

FEDERAL INSTITUTE OF VOCATIONAL AND TECHNICAL EDUCATION,
ABAK, AKWA IBOM STATE (ESTABLISHMENT, ETC) BILL 2021

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO PROVIDE FOR THE LEGAL FRAMEWORK TO ESTABLISH THE
FEDERAL INSTITUTE OF VOCATIONAL AND TECHNICAL EDUCATION, ABAK,
AKWA IBOM STATE AND FOR RELATED MATTERS

Sponsored by Hon. Aniekan Umanah

[] Commencement

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

1 1.-(1) There is hereby established a body to be known as the
2 Federal Institute of Vocational and Technical Education, Abak, Akwa Ibom
3 State (in this Act referred to as "the Institute") which shall have the functions
4 assigned to it by this Act.

Establishment
of Federal Institute
of Vocational
and Technical
Education, Abak,
Akwa Ibom State

5 (2) The Institute shall be a body corporate with perpetual
6 succession and a common seal and shall have power to acquire and dispose
7 of interests in movable and immovable property and may sue and be sued in
8 its corporate name.

9 (3) The Institute shall consist of the following departments:

10 (a) business education;

11 (b) agricultural education;

12 (c) technical education;

13 (d) computer education;

14 (e) home economics;

15 (f) music and arts;

16 (g) general studies department;

17 (h) such other educational units or departments or variations of the
18 above as may, subject to this Act be established from time to time by the
19 Board.

Establishment
and composition
of the Governing
Board of the
Institute

1 2-(1) The affairs and running of the Institute shall vest in the
2 Governing Board of the Institute (in this Act referred to as the Board)

3 (2) Without prejudice to the generality of subsection (1) of this
4 section, it shall be the responsibility of the Board to consider and approve:

5 (a) the objectives and plan of activities of the Institute;

6 (b) the programme of studies, courses and research to be undertaken
7 by the Institute;

8 (c) the annual estimates of the Institute;

9 (d) the investment plan of the Institute.

10 (3) The Board shall consist of:

11 (a) a Chairman who shall be appointed by the President;

12 (b) the Director of the Institute appointed under section 9 of this Act;

13 (c) one representative of the National Board for Technical Education;

14 (d) three members to be nominated by each of the Ministries
15 responsible for Industries, Education and Labour;

16 (e) one representative of the Manufacturers Association of Nigeria
17 (MAN);

18 (f) one person of standing in the community where the Institute is
19 located;

20 (g) one representative of the Academic Board of the Institute;

21 (h) one representative of state commissioner of education;

22 (i) one person to represent professional bodies whose discipline are
23 taught in the Institute.

Functions and
powers of the
Board

24 3.-(1) Subject to the provisions of this Act, the Board shall have
25 responsibility for the general management of the affairs of the Institute and, in
26 particular, the general control of the Institute.

27 (2) Without prejudice to the generality of the provisions of section (3)
28 of this Act, the Board shall have power:

29 (a) to create lectureships and other posts and offices and to make
30 appointments thereto;

1 (b) to appoint such administrative and other members of staff of the
2 Institute as may appear necessary or expedient;

3 (c) to exercise disciplinary control over members of the staff of the
4 Institute;

5 (d) to prescribe the terms and conditions of service including
6 salaries, allowances, pensions and other remunerations, for all members of
7 the staff of the Institute;

8 (e) to encourage and make provisions for research in the Institute;

9 (f) to erect, provide, equip and maintain libraries, lecture halls, hall
10 of residence, refectories, sports grounds, playing fields and such other
11 buildings or things as may be necessary, suitable or required;

12 (g) to enter into such contracts as may be necessary or expedient for
13 carrying into effect the provisions of this Act;

14 (h) to acquire and hold such movable or immovable property as
15 may be necessary or expedient for carrying into effect the provisions of this
16 Act and for the same purpose may sell, lease, mortgage or otherwise alienate
17 or dispose of any property acquired; and

18 (i) to do anything which in its opinion is calculated to facilitate the
19 carrying out of the objects of the Institute and to promote its best interest.

20 4. A member of the Board (other than an ex-officio member) shall
21 hold office for a term of four years and may be eligible for reappointment for
22 another term of four years and no mores.

Tenure of office
of members of
the Board

23 5.-(1) A member of the Board (other than an ex-officio member)
24 may resign his appointment by notice in writing addressed to the President

Resolution of
appointment or
removal from
office

25 (2) The President may remove any member of the Board if he is
26 satisfied that it is not in the interest of the Institute that the member
27 concerned should continue in office.

28 6. A member of the Board (other than an ex-officio member) shall
29 be paid such remuneration and allowances as may be determined by the
30 President.

Remuneration

1 PART II - FUNCTIONS OF THE INSTITUTE

Functions of
the Institute

2 7.-(1) The functions of the Institute shall be:

3 (a) to provide detailed identification of technical and skills
4 acquisition needs for the economy in training and development training
5 programmes to meet those needs;

6 (b) to establish a vocational education and training system which
7 includes basic and specialized training to meet the needs of both the formal and
8 informal sectors;

9 (c) to carry out training of students and artisans and retraining of
10 professionals to meet newest requirement identified in paragraph (a);

11 (d) to satisfy the demands of the labour market for employees with
12 trade skills in order to improve production and productivity of the economy;

13 (e) to promote the balancing of supply and demand for skilled labour
14 in both wage employment and for skills needed for self-employment in rural
15 and urban areas;

16 (f) to promote on the job training in industry for both apprenticeship
17 training and for skills updating and upgrading;

18 (g) to promote and undertake any other activity that in the opinion of
19 the management is calculated to help achieve the purposes of the Institute.

20 (2) The Institute shall ensure that the training approach to be followed
21 shall be highly job specific and practical and shall utilize modern methods of
22 management skills development usually utilized by similar establishments in
23 order to attain the highest standards.

Powers of the
Institute

24 8. The Institute shall have power to:

25 (a) award diplomas and certificates for courses provided by it under
26 section 1 of this Act;

27 (b) invest its funds in a manner and to such an extent as it may deem
28 necessary or expedient;

29 (c) establish and maintain a library, comprising such books, journals,
30 records, reports and other publications and information systems as may be

1 required for the performance of the functions conferred on the Institute by
2 this Act;

3 (d) accept gifts of land, money or other property upon such terms
4 and conditions, as may be specified by the person or organization making
5 the gift, but the Institute shall not accept any gift if the terms and conditions
6 attached are inconsistent with its functions under this Act.

7 9.-(1) There shall be established for the Institute the Academic
8 Board which shall consist of the following members:

Establishment
of the Academic
Board

9 (a) the Director of the Institute who shall be the Chairman;

10 (b) the Deputy Director;

11 (c) all Heads of Departments;

12 (d) the Librarian;

13 (e) not more than two members of the academic staff other than
14 Heads of Departments to be appointed by the Board.

15 (2) The Academic Board shall be responsible for:

16 (a) the direction and management of academic matters of the
17 Institute including the regulation of admission of students, the award of
18 certificates, scholarships, prizes and other academic distinctions;

19 (b) making periodic reports on such academic matters to the
20 Academic Board as the Board may from time to time direct;

21 (c) discharging any other functions which the Board may delegate
22 to it.

23 PART III - APPOINTMENT, TENURE, DUTIES, ETC. OF PRINCIPAL
24 OFFICERS AND OTHER STAFF OF THE INSTITUTE

25 10.-(1) There shall be for the Institute a Director (in this Act
26 referred to as the Director) who shall:

Appointment
of Director of
the Institute

27 (a) be appointed by the President;

28 (b) have such qualification and experience as are appropriate for a
29 person required to perform the functions of those offices under this Act;

30 (c) hold office on such terms and conditions of service as stipulated

1 in his letter of appointment.

Duties of the
Director

2 **11.** Subject to the provisions of this Act, the Director shall be the chief
3 executive officer of the Institute and shall be charged with the general
4 responsibility for the management of the educational affairs and academic
5 matters of the Institute and shall in particular:

6 (a) direct and regulate the programme of work of the Institute;

7 (b) promote research within the Institute;

8 (c) award certificates or diplomas;

9 (d) keep in safe custody all records of the Institute;

10 (e) demand and receive from any student or any other person
11 attending the institute, such fees as the Board may, from time to time,
12 determine;

13 (f) exercise and perform such other powers and duties as may be
14 conferred or imposed upon him by the Board.

Tenure of office
of the Director

15 **12.** The Director shall hold office for a term of four years and may be
16 reappointed for another term of four years and no more.

Terms and
Conditions of
Office of the
Directors

17 **13.** The Director shall hold office on such terms and conditions as
18 may be determined by the Board as set out in his letter of appointment.

Removal of the
Director from
office

19 **14.** Where it appears to the Board that the Director should be removed
20 from office on the grounds of:

21 (a) misconduct;

22 (b) conviction from a court of competent jurisdiction (or panel of
23 inquiry if not challenged in court);

24 (c) inability to perform the functions of his office, the Board shall
25 make a recommendation to that effect to the President and if the President, after
26 making inquiries as he considers necessary, approves the recommendation, the
27 President shall, in writing, declare the office of the Director vacant.

Registrar of the
Institute

28 **15.-(1)** There shall be a Registrar for the Institute who shall:

29 (a) be responsible to the Director for the day to day administration of
30 the Institute;

1 (b) perform such other duties as the Board or the Director may
2 require him to do.

3 (2) The Registrar shall be the Secretary to the Board and any other
4 Committee and shall attend meetings unless excused for good cause or
5 reason by the Chairman of the Board.

6 (3) Where the Registrar is absent from a meeting of the Board, the
7 Chairman may, after consultation with the Director, appoint a suitable
8 person to act as Secretary for any particular meeting of the Board

9 (4) A person so appointed to act under subsection (3) shall not be
10 entitled to vote on any issue before the Board, or be counted towards a
11 quorum unless such a person is so entitled as a member of the Board.

12 16.-(1) The Registrar:

Tenure of office
of the Registrar

13 (a) shall hold office for a term of four years effective from the date
14 of his appointment and on such terms and conditions as may be specified in
15 his letter of appointment;

16 (b) may be reappointed for another term of four years and no more.

17 17.-(1) There shall be for the Institute a Deputy Director.

Appointment of
the Deputy Director

18 (2) The Deputy Director shall be a person of high academic and
19 moral standing and manifest administrative experience, and shall be
20 appointed by the Board on the recommendation of the Director.

21 (3) The Board shall appoint the Deputy Director from among the
22 Chief Lecturers in the Institute:

23 (a) from a list of three candidates, in order of preference, submitted
24 by the Director;

25 (b) on the recommendation of the Selection Board constituted for
26 the Institute.

27 (4) The Selection Board referred to in subsection (3) (b) of this
28 section shall consist of:

29 (a) the Chairman of the Board;

30 (b) the Director;

1 (c) two members of the Board not being members of the Academic
2 Board;

3 (d) two members of the Academic Board;
4 which may make inquiries as it deems fit before making the
5 recommendation required under subsection (3) (b).

6 (5) The Deputy Director shall:

7 (a) assist the Director in the performance of his functions;

8 (b) act in the place of the Director when the office of the Director is
9 vacant or if the Director is, for any reason, absent or unable to perform his
10 functions as Director;

11 (c) perform such other functions as the Director or the Board may
12 from time to time assign to him.

13 (6) The Deputy Director:

14 (a) shall hold office for a term of four years effective from the date
15 of his appointment and on such terms and conditions as may be specified in
16 his letter of appointment;

17 (b) may be reappointed for another term of four years and no more.

Other principal
officers of the
Institute

18 18.-(1) There shall be for the Institute the following Principal
19 Officers in addition to the Registrar:

20 (a) the Bursar;

21 (b) the Librarian;

22 (c) the Head of Works;

23 (d) the Head of Medical and Health Services.

24 (2) The Bursar shall be the Chief Financial Officer of the Institute
25 and shall be responsible to the Director for the day to day administration and
26 control of the financial affairs of the Institute.

27 (3) The Librarian shall be responsible to the Director for the
28 administration of the Library and the coordination of the library services in
29 the teaching units of the Institute.

30 (4) The Head of Works shall be responsible to the Director for the

1 maintenance of the Institute's buildings, minor works, transport and
2 supervision of the construction projects.

3 (5) The Head of Medical and Health Services shall be responsible
4 to the Director for the supervision of the medical and health facilities of the
5 Institute

6 (6) The Principal Officers mentioned in subsection (1):

7 (a) Shall hold office for a term of four years in the first instance and
8 on such terms and conditions as may be specified in their letters of
9 appointment;

10 (b) May be reappointed for another term of four years and no more.

11 (7) Any question as to the scope of the responsibilities of the
12 Principal Officers shall be determined by the Director.

13 19. A Principal Officer may resign his appointment:

14 (a) in the case of the Director, by notice in writing to the Board and
15 the Board shall forward it to the President;

16 (b) in any other case, by notice in writing to the Director who shall
17 forward it to the Board.

18 20.-(1) The Board may appoint such other persons to be staff of the
19 Institute as the Board may determine, to assist the Director and the Principal
20 Officers in the performance of their functions under this Act.

21 (2) The remuneration of the staff of the Institute shall be
22 determined by the Board.

23 21. Staff regulations shall be in line with the existing Public
24 Service Rules and Regulations.

25 22.-(1) If it appears to the Board that there are reasons for believing
26 that any person employed as a member of the academic, administrative or
27 technical staff of the Institute other than the Director, should be removed
28 from office on grounds of misconduct or inability to perform the functions
29 of that office, the Board shall:

30 (a) give notice of those reasons to the person in question;

Resignation of
appointment by
Principal Officers

Appointment of
other employees
of the Institute

Staff Regulation

Removal of staff
of Institute from
office

1 (b) afford him an opportunity to make representations in person on the
2 matter to the Board;

3 (c) if he or any three members of the Board so request within the
4 period of one month beginning with the date of the notice, make arrangements:

5 (i) a committee to investigate the matter and report on it to the Board;

6 (ii) the person in question be afforded an opportunity of appearing
7 before and being heard by an investigating committee set up with respect to the
8 matter, and if the Board after considering the report of the investigating
9 committee, is satisfied that the person in question should be removed as
10 aforesaid, the Board may so remove him by a letter signed on the direction of
11 the Board.

12 (2) The Director may, in the case of misconduct by a member of staff
13 which, in the opinion of the Director, is prejudicial to the interests of the
14 Institute, suspend any such member and any such suspension shall forthwith be
15 reported to the Board.

16 (3) A member of staff may be suspended from office for good cause,
17 or his appointment may be terminated by the Board, and for the purpose of this
18 subsection, "good cause" means:

19 (a) a conviction of any offence which the Board considers to be such
20 as to render the person concerned unfit for the discharge of the functions of his
21 office;

22 (b) any physical or mental incapacity which the Board, after obtaining
23 medical advice considers to be such as to render the person concerned unfit to
24 continue to hold his office;

25 (c) conduct of a scandalous or disgraceful nature which the Board
26 considers to be such as to render the person concerned unfit to continue to hold
27 his office;

28 (d) conduct which the Board considers to be such as to constitute
29 failure or inability of the person concerned to discharge the functions of his
30 office or to comply with the terms and conditions of service.

1 (4) Any person suspended shall, subject to subsections (2) and (3)
2 of this section be on half pay and the Board shall before the expiration of a
3 period of three months after the date of such suspension consider the case
4 against such person and come to decision as to:

5 (a) whether to continue the persons suspension and if so, on what
6 terms (including the proportion of his emolument to be paid to him);

7 (b) whether to reinstate the person, in which case the Board shall
8 restore his full emoluments to him with effect from the date of the
9 suspension;

10 (c) whether to terminate the appointment of the person concerned,
11 in which case he shall not be entitled to the proportion of his emoluments
12 withheld during the period of suspension;

13 (d) whether to take such lesser disciplinary action against the
14 person (including the restoration of his emoluments that might have been
15 withheld) as the Board may determine, and in any case where the Board,
16 pursuant to this section, decides to continue a person's suspension or decides
17 to take further disciplinary action against a person, the Board shall before
18 the expiration of a period of three months from such decision come to a final
19 determination in respect of the case concerning any such person.

20 (5) The person by whom an instrument of removal is signed under
21 subsection (1) shall use his best endeavours to cause a copy of the instrument
22 to be served as soon as reasonably practicable on the person to whom it
23 relates.

24 (6) Nothing in this section shall prevent the Board from making
25 such regulations for the discipline of other categories of staff and workers of
26 the Institute as it may deem fit.

27 PART IV - FINANCIAL PROVISIONS

28 23.-(1) The Institute shall establish and maintain a fund (the Fund)
29 from which shall be defrayed all expenditure incurred by the Institute in the
30 performance of its functions under this Act.

- 1 (2) There shall be paid into the Fund:
2 (a) all subventions and budgetary allocation from the Federal
3 Government of Nigeria;
4 (b) fees charged and payable to the Institute by the students;
5 (c) any other amount charged or dues recoverable by the Institute;
6 (d) revenue accruing to the Institute by way of subvention, grants-in-
7 aid, endowment or otherwise;
8 (e) interest on investments;
9 (f) donations and legacies accruing to the Institute from any source,
10 for the general or special purpose of the Institute.

Donations for
particular purposes

11 24.-(1) Donations of money to be applied to any particular purpose
12 shall be placed to the credit of a Special Reserve Account approved by the
13 Board until such a time as they may be expended in fulfillment of such purpose

14 (2) The Board is not obliged to accept a donation of land, money and
15 any other property for a particular purpose if the terms and conditions are
16 contrary to the functions of the Institute.

Payment into
Bank

17 25. All sums of money received on account of the Institute shall be
18 paid into the bank as may be approved for the credit of the Institute's general
19 current and deposit accounts.

Powers to accept
gifts

20 26.-(1) The Institute may accept gifts of land, money or other property
21 on such terms and conditions, if any as may be specified by the person or
22 organization making the gift.

23 (2) The Institute shall not accept gifts if the conditions attached by the
24 person or the organization making the gift are inconsistent with the functions of
25 the Institute under this Act.

Expenditure of
the Institute

26 27. The Institute shall from time to time apply the fund at its disposal
27 to
28 (a) the cost of administration and maintenance of the Institute;
29 (b) publicize and promote the activities of the Institute;
30 (c) pay allowances, expenses and other benefits of members of the

1 Board and Committees of the Board;

2 (d) pay the salaries, allowances and benefits of employees of the
3 Institute;

4 (e) pay other overhead allowances, benefits and other
5 administrative costs of the Institute;

6 (f) undertake such other activities as are connected with all or any
7 of the functions of the Institute under this Act.

8 28.-(1) The Institute may, from time to time, borrow by overdraft or Power to borrow
9 otherwise such sums as it may require for the performance of its functions
10 under this Act.

11 (2) The Institute shall not, without the approval of the President,
12 borrow money which exceeds, at any time, the limit set by the President.

13 (3) Notwithstanding subsection (1) of this section, where the sum
14 to be borrowed is in foreign currency, the Institute shall not borrow the sum
15 without the prior approval of the President.

16 29.-(1) The Board shall not later than 30 September in each year, Annual estimates
and expenditure
17 submit to the President an estimate of the expenditure and income of the
18 Institute during the next succeeding year.

19 (2) The Board shall cause to be kept proper accounts of the Institute
20 in respect of each year and proper records in relation thereto and shall cause
21 the accounts to be audited not later than six months after the end of each year
22 by auditors appointed from the list in accordance with the guidelines
23 supplied by the Auditor - General of the Federation.

24 30. The Board shall prepare and submit to the President, not later Annual report
25 than 31 December in each year, a report in such form as the President may
26 direct on the activities of the Institute during the immediately preceding
27 year, and shall include in the report a copy of the audited accounts of the
28 Institute for that year and the auditor's report thereto.

29 PART V - MISCELLANEOUS PROVISIONS

30 31.-(1) The Board may make rules providing for the Director to Discipline of
Students

1 conduct enquiries into alleged acts of misconduct (including lack of discipline)
2 by students and such rules may make different provisions for different
3 circumstances.

4 (2) The rules shall provide for the procedure and rules of evidence to
5 be followed at enquiries under this section.

6 (3) Notwithstanding anything to the contrary contained in any other
7 enactment, where it appears to the Board that any student of the Institute has
8 been guilty of misconduct, the Board may, without prejudice to any other
9 disciplinary powers conferred on it by regulations direct that:

10 (a) the student shall not during the period specified in the direction,
11 participate in the activities of the Institute or make use of the facilities of the
12 Institute as may be specified;

13 (b) the activities of the student shall during the period as may be
14 specified in the direction, be restricted in the manner specified;

15 (c) the student be suspended for such period as may be specified in the
16 direction;

17 (d) the student be expelled from the Institute.

18 (4) Where the post of the Director is vacant or where the Director
19 refuses to apply any disciplinary measures, the Board may either directly or
20 through some other staff apply such disciplinary actions as are specified in
21 subsection (1) to any student of the Institute who is considered guilty of
22 misconduct.

23 (5) Where a direction is given under subsection (3) (c) or (d) in respect
24 of any student, the student may, within a period of twenty one days from the
25 date of the letter communicating the decision to him appeal against the
26 direction to the Board, and where such appeal is brought, the Board shall, after
27 causing an inquiry to be made in the matter as the Board considers just, either
28 confirm or set aside the direction or modify it in the manner the Board may
29 deem fit.

30 (6) The fact that an appeal from a direction is pending under

1 subsection (5) shall not affect the operation of the direction while the appeal
2 is pending.

3 (7) The Director may delegate his powers under this section to a
4 disciplinary committee of such members of the Institute as he may
5 nominate.

6 (8) Nothing in this section shall be construed as terminating a
7 student's activity in the Institute except on the grounds of misconduct.

8 (9) The direction under subsection (3) (a) may be combined with a
9 direction under subsection (3) (b).

10 (10) In all cases under this section, the decision of the Board shall
11 be final.

12 32.-(1) On the commencement of this Act, any person employed by
13 or serving in the Institute shall be deemed to have been employed or serving
14 in the Institute under this Act.

Transitional
Provisions

15 (2) All assets or liabilities belonging to the Institute shall be
16 deemed to belong to the Institute established under this Act.

17 33.-(1) No person shall be:

Exclusion or
discrimination
on account of
race, religion etc.

18 (a) Required to satisfy requirements as to race (including ethnic
19 groupings), sex, place of birth, family origin, religious or political
20 persuasion as a condition for:

21 (i) becoming or continuing to be a student of the Institute;

22 (ii) being a holder of any certificate of the Institute or any
23 appointment or employment at the Institute;

24 (iii) being a member of any body established under this Act.

25 (b) Subjected to any disadvantage or accorded any advantage in
26 relation to the Institute by reference to any of the matters mentioned in this
27 subsection.

28 (2) Nothing in this section shall be construed as preventing the
29 Institute from imposing any disability or restriction on any person where
30 such person willfully refuses or fails on grounds of religious belief to

1 undertake any duty generally or uniformly imposed on all persons or any group
2 of them which duty, having regards to its nature and the special circumstance
3 pertaining to it, is in the opinion of the Institute, reasonably justifiable in the
4 national interest.

Interpretation

5 **34.** In this Act, unless otherwise requires:
6 "institute" means the Federal Institute of Vocational and Technical Education,
7 Abak, Akwa Ibom State established by section 1 of this Act;
8 "board" means the governing body of the Institute;
9 "chairman" means Chairman of the Governing Board;
10 "director" means Director of the Institute;
11 "government" means government of the Federal Republic of Nigeria;
12 "president" means President of the Federal Republic of Nigeria

Citation

13 **35.** This Bill may be cited as the Federal Institute of Vocational and
14 Technical Education, Abak, Akwa Ibom State (Establishment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Legal Framework to establish the Federal Institute of Vocational and Technical Education, Abak, Akwa Ibom State.