

NIGERIAN COLLEGE OF AVIATION TECHNOLOGY (ESTABLISHMENT ETC.)

BILL, 2019

ARRANGEMENT OF SECTIONS

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A BILL [EXECUTIVE]

FOR

AN ACT TO REPEAL THE NIGERIAN COLLEGE OF AVIATION TECHNOLOGY ACT, CAP. N96, LAWS OF THE FEDERATION OF NIGERIA, 2010 AND TO ENACT THE NIGERIAN COLLEGE OF AVIATION TECHNOLOGY, PROVIDE FOR ITS ORGANISATION, CONTROL AND OPERATION AND FOR RELATED MATTERS

[] Commencement

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

1 PART I - NIGERIAN COLLEGE OF AVIATION TECHNOLOGY

2 1.-(1) There is established in Zaria, a body to be known as the
3 Nigerian College of Aviation Technology (in this Act referred to as "the
4 College").

Establishment of the Nigerian College of Aviation Technology

5 (2) The College:

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

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

9 (c) may own, hold or dispose of property whether movable or
10 immovable.

11 2.-(1) The College shall:

Functions of the College

12 (a) provide full-time or part-time courses of instruction and
13 training-

14 (i) in civil aviation, standard or specially designed for use in flight
15 training or in airport operation and management,

16 (ii) in the installation, maintenance and operation, as the case may
17 be, of technical equipment the use of which is calculated or likely to increase
18 the margin of operational safety of civil aircraft services,

19 (iii) in aircraft manufacturing and distribution,

- 1 (iv) in other fields of humanities, science and applied learning
2 relevant to the needs of the development of aviation in Nigeria, or
3 (v) for research in the development and adaptation of techniques as
4 the Council may from time to time determine;
- 5 (b) arrange conferences, seminars and study groups relative to the
6 fields of learning referred to in subsection (1)(a) of this section;
- 7 (c) acquire necessary equipment and facilities relative to the fields of
8 learning referred to in subsection (1)(a) of this section for the issuance of
9 professional certificates, degrees, diplomas, and other distinctions to persons
10 who have pursued course of study approved by the Council and have satisfied
11 such other requirements as laid down by the Council;
- 12 (d) establish such campuses, faculties, institutes, schools, extra-
13 mural departments and other teaching and research units within the College as
14 may from time to time be necessary subject to the approval of the Nigerian
15 Civil Aviation Authority, National Board for Technical Education, National
16 Universities Commission, or any approved accreditation body;
- 17 (e) institute professorships, readerships, lectureships and other posts
18 and offices and make appointments to it;
- 19 (f) demand and receive from any student or any other person
20 attending the College for the purpose of instruction, such fees as the College
21 may from time to time determine subject to the overall directives of the
22 Minister;
- 23 (g) cooperate and collaborate with any other institution of higher
24 learning; or
- 25 (h) perform such other functions as in the opinion of the Council may
26 serve to promote the objectives of the College.
- 27 (2) Courses provided for the purposes of subsection (1) of this section
28 shall include the organisation of incidental study groups and the delivery of
29 necessary series of lectures, and if approved, fees may be calculated and
30 charged at a rate approved by the Council.

1 (3) The College may hold or acquire property, movable and
2 immovable, but shall not mortgage, charge or dispose of any property, held
3 by it without obtaining the consent in writing of the Minister or approving
4 Authority as specified in the Financial Regulations of the Federal
5 Government.

6 (4) The College may enter into such contracts as may be necessary
7 or expedient for carrying into effect the provisions of this Act.

8 3.-(1) There is established for the College a Governing Council (in
9 this Act referred to as "the Council").

Establishment
and composition
of the Governing
Council of the
College

10 (2) The Council shall consist of:

11 (a) a part-time Chairman;

12 (b) one representative of the Federal Ministry of Aviation or the
13 Ministry for the time being responsible for Aviation not below the rank of a
14 director;

15 (c) one representative of the Nigerian Air force not below the rank
16 of a group captain;

17 (d) one representative of the Nigerian Civil Aviation Authority not
18 below the rank of a Director;

19 (e) Nigeria's Permanent Representative to International Civil
20 Aviation Organisation (ICAO) Council;

21 (f) one representative of airline operators in Nigeria;

22 (g) the Rector of the College;

23 (h) one representative of the National Board for Technical
24 Education;

25 (i) one representative of the National Universities Commission;

26 (j) two representatives of the Academic Board of the College;

27 (k) two other persons, of good standing in the community where
28 the College is situate, one of whom shall be a woman; and

29 (l) the Registrar who shall be Secretary to the Council.

30 (3) The supplementary provisions set out in the Schedule to this

1 Act shall apply in relation to the Governing Council, its proceedings and other
2 matters specified in it.

Qualification
of members of
Council

3 4.-(1) The Chairman of the Council shall be a renowned professional
4 aviator.

5 (2) The Chairman and members of the Council other than ex-officio
6 members shall be appointed by the President.

Tenure and
removal of
members of
Council

7 5.-(1) A member of the Council other than an ex-officio member shall
8 hold office for a period of 3 years commencing from the date on which he was
9 appointed and shall be eligible for re-appointment for a further term of 3 years
10 and no more.

11 (2) Where a vacancy occurs in the membership of the Council, that
12 vacancy shall be filled by the appointment of a successor to hold office for the
13 remainder of the term of his predecessor and the successor shall represent the
14 same interest as his predecessor.

15 (3) Any member of the Council who ceases to be a member shall, if he
16 is also a member of a committee, cease to hold office on the committee.

17 (4) A member appointed by the President in accordance with section
18 4(2) of this Act may resign his appointment by, notice in writing under his hand
19 addressed to the President through the Minister and in the case of ex-officio
20 member, when he ceases to hold office on the basis of which he became a
21 member of the Board.

22 (5) The Council may act notwithstanding any vacancy in its
23 membership or the absence of any member or that a person not entitled to do so
24 took part in its proceedings.

Allowances of
members of
Council

25 6.-(1) A member of Council other than an ex-officio shall be paid
26 remuneration or allowances in accordance with rates specified from time to
27 time in extant Federal Government Circulars.

28 (2) Members of the Council shall be paid travelling and other
29 allowances in accordance with extant rules.

1 7.-(1) Formulate policies and guidelines which in the opinion of Powers of the
2 the Council are necessary to ensure the efficient performance of the Council
3 functions of the College.

4 (2) The Council may delegate any of its powers or functions to any
5 person or persons, authority or committee except powers to make, amend or
6 revoke a Statute of the College.

7 (3) Subject to this Act, the Council may approve the appointment
8 of such other person as members of staff as it considers necessary.

9 8.-(1) There is established for the College a board to be known as Establishment
10 the Academic Board which shall consist of the following members: of the Academic
Board

11 (a) the Rector of the College, as the Chairman;

12 (b) the Deputy Rector of the College as the Vice Chairman;

13 (c) all Heads of Schools;

14 (d) the College Librarian;

15 (e) all chief instructors or chief lecturers other than heads of
16 schools, who may be appointed by the Academic Board;

17 (f) the Registrar who shall be the secretary to the Board; and

18 (g) the Academic Secretary who shall be the assistant secretary.

19 (2) The Registrar and Academic Secretary shall attend all meetings
20 of the Board unless excused for good reasons by the Chairman of the Board.

21 (3) The Academic Board shall be responsible for:

22 (a) the direction and management of academic matters of the
23 College including the regulation of admission of students, the award of
24 certificates, diplomas, degrees, scholarships, prizes and any other academic
25 distinction;

26 (b) making periodic reports to the Council on such academic
27 matters as the Academic Board may think fit or as the Council may, from
28 time to time direct; and

29 (c) the discharge of any other functions which the Council may
30 delegate to it.

Selection Board
for other Principal
Officers

1 9.-(1) There shall be, for the College, a Selection Board which shall
2 consist of:
3 (a) the Chairman of the Council;
4 (b) the Rector;
5 (c) 4 members of the Council not being members of the Academic
6 Board; and
7 (d) 2 members of the Academic Board.

8 (2) The functions, procedure and other matters relating to the
9 Selection Board constituted under subsection (1) of this section shall be as the it
10 Council may, from time to time, determine.

Joint Council
and Academic
Board Selection
Board

11 10. There shall be for the College, a Joint Council and Academic
12 Board Selection Board consisting of:

13 (a) the Chairman of the Council;
14 (b) 2 members of the Council not being members of the Academic
15 Board; and
16 (c) 2 members of the Academic Board not below the rank of chief
17 lecturer or chief instructor, who are not members of the Council

Quorum and
procedure of
bodies established
under this Act

18 11. Subject to the provisions of the Schedule to this Act and any
19 standing orders or rules made under this Act, the quorum and procedure of any
20 body of persons established by this Act shall be such as may be determined by
21 that body,

Visitation

22 12.-(1) The Minister in charge of Aviation shall be the Visitor to the
23 College,

24 (2) The Visitor shall, not less than once in every 3 years, conduct a
25 visitation of the College, or appoint a Visitation Panel, consisting of not less
26 than 5 experts to conduct the visitation:

27 (a) for the purpose of evaluating the academic and administrative
28 performance of the College; or
29 (b) for such other purpose or in respect of any other affairs of the
30 College as the Visitor may deem fit.

1 PART II - PRINCIPAL OFFICERS AND OTHER STAFF OF THE COLLEGE

2 13.-(1) There shall be a Rector for the' College (in this Act referred
3 to as "the Rector") who shall be appointed by the President in accordance
4 with the provisions of this section.

Appointment of
the Rector

5 (2) Where a vacancy occurs in the post of the Rector, the Council
6 shall:

7 (a) advertise the vacancy in a reputable journal and 2 widely read
8 newspapers in Nigeria, specifying in addition to any other
9 qualification, that the person shall:

10 (i) be a pilot of the standing of a captain and have attained the rank
11 of chief flying instructor with at least 10 years cognate experience as a
12 captain and minimum of 5 years as a chief flying instructor in the College or
13 similar institution,

14 (ii) be a chief instructor or equivalent rank in a tertiary institution,
15 possess a minimum of masters degree from a recognised university with at
16 least 8 years' experience as chief instructor or equivalent rank in a tertiary
17 institution, or

18 (iii) in the alternative possess a Ph.D. from a recognised university
19 with a minimum of 5 years' experience as a chief instructor or equivalent
20 rank in a tertiary institution, provided that in each case, the candidate's
21 qualification shall be relevant to any of the schools in the College;

22 (b) specify the terms and conditions of service applicable to the
23 post;

24 (c) thereafter, draw up a short list of suitable candidates for
25 consideration; and

26 (d) constitute a search team consisting of:

27 (i) a member of the Council, not being a member of the Academic
28 Board, as Chairman,

29 (ii) 2 members of the Academic Board, not below the rank of chief
30 lecturer or chief instructor, and

1 (iii) 2 members of the Academic staff of the College not below the
2 rank of chief lecturer, chief instructor or chief engineer, to be selected by the
3 Council, to identify and draw up a short list of persons who are not likely to
4 apply on their own volition because they feel that it is not proper to do so.

5 (3) A Joint Council and Academic Board Selection Board consisting
6 of:

7 (a) the Chairman of the Council;

8 (b) 2 members of the Council not being members of the Academic
9 Board; and

10 (c) 2 members of the Academic Board not below the rank of chief
11 lecturer or chief instructor, who were not members of the search team, shall
12 consider the candidates on the short list drawn up under subsection (2) of this
13 section through an examination of their curriculum vitae and interaction with
14 them and recommend, through the Council, to the President, 3 candidates for
15 his consideration.

16 (4) The President shall appoint, as Rector, one of the candidates
17 recommended to him under the provisions of subsection (3) of this section.

18 (5) The Rector shall be:

19 (a) the Chief Executive Officer of the College; and

20 (b) charged with the responsibility for matters relating to the day-to-
21 day management of the College.

22 (6) The Rector shall hold office:

23 (a) for a period of 4 years commencing from the effective date of his
24 appointment and may be re-appointed for a further term of 4 years and no more;
25 and

26 (b) on such terms and conditions as may be specified in his letter of
27 appointment.

28 (7) With the exception of the Chairman of the Council or any other
29 person acting as Chairman, the Rector shall be accorded priority over any other
30 member of the Council.

1 (8) The Rector may be suspended or removed from office by the
2 Minister on the recommendation of the Governing Council where he:

3 (a) has demonstrated inability to effectively perform the duties of
4 his office;

5 (b) has been absent from five consecutive meetings of the Council
6 without the consent of the Chairman unless he shows good reason for such
7 absence;

8 (c) is guilty of serious misconduct; or

9 (d) is disqualified or suspended from practicing his profession in
10 any part of the world by an order of a competent authority, in the case of a
11 person possessed of professional qualifications.

12 (9) The Rector shall not be removed from office except in
13 accordance with the provisions of this Act.

14 14.-(1) There shall be for the College a Deputy Rector.

Deputy Rector

15 (2) The Council shall appoint the Deputy Rector from among the
16 chief lecturers or chief instructors in the College in one of the following
17 ways:

18 (a) from a list of 3 candidates, in order of preference; or

19 (b) on the recommendation of Selection Board constituted under
20 this section for that purposes.

21 (3) The Selection Board referred to in subsection (2) of this section
22 shall:

23 (a) consist of:

24 (i) the Chairman of the Council,

25 (ii) the Rector,

26 (iii) 2 members of the Council not being members of the Academic
27 Board, and

28 (iv) 2 members of the Academic Board; and

29 (b) make such inquiries as it deems fit before making the
30 recommendation required under this section.

1 (4) The Deputy Rector shall:

2 (a) assist the Rector in the performance of his functions;

3 (b) act in the place of the Rector where the post of Rector is vacant or
4 where the Rector is for any reason absent or unable to perform his functions as
5 Rector; and

6 (c) perform such other functions as the Rector may, from time to time,
7 assign to him.

8 (5) The Deputy Rector shall hold office:

9 (a) for a period of 2 years commencing from the effective date of his
10 appointment and may be re-appointed for a further term of 2 years and no more;
11 and

12 (b) on such terms and conditions as may be specified in his letter of
13 appointment.

Registrar of the
College

14 15.-(1) There shall be for the College a Registrar who shall, be
15 appointed by the Council.

16 (2) The Registrar shall in addition to any other additional
17 qualification that the Council may stipulate:

18 (a) possess a first degree in arts or humanities with at least second
19 class lower division and at least 18 years cognate experience in administration
20 in a tertiary institution and risen up to the rank of deputy registrar; or

21 (b) possess a masters' degree: in arts or humanities with 15 years
22 cognate experience in administration in a tertiary institution and risen up to the
23 rank of deputy registrar, possession of a Ph.D. in arts and or humanities will be
24 added advantage; and

25 (c) the candidate shall be a member of a professional body recognised
26 by law relevant to the duties of a Registrar.

27 (3) The Registrar shall:

28 (a) be responsible to the Rector for the day- to- day administration of
29 the College;

30 (b) be the Secretary to the Council, the Academic Board and any

1 Committee of the Council and shall attend all the meetings of those bodies
2 unless excused for good reason by the Chairman of the Council; or

3 (c) perform any other duty as the Council, or as the case may be, the
4 Rector may from time to time require him to do.

5 (4) In the absence of the Registrar, the Chairman of the Council
6 may, after consultation with the Rector, appoint a suitable person to act as
7 Secretary for any particular meeting of the Council.

8 (5) The Secretary to the Council or a person appointed to act under
9 subsection (3) of this section, shall not vote on any matter before the
10 Councilor count towards a quorum unless he is so entitled as a member of
11 the Council.

12 (6) A Registrar shall hold office:

13 (a) for a period of 4 years commencing from the effective date of
14 his appointment and may be re-appointed for a further term of 4 years and no
15 more; and

16 (b) on such terms and conditions as may be specified in his letter of
17 appointment.

18 (7) Where on the commencement of this section, a Registrar has
19 held office:

20 (a) for 4 years or less, he shall be deemed to be serving his first term
21 of office and may be re-appointed for a further term of 4 years;

22 (b) for more than four years but less than 8 years, he shall complete
23 the maximum period of 8 years and thereafter relinquish his post; or

24 (c) for 8 years or more, the Council may allow him to serve as
25 Registrar for a further period of 1 year only and thereafter he shall relinquish
26 his post.

27 16.-(1) There shall be other Principal Officers for the College as
28 follows:

Other Principal
Officers of the
College

29 (a) the Bursar; and

30 (b) the College Librarian, who shall be appointed by the Council on

1 the recommendation of the Selection Board constituted under section 9 (1) of
2 this Act.

3 (2) The Bursar shall be:

4 (a) a Chartered Accountant with 15 years cognate experience;

5 (b) the chief financial officer of the College; and

6 (c) responsible to the Rector for the day to day administration and
7 control of the financial affairs of the College.

8 (3) The College Librarian shall be responsible to the Rector for the
9 administration of the College library and the co-ordination of the library
10 services in the teaching units of the College.

11 (4) The College Librarian shall be a chief instructor or chief lecturer
12 with 15 years cognate experience. (5) The Bursar or Librarian shall hold office:

13 (a) for a period of 4 years in the first instance commencing from the
14 effective date of his appointment and may be re-appointed for a further term of
15 4 years and no more; and

16 (b) on such terms and conditions as may be specified in his letter of
17 appointment.

18 (6) Where on the commencement of this section, a Bursar or Librarian
19 has held office:

20 (a) for 4 years or less, he shall be deemed to be serving his first term of
21 office and may be reappointed for a further term of 4 years;

22 (b) for more than four years but less than 8 years, he shall complete the
23 maximum period of 8 years and thereafter relinquish his post; or

24 (c) for 8 years or more, the Council may allow him to serve as Bursar
25 or Librarian for a further period of 1 year only and thereafter he shall relinquish
26 his post.

27 17.-(1) A principal officer may resign his appointment:

28 (a) in the case of the Rector, by notice to the Visitor through the
29 Governing Council; or

30 (b) in any other case, by notice to the Council.

1 (2) The Council shall immediately notify the Minister upon the
2 resignation of a principal officer.

3 18.-(1) Where a member of the Council other than an ex-officio
4 member or the Rector is to be removed from office on the ground of
5 misconduct or inability to perform the functions of his office, the Council
6 shall make a recommendation to that effect to the President through the
7 Minister, and where the President, after making such inquiries he considers
8 necessary, approves, the recommendation, the Minister, shall, in writing,
9 declare the office of such member vacant.

Removal from
office of members
of the Council
and the Rector

10 (2) The President may remove any member of the Council where
11 he is satisfied that it is not in the public interest or in the interest of the
12 College that such member should continue as a member of the Council.

13 19.-(1) There shall be appointed from time to time by the Council,
14 either directly, by transfer or secondment, such other staff as may be
15 required for the purposes of the efficient performance of the functions
16 conferred on the College under this Act.

Other employees
of the College

17 (2) The power to appoint all other employees of the College shall
18 be exercised:

19 (a) in the case of senior employees, by the Council on the
20 recommendation of the Senior Staff Appointments, Promotions and
21 Disciplinary Committee set up under the Page 31 of 69 provisions of
22 paragraph 2(3)(a) of the Schedule to this Act; or

23 (b) in the case of junior employees, by the Rector on the
24 recommendation of the Junior Staff Appointments, Promotions and
25 Disciplinary Committee constituted under paragraph 2(3)(b) of the
26 Schedule to this Act.

27 (3) Subject to the provisions of this Act, the remuneration, tenure of
28 office and conditions of service of the employees of the Council shall be
29 determined by the Council in consultation with the Federal Civil Service
30 Commission or Office of the Head of Civil Service of the Federation.

Removal and
discipline of
academic,
administrative
and technical
staff

- 1 20.-(1) Where there is any reason for believing that any person
2 employed as a member of the academic, administrative or technical staff of the
3 College, other than the Rector, is to be removed from office on the ground of
4 misconduct or inability to perform the functions of his office, the Council shall:
- 5 (a) give notice of the reason to the person in question;
- 6 (b) afford him an opportunity of making representations in person on
7 the matter to the Council; and
- 8 (c) where he or any 3 members of the Council so request within the
9 period of 1 month commencing from the date of the notice, make
10 arrangements:
- 11 (i) where he is an academic staff, for a joint committee of the, Council
12 and the Academic Board to investigate the matter and to report on it to the
13 Council, or
- 14 (ii) for a committee of the Council to investigate the matter where, it
15 relates to any other member of the staff of the College and to report on it to the
16 Council, and, for the person in question to be afforded an opportunity of
17 appearing before and being heard by the investigating committee with respect
18 to the matter, and where the Council, after considering the report of the
19 investigating committee. is satisfied that the person in question should be
20 removed as aforesaid, the Council may so remove him by an instrument in
21 writing signed on the directions of the Council.
- 22 (2) The Rector may, in a case of misconduct by a member of the staff
23 which in the opinion of the Rector is prejudicial to the interest of the College.
24 suspend such member and the suspension shall be reported to the Council.
- 25 (3) For good cause, any member of staff may be suspended from
26 office or his appointment may be terminated by the Council.
- 27 (4) For the purpose of subsection (3) of this section, "good cause"
28 means:
- 29 (a) any physical or mental incapacity which the Council, after
30 obtaining medical advice, considers to be such as to render the person

1 concerned unfit for the discharge of the functions of his office;

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

5 (c) conduct of a scandalous or disgraceful nature which the
6 Council considers to be capable of rendering the person concerned unfit to
7 continue to hold his office; or

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

11 (5) Any person suspended pursuant to subsection (2) or (3) of this
12 section, shall be placed on half pay and the Council shall before the
13 expiration of the period of 3 months after the date of such suspension
14 consider the case against that person and come to a decision as to:

15 (a) whether to continue such person's suspension and if so, on what
16 terms including the proportion of his emoluments to be paid to him;

17 (b) whether to reinstate such person, in which case the Council
18 shall restore his full emoluments to him with effect from the date of
19 suspension;

20 (c) whether to terminate the appointment of the person in question,
21 in which case such a person, will not be entitled to the proportion of his
22 emoluments withheld during the period of suspension; or

23 (d) whether to take lesser disciplinary action against the person
24 including the restoration of such proportion of his emoluments that might
25 have been withheld as the Council may determine, and in any case where the
26 Council, pursuant to this section, decides to continue a person's suspension
27 or decides to take further disciplinary action against a person, the Council
28 shall before the expiration of a period of three months from such decision
29 come to a final determination in respect of the case concerning such person.

30 (6) It shall be the duty of the person by whom an instrument of

1 removal is signed pursuant to subsection (1) of this section, to use his best
2 endeavours to cause a copy of the instrument to be served as soon as
3 reasonably practicable on the person against whom it relates.

4 (7) Nothing in the foregoing provisions of this section shall prevent
5 the Council from making such regulations for the discipline of other categories
6 of staff and workers of the College as it may think fit.

Discipline of
Students

7 21.-(1) Subject to the provisions of this section, where it appears to
8 the Rector that any student of the College has been guilty of misconduct, the
9 Rector may, without prejudice to any other disciplinary powers conferred on
10 him by this Act or Regulations made pursuant to this Act direct that the:

11 (a) student shall not during the period specified in the direction,
12 participate in such activities of the College or make use of such facilities of the
13 College, as he may specify;

14 (b) activities of the student shall, during the period specified in the
15 directions, be restricted in such manner as may be so specified;

16 (c) student be suspended for the period specified in the directions; or

17 (d) student be expelled from the College.

18 (2) Where there is temporarily no Rector or where the Rector refuses
19 to apply any disciplinary measures, the Council may either directly or through
20 some other staff, apply such disciplinary actions specified in subsection (1) of
21 this section to any student of the College who is guilty of misconduct.

22 (3) Where a direction is given under subsection (1) (c) or (d) of this
23 section in respect of any student, the student may, within a period of 21 days
24 from the date of the letter communicating the decision to him, appeal from the
25 direction to the Council and where such an appeal is brought, the Council shall,
26 after causing an inquiry to be made in the matter as the Council considers just,
27 either confirm or set aside the direction or modify it in such manner as the
28 Council may think fit.

29 (4) The fact that an appeal from a direction is brought pursuant to
30 subsection (3) of this section shall not affect the operation of the direction while

1 the appeal is pending.

2 (5) The Rector may delegate his power under this section to a
3 disciplinary committee consisting of such members of the College as he may
4 nominate.

5 (6) Nothing in this section shall be construed as preventing the
6 restriction or termination of a student's activities at the College otherwise
7 than on the ground of misconduct.

8 (7) It is hereby declared that a direction under subsection (1) (a) of
9 this section may be combined with a direction under subsection (1) (b) of
10 this section.

11 (8) The decision of the Council shall be final in all cases under this
12 section.

13 22.-(1) Where any junior staff is accused of misconduct, gross
14 misconduct or inefficiency, the Rector may suspend him for not more than
15 three months and shall direct the Junior Staff Appointments, Promotions and
16 Disciplinary Committee:

Discipline of
junior staff

17 (a) to consider the case; and

18 (b) make recommendations as to the appropriate action to be taken
19 by the Rector.

20 (2) In all cases under this section, the officer shall be informed of
21 the charge against him and be given reasonable opportunity to defend
22 himself.

23 (3) The Rector may, after considering the recommendation made
24 pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or
25 down-grade the officer concerned.

26 (4) Any person aggrieved by the Rector's decision under
27 subsection (3) of this section, may within a period of 21 days from the date of
28 the letter communicating the decision to him, address a petition or appeal to
29 the Council to reconsider his case and the Council's decision on the matter
30 shall be final.

Application of
the Pension Act

1 23.-(1) Service in the employment of the College shall be approved
2 service for the purpose of the Pension Reform Act and accordingly, officers and
3 other persons employed in the College shall be entitled to in respect of their
4 services to the College pensions and other retirement benefit as is prescribed in
5 the Pensions Reform Act.

6 (2) Nothing in the provisions of subsection (1) of this section shall
7 prevent the appointment of any person to any office on terms which preclude
8 the grant of pension in respect of service in that (3) For the purpose of the
9 application of the provisions of the Pension Reform Act, any power exercisable
10 by a Minister or other Authority of the Government of the Federation, not being
11 the power to make regulations, is hereby vested in and shall be exercisable by
12 the Council.

13 PART III - FINANCIAL PROVISIONS

Funds of the
College

14 24.-(1) There is established for the College a fund from which all
15 expenses incurred by the College for the execution of its functions under this
16 Act shall be, paid.

17 (2) There shall be credited to the fund established pursuant to
18 subsection (1) of this section:

19 (a) grants, subventions and budgetary allocations received from the
20 Government of the Federation including such monies as may be appropriated
21 to the College, from time to time, by the National Assembly;

22 (b) such monies as may from time to time, be lent or granted to the
23 College by the Federal, States or Local Governments;

24 (c) fees for training and allied services received by the College;

25 (d) all sums accruing to the College by way of gifts, endowments,
26 bequests, grants, donations, subsidies or other contributions by persons,
27 organizations and donor agencies; and

28 (e) monies from such other sources as may, from time to time, be
29 approved by the Council for the College.

30 (3) The fund established pursuant to subsection (1) of this section

1 shall be managed in accordance with extant Financial Regulations
2 applicable in the Public Service of the Federation.

3 **25.**-(1) The Council shall prepare and submit to the Minister for Income and
4 approval not later than 1st October in each financial year an estimate of its Expenditure
5 income and expenditure for the following financial year.

6 (2) Notwithstanding the provisions of subsection (1) of this section
7 the Council shall where necessary due to unforeseen circumstances, submit
8 supplementary or adjusted statement of estimated income and expenditure
9 to the Minister for approval.

10 **26.** The College may, from time to time, apply the proceeds of the Application of
11 fund established pursuant to section 24 of this Act: Fund

12 (a) to pay overhead allowances, benefits and other administrative
13 costs of the College;

14 (b) for the reimbursement of members of the Council or any
15 committee set up by the Council or the College for such expenses as may be
16 authorised in accordance with the rates approved by the Government of the
17 Federation;

18 (c) for the payment of salaries, fees and other remunerations or
19 allowances, payable to members of the Council, employees, experts or
20 professionals appointed by the College;

21 (d) to publicise and promote the activities of the College;

22 (e) for the maintenance of any property acquired or vested in the
23 College; and

24 (f) to undertake any other activity or matter connected with all or
25 any of the functions of the College under this Act.

26 **27.**-(1) The Council shall keep proper accounts and audit of the Account and
27 College in respect of each financial year. audit

28 (2) The Council shall when the statement of account referred to in
29 subsection (1) of this section is certified by the Rector, submit its account for
30 audit to auditors appointed by the College from among the list of auditors

1 and in accordance with guidelines approved by the Auditor-General of the
2 Federation and shall be published in the annual report of the College.

Annual report

3 28.-(1) The Council shall in every year furnish half-yearly reports to
4 the Minister on the activities of the College, so however, that the first of such
5 reports shall be furnished not later than 15 July in each year and every report
6 shall be accompanied by a copy of the audited accounts of the College, and of
7 the report (if any) by the auditor on the accounts as audited by him.

8 (2) The Council shall on or before 31 December in each year prepare
9 and submit to the President through the Minister, a report of the activities of the
10 College for the preceding financial year and shall include in the report a copy of
11 the audited accounts of the College for that calendar year and the auditors'
12 comments on the account.

Power to accept
gifts

13 29.-(1) The College may accept gifts of land, aircraft, money or other
14 property on such terms and conditions, if any, as may be specified by the person
15 or organisation making the gift.

16 (2) The College shall not accept any gift where the conditions
17 attached by the person or organisation making the gift is inconsistent with the
18 functions of the College under this Act.

19 (3) Donations of money to be applied to any particular purpose shall
20 be placed to the credit of a special reserve account approved by the Council
21 until such time as it may be expended in fulfilment of such purpose.

Payment into
bank

22 30. All sums of money received on account of the Council shall be
23 paid into such bank accounts for the credit of the Council as may be approved
24 by the Council.

Power to borrow

25 31.-(1) Subject to all applicable laws and regulations, the Council
26 may, from time to time, borrow by overdraft or otherwise, such money as the
27 College may require for the performance of its functions under this Act.

28 (2) The Council shall not, without the approval of the President
29 borrow money, which exceeds, at any time, the limit set by the Government of
30 the Federation.

1 (3) Notwithstanding subsection (1) of this section, where the sum
2 to be borrowed is in foreign currency, the Council shall not borrow the sum
3 without the prior approval of the President on the recommendation of the
4 Minister.

5 32.-(1) The Council may, subject to the provisions of this Act and
6 the conditions of any, trust created in respect of any property, invest funds
7 which is not in immediate use in Government bonds and securities in
8 accordance with any general guidelines approved by the President or other
9 appropriate authorities.

Power to invest
funds

10 (2) The College shall strive to recover the whole of its costs and to
11 achieve reasonable returns on capital and investment.

12 PART IV - GENERAL POWERS OF THE COLLEGE

13 33.-(1) Pilots and other professionals shall, be commissioned and
14 certified upon the successful completion of their designated courses and
15 professional training by the College.

Commissioning
of pilots and other
professionals

16 (2) Where a trainee is withdrawn before being commissioned on
17 disciplinary grounds or on any other ground, not being medical ground, such
18 trainee shall not be granted the use of the College.

19 34.-(1) Trainees shall not be required to satisfy requirements as to
20 race, nationality including ethnic grouping, sex, place of birth or family
21 origin, religious or political persuasion, as a condition of becoming or
22 continuing to be a trainee at the College, the holder of any certificate of the
23 College or of any appointment or employment at the College or a member of
24 anybody established pursuant to any of the provisions of this Act.

Exclusion of
discrimination on
account of race,
religion, etc.

25 (2) A person shall not be subjected to any disadvantage or accorded
26 any advantage, in the College, by reference to any of the matters specified in
27 subsection (1) of this section.

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

1 undertake any duty generally and uniformly imposed on all persons or any
2 group of person which duty, having regard to the nature and the special
3 circumstances is, in the opinion of the College, reasonably justifiable in the
4 National Interest.

Compulsory
acquisition of
land

5 35. For the purposes of the Land Use Act which provides for the
6 compulsory acquisition of land for overriding public interest, any requirement
7 of land by the College shall be deemed to be for the public purpose of the
8 Federation.

Restriction on
disposal of landed
property

9 36. All landed property of the College shall not be disposed of or
10 charged except with the resolution of the Council.

Establishment
of staff housing
scheme

11 37. The College may, with the approval of the Minister engage in the
12 establishment of staff housing scheme.

13 PART V - MISCELLANEOUS

Directives of
general character

14 38. The Minister may give to the Council directions of a general
15 nature or relating generally to particular matters and the Council shall comply
16 with any of the directions given by the Minister.

Validation of
past acts, etc.

17 39. It is declared for the avoidance of doubt that where any person
18 have before the commencement of this Act been appointed or have purported to
19 act under powers, however conferred, incidental to the acquisition of land for,
20 or incidental to the erection, supervision or control of the College hereby
21 established, such persons shall be deemed always to have been lawfully
22 appointed, or to have validly exercised the powers, as the case may be.

The seal of the
College

23 40.-(1) The seal of the College shall be such as may be administered
24 by the Rector and the fixing of the seal of the College shall be signed by the
25 Rector or the Registrar of the College.

26 (2) The seal of the College shall be kept in the custody of the Rector of
27 the College.

28 (3) Academic Certificates issued by the College shall have the
29 College seal fixed and signed by the Rector and the Registrar of the College.

30 (4) Any contract or instrument which, if made or executed by a person

1 not being a body corporate, would not be required to be under seal may be
2 made or executed on behalf of the College by any authorised person.

3 41.-(1) Subject to the provisions of this Act, the provisions of the
4 Public Officers Protection Act shall apply to any suit instituted against the
5 College, an officer or employee of the College. Limitation of
suit against the
College

6 (2) A suit shall not lie or be instituted in any court against the
7 College, a member of the Council or any principal officer or employee of the
8 College for an action carried out in pursuance or execution of this Act or any
9 law, or of any public duty or authority in respect of any alleged neglect or
10 default in the execution of this Act or any other law, duty or authority, unless
11 it is commenced:

12 (a) within 3 months of such act, neglect or default complained of;
13 (b) in the case of a continuation of damages or injury, within 6
14 months next after the ceasing of the act, neglect or default.

15 (3) A suit shall not be commenced against the College, a member of
16 the Council or any principal officer or employee of the College before the
17 expiration of a period of 1 month after written notice of the intention to
18 commence the suit has been served on the College by the intending plaintiff
19 or his agent.

20 (4) The notice referred to in subsection (3) of this section shall
21 clearly and explicitly state the cause of action, the particulars of the claim,
22 the name and place of abode of the intending plaintiff and the relief sought.

23 42. A member of the Council, Rector, officer or employee of the
24 College shall be indemnified out of the assets of the College against any
25 proceedings brought against him in his capacity as a member of the Council,
26 Rector, officer or employee of the College where the act complained of is not
27 ultra vires his powers. Indemnity of
officers of the
College

28 43.-(1) The Council may make rules relating to any matter within
29 its competence under this Act other than matters for which provision is to be
30 made by standing orders pursuant to paragraph 1 of the Schedule to this Act. Power to make
Rules

1 (2) Rules made pursuant to subsection (1) of this section shall be in
2 writing and shall come into force when sealed with the seal of the Council
3 unless some other date for its commencement is prescribed.

4 (3) Nothing in subsection (2) of this section, shall make it obligatory
5 for the Council to publish any of the rules referred to in this section in the
6 Federal Gazette, however the Council shall bring such rules to the notice of all
7 affected by the notice.

Power to make
Bye-laws and
Guidelines

8 44.-(1) The college shall with the approval of the Minister, make bye-
9 laws and guidelines for the purpose of giving effect to the provisions of this
10 Act.

11 (2) bye-laws and guidelines made under this section shall, when
12 approved by the Minister, be published in the federal gazette.

Repeal and
Savings Provision

13 45.-(1) The Nigerian College of Aviation Technology Act, Cap N96,
14 2004 is hereby repealed.

15 (2) Without prejudice to section 6 of the Interpretation Act, the repeal
16 of the Act specified in subsection (1) of this section, shall not affect anything
17 done pursuant to the Act.

18 (3) Every regulation, statute, order, requirement, certificate, notice,
19 direction, decision, authorisation, consent, application, request or thing made,
20 issued, given or done under the repealed Act shall, if in force at the
21 commencement of this Act, continue to be in force and have effect as if made,
22 issued, given or done under the corresponding provisions of this Act.

23 (4) All assets, funds, resources and other movable and immovable
24 property which immediately before the commencement of this Act, vested in
25 the College established under the repealed Act, (hereinafter referred to as "the
26 former College") shall by virtue of this Act and without further assurance be
27 vested in the College established under section 1 of this Act.

28 (5) Every reference to the former College, Council, Minister, Rector,
29 Council Chairman or any person under their control or a document issued in the
30 name of the former College, Council, Minister, Rector, Chairman of the former

1 Council or employee of the former College shall be read, unless the context
2 otherwise requires, as a reference to the College, Minister, Council, Rector,
3 Chairman or an employee of the College established under this Act, as the
4 case may be.

5 46.-(1) Subject to the provisions of this Act, the Rector of the
6 College established under the repealed Act is deemed to have been
7 transferred to the College established under this Act under the same
8 conditions as Rector.

Transitional
Provisions

9 (2), Any person who immediately before the commencement of
10 this Act was a staff of the College established under the repealed Act shall
11 continue in office and be deemed to have been appointed under this Act for
12 purposes of Pension.

13 (3) Properties held immediately before the commencement date of
14 this Act on behalf of the Nigerian College of Aviation Technology, Zaria by
15 any person shall, by virtue of this Act, be vested in the College established
16 under this Act.

17 (4) The College established in section 1 of this Act shall be subject
18 to all the obligations and liabilities to which the former Nigerian College of
19 Aviation Technology was subject immediately before the commencement of
20 this Act and all other persons shall have the same rights, powers and
21 remedies against the College established by this Act as they had against the
22 College immediately before the commencement of this Act.

23 (5) Any proceeding or cause of action pending or existing
24 immediately before the commencement of this Act by or against the College
25 established under the repealed Act in respect of any right, interest, obligation
26 or liability of the College may be continued or commenced, as the case may
27 be, and any determination of a court of law, tribunal or other Commission or
28 person may be enforced by or against the College established by this Act to
29 the same extent that such proceeding, cause of action or determination might
30 have been continued, commenced or enforced by or against the College as if

1 this Act had not been made.

2 (6) As from the commencement of this Act, any disciplinary
3 proceeding pending or existing against any employee of the College shall be
4 continued and completed by the College established under this Act.

Interpretation

5 47. In this Act:

6 "Act" means the Nigerian College of Aviation Technology (Establishment,
7 Etc.) Act, 2019;

8 "Approved" means approved by the Minister;

9 "Council" means the Governing Council established under section 3 of this
10 Act;

11 "College" means the Nigerian College of Aviation Technology established
12 under section 1 of this Act;

13 "Joint Council" means a combination of members of the Governing Council
14 and members of the Academic Board;

15 "Minister" means the Minister of the Government of the Federation charged
16 with responsibility for Civil Aviation;

17 "Prescribed" means prescribed on behalf of the College with the approval of
18 the Minister;

19 "Rector" means the Rector of the Collège;

20 "Academic Board" means the Board establish under section 8 of this Act; and

21 "The Senior Staff Appointments, Promotions and Disciplinary Committee"
22 means a body by that name established under paragraph 2 (3) (a) of the
23 Schedule to this Act.

Short title

24 48. This Bill may be cited as the Nigerian College of Aviation
25 Technology (Establishment, Etc.) Bill, 2019.

1 SCHEDULE

2 [Section 3(3)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

4 *Proceedings of the Council*

5 1.-(1) The Council may make standing orders with respect to the
6 holding of meetings, the nature of notices to be given, the proceedings, the
7 keeping of minutes of such proceedings and the custody and production for
8 inspection of such minutes.

9 (2) At any meeting of the Council, the Chairman shall preside and if
10 he is not present, the members attending may appoint 1 of their members to
11 be chairman of that meeting.

12 (3) The Council shall meet for the conduct of business at such times
13 as the Chairman of the Council may appoint but shall meet not less than
14 twice in a year.

15 (4) The Chairman of the Council may at any time and shall at the
16 request in writing of not less than 5 members of the Council summon a
17 meeting of the Council.

18 (5) Particulars of the business to be transacted shall be circulated to
19 members with the notice of the meeting at least 2 weeks before the date of
20 the meeting.

21 (6) Where the Council desires to obtain the advice of any expert on
22 a particular matter concerning the College, the Council may co-opt him as a
23 member for such period as the Council thinks fit, but a person who is a
24 member by virtue of this sub-paragraph shall not be entitled to vote at any
25 meeting of the Council, and shall not count towards a quorum.

26 (7) Every question put before the Council at a meeting shall be
27 decided by a simple majority of the members present and voting

28 (8) 7 members shall form a quorum at any meeting of the Council.

29 (9) The Chairman shall, at any meeting of the Council, have a vote
30 and, in the case of an equality of votes, may exercise a casting vote.

1 (10) Subject to the provisions of this Act, the Council may in the name
2 of the College make standing orders regulating the proceedings of the College
3 or of the Council, and in the exercise of its powers under this Act, may set out
4 committees in the general interest of the College, and make standing orders
5 therefor.

6 (11) Standing orders shall provide for decisions taken to be
7 unanimous and accordingly the chairman shall not have a second or casting
8 vote.

9 (12) Standing orders made for a committee shall provide that the
10 committee is to report back to the Council on any matter not within its
11 competence under this Act to decide

12 *Committees of the Council*

13 2.-(1) The Council may appoint one or more committees to carry out
14 on behalf of the Council such functions as the Council may determine.

15 (2) A committee appointed under this paragraph shall consist of the
16 number of persons determined by the Council.

17 (3) Without prejudice to the provisions of sub-paragraph (1) of this
18 paragraph, the Council shall appoint the following committees:

19 (a) the Senior Staff Appointments, Promotions and Disciplinary
20 Committee which shall without prejudice to section 19(2)(a) of this Act:

21 (i) consist of a chairman to be appointed by the Council and 2
22 members of the senior staff of the College appointed by the Academic Board
23 and 2 other members who shall be appointed by the Council, and

24 (ii) be charged with the responsibility for making recommendations
25 to the Council on the appointment and promotion of the academic and senior
26 staff of the College and have a quorum of 3 members:

27 (b) the Junior Staff Appointments Promotions and Disciplinary
28 Committee which shall consist of a chairman and 4 other members to be
29 appointed by the Council and shall have the powers set out in sections 19(2)(b)
30 and 9 of this Act;

1 (c) the Committee on Students' Affairs which shall consist of the
2 following members:

3 (i) a chairman who shall be appointed by the Rector from among
4 the senior employees of the College,

5 (ii) 1 member of the Council,

6 (iii) 2 members of the academic staff of the College, and

7 (iv) 4 students of the College appointed by the student union;

8 (d) the Finance and General Purpose Committee; and

9 (e) the Academic Development Committee.

10 (4) The Committee on Students' Affairs shall be charged with the
11 duty of:

12 (a) considering any matter which relates to the welfare of students;

13 (b) any other matter referred to it by either the Council or students
14 of the College.

15 (5) Any matter which the students wish to refer to the Council shall
16 be referred to the Committee on Students' Affairs in the first instance.

17 (6) The decision of a committee shall have no effect unless it is
18 confirmed by the Council.

19 *Conflict of Interest*

20 3.-(1) Any member of the Council or committee who has a personal
21 interest in any arrangement entered into or proposed to be considered by the
22 Council or any committee shall:

23 (a) disclose his interest to the Council or committee; and

24 (b) not vote on any question relating to the arrangement.

25 *Miscellaneous*

26 4.-(1) The fixing of the seal of the College shall be authenticated by
27 the signature of the Chairman of the Council or of the Rector where
28 authorised by the Council for that purpose.

29 (2) Any contract or instrument which, if made or executed by a
30 person not being a body corporate, would not be required to be under seal.

1 may be made or executed on behalf of the College by any person generally or
2 specially authorised to act for that purpose by the Council.

3 (3) Any document purporting to be a document duly executed under
4 the seal of the College shall be received in evidence and shall, unless the
5 contrary is proved, be deemed to be so executed.

6 (4) The validity of any proceedings of the Council shall not be
7 affected by any defect in the appointment of a member of the Council or of a
8 person to serve on the Committee, or by reason that a person not entitled to do
9 so took part in the proceedings.

10 (5) A person shall not by reason only of his membership of the Council
11 be treated as holding an office of emolument under the Government.

12 (6) The common seal of the Council shall not be used or affixed to any
13 document except in pursuance of a resolution duly passed at a properly
14 constituted meeting of the Council and recorded in the minutes of such
15 meeting.

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the Act but is intended
to explain its purport)*

This Act seeks to repeal the Nigerian College of Aviation Technology Act, Cap N96, Laws of the Federation of Nigeria, 2010 and to enact the Nigeria College of Aviation Technology Act and establish the Nigerian College of Aviation Technology, charged with the general duty of providing civil aviation courses, standard or special, designed for use in flight training or in airport operation and management as may from time to time be prescribed for approved persons, pursuant to the provisions of this Act and for related matters.