

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN ARMY INSTITUTE OF TECHNOLOGY AND ENVIRONMENTAL STUDIES, TO PROVIDE TECHNICAL AND VOCATIONAL TRAINING TO PERSONNEL OF THE ARMED FORCES, SECURITY SERVICES, OTHER AGENCIES AND FOR MATTERS CONNECTED THEREWITH, 2015

[] Commencement

Sponsored by Senator Kabiru Marafa Zamfara

BE IT ENACTED by the National Assembly of the Federal Republic of

Nigeria as follows:

1 PART I- ESTABLISHMENT AND STATUS OF THE NIGERIAN ARMY

2 INSTITUTE OF TECHNOLOGY & ENVIRONMENTAL STUDIES

3 1. There is hereby Established a body to be known as the Nigerian Establishment
4 Army Institute of Technology & Environmental Studies (in this Bill referred
5 to as the "NAITES") which:

6 (a) Shall be a body Corporate with Perpetual succession and
7 common seal,

8 (b) May sue or be sued in its Corporate name and may for the
9 purposes of its functions under this Act and subject to the Land Use Act,
10 hold, acquire and dispose of any property, moveable or immoveable.

11 2. The Objectives of the Institute shall be to: Objectives of
12 the Institution

(a) provide high quality innovational and technical education

13 (b) produce graduates with professional and vocational skills for
14 selfemployment

15 (c) Meet the higher level demand for graduate entrepreneurs

1 through training at the NAITES Entrepreneurship Development Centre (EDC)
2 (d) Offer upgrading courses for the Nigerian Army personnel
3 development courses in various Corps/ Schools as may be approved by ASA
4 from time to time

5 (e) Provide a higher level capability for allied specialties of other
6 services of the Nigerian Armed Forces, Government Agencies and related
7 organizations

8 (f) Prepare the Nigerian Army personnel for meaningful post-service
9 employment skills as a way of enhancing their re-integration to civil society

10 (g) To enhance the military/civil relationship through the admission
11 of Civilians

12 (h) To create an excellent learning environment and infrastructure for
13 research and development (R&D) in engineering (Combat engineering
14 inclusive) and other related fields and services

15 (i) Expand the horizon for indigenous research and development
16 efforts, through the provision of conducive atmosphere and infrastructure that
17 will promote, cooperate and collaboration with similar Institutions within and
18 outside Nigeria CD Attract international researchers and stakeholders in
19 combat engineering environmental sciences and other allied industries

20 PART II - POWERS OF NAITES AND THE GOVERNING COUNCIL

21 3. The NAITES shall have the powers to:

22 (1) Establish such campuses, colleges, schools, departments and
23 other teaching and research units within the Institute as may, from time to time,
24 be deemed necessary or desirable subject to the approval of the National Board
25 for Technical Education (NBTE)

26 (2) To institute professorships, readerships or associate
27 professorships, lectureships, other posts and offices and make appointments
28 thereto.

29 (3) To institute and award fellowships, scholarships, exhibitions,
30 bursaries, medals, prizes and other titles, distinctions awards and other forms

1 of assistance;

2 (4) To provide for the discipline and welfare of members.

3 (5) To hold examinations and grant degrees, diplomas, certificates
4 and other distinctions to persons who have pursued a course of study
5 approved by the NAITES and have satisfied such other requirements that
6 maybe laid down from time to time;

7 (6) To award honorary degrees, fellowships or academic titles;

8 (7) To demand and receive from any student or any other person
9 attending the NAITES for the purpose of instruction such fees as may be
10 approved from time to time subject to the overall directive of the Governing
11 Council;

12 (8) To acquire, hold, grant, charge or otherwise deal with or
13 dispose of movable and immovable property wherever situate;

14 (9) To accept gifts, legacies and donations, but without obligation
15 to accept the same for a particular purpose unless it approves the terms and
16 conditions attaching thereto;

17 (10) To enter into contracts, provide consultancy services,
18 establish trusts, act as trustee, solely or jointly with any person, and employ
19 or act through agents;

20 (11) To erect, provide, equip and maintain libraries, laboratories,
21 staff schools, lecture halls, halls of residence, refectories, sports grounds,
22 playing fields and other buildings or thing necessary/suitable or convenient
23 for any of the object of the Institute, either by contractors, direct labor or
24 Public Private Partnership (PPP);

25 (12) To hold public lectures and to undertake printing, publishing
26 and book-selling;

27 (13) subject to any limitations on conditions imposed by statute, to
28 invest any money appertaining to the Institute by way of endowment, not
29 being immediately required for current expenditure, in any investments or
30 securities or;

1 (14) the purchase or improvement of land, with power from time to
2 time to vary any such investments and to deposit any money for the time being
3 not invested with any bank on deposit or current account;

4 (15) To borrow, whether on interest or not if need be upon the security
5 of any or all of the properties, movable or immovable, of the Institute, such
6 monies as the Council may, from time to time, in its discretion find necessary or
7 expedient to borrow or to guarantee any loan, advances or direct facilities;

8 (16) To make gifts for any charitable purpose and cater for the general
9 welfare of children of members of staff;

10 (17) To do anything which it is authorized or required by this Act or by
11 statute to do;

12 (18) To do all such acts or things, whether or not incidental to the
13 foregoing powers, as may enhance the objects of the NAITES.

14 (19) The powers conferred on the NAITES by subsection (1) of this
15 Section shall be exercise on behalf of the Institute by the Rector in any other
16 manner, which may be authorized by Statute.

Constitution of
the Governing
Council

17 **4. The Council shall consist of:**

18 (a) A chairman - who shall be a retired very senior Nigerian Army
19 officer with the relevant academic qualifications and experience (Appointment
20 is for 2 years after which is renewable).

21 (b) The Representative of the Commander Corps of Engineers

22 (c) The Director of Training at the Army Head Quarters.

23 (e) The Rector of NAITES

24 (d) The Representative of National Board for Technical Education.

25 (e) Traditional Ruler of the Community where the Institution is
26 situated.

27 (f) Representative of the Honorable Minister of the Federal Ministry
28 of Education.

29 (g) Commissioner of Education where the Institution is situated.

30 (h) One representative of the professional body whose disciplines are

1 taught in the Institution (to be rotated after two years amongst the
2 professional bodies).

3 (i) The Registrar of the Institute shall be the Secretary of the
4 Council.

5 5.- (1) The Governance of the Institute and the direction of its
6 affairs shall vest in the

Powers of
the Council

7 Governing Council of the Institute (in the Act referred to as the Council).

8 (2) Without prejudice to the generality of subsection (1) of this
9 section and subject to this Act, the Council shall have the powers to consider
10 and approve:

11 (a) The strategic plan of activities of the Institute.

12 (b) The academic program, courses and research to be undertaken
13 by the Institute.

14 (c) The annual budget of the Institute, and

15 (d) Curricular and programs to be taught in the Institute.

16 (3) The Council may, subject to the provision of the Act, employ
17 such number and category of officers and other employees as may be
18 expedient for the proper running of the Institute.

19 (4) The Council may make staff regulation relating to Schedule of
20 the terms and conditions of service of its civilian employees and without
21 prejudice to the generality of the foregoing, such regulations may provide
22 for:

23 (a) The appointment, remuneration, promotion, tenure and
24 discipline of civilian employees of the Institute.

25 (b) Until such regulations are made any instrument relating to the
26 condition of service of officers in the civil service of the federation or those
27 in the National Polytechnics Structure shall be applicable with such
28 modifications as may be necessary to the civilian employees.

29 (c) The Council shall have power to create any office or
30 department, necessary for the efficient running of the Institute.

1 (5) The Decision of the Council on all matters pertaining to training,
2 assessment, certification, award of fellowship and withdrawal of students shall
3 be final.

Meeting

4 6. The Council shall meet as at and when necessary for the
5 performance meetings for its functions under this Act, and shall meet at least
6 once a year in accordance with the provisions of this Act as contained in the
7 schedule.

8 PART III - MANAGEMENT BOARD, ACADEMIC BOARD AND

9 BOARD OF THE INSTITUTE THE SCHOOL

The Management
Board

10 7. The Management Board

11 (1) There shall be a management board which shall have the
12 following functions; that is to;

13 (a) Present to Council through the Rector, matters and issues that
14 pertain to discipline and promotion of senior and junior staff for ratification.

15 (b) Present and defend through the Rector annual budget to the
16 Council for ratification.

17 (c) Deliberate on issues and matters concerning the Institute that may
18 be brought by the Rector and other principal officers of the Institute.

19 (d) Deliberate on issues concerning appointment, discipline and
20 promotion as may be presented to it by the Senior Staff Appointment,
21 Promotion and Disciplinary Committee and Junior Staff Appointment,
22 promotion and disciplinary committee.

23 (e) Contribute in the formulation of long and short term goals
24 proposed by the Rector and adopt same for effective and efficient running of
25 the Institute.

26 (2) The Management Board shall consist of:

27 (a) The Rector, who shall be the chairman

28 (b) Deputy Rector

29 (c) Registrar

30 (d) Director of Finance

- 1 (e) Director of Works
- 2 (f) Institute Librarian
- 3 (g) Directors of School
- 4 (h) Director of ICT
- 5 (i) Director of EDC
- 6 (ii) Director of SIWES
- 7 (k) Administrative Officer
- 8 (l) Director NAITES CONSULT
- 9 (m) Student Affairs Officer; and
- 10 (n) Deputy Registrar Establishment, who shall be the secretary.

11 **8. -(1) There shall be an Academic Board which shall have control**
12 **of the academic affairs of the Institute and, subject to the powers of the**
13 **Governing Council, the Academic Board shall have the following functions,**
14 **that is to:**

The Academic
Board

15 (a) Organize and control the teaching of academic courses and the
16 examinations thereto;

17 (b) Determine the passes and failures of all courses in accordance
18 with the criteria for passing as laid down in the academic assessment policy.

19 (c) Deal with matters relating to admission into departments and
20 Schools.

21 (d) Recommend to the Governing Council persons to be appointed
22 as external examiners for the Diplomas and Higher Degrees examinations;

23 (e) Deal with matters relating to research projects;

24 (f) Any other functions assigned or delegated to it, from time to
25 time, by the Governing Council and Management.

26 (2) The Academic Board shall consist of:

27 (a) The Institute Rector, who shall be the Chairman

28 (b) The Deputy Rector

29 (c) The Registrar

30 (d) The Institute Librarian

- 1 (e) The Heads of Academic Departments
2 (f) All Professors, whether Heads of Departments or not
3 (g) Two military members of the Institute to be appointed by the
4 Rector
5 (h) The Deputy Registrar Academics, who shall be the Secretary.

The School
Board

6 9. -(1) There shall be establish in respect of each Corps School, a
7 satellite school board which, subject to the provision of this statute and to the
8 directions of the Institute Rector shall:

9 (a) regulate the teaching and study of, and the conduct of
10 examinations connected with the subjects assigned to each satellite School

11 (b) deal with any other matter assigned to it by statute, or by the
12 Institute Rector or by the Academic Board; and

13 (c) advise the Institute Rector or the Academic Board on any matter
14 referred to it by the Institute Rector or by the Academic Board

15 (2) Each School shall be divided into such number of departments as
16 may be prescribed.

17 (3) Where a School consists of two or more departments, each
18 department shall have its own board of studies, which shall be responsible to
19 and be under the control of the Academic Board

20 (4) Each School Board shall consist of:

21 (a) Director of School

22 (b) The Head of the Departments of the School

23 (c) such numbers of lecturers assigned to the school and having
24 prescribed qualifications as the School Board may determine; and

25 (d) Such numbers of persons whether or not members of the Institute
26 as the School Board may, with general or special approval.

27 (5) The quorum of the School Board shall be two third of the members
28 of the School Board, and subject to the provision of this statute and any

1 provision made by regulations on this behalf, the School Board may regulate
2 its own procedure.

3 10.- (1) The Directors of a School shall be appointed in such
4 manner and hold Director of School office for such a time and subject to
5 such conditions, as may be prescribed by regulations.

Directors of
School

6 (2) If there is no Professor in the School, the office of the Director
7 of School shall be held by a member of the School holding the rank of
8 Reader or Senior Lecturer or Senior Military Officer of comparative
9 academic experience, on the basis of seniority as may be determined by the
10 Rector.

11 (3) The Director of School shall be the Chairman at all meetings of
12 the School Board when he is present and he shall be a member of all
13 committees and other boards appointed by the School and when the Director
14 of School is absent from any meeting, the most Senior member presides over
15 the meeting.

16 (4) The Director of School shall exercise general superintendence
17 over the academic and administrative affairs of the School, and it shall be the
18 function of the Director of School to present granduands for the conferment
19 of diploma certificates, degrees, after having qualified at examinations held
20 in the departments.

21 (5) The Director of School may be removed from office by the
22 Rector for any disciplinary reasons or by military traditions and in the event
23 of a vacancy occurring, following the removal of a Director of School, an
24 Acting Director of School may be appointed by the Rector, provided that
25 arrangement shall be made for a new Director of School to be appointed in
26 the manner prescribed within a period of three months from the date when
27 the Acting Director of School assumes office.

28 (6) For the purpose of subsection (5) of this section "Disciplinary
29 reasons" shall mean:

30 (a) conviction for any offence which the Rector considers to be

1 such as to render the person concerned unfit for the discharge of the functions
2 of his office; or

3 (b) any physical or mental incapacity which the Rector, after
4 obtaining medical advice, considers to be such as to render the person
5 concerned unfit to continue to hold his office, or

6 (c) conduct of scandalous or other disgraceful nature, which the
7 Rector considers to be such as to render the person concerned unfit to continue
8 to hold his office, or

9 (d) conduct which the Rector considers to be such as constitute failure
10 or inability of the person concerned to discharge the functions of his office or to
11 comply with the terms and conditions of service; or

12 (e) conduct which the Rector considers to be generally of such nature
13 as to render the continuous appointment of service of the person concerned
14 prejudicial or detrimental to the interest of the Institute.

Appointment of the
Rector

15 **11. -(1)** There shall be appointed for the Institute, a Rector who shall
16 be a very senior Nigerian Army Engineer Officer, whose appointment and
17 removal from office shall be in accordance with military posting, and who shall
18 be responsible to the Governing Council for;

19 (a) giving to the Governing Council such information on the activities
20 of the Institute as the Chairman of the Board may require; and

21 (b) authorizing programmes and plans for giving effect to policy
22 approved by the Governing Council or to any direction of the Governing
23 Council, subject to all or any of the powers in this section as may be delegated
24 to him by the Governing Council.

25 (2) The fact that any power has been delegated on the Rector pursuant
26 to subsection (1) of this section shall not preclude the Governing Council itself
27 from exercising them in any special case.

28 (3) The powers referred to in sub-section (2) of this section shall
29 include:

30 (a) the executive control over the military and civilian staff of the

1 Institute;

2 (b) the supervision of accounts and records;

3 (c) the preparation for approval of programmes and plans
4 necessary to carry into effect approved policy or any directive of the
5 Governing Council.

6 (d) The interpretation of such policy to other staff of the Institute;

7 (e) the making of any staff recommendations to the Governing
8 Council; and

9 (f) the establishment of organizational structures, committees and
10 definitions of duties; provided that nothing in this Act shall be deemed to
11 The Nigerian Army Institute of Technology and Environmental Studies
12 (Establishment) Act, 2014 detract from the military powers of command of
13 the Rector, which shall include powers to try service personnel in
14 accordance with the Armed Forces Act CAPA20 Laws of the Federation of
15 Nigeria 2004.

16 (4) The Rector shall in the exercise of his disciplinary powers have
17 similar powers to that of Brigade Commander or its equivalent in the
18 conduct of summary trial or convening a Court martial under the Armed
19 Forces Act CAPA20 Laws of the Federation of Nigeria 2004.

20 12. There shall be appointed for the Institute a Deputy Rector, who
21 shall be a civilian not lower than a Lecturer I, whose appointment and
22 removal from office shall be approved by the Rector and confirmed by the
23 Council and who shall assist the Rector in the running of the Institute in
24 accordance with the provision of this Act.

Appointment
of Deputy
Rector

25 13. There shall be an Institute Registrar, who shall be a senior
26 Nigerian Army Officer not below the rank of a Colonel with relevant
27 professional and academic qualification, who shall be responsible to the
28 Rector for the day-to-day administrative work of the Institute.

Institute
Registrar

29 14. The Deputy Registrar Academics and the Deputy Registrar
30 Establishment shall be responsible to Registrar for the Coordination of all

Appointment of
Deputy Registrar
Academics/
Establishment

1 academic and establishment activities of the Academic Branch and
2 Establishment Branch respectively, and shall perform such other functions that
3 the Registrar as the case may be shall assign to him from time to time.

Institute
Librarian

4 15. There shall be an Institute Librarian who shall be responsible to
5 Rector and Registrar for the administration of the Library services for the
6 Institute.

Appointment of
Principal officers
of the Institute

7 16. -(1) When a vacancy occurs in the office of the Institute Registrar
8 and the Institute Librarian, the Nigerian Army Head Quarters will fill the
9 vacancies accordingly; whilst the appointment of Principal Officers of the
10 Institute, Heads of non-academic positions, a selection committee shall be
11 constituted consisting of:

12 (a) The Rector;

13 (b) The Deputy Rector;

14 (c) The Registrar, and

15 (d) Two members appointed by the Academic Board.

16 (2) The Selection Committee after making such inquiries as it thinks
17 fit shall recommend a candidate to the Council for appointment to the vacant
18 post and after considering the recommendation of the Selection Committee,
19 the Council may make an appointment to that post.

Appointment of
other Academic and
Non-Academic
Staff of the
Institute

20 17. -(1) An interview panel to interview candidates, not above the
21 grade of a senior lecturer or equivalent shall be constituted. Consisting of:

22 (a) the Institute Registrar who shall be the chairman;

23 (b) the Heads of the relevant Schools;

24 (c) the Heads of the Departments concerned, except that if the Head of
25 Department is himself a candidate, he shall not serve on the interview panel;

26 (d) the Deputy Registrar Establishment, who shall be the secretary of
27 the interview panel;

28 (e) at least two persons recommended by the Director of School to the
29 Registrar and such persons must have knowledge of the subject or field in
30 respect of which candidates are being assessed or interviewed, and must not be

1 of lower status than that of the post being interviewed for.

2 (2) For the purpose of filling any vacancies occurring in the post of
3 Professor or Reader, an Academic committee set up under subsection (3) of
4 this section, shall sit as a selection board. To select and recommend to the
5 Council, suitable persons to fill the vacant posts.

6 (3) The Academic committee, when sitting as a selection board,
7 under Sub-Section (2) of this section, shall consist of:

8 (a) The Rector

9 (b) The Deputy Rector

10 (c) The Director of the relevant School

11 (d) Two members of the Committee appointed by the Governing
12 Council, one of whom shall be a member of the staff of the School or
13 academic unit concerned

14 (e) Two other persons who are not members of the academic staff,
15 appointed from time to time, by the Council; and

16 (f) The Registrar who shall be the Secretary.

17 (4) The Governing Council shall have the power to interview
18 candidates directly.

19 18. -(1) The Nigerian Army shall post officers and personnel from Other Staff
20 time to time to fill administrative, teaching and other military or academic
21 vacancies in the Institute.

22 (2) The Governing Council may appoint such persons as civilian
23 members of the academic staff of the Institute for teaching, research,
24 academic and administration as it considers necessary and may approve
25 terms and conditions of service including provisions for the payment of
26 pensions.

27 (3) Members of staff of the Institute shall, unless exempted by the
28 chairman take such oaths of secrecy on assumption of duty and as may be
29 determined from time to time.

30 (4) No civilian personnel employed in any capacity, whether or not

1 a member of a trade union, shall engage or take part in any strike.

2 PART V - FINANCIAL PROVISION

Management of the
Institute Fund

3 19. The Institute shall establish and maintain a fund, the management
4 and control of which shall be in the hands of the Governing Council and into
5 which shall be paid:

6 (1) all monies received by the Council pursuant to this Bill.

7 (2) such monies as may be provided by the Federal Government to the
8 Institute by way of Grant gift or otherwise.

9 (3) all fees and other monies payable to the Institute pursuant to
10 subsection (1) of this section.

Expenditure

11 20. There shall be paid out of the fund of the Institute:

12 (1) all expenditure incurred by the Council in the discharge of its
13 functions under this Bill.

14 (2) the remuneration and allowances of the employees of the Institute.

15 (3) such reasonable travelling and subsistence allowances of the
16 members of the Council in respect of the time spent on the duties of the
17 Institute, as Management of Institute Fund.

18 (4) The Council may, from time to time honour money for the purpose
19 of the Institute and any interest payable on monies so borrowed shall be paid
20 out of the fund.

21 (5) The Institute shall keep accounts in respect of each year and proper
22 records in relation to those accounts to be audited by an auditor appointed from
23 the list and in accordance with the guidelines supplied by the Auditor-General
24 of the Federation.

25 (6) the auditor appointed for the purpose of this section, shall not be a
26 member of the Council.

27 PART VI - GENERAL PROVISION

Method of
Registration

28 21.-(1) Any officer referred to in the provisions of this Act may resign
29 his office:

30 (a) in line with military tradition; or

1 (b) if civilian, by notice to the Governing Council, through the
2 Rector.

3 (2) Subject as may be otherwise specified, a person who has ceased
4 to hold an office so mentioned otherwise than by removal for misconduct,
5 shall be eligible for re-appointment to that office.

6 22. In this Bill, unless the context otherwise require.

Interpretations

7 "Council" means the Council established as The Governing
8 Council of the Institute.

9 "Fee" includes registration fees, School fees, and departmental
10 fees

11 "NAITES" means the Nigerian Army Institute of Technology, &
12 Environmental Studies.

13 "Members" means member of the Governing Council of the
14 Institute.

15 "Register" means the register maintained pursuant to the provision
16 of the Act.

17 "Rector" means the Academic and Administrative Head of the
18 NAITES

19 "DOS" means the Director of School of the NAITES

20 23. This Act may be cited as the Nigerian Army Institute of
21 Technology, & Environmental Studies (Establishment) Bill, 2015. Short Title

22 SCHEDULE

23 PROCEEDINGS OF THE GOVERNING COUNCIL

24 1. -(1) Subject to this Act and to section 22 of the Interpretation Act
25 (which provides for the decisions of a statutory body to be taken by a
26 majority of the members of the body and for the persons presiding to have a
27 second or casting vote), the Council may make standing orders regulating its
28 proceedings or of any committee thereof.

29 (2) The quorum of the Council shall be the Chairman and

30 (3) Three other members and the quorum of any committee of the

1 Council shall be determined by the Council.

2 (4) The Council shall meet whenever it is summoned by the Chairman
3 and if the Chairman required to do so by the notice given to him by the Rector or
4 Registrar of the Institute, he shall summon a meeting of the Council to be held
5 within seven days from date on which the notice is given.

6 (5) The Chairman shall preside over the meeting of the Council, in the
7 event of his absence he shall delegate any member of the council to represent
8 him and carry out the responsibilities of the Chairman at that particular meeting
9 or meetings at that particular meeting or meetings subject to the mandate given
10 by the Chairman

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

16 *Committees*

17 (7) The Council may appoint one or more committee to carry out on
18 behalf of the Council, such of its function as the Council may determine.

19 (8) A committee appointed under sub-section (7) of this section shall
20 consist of such number of persons as may be determined by the Council and not
21 more than one third of those persons who are not members of the Council; a
22 person other than a member of the Council shall hold office on the committee in
23 accordance with terms of the instrument of his appointment

24 (9) A decision of a committee of the Council shall be of no effect until
25 it is ratified by the Council.

26 (10) The fixing of the seal of the Institute shall be authenticated by the
27 signature of the Chairman or some other member authorized generally or
28 specially by the Council.

EXPLANATORY NOTE

This Act seeks to Establish the Nigerian Army Institute of Technology & Environmental Studies, to give technical education to the Personnel of the Nigerian Army, and other services of the Nigerian Armed Forces and civilians of the Federal Republic of Nigeria and other African Countries.

