

HB. 356 . NATIONAL METALLURGICAL TRAINING INSTITUTE,  
ONITSHA BILL, 2019

ARRANGEMENT OF SECTIONS

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# A BILL

FOR

AN ACT TO RECONSTITUTE THE METALLURGICAL TRAINING INSTITUTE ONITSHA BY ESTABLISHING THE NATIONAL METALLURGICAL TRAINING INSTITUTE ONITSHA TO PROVIDE TRAINING, INFORMATION, SUPERVISION, GUIDANCE AND ADVICE TO STUDENTS, RESEARCHERS AND PERSONNEL IN IRON AND STEEL, AND OIL AND GAS INDUSTRIES FOR NATIONAL DEVELOPMENT AND FOR RELATED MATTERS

*Sponsored by* HON. LYNDA CHUBA IKPEAZU

[ / Commence-  
ment.

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

1 PART I — ESTABLISHMENT OF THE NATIONAL  
2 METALLURGICAL TRAINING INSTITUTE, ONITSHA

3 1.—(1) There is hereby established the National Metallurgical  
4 Training Institute, Onitsha (in this Act referred to as “the Institute)  
5 which shall have the functions assigned to it in this Act.

Establishment  
of the  
National  
Metallurgical  
Training  
Institute.

6 (2) The Institute shall be a body corporate with perpetual succession  
7 and a common seal and it may sue or be sued in its corporate name.

8 2. The Objectives of the Institute shall be to:

Objective of  
the Institute.

9 (a) establish, organize and run training courses for low and middle  
10 level manpower for the iron, gas, oil, steel and related industries in  
11 the area of welding technique;

12 (b) minimize the need to send Nigerians overseas for professional  
13 training in metallurgy;

14 3.—(1) the Institute shall have a Governing Board (in this Act  
15 referred to as “the Board”) which shall consist of:

Governing  
Council of  
the Institute.

16 (a) a Chairman to be appointed by the President on the  
17 recommendation of the Minister;

- 1 (b) one representative of the Federal Ministry of Mines and steel  
2 Development;
- 3 (c) one representative of the Nigerian Metallurgical Society;  
4 (d) one representative of the Federal Ministry of Education;  
5 (e) the Rector of the Institute;  
6 (f) one representative of National Board for Technical Education;  
7 (g) one representative of the Manufacturer's Association of  
8 Nigeria (Steel Group);  
9 (h) two other persons to be appointed by the Minister who by  
10 reason of their ability, experience and specialized knowledge of the  
11 Metallurgical and allied industries are capable of making useful  
12 contributions to the work of the Institute;
- 13 (i) the Registrar of the Institute who shall also be the secretary to  
14 be Board.

15 (2) The chairman and members of the Board, who are not ex-  
16 officio member, shall be appointed by the President on the  
17 recommendation of the Minister.

18 (3) The supplementary provisions set out in the schedule to this  
19 Act shall have effect with respect to the proceedings of the Board and  
20 the other matters contained therein (Schedule)

Tenure of  
Office of  
members of  
the Board.

21 4.—(1) The Chairman shall hold office for a period of four years  
22 and may be re-appointed by the president for a final term of four years

23 (2) A member of the Board, other than an ex-officio member,  
24 shall hold office for four years and may be re-appointed for a final  
25 term of four years'

Remuneration  
of the  
members of  
the Board.

26 5.—(1) The Chairman and members of the Board shall be paid  
27 such emoluments as may be specified in their letters of appointment.

28 (2) The allowances payable to members of the Board shall be in  
29 accordance with such rates as may be specified and approved by the  
30 Federal Government from time to time.

1           6.—(1) If it appears to the Minister that the Chairman or any  
2 other member of the Board should be removed from office on the  
3 ground of misconduct or inability to perform the functions of his office,  
4 the Minister shall make a recommendation to the President.

Removal  
from office  
of members  
of the  
Board.

5           (2) If the President, after making such inquiries as he considers  
6 necessary approves the recommendation, he shall remove such  
7 member from office.

8           (3) A member of the Board may resign his appointment by a  
9 letter to the President through the Minister.

10           PART II — FUNCTION AND POWERS OF THE INSTITUTE

11           7.—(a) Engage in the training of low and middle level manpower  
12 in metallurgy and related fields in the used of iron, gas, oil and steel  
13 industries for national development.

Functions of  
the Institute.

14           (b) Conduct courses in the metallurgy and related subjected for  
15 students and provide them with practical exercises.

16           (c) Provide relevant information, supervision guidance and advice  
17 to personnel in iron, gas, oil and steel industries.

18           (d) Carry out other activities as are necessary and expedient for  
19 the full discharge of any of its functions under this Act.

20           8. The Board shall:

Functions of  
the Board.

21           (a) subject to the provisions of this Act, be the governing body of  
22 the Institute and shall be charge with the general control and  
23 supervision of the policy, Staff, finances and property of the Institute;

24           (b) ensure that the Institute is staffed by persons with competences  
25 in relevant fields;

26           (c) ensure that proper accounts of the institute are kept and those  
27 accounts are audited annually as specified in this Act;

28           (d) Control courses of study of the Institute and the examinations  
29 held in those courses.

30           9. For carrying out its objectives and functions under this Act,  
31 the Institute shall have power to:

Powers of  
the Institute.

- 1 (a) establish such units and or departments within the Institute as  
2 may, from time to time, be deemed necessary;
- 3 (b) institute and award fellowships, scholarships, bursaries,  
4 medals, prizes and other awards;
- 5 (c) provides for the discipline and welfare of the Staff of the  
6 Institute;
- 7 (d) hold examinations and grant, diplomas, certificates and other  
8 distinctions to persons approved by the Institute as having satisfied  
9 the requirements of the Institute;
- 10 (e) determine and demand from any student or any other person  
11 attending the Institute for the purpose of instruction and training,  
12 such fees as the Institute may, from time to time fix;
- 13 (f) acquire, hold, grant, charge or otherwise deal with or dispose  
14 of moveable and immovable property;
- 15 (g) accept gifts, legacies and donations for particular purposes  
16 provided the terms and conditions attached thereto are not detrimental  
17 to the objectives of the Institute;
- 18 (h) enter into contracts, establish trusts, act as trustees solely or  
19 jointly with any other person and employ and act through agents;
- 20 (i) erect, provide, equip and maintain libraries, lecture halls or  
21 residences, sports grounds, dining halls and other buildings suitable  
22 for the objectives of the Institute;
- 23 (j) undertake publishing and book sales and liaise with other  
24 professional bodies and institutions in respect of book publishing for  
25 activities suitable for the objectives of the Institute;
- 26 (k) subject to any limitations or conditions imposed by this Act,  
27 invest any money accruing to the Institute by way of endowment,  
28 whether for general or special purposes and such other money as  
29 may not be immediately required for current expenditure in  
30 investments, securities or in the purchase or improvement of land,  
31 with power from time to time to vary such investment;

1 (l) make gifts for any charitable purposes and donations to  
2 professional bodies; and

3 (m) do all such other things which are incidental to the foregoing.

4 10.—(1) Subject to the provisions of this Act, the Board shall:

Powers of  
the Board.

5 (a) exercise on behalf of the Institute, the powers conferred on it  
6 under this Act; and

7 (b) do such other things as are necessary for the successful  
8 performance of its functions and those of the Institute.

9 (2) The Board may subject to its standing orders appoint such  
10 standing and ad hoc committees as the Board may think fit to consider  
11 and report on any matter with which the Institute is concerned.

12 (3) Subject to the provisions of subsection (2) of this section, a  
13 committee appointed by virtue of that subsection shall be presided  
14 over by a member of the Board and shall consist of such number of  
15 persons, not necessarily members of the Board as the Board may  
16 determine.

17 11. The Minister may give to the Institute or the Board, directives  
18 of a general nature or relating generally to matter of policy with regard  
19 to the performance by the Institute or the Board and it shall be the duty  
20 of the Institute or the board to comply with those directives.

Powers of  
the Minister  
to give  
directives.

21 PART III — STAFF OF THE INSTITUTE

22 12.—(1) The Principal Officers of the Institute shall consists of:

Appointment  
of Principal  
Officers of  
the Institute.

23 (a) the Rector;

24 (b) the Director of Studies;

25 (c) the Registrar;

26 (d) the Bursar;

27 (e) the Librarian; and

28 (f) such other officers as may from time to time be appointed.

29 (2) The Principal Officers of the Institute other than the Rector

30 shall be appointed by the Board.

Appointment  
of Rector of  
the Institute.

1           **13.**—(1) There shall be appointed for the Institute by the President,  
2 on the recommendation of the Minister, a Rector who shall be a  
3 graduate with minimum of Master's Degree in Engineering from a  
4 recognized university, registered with the Council for the regulation  
5 of Engineering in Nigeria, COREN and has since his qualification  
6 been actively employed or engaged in the metallurgical engineering  
7 or allied industry in managerial capacity or from Institute's  
8 Management Staff for a continuous period not more than four years.

9           (2) There Rector shall be the Chief Academic and Chief Executive  
10 Officer of the Institute and shall be responsible for the day to day  
11 administration of the Institute.

12           (3) The Rector shall hold office for a period of four years and  
13 shall be eligible for re-appointment for a final term of four years.

14           (4) Subject to the provisions of this section, the Rector shall hold  
15 office on such terms as maybe specified in his letter of appointment.

Appointment  
of the  
Director of  
Studies of  
the Institute.

16           **14.**—(1) There shall be a Director of studies who shall be  
17 responsible to and assist the Rector of the Institute in the execution of  
18 his duties.

19           (2) Subject to the provisions subsection (1) of this section, the  
20 Director shall be in charge of co-ordinating the activities of the Heads  
21 of Departments in training, collation and publication of course materials  
22 and maintenance of infrastructure of the Institute.

23           (3) The Director of studies shall be appointed by the Board on the  
24 recommendation of the Rector and shall hold office on such terms as  
25 may be specified in his letter of appointment.

Appointment  
of Registrar  
of the  
Institute.

26           **15.** There shall be for the Institute, a Registrar who shall be the  
27 head of Administration of the Institute and shall be responsible to the  
28 Rector for the day-to -day administration of the Institute.

Appointment  
of Bursar of  
the institute.

29           **16.** The Bursar who must be a Chartered Accountant with a good  
30 University degree in Accountancy or its equivalent shall be the Chief  
31 Finance Officer of the Institute and shall be responsible to the Rector



1 for the day to day administration and control of the financial affairs of  
2 the Institute.

3 17. The Librarian shall be responsible to the Rector for the  
4 administration of the Institute's libraries.

Appointment  
of Librarian  
of the  
Institute.

5 18.—(1) The Board may, from time to time appoint for the Institute,  
6 such other staff as it may deem necessary, to assist the Rector in the  
7 performance of his functions under this Act.

Appointment  
of other  
employees  
of the  
Institute.

8 (2) Without prejudice to the generality of subsection (1) of this  
9 section, the Board may appoint persons or employees of the Institute,  
10 either by way of transfer or secondment from any of the public services  
11 in the Federation.

12 19. The remuneration, tenure and conditions of service of  
13 employees of the Institute shall be as those applicable to similar tertiary  
14 institutions in Nigeria.

Conditions of  
service of the  
employees of  
the Institute.

15 20.—(1) If it appears to the Board that the Rector should be  
16 removed from office, the Board shall make a recommendation to the  
17 Minister, who after making such inquiries as he may deem fit, approve  
18 the recommendation.

Removal  
from the  
Office of the  
Rector.

19 (2) The minister shall, with the written approval of the President,  
20 declare the office of the Rector vacant.

21 21.—(1) If it appears to the Board that there are reasons for  
22 believing that a person employed as a member of the Senior Staff of  
23 the Institute, other than the Rector, should be removed from office on  
24 grounds of misconduct or inability to discharge the functions of his  
25 office, the Board through its appropriate committee shall:

Removal and  
discipline of  
Senior Staff.

26 (a) give notice of those reasons to the person concerned;

27 (b) afford him an opportunity of making representation on the  
28 matter to the Board in person;

29 (c) if the person concerned or any other member of the Board so  
30 requests, within the period of one month beginning with the date of

1 the notice, make arrangements:

2 (i) for the appointments and promotion Committee of the Board  
3 or an ad hoc committee of the Board to investigate the matter  
4 and report to the Board, and

5 (ii) for the person in question to be afforded an opportunity of  
6 appearing before and being heard by the investigating committee.

7 (2) If the Board, after considering the report of the investigating  
8 committee, is satisfied that the person in question should be remove  
9 the person concerned by an instrument in writing signed by the Chairman  
10 of the Board.

11 (3) For a good cause, an employee may be suspended from office  
12 or his appointment may be terminated by the Board.

13 (4) For the purpose of sub-section (3) of this section, "good cause"  
14 means:

15 (a) Physical or mental incapacity, which the Board, after obtaining  
16 medical advice, considers to be such to be render the person  
17 concerned unable to discharge the function of his office;

18 (b) Conduct of a scandalous or other disgraceful nature which  
19 the Board considers to be such as to render the person unfit to continue  
20 to hold his office; or

21 (c) Conducts which the Board considers to be as such constitute a  
22 failure or inability of the person concerned to discharge the functions  
23 of his office or to comply with the terms and conditions of his service.

24 (5) A person suspended pursuant to sub-section (3) of this section  
25 shall be place on half pay and the Board shall within six months of the  
26 suspension come to a decision as to:

27 (a) whether to continue that person suspension;

28 (b) whether to reinstate that person to his office, in which case  
29 the Board shall restore his full emoluments to him with the effect  
30 from the date of the suspension;

31 (c) whether to terminate that person's appointment, in which

1 case the person shall not be entitled to the proportion of his  
2 emoluments which might have been withheld during the period of  
3 suspension; or

4 (d) whether to take such lesser disciplinary action against that  
5 person (including the restoration of the proportion of his emoluments  
6 which might have been withheld).

7 (6) Where the Board, pursuant to this section, decide the suspend  
8 an officer, the Board shall, within six month come to a final  
9 determination of the officer's case.

10 (7) It shall be the duty of the person who signed the instrument of  
11 removal by virtue of sub-section (2) of this section to serve or cause to  
12 be served on the person concerned, a copy of the instrument.

13 (8) Nothing in this section shall prevent the Board from making  
14 such regulations for the discipline of the categories of employees and  
15 workers of the Institute as it may think fit.

16 22.—(1) Where a junior member of the staff is accused of mis-  
17 conduct of inefficiency, the Rector may suspend him for not more  
18 than three month and shall refer the matter to the Junior staff  
19 Disciplinary Committee to make recommendations as to the  
20 appropriate action to be taken by the Rector

Discipline of  
Junior Staff.

21 (2) In all cases under this section, the junior member of staff  
22 shall be informed in writing of the charges against him and be given  
23 reasonable opportunity to defend himself.

24 (3) The Rector may, after considering the recommendation made  
25 pursuant to Subsection (1) of this section, downgrade, retire or dismiss  
26 the junior officer or terminate the appointment.

27 (4) A person aggrieved by a decision of the Rector under  
28 subsection (3) of this section may, within the period of 21 days from  
29 the date of the receipt of the letter communicating the decision to him,  
30 address the petition to the Board to reconsider his case and the Board's  
31 decision thereon shall be final.

Service in  
the Institute  
to be  
Pensionable.

1           23.—(1) It is thereby declared that the service in the Institute  
2 shall be approved service for the purpose of the Pension Reform Act,  
3 and accordingly, officers and other persons employed in the Institute  
4 in respect of their service in the Institute, be entitled to pension, and  
5 other retirement benefits so however that nothing in this Act shall  
6 prevent the appointment of a person to any office on terms which  
7 preclude the grant of a Pension in respect of that office.

8           (2) For the purpose of the application of the provisions of the  
9 Pension Reform Act, any power exercisable thereunder by a Minister  
10 or any other authority of the Government of the Federation, other than  
11 the power to make regulations under section 23 thereof is thereby  
12 vested in and shall be exercisable by the Board and not by any other  
13 authority.

14                                   PART IV — ACADEMIC BOARD OF THE INSTITUTE

Establishment  
of Academic  
Board of the  
Institute.

15           24.—(1) There is thereby established for the Institute an Academic  
16 Board which shall consist of:

17           (a) the Rector of the Institute as Chairman;

18           (b) the director of Studies;

19           (c) all heads of Department;

20           (d) two members elected by the Congregation;

21           (e) the Librarian;

22           (f) the Registrar of the Institute who shall be the Secretary to the  
23 Academic Board.

24           (2) The Rector presides at the meetings of the Academic Board  
25 and in his absence the Director of Studies shall preside but in their  
26 absence the members present shall elect one of their number to preside  
27 at the meeting.

28           (3) The Academic Board shall meet at least once in a semester.

29           (4) Subject to sub sections (2) and (3) of this section; the Academic  
30 Board shall regulate its own procedure.

1	25. Subject to sub-section (2) of this section the Academic Board	Functions of the Academic Board.
2	shall formulate, regulate and continuously evaluate the academic	
3	programmes of the Institute including:	
4	(a) the organization and control of courses of study and the	
5	examination held in connection with those courses;	
6	(b) the award of diplomas, certificates and such other	
7	qualifications as may be prescribed in connection with examination	
8	held as aforesaid.	
9	(c) such other functions as the Board may from time to time	
10	assign to it.	
11	26.—(1) The Institute shall create such departments as may be	Departmental Boards.
12	necessary from time to time.	
13	(2) Each academic department shall have a Departmental Board	
14	(3) Each academic department shall elect from among its	
15	members, five members to serve on its departmental Board, two of	
16	such persons being elected as Chairman and Secretary respectively	
17	and all member so elected to the Departmental Board shall each hold	
18	office for a period of two academic sessions.	
19	(4) Subject to such standing orders that may be made by the	
20	Academic Board for that purpose, each Departmental Board may carry	
21	out its duties as it deems fit.	
22	(5) Each academic Department shall appoint a board of examiners	
23	and that board shall be charged with the conduct of examination under	
24	this section and thereafter make its recommendations to the Academic	
25	Board.	
26	(6) Members of the Departmental Board and board of examiners	
27	shall not be entitled to any emoluments other than expenses reasonably	
28	incurred in the course of the business of the Board or the board,	
29	respectively.	
30	27. Any Candidates for any examination shall satisfy the	Candidates for Examinations.
31	appropriate Departmental Board:	

- 1 (a) that he is a registered student of the Institute;  
2 (b) that he is in possession of and is therein named as the holder  
3 of a certificate that qualified him for admission to the Institute.

Award of  
Diplomas  
and  
Certificates.

4 28. Diplomas and Certificates shall be awarded to students of  
5 the Institute who are of good character and learning and who have  
6 passed the examinations prescribed by the Academic Board for the  
7 award of same.

Congregation.

8 29.—(1) There shall be for the Institute a body known as  
9 Congregation which shall consist of:

- 10 (a) the Rector;  
11 (b) the Director of Studies;  
12 (c) members of the Academic Boards;  
13 (d) the Registrar;  
14 (e) the Bursar;  
15 (f) the Librarian; and  
16 (g) every member of Staff who holds a minimum of Higher  
17 National Diploma of its equivalent from a recognized institution.

18 (2) The Director of Studies shall be the Chairman at all meetings  
19 of congregation when he is present; and in his absence such other  
20 member of congregation present at the meeting as congregation may  
21 appoint for that meeting, shall be the Chairman at the meeting.

22 (3) The quorum of congregation shall be one third [or the number  
23 nearest to one third} of the total number of members of congregation  
24 whichever is less.

25 (4) Subject to the foregoing provisions of this Act congregation  
26 may regulate its own procedure.

27 (5) Congregation shall be entitled to express by resolution or  
28 otherwise its opinion on all matters affecting the interest and welfare  
29 of the Institute and shall have such other functions in addition to the  
30 function of electing a member of Academic Board.

1 PART V — FINANCIAL PROVISION

2 30.—(1) The Institute shall establish and maintain a fund. Funds of the Institute.

3 (2) There shall be paid and credited to the fund, established  
4 pursuant to sub-section (1) of this section:

5 (a) such monies as may, from time to time, be granted to the  
6 Institute by the Government of the Federation or of a State or any of  
7 their agencies;

8 (b) all monies raised for the purpose of the Institute by way of  
9 gifts grant-in-aid, testamentary disposition or otherwise;

10 (c) all subscriptions or frees, are charges for services rendered  
11 by the Institute; and

12 (d) all interest received in respect of monies invested by the  
13 Institute.

14 (3) The Funds shall be managed in accordance with guideline  
15 given by the Minister and without prejudices to the generality of the  
16 power to give guidelines under this sub-section, the guidelines shall in  
17 particular contain such provisions specifying the manner in which the  
18 assets of the Institute are to be held, and regulating the making of  
19 payment into and out of the fund.

20 31. Institute may, from time to time, apply his fund: Expenditure of the Institute.

21 (a) to the cost of administration of the Institute and of any research  
22 under the Institute's administration;

23 (b) for reimbursing a member of any committee set up by the  
24 Institute for a expenses expressly authorized by the Institute;

25 (c) for the provision of scholarships and other awards for the  
26 training of staff of the Institute;

27 (d) for payment of salaries, frees or other remuneration,  
28 allowances, pensions or superannuation payable to the employees  
29 of the Institute.

30 (e) for the maintenance of any property vested in the Institute.

31 32.—The Institute may accept gifts of land, Money or other Powers to accept gifts.

1 property, on such terms and conditions, if any, as may be specified by  
2 the person or organization making the gift.

3 (2) The Institute shall not accept a gift if the conditions attached  
4 by the person or organization making the gift are inconsistent with the  
5 objectives and functions of the Institute.

Powers to  
borrow.

6 33.—The Institute may, with the consent of the Minister or in  
7 accordance with the general authority given by the Federal  
8 Government, borrow by way of loan or overdraft, from any source  
9 any monies required by the Institute for meeting its obligations and  
10 discharging its functions under this Act, so however that where the  
11 sum or aggregate of the sums involved at any one time does not exceed  
12 limit set by the Minister, no such consent or authority shall be required.

13 (2) Notwithstanding, subsection (1) of this section, where the  
14 sum to be borrowed is foreign currency, the Institute shall not borrow  
15 the sum without the period approval by the Minister.

Annual  
estimates,  
accounts and  
audit.

16 34.—The Board shall cause to be prepared not later than 30th  
17 September in each year, an estimate of the expenditure and income of  
18 the Institute during the next succeeding year, and when prepared, they  
19 shall be submitted to Minister through the Board.

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

24 (3) The account of the Institute shall be audited within Six month  
25 after the end of each year by auditors appointed by the Board from the  
26 list and in accordance with the guideline to supplied by the Auditor  
27 General for Federation and the fees of the auditors and the expenses  
28 of the auditors generally shall be paid from the fund of the Institute.

Annual  
report.

29 35. Board shall, not later than 30th July in each year, submit to  
30 the president report, in such form as the President may, from time to  
31 time, direct on the activities of the Institute during the presiding year,



1 and shall include in the report the audited account of the Institute.

2 36.—(1) Subject to the provisions of this Act, the results in all  
3 researched discoveries, inventions and in all improvements in respect  
4 of processes, apparatus and machines made by:

Discoveries  
Inventions  
and  
Improvements  
by  
employees  
of the  
Institute.

5 (a) employees of the Institute;

6 (b) persons assisting with any investigation or research shall vest  
7 in the Institute.

8 (2) Where the rights in any discoveries, inventions or  
9 improvements are vested in the Institute by virtue of subsection (1) of  
10 this section, the Board may award to the person responsible for the  
11 discoveries, inventions or improvement such bonus as it deem fit and  
12 make provision for financial participation by him in the profits derived  
13 from such discoveries, inventions, or improvements to such an extent  
14 as the Minister may determine.

15 (3) The provision of this section shall not apply in respect of a  
16 discovery or an invention, improvement, contemplated in subsection  
17 (1) of this section, if in the opinion of the Board such discovery, invention  
18 or improvement was not made by the person:

19 (a) in the course of this employment as an employee of the  
20 Institute;

21 (b) during the performance of functions in respect of which he  
22 has been placed at the disposal of the Institute;

23 (c) in the course of any investigation or research in which he  
24 assisted the Institute; or

25 (d) in the course of any research in respect of which he receives  
26 a bursary or grant-in-aid from the Institute.

27 PART VI — MISCELLANEOUS AND SUPPLEMENTARY

28 37.—(1) For the purpose of providing offices and premises  
29 necessary for the performance of its functions the Institute may:

Office and  
Premises.

30 (a) purchase or take on lease any interest in land, building or  
31 property;

1 (b) build, equip and maintain offices and premises.

2 (2) The Institute may, subject to the Land Use Act, sell or lease  
3 out land, office or premises held by it, which is no longer required for  
4 the performance of its function under this Act.

Procedure in  
respect of  
suit against  
the Institute.

5 38.—(1) No suit against the Institute, a member of the Board or  
6 employee of the Institute for any act done in pursuance or execution of  
7 any law of any public duties or in respect of any alleged neglect or  
8 default in the execution of such law or duties shall lie or be institute in  
9 any court unless it is commenced within twelve month after the act,  
10 neglect or default complained of or, in the case of a continuance of  
11 damage or injury, within twelve months next after the ceasing thereof.

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

17 (a) the cause of action;

18 (b) the particulars of the claim;

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

20 (d) the relief which he claims.

Service of  
documents.

21 39. There notice referred to in Subsection (2) of section 39 of  
22 this Act and any summons, notice or document required or authorized  
23 to be serve upon the Institute under the [provision of this Act or any  
24 other law may be serve by delivering the same to the chairman or the  
25 Rector or by sending it by registering post addresses to the Rector at  
26 the Principal office of the Institute.

Indemnity of  
members of  
the Board  
and  
employees  
of the  
Institute.

27 40. Every member of the Board agent, auditor or employee for  
28 the time been of the Institute shall be indemnified out the asset of the  
29 Institute against any liability incurred by him in defending any  
30 proceeding whether civil or criminal, if any such proceedings is brought  
31 against him in his capacity as such member, agent, auditor or employee

1 as aforesaid.

2 41.—(1) The Board may, with the approval of the Minister, make  
3 regulations for giving effect to the provision of this Act and without  
4 prejudice to the forgoing the regulations shall provide for matters  
5 including:

Power to  
make  
regulations.

6 (a) the entry into and the type of courses and programmes  
7 approved by the Institute;

8 (b) the duration of the courses and programmes; and

9 (c) the degrees, diplomas, certificate if any to be awarded by the  
10 Institute.

11 (2) Any regulations made pursuant to subsection (1) of this section  
12 need not be published in the Federal Gazette, but the Board shall cause  
13 them to be brought to the notice of all effected person in such manner  
14 as it may from time to time determine.

15 42.—(1) The Metallurgical training Institute, Onitsha is hereby  
16 reconstituted as the National Metallurgical Training Institute, Onitsha  
17 in accordance with the provisions of this Act.

Reconstitutions  
of  
Metallurgical  
Training  
Institute,  
Onitsha.

18 (2) A person who is at the commencement of this Act was a  
19 member of staff or an employee of the reconstituted Institute shall  
20 from the commencement of this Act, become the holder of the  
21 appointment in the Institute with the status, rank, designation and  
22 functions which correspond as far as possible to those which appertained  
23 to him as a member of staff or employee of the Institute.

24 (3) All assets, rights, liabilities and obligations which immediately  
25 before the commencement of this Act were assets, rights, liabilities  
26 and obligations of the reconstituted Institute shall by virtue of this Act  
27 and without further assurance, vest in or be taken over by the Institute.

28 (4) Anything made or done or having effect as if made before the  
29 commencement of this Act by the reconstituted institute and having  
30 any resulting or continuing effect shall be treated as from the  
31 commencement of this Act as if it were made or done by the Institute.

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Interpretation.	1	43.—(1) In this Act, unless the context otherwise requires:
	2	“Rector” means the Rector of the Institute appointed under the
	3	Act;
	4	“Chairman” means the Chairman of the Board of the Institute;
	5	“Board” means the Board of the Institute;
	6	“Institute” means the National Metallurgical Training Institute,
	7	Onitsha, established by section 1 of this Act;
	8	“Member” means a member of the Board and includes the
	9	Chairman;
	10	“Minster” means the minster charged with responsibility for
	11	metals industries;
	12	“President” means the president of the Federal Republic of
	13	Nigeria;
	14	“Principal Officer” mean the principal officers of the Institute
	15	appointed under section 12 of this Act;
	16	“Act” means the National Metallurgical Training Institute
	17	Onitsha Act;
	18	“Academic Board” means the Academic Board established
	19	pursuant to section 24 of this Act.
Short Title.	20	44. This Bill may be cited as the National Metallurgical Training
	21	Institute, Onitsha Bill, 2019.

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**SCHEDULE**

**SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.**

1. Subject to the provision of this Act and Section 27 of the interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings and those of any of its committees, the notice to be given, the proceedings thereat, the keeping of minutes of those proceedings and the custody and production for inspection of the minutes.

2. The quorum of the Board shall be five and the quorum of a committee of the Board shall be determined by the Board.

3.—(1) Subject to the provisions of any applicable standing orders, the Board shall meet whenever it is summoned by the Chairman and if the Chairman is required so to do by notice given to him by not less than six other members he shall summon a meeting of the Board to be held within twenty one days from the date on which the notice is given.

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

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

*Committees*

4. The Board may appoint one or more committees to carry out on behalf of the Board, such of its functions as the Board may determine.

5. A committee appointed under this schedule shall consist of such number of persons (not necessarily members of the Board) as may determine by the Board, and a person other than a member of the Board shall hold office on the Committee in accordance with the terms of his appointment.

6. A decision of the committee of the Board shall be of no effect until it is confirmed by the Board.

*Miscellaneous*

7.—(1) The fixing of the seal of the Institute shall be authenticated by the signature of the Chairman and the Rector.

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

8. The validity of the proceedings of the Board or any of its committees shall not be affected by:

- (a) a vacancy in the membership of the Board or of the committee;
- (b) reason that a person not entitled to do so took part in the proceedings; or
- (c) a defect in the appointment of a member.

9. A member of the Board and a person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or the Committee:

- (a) shall forthwith disclose his interest to the Board or Committee, as the case may be; and
- (b) shall not vote on any question relating to the contract or arrangement.

#### EXPLANATORY MEMORANDUM

This Bill seeks to reconstitute the Metallurgical Training Institute Onitsha by establishing the National metallurgical Training Institute, Onitsha, to provide training, information, supervision, guidance and advice to students, researchers and personnel in the iron and steel, and oil and gas industries for national development.