conferences based on the continuous needs of the  
10                    industry;

11                    (iii) Organize 'Train-the- Trainers' programme for all Training  
12                    Providers in the country on an annual basis in transport -and logistics related  
13                    area.

14                    (b) Research and Consultancy:

15                    (1) Carry out technology-based applied research in all aspects of  
16                    transport and logistics. Since the product of transport is based on carriage  
17                    and safe arrival, the researches shall have safety improvement and cost  
18                    reduction as the overall goal, and will be based on the following elements of  
19                    transport:

20                    (a) The Vehicle:

21                    Researches in this area shall focus on:

22                    (i) management and maintenance of vehicle engines;

23                    (ii) improvement of vehicle cargo unit in terms of seats and body  
24                    building;

25                    (iii) tyre durability through testing;

26                    (iv) management of vehicle panels;

27                    (b) Transport Way and Terminals:

28                    Research emphasis shall be placed on:

29                    (i) Designs

30                    (ii) Strength of Materials

- 1            (iii) Maintenance
- 2            (iv) Transport Furniture development
- 3            (c) Transport Operations and Management Computer-based
- 4 management studies shall concentrate on:
- 5            (i) Safety measures and Traffic Control devices;
- 6            (ii) Routing and scheduling techniques;
- 7            (iii) Ticketing methods;
- 8            (iv) Monitoring and Tracking Techniques;
- 9            (v) Fare structure and cost control measures;
- 10           (vi) Transport regulations;
- 11           (vii) Fleet management.
- 12           (d) Logistics and Supply Chain Management through:
- 13           (i) Simulation;
- 14           (ii) Games etc.
- 15           (2) Consultancy Activities:
- 16           (i) Offer expert advisory service to both public and private transport
- 17 and logistics organizations;
- 18           (ii) Analyse and evaluate government policies, plans, technical
- 19 reports and programmes and make appropriate recommendations.
- 20           (e) Transport Intelligence:
- 21 The Institute shall serve as the nucleus or support for a professional regulatory
- 22 system for the sectors so as to:
- 23           (i) Register all Transport and Logistics Professional Associations in
- 24 the country;
- 25           (ii) Establish and maintain a register of organizations entitled to
- 26 practice as Registered Transport and Logistics Service Providers and annually
- 27 certify their manpower competence;
- 28           (iii) Set standards for the establishment of institutions for the purpose
- 29 of training transport and Logistics Professionals and carry out annual
- 30 accreditation of their courses and programmes;

1 (iv) Determine standards of knowledge and skills to be attained by  
2 all categories of professionals employable in transport and logistics  
3 organizations and review these standards from time to time as circumstance  
4 may permit. These professionals include the following:

5 (a) Chartered Transportants and Logisticians;

6 (b) Transport Technologists/Technicians;

7 (c) Transport Artisans/Craftsmen.

8 6. The Institute shall establish and maintain a Library and  
9 Information Services Centre as may be directed by the Council for research  
10 and other purposes connected with the functions of the Institute.

Provision of an  
Information  
resource centre

11 PART II - STAFF OF THE INSTITUTE

12 7. The Director-General shall be the Chief Executive/ Accounting  
13 officer of the Institute and be responsible to the Council for the-today  
14 administration of the Institute.

Director-General  
of the Institute

15 8. -(i) There shall be appointed by the Council the following  
16 officers of the Institute:

Appointment,  
Functions and  
Tenure of other  
Staff of the  
Institute

17 (a) Directors of various academic and research departments;

18 (b) Director of Finance and Supplies;

19 (c) Director of Administration;

20 (d) Director, Information Resource Centre;

21 (e) Legal Adviser.

22 (ii) The Directors of various academic and research departments  
23 shall be responsible to the Director-General for the day-to-day  
24 administration, planning, organizing and conducting courses examination  
25 and other studies undertaken by their respective departments including  
26 collation and publication of course materials and other written materials.  
27 relating thereto;

28 (iii) The Director of Finance and Supplies shall be responsible to  
29 the Director-General for the day-to-day administration of the finances of the  
30 Institute. He shall be responsible for the planning, organizing, directing and





1                    **10. -(i) The Institute may accept gifts of land, money or other**      Power to accept  
2                    **property upon such terms and conditions, if any, as may be specified by the**      gifts  
3                    **person or organization making the gifts;**

4                    **(ii) The Institute shall not accept any gift if the conditions attached**  
5                    **by the person or organization making the gift are inconsistent with the**  
6                    **objectives of the Institute.**

7                    **11. -(i) The Council may with the approval of the President where**      Borrowing  
8                    **necessary borrow by way of loan or overdraft, any money as may be**      Power, etc.  
9                    **required by the Institute from a source approved by the President, such**  
10                    **specified amount of money as may be required by the Institute for meeting**  
11                    **its obligations and or discharging its functions under this Act;**

12                    **(ii) The Council may, subject to the provision of this Act and the**  
13                    **conditions of any trust created in respect of any property, invest all or any of**  
14                    **its funds with the like approval or general authority as mentioned in**  
15                    **subsection (1) of this section;**

16                    **(iii) The Council may invest any surplus funds of the Institute in**      Investment  
17                    **securities prescribed by the Trustee Investment Act or such other securities**      Cap 449  
18                    **as may from time to time be approved by the Minister;**

19                    **(iv) Subject to the provisions of the Land Use Act, and any special**      Lease of land,  
20                    **or general direction which the Minister may give, the Council may acquire**      Cap. 204  
21                    **or lease any land required for its purposes under this act.**

22                    **12. -(i) The Council shall cause to be prepared and submitted to the**      Annual estimates  
23                    **Minister not later than six months before the end of each financial year or**      accounts and  
24                    **such other time as the Minister may direct, an estimate of the expenditure**      audit  
25                    **and income of the Institute during the next succeeding financial year;**

26                    **(ii) The Council shall cause to be kept proper accounts, which shall**  
27                    **be audited as provided in subsection (3) of this section;**

28                    **(iii) The accounts of the Institute shall be audited after the end of**  
29                    **each financial year by auditors appointed from the list of auditors and in**  
30                    **accordance with the guidelines issued by the Auditor-General of the**

1    Federation and the fees of the auditors and the expenses for the audit shall be  
2    paid from the funds of the Institute.

3                    **PART IV - MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS**

Annual Reports

4                    **13.** The Council shall, not later than six months after the end of each  
5    financial year, submit through the Minister to the President, a report on the  
6    activities of the Institute and its administration during the immediate preceding  
7    year and shall include in such report the audited accounts of the Institute and  
8    the auditor's comments thereon.

Staff Regulations

9                    **14.** -(i) The Council may, subject to the provisions of this Act, make  
10   regulations relating generally to the conditions of service of the employees .of  
11   the Institute and, without prejudice to the generality of the foregoing, such  
12   regulations may provide for:

13                    (a) the appointment, promotion and discipline of employees of the  
14   Institute; and

15                    (b) appeals by such employees against dismissal or other disciplinary  
16   measures, and until such regulations are made, any instrument relating to the  
17   conditions of service of officers in the public service of the Federation shall be  
18   applicable, with such modifications as may be necessary, to the employees of  
19   the Institute.

20                    (ii) Staff regulations made under subsection (1) of this section shall  
21   not have effect until approved by the Minister, and when so approved need not  
22   to be published in the Federal Gazette. The Council shall however, cause them  
23   to be brought to the notice of all affected persons in such manners as it may  
24   from time to time determine.

Discipline of  
Students

25                    **15.** -(i) Subject to the provisions of this section, where it appears to the  
26   Director-General that a participant of the Institute has been guilty of  
27   misconduct, the Director-General may, without prejudice to any other  
28   disciplinary powers conferred on him by rules, direct that:

29                    (a) the participant shall not, during such period as may be specified in  
30   the direction, participate in such activities of the Institute;

1 (b) the activities of the participants shall, during such period as  
2 may be specified in the direction, be restricted in such manner as may be  
3 specified;

4 (c) the participant be rusticated for such period as may be specified  
5 in the direction; or

6 (d) the participant be expelled from the Institute.

7 (ii) Where a direction is given under subsection (1) of this section  
8 in respect of any participant, may within 4 weeks, of the receipt of the  
9 direction and in writing, appeal against the direction to the Council, and  
10 where such an appeal is brought, the Council shall, after causing such  
11 inquiry to be made in the matter as it considers just, either confirm or set  
12 aside the direction or modify it in such manner as the Council deems fit;

13 (iii) The fact that an appeal against a direction is brought in  
14 pursuance of the foregoing subsection shall not affect the operation of the  
15 direction while the appeal is pending.

16 **16. -(i) The Nigerian Institute of Transport Technology Act 1990 is**  
17 **hereby repealed:**

Repeal of 1990  
Cap. 309 LFN

18 (ii) Accordingly, the statutory functions, rights interests,  
19 obligations and liabilities of the Nigerian Institute of Transport Technology  
20 existing before the commencement of this Act under any contract or  
21 instrument or in law or in equity shall, by virtue of this Act, be deemed to  
22 have been assigned to and vested in the National Institute of Transport  
23 Technology established by this Act;

Savings and  
transfer of  
liabilities, staff,  
etc.

24 (iii) Any such contract or instrument mentioned in subsection (i) of  
25 this section shall be of the same force and effect against or in favour of the  
26 National Institute of Transport Technology established by this Act and shall  
27 be enforceable as fully and effectively as if instead of the Nigerian Institute  
28 of Transport Technology existing before the commencement of this Act, the  
29 National Institute of Transport Technology established by the Act, has been  
30 named therein or had been a party thereto;



1            (iv) The National Institute of Transport Technology established by  
2 this Act shall be subject to all the obligations and liabilities to which the  
3 Nigerian Institute of Transport Technology existing before the commencement  
4 of this Act was subject immediately before the commencement of this Act and  
5 all other persons shall have the same rights, powers and remedies against the  
6 National Institute of Transport Technology established by this Act as they had  
7 against the Nigerian Institute of Transport Technology existing before the  
8 commencement of this Act;

9            (v) Any proceeding or cause of action pending or existing  
10 immediately before the commencement of this Act, by or against the Nigerian  
11 Institute of Transport Technology existing before the commencement of this  
12 Act in respect of any right, interest, liability or obligation of the Nigerian  
13 Institute of Transport Technology existing before the commencement of this  
14 Act may be continued or, as the case may be, commenced and any  
15 determination of a court shall be for or against the National Institute of  
16 Transport Technology established by this Act to the same extent that such  
17 proceeding or cause of action of determination might have been continued,  
18 commenced or enforced by or against the Nigerian Institute of Transport  
19 Technology existing before the commencement of this Act;

20            (vi) All assets, funds, resources and other movable or immovable  
21 property which immediately before the commencement of this Act were vested  
22 in Nigerian Institute of Transport Technology existing before the  
23 commencement of this Act shall by virtue of this Act and without further  
24 assurance, be vested in the National Institute of Transport Technology  
25 established by this Act;

26            (vii) Any person who immediately before the coming into force of this  
27 Act is the holder of any office in the Nigerian Institute of Transport Technology  
28 existing before the commencement of this Act shall on the commencement of  
29 this Act continue in the office and be deemed to have been appointed to his  
30 office by the National Institute of Transport Technology established by this Act



1 unless the authority by which the person was appointed terminates the  
2 appointment.

3 **17.** In this Act, unless the context otherwise requires: Interpretation

4 "Council" means the Governing Council of the Institute, constituted under  
5 section 2 of this Act; "Chairman" means the Chairman of the Council;

6 "Director-General" means the Director-General of the Institute;

7 "Institute" means The National Institute of Transport Technology  
8 established under section 1 of this Act;

9 "Members" include the Chairman and other Members of the Council;

10 "Minister" means the Minister charged responsibility for matters relating to  
11 transport;

12 "President" means the President, Commander-in-Chief of the Armed Forces  
13 of the Federal Republic of Nigeria.

14 **18.** This Act may be cited as the National Institute of Transport Short Title  
15 Technology (Establishment) Bill, 2015.

16 SCHEDULE

17 *Section 3 (3)*

18 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

19 *Proceedings of the Council*

20 **1.** Subject to this Act and section 27 of the Interpretation Act Cap, 192 LFN  
21 (which provides for decisions of a statutory body to be taken by a majority of  
22 its members and for the person presiding at any meeting, when a vote is  
23 ordered, to have a second or casting vote), the Council may make standing  
24 orders regulating its proceedings or that of any of its committees.

25 **2.** At every meeting of the Council, the Chairman shall preside and  
26 in his absence the members present at the meeting shall appoint one of them  
27 to preside at the meeting.

28 **3.** The quorum at a meeting of the Council shall consist of the  
29 Chairman or, in an appropriate case, the person presiding at the meeting  
30 pursuant to paragraph 2 of this Schedule, and five other members.



1                    **9.** Any contract or instrument which, if made or executed by a  
2 person not being a body corporate, would not be required to be under seal  
3 may be made or executed on behalf of the Institute by the Director-General  
4 or by any other person generally or specially authorized by the Council to act  
5 for that purpose.

6                    **10.** Any document purporting to be a contract, instrument or other  
7 document duly signed or sealed on behalf of the Institute shall be received in  
8 evidence and shall, unless the contrary is proved, be presumed without  
9 further proof to have been so signed or sealed.

10                   **11.** The validity of any proceedings of the Council or of any of its  
11 committees shall not be affected by:

12                    (a) any vacancy in the membership of the Council, or committee;

13                    (b) any defect in the appointment of a member of the Council or  
14 committee; or

15                    (c) reason that any person not entitled to do so took part in the  
16 proceedings of the Council or committee.

17                    **12.** A member of a committee who has a personal interest in any  
18 contract or arrangement entered into or proposed to be considered by the  
19 committee shall forthwith disclose his interest to the committee and shall not  
20 vote on any question relating to the contract or arrangement.

21                    **13.** No member of the Council shall be personally liable for any act  
22 or omission done or made in good faith while engaged in the business of the  
23 Institute.