

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL POWER TRAINING INSTITUTE OF NIGERIA, THEREBY CREATING AN ENABLING FRAMEWORK FOR THE OPERATION AND ADMINISTRATION OF THE INSTITUTE AND FOR RELATED MATTERS

Sponsored by Tasir Raji Ola Wale

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL POWER TRAINING
2 INSTITUTE OF NIGERIA

3 1.-(1) There shall be established an institute to be known as the
4 National Power Training Institute of Nigeria hereinafter in this Bill referred
5 to as the "Institute" which shall be a body corporate with perpetual
6 succession and a common seal.

Establishment
of the National
Power Training
Institute of Nigeria

7 (2) The function of the institute shall be as follows:

8 (a) To serve as a focal point for human resource development and
9 workforce capacity building as well as research centre on matters relating to
10 power in Nigeria and possibly Africa in general;

11 (b) To offer comprehensive hands-on engineering and technical
12 training programmes for professionals and graduates in the power sector;

13 (c) To ensure maintenance of industry common standards,
14 dissemination of new ideas and technology;

15 (d) To assist in identifying power sector employees' competency
16 gaps and training needs;

17 (e) To provide manpower development advises to industry
18 participants;

19 (f) To ensure that a high maintenance culture is utilized throughout

1 the industry in order to enhance efficiency;

2 (g) To develop management, leadership, regulatory and ICT skills
3 relevant to the power sector;

4 (h) To design professional certificate programmes that will ensure
5 proficiency and global recognition;

6 (i) Perform such other functions as in the opinion of the council may
7 serve to promote the objective of the institute, including without prejudice to
8 the generality of the foregoing, the making of such regulations as may be
9 necessary for entry into and types of courses and their academic standards and
10 the recognized equivalent of such certificates and diplomas that the institute
11 may award; and

12 (j) Coordination of training activities in the power sector.

Establishment
and Membership
of the Governing
Council

13 2. -(1) There shall be established a body to be known as the Governing
14 Council of the National Power Training Institute of Nigeria (hereinafter
15 referred to as "the Council").

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

17 (i) A person appointed by the President shall preside as the Chairman;

18 (ii) Director General of the Institute;

19 (iii) A representative of the Federal Ministry of Power;

20 (iv) A representative of the Federal Ministry of Finance;

21 (v) A representative of the Federal Ministry of Education on
22 Technical Education;

23 (vi) Two representatives appointed by the Minister in charge of Power
24 from private power sector stakeholders to represent the private sector;

25 (vii) A representative each of the NERC, NBTE, COREN and NSE
26 appointed by their respective agency or organization.

27 3. The provisions set out in the Schedule to this Bill shall apply in
28 relation to the constitution of the council and as to other matters therein
29 specified.

30 4. The Minister in charge of Power may by order published in the

1 Federal Gazette amend the provision of the Schedule to this Bill, and such
2 provisions shall have effect, as amended.

3 5. Subject of the provisions of this Bill, the Council shall be the
4 governing body of the Institute and shall be responsible for the general
5 management of the affairs of the Institute and in particular, the control of the
6 property and finances of the institute; and shall also have power to do
7 anything which in its opinion would facilitate the carrying out of the
8 functions of the Institute under this Bill.

General functions
of the Council

9 6.-(1) if it appears to the Council that a member of the Council who
10 is a member by virtue of subsection 2 (2) (ii) (iii) should be removed from
11 office on grounds of misconduct or inability to perform the functions of his
12 office, the Council shall after consultation with the interest represented by
13 such member, make recommendation to that effect to the Minister; and if the
14 Minister approves the recommendation, he shall remove the member from
15 the membership of the Council.

Removal of
members of the
Council from
office

16 (2) if it appears to the Council that the Director General or any
17 other member of the academic or senior administrative staff of the Institute
18 should be removed from office or employment on grounds of misconduct or
19 inability to perform the functions of his office, the Council shall make a
20 recommendation to that effect to the Minister in line with the Institute's
21 approved condition of service and if the Minister approves the
22 recommendation, the Council shall remove the person concerned from his
23 office or employment.

24 (3) nothing in subsection (2) of this section shall be construed as
25 precluding the council from exercising disciplinary control (other than the
26 power of removal from office or employment) in relation to the person to
27 whom that section applies; and in the operation of subsection (2) of this
28 section, the council shall have power at any time to suspend the person
29 concerned from his office or employment until the decision of the Minister
30 on the recommendation made by the Council is known.

1 (4) other categories of staff shall for the purpose of discipline be
 2 subject to the authority of the Director General, however, no member of such
 3 staff shall be removed from office contrary to the provisions of the institute's
 4 approved condition of service without the approval of the Council; and shall in
 5 exercise of his authority under this section, the Director General shall have
 6 power to appoint, in any case where he considers it appropriate so to do, a
 7 disciplinary panel of such number of members of staff of the Institute as may in
 8 his discretion determine for the purpose of advising him on any particular
 9 matter relating to discipline.

Power of the
 Institute to enter
 into contracts, to
 hold property
 and to invest

10 7.-(1) The institute may enter into such contracts as may be necessary
 11 or expedient for carrying into effect the provisions of this Bill.

12 (2) The Institute may acquire and hold movable or immovable
 13 property as may be necessary or expedient for carrying into effect the
 14 provisions of this Bill and for the same purpose may sell, lease, and mortgage
 15 or otherwise alienate or dispose of any property so acquired.

16 (3) Subject to section 15 of this Bill, the Institute may invest its funds
 17 in such manners and to such extent as it may think necessary or expedient.

18 TRAINING FUND

Establishment
 of Power Training
 Fund

19 8.-(1) There is hereby established a fund to be known as the Power
 20 Training Fund (in this Bill referred to as the "Power Fund") into which shall be
 21 paid-

22 (a) All contributions by Power Sector Utility companies as prescribed
 23 by this Bill;

24 (b) Such sums as may be received;

25 Provided that such fund shall be channeled through the Federal
 26 Ministry of Power or the Ministry in charge of Power howsoever designated.

Utilization of
 the Power Fund

27 (2) The Power Fund shall be utilized to promote and encourage the
 28 acquisition of skills in the Nigerian Electricity Supply Industry and human
 29 capacity development with a view to generating a pool of indigenously trained

1 manpower sufficient to meet the needs of the Power Sector and the economy
2 in general.

3 PART II - STRUCTURE OF THE INSTITUTE AND SUPPLEMENTARY
4 PROVISIONS

5 9.-(1) The Minister may, with the prior approval of the President
6 appoint a fit person to be called the Director-General of the Institute who
7 shall be the administrative head of the Institute, and subject to the direction
8 of the Council, shall be responsible-

Director General,
Secretary to the
Council and other
Principal Staff
of the Institute

- 9 (a) For the day-to-day administration of the Institute;
10 (b) For keeping the books and records of the Institute and be
11 subject to the supervision and control of the Council;
12 (c) For ensuring discipline in the Institute;
13 (d) As head of management and chief accounting officer of the
14 Institute.

15 (2) The Director-General shall be a responsible officer who shall
16 have no less than 20 years professional and practical experience in relevant
17 field;

18 (3) The Director-General shall hold office for a term of four years,
19 and may be re-appointed for only one further term of four years.

20 (4) There shall be four Directors each to administer the following
21 Directorates as follows:

- 22 (a) Training/Programmes;
23 (b) Finance and Accounts;
24 (c) Corporate Services;
25 (d) Research Monitoring and Evaluation.

26 (5) There shall be established the following Units:

- 27 (a) Audit;
28 (b) Legal;
29 (c) Public Affairs;

30 which shall be headed by an appropriate officer as determined by the

1 Director General with such privileges and rights to rise and attain to the highest
2 cadre within the establishment. The Institute may appoint such other officers
3 and employees as it considers necessary for the performance of its functions
4 under this Bill and on such terms as to salary remuneration, fee, allowance,
5 pension, leave and gratuity, as the Institute may determine in consultation with
6 the Salaries and Wages Commission.

Secretary to
the Council

7 **10.**-(1) The most senior officer in the Legal Unit of the Institute shall
8 be the Secretary of the Council and shall attend all meetings of the Council and
9 its committees.

10 (2) The Secretary to the Council shall not be entitled to vote on any
11 question before the Council unless he/she is so entitled as a member of the
12 Council.

13 *Academic Board*

Establishment
of Academic
Board

14 **11.**-(1) There shall be for the purpose of administering the functions
15 of the Institute relating to training and certification in accordance with the
16 provisions of this Bill, a body to be known as the Academic Board (in this Bill
17 referred to as the "Board")

Powers and
Functions of
the Board

18 (2) The Board shall have power-

19 (a) to manage the activities of the Academic office;

20 (b) to coordinate the development, review and upgrading of the
21 Institute's training curricula to meet local and international standards;

22 (c) to consider and make final recommendation on submissions made
23 on faculty requirements;

24 (d) to manage examination processes and issue results and
25 certificates;

26 (e) to coordinate admission processes;

27 (f) to review actions on all research, monitoring and evaluation
28 reports relating to academic matters;

29 (g) to generate quality report to the Institute's management on all
30 activities of the Board;

1 (h) to undertake any other duties assigned to it by the Council
2 through the Management of the Institute.

3 (3) The Board shall consist of:

4 (a) The Directors in charge of Research, Monitoring and
5 Evaluation/Training & Programmes/Finance and Accounts;

6 (b) The Deputy Directors in charge of Legal/Corporate Services;

7 (c) Head of ICT;

8 (d) Four other officers appointed by the Director General drawn
9 from Programmes Department and Research, Monitoring and Evaluation,
10 one of which shall be the Secretary of the Board.

11 (4) Notwithstanding the provisions of Section (3) above, the Board
12 may co-opt any person to attend its meeting but the person so co-opted shall
13 not have a casting vote or be counted towards quorum.

14 (5) Chairmanship of the Board shall be rotated on a bi-annual basis
15 between the Director RME and the Director (Training/Programmes) OR the
16 DG shall be the Chair of the Board.

17 12.-(1) Subject to the provision of any bye-law made under the
18 provisions of section 18 of this Bill, the Director General shall have power to
19 exclude or suspend (for such period as may be recommended by the
20 Academic Board) any student from attending the Institute for any course
21 which the Director General considers adequate to warrant such action; and
22 any such exclusion or suspension shall be reported to the Council so soon
23 thereafter as may be convenient.

Discipline of
students

24 (2) A student may, with the approval of the Academic Board and the
25 Council, be expelled by the Director General for misconduct.

26 PART III - FINANCIAL PROVISIONS

27 13.-(1) So soon after the end of December in any year after the
28 commencement of this Bill, the Council shall cause to be prepared a
29 statement of its income and expenditure during the previous financial year
30 together with a statement of the assets and liabilities of the Institution as at

Financial Statement,
Annual Budget
and Estimates etc.

1 the last day of that financial year.

2 (2) The statement referred to in subsection (1) of this section shall,
3 when certified by the Director General, be audited by an independent firm of
4 auditors appointed by the Council with the approval of the Minister and shall
5 be published within nine (9) months thereafter in the Federal Gazette or a
6 national newspaper.

7 (3) The Council shall cause to be prepared not later than first of
8 September in any year estimates of revenue and expenditure for the ensuing
9 financial year and when prepared they shall be submitted to the Council for
10 approval.

Revenue of the
Institute

11 **14.** The revenue of the Institute shall include but not limited to:

12 (a) Fees charged by and payable to the Institutes in respect of its
13 training activities;

14 (b) Any other fund, amount, charges or dues recoverable by the
15 Institution;

16 (c) Revenue, accruing to the Institution from time to time by the way
17 of consultancy services, subvention, grants-in-aid, endowment or otherwise;

18 (d) Interests\profits on investments; and

19 (e) Donations and legacies accruing to the Institute from any source
20 for the general or special purpose for the Institute.

Donation for
particular purposes

21 **15.-(1)** Donations of money to be applied for any particular purpose
22 shall be placed to the credit of a special reserve account and may be invested
23 into securities or other investments such as may be approved by the Minister
24 until such time as they may be expended in fulfillment of such purposes:

25 Provided that the Institute shall not be obliged to accept a donation for
26 a particular purpose unless it approves of the terms and conditions attaching to
27 such donation.

28 (2) The interest derived from the investments referred to in subsection
29 (1) of this section, unless the terms of the donation otherwise require, shall be
30 deemed to be revenue of the Institute.

1 when sealed with the seal of the institute, unless some other date for
2 commencement are therein prescribed.

3 (3) Nothing in subsection (2) of this section shall make it obligatory
4 for the Council to publish the said bye-laws in the Federal Gazette.

Quorum and
procedure of
bodies established
by this Bill

5 19. Subject to the provision of this Bill and any standing order or bye-
6 laws made there under the quorum and procedure of any body or persons
7 established by this Bill shall be such as may be determined by that body.

Interpretation

8 20. In this Bill, unless the context otherwise requires-
9 "bye-laws" means bye-laws made under section 18 of this bill;
10 "Council" means the Governing body of the Institute of Nigeria established
11 under section 1 of this Bill;
12 "Government" means the Federal Government of Nigeria;
13 "Institute" means the National Power Training Institute of Nigeria established
14 under section 1 of this Bill;
15 "Minister" means the Minister charged with the responsibility for matters
16 relating to Power;
17 "Property" includes rights, liabilities and obligations;
18 "Senate" means the Senate of the Federal Republic of Nigeria;
19 "Secretary" means the Legal Counsel of the Institute or any other person
20 appointed to act as such in accordance with section 10 (1);
21 "Staff" mean all persons employed by the Council to serve at the Institute.

Short title

22 21. This Bill may be cited as the National Power Training Institute of
23 Nigeria (Establishment) Bill, 2019.

24 SCHEDULE

25 *[Section 2 (3)]*

26 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL.

27 *Terms of office of members*

28 1.-(1) Subject to section 9(3) of this Bill, a member of the Council by
29 virtue of section 2(2) of this Bill shall hold office for a period of three years
30 beginning with the date on which he is appointed.

1 (2) A person ceasing to hold office as a member of the council by
2 removal for misconduct, incapacity of body and mind or by elapse of tenure.

3 2.-(1) Where a vacancy occurs in the membership of the Council,
4 that vacancy shall be filled by the appointment of the successor to hold office
5 for the remainder of the term of office of his predecessor, so far that the
6 successor shall represent the same interest as his predecessor.

7 (2) The Council may act, notwithstanding any vacancy in its
8 membership or the absence of any member.

9 *Committees*

10 3.-(1) The Council may appoint one or more committees to which it
11 may delegate any of its functions.

12 (2) No decision of a committee shall have effect unless confirmed
13 by the Council.

14 *Meetings of Council*

15 4.-(1) The Council shall meet for the conduct of business at such
16 times and places as the Chairman may appoint but shall not meet less than
17 twice in a year.

18 (2) The Chairman may at any time, and shall at the request in
19 writing of not less than six members of the Council, summon a meeting.

20 (3) Particulars of the business to be transacted at any meeting shall
21 be circulated by the Secretary to the Council to members with the notice of
22 meeting.

23 *Power to co-opt members*

24 5.-(1) where the Council desires to obtain the advice of any person
25 on a particular matter it may co-opt such person as a member for a meeting;
26 whether or not expressly convened for the purpose of considering the
27 particular matter.

28 (2) Such member shall not be entitled to vote nor shall he count
29 towards quorum.

1 *Questions how decided*

2 6.-(1) Every question put before the Council at a meeting shall be
3 decided by the majority of the votes of the members present and voting.

4 (2) Six members shall form a quorum at any meeting of the Council.

5 (3) The Chairman shall, at any meeting have a vote and, in the case of
6 any equality of votes, may exercise a casting vote.

7 *Standing orders*

8 7. Subjects as aforesaid, the council shall make standing orders with
9 respect to the holding of meetings, the nature of notices to be given, the
10 proceedings there at, the keeping of minutes of such proceedings and the
11 custody and production for inspection of such minutes.

12 *Absence of the Chairman*

13 8. If the Chairman is absent from a meeting of the Council, the
14 members present shall elect one their members to act as Chairman for the
15 purpose of the meeting and the decision reached by two-third of members
16 present shall be binding.

17 *Contracts and instruments*

18 9.-(1) Any contract or instrument which if entered into or executed by
19 a person not being a body corporate would not be required to be under seal may
20 in like manner be entered into or be executed on behalf of the Institution by any
21 person generally or specifically authorized by it for that purpose.

22 (2) Any member of the Council or of a committee thereof, who has a
23 personal interest in any contract or arrangement entered into or proposed to be
24 considered by the Council or a committee thereof, shall forthwith disclose his
25 interest to the Council and shall not vote on any question relating to such
26 contract or arrangement.

27 *Seal of the Institute*

28 10.-(1) The common seal of the Institute shall not be used or affixed to
29 any document except in pursuance of a resolution duly passed at a properly

1 constituted meeting of the Council and recorded in the minutes of such
2 meeting.

3 (2) The fixing of the seal of the Institute shall be authenticated by
4 the signature of the Director General or some other persons authorized
5 generally or specifically by the Director General to act for that purpose.

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Power Training Institute of Nigeria, thereby creating an enabling framework for the operation and administration of the institute.

