

NATIONAL INSTITUTE OF INDUSTRIAL TECHNOLOGY, KWALE,
DELTA STATE (ESTABLISHMENT, ETC..) BILL, 2020

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A BILL

FOR

AN ACT TO ESTABLISH NATIONAL INSTITUTE OF INDUSTRIAL TECHNOLOGY, KWALE, TO PROVIDE FOR ITS FUNCTIONS AND MANAGEMENT AND FOR RELATED MATTERS

Sponsored by Hon. Ossai Nicholas Ossai

[] Commencement

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

- 1 **1.** There shall be established a National Institute of higher Establishment
- 2 learning, which shall be called the National Institute of Industrial of the Institute
- 3 Technology, Kwara (here in after referred to as "the Institute").
- 4 **2.** The Institute shall be a body corporate having perpetual Incorporation of
- 5 succession; and a common seal and shall have power to sue and be sued in its the Institute
- 6 corporate name and to acquire, hold and dispose of movable and immovable
- 7 property for the purposes of its functions under this Law.
- 8 **3.** For the purposes of carrying out its general functions the Power of the
- 9 Institute shall have power: Institute
- 10 (a) to create posts and offices tenable at the Institute and to make
- 11 appointments thereto;
- 12 (b) to institute and award scholarships, exhibitions, bursaries,
- 13 medals, prizes and other titles, distinctions, awards and forms of assistance;
- 14 (c) to provide for the residence, discipline and-welfare of members
- 15 of staff and the students of the Institute;
- 16 (d) to hold examinations and grant diplomas, higher diplomas
- 17 certificates and other distinctions to persons who have pursued a course of
- 18 study approved by the Institute and have satisfied such other requirements as
- 19 the Institute may lay down;

1 (e) to deal with the disposal of any of its movable or immovable
2 property;

3 (f) to accept gifts, legacies and donations but without obligation to
4 accept the same for a particular purpose unless it approves the terms and
5 conditions attaching thereto;

6 (g) to enter into contracts, establish trusts, act as Trustee, solely or
7 jointly with any other persons, and employ and act through agents;

8 (h) to erect, provide, equip and maintain libraries, laboratories,
9 lecture halls, halls of residence, refectories, sports grounds, playing fields and
10 other buildings or things necessary, or suitable to or convenient for any of its
11 functions;

12 (i) to hold public lectures and undertake the publishing and selling of
13 books;

14 (j) subject to the limitations or conditions that may be imposed, to
15 invest any moneys appertaining to the Institute by way of endowment, whether
16 for general or special purposes, and such other moneys as may not immediately
17 be required for current expenditure, in any investments or securities or in the
18 purchase or improvement of land, with power from time to time to vary any
19 such investment and to deposit any moneys for the time being uninvested with
20 any bank on deposit or current account;

21 (k) to borrow, whether at interest or not and if need be upon the
22 security of any of the property movable or immovable of the Institute, such
23 moneys as the Council may from time to time find necessary or expedient to
24 borrow, subject to the condition that the total of any such borrowings shall not
25 exceed fifteen per cent of the current approved annual expenditure;

26 (l) to do anything which it is authorized or required by this Law;

27 (m) to do such things whether or not incidental to the foregoing
28 powers as may advance the objects of the Institute,

Functions of the
Institute

29 **4.** It shall be the general function of the Institute to provide for
30 studies, training and development of techniques in civil and building

1 technology, chemical technology, electrical technology, mechanical
2 technology, tailoring and textile technology, catering and hotel
3 management, creative arts including carving, wood, fine and industrial arts,
4 ceramics, interior decoration and sartorial arts as well as in other spheres of
5 learning, and for the purpose of carrying out that function, it shall be the duty
6 of the Institute so far as resources permit, to provide facilities for activities
7 including the following:

8 (a) courses of instruction and training (full time and part time)
9 leading to diplomas, higher diplomas, certificates and other distinctions in
10 scientific, technological and such other courses, research in the
11 development of technology as the Council may from time to time determine;

12 (b) special training courses whether leading to distinctions or not,
13 taking into account at all times the requirements of the Council and the
14 manpower needs of the country;

15 (c) work in the development of technology;

16 (d) conferences, seminars, study groups and like activities;

17 (e) such other activities as may in the opinion of the Council serve
18 to promote the objectives of the Institute.

19 **5.** So soon as may be after the commencement of this Act there
20 shall be established a Council to be known as "the Council" for the institute.

Establishment
of the Institute
Council

21 **6.** The Council shall consist of the following members:

Membership of
the Council

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

23 (b) The following other members, who are representatives of not
24 less than the position of a Director from:

25 (i) Ministry of Education;

26 (ii) Ministry of Finance;

27 (iii) Ministry of Economic Development;

28 (iv) Ministry of Trade, Industry and Co-operatives or their
29 designated representatives;

30 (c) The Rector of the Institute;

1 (d) A member of the Academic Board of the institute elected by that
2 body;

3 (e) Eight members to be appointed by the President as follows:

4 (i) A representative of the Chamber of Commerce to be appointed in
5 consultation with that body;

6 (ii) A representative of the Nigeria Society of Engineers to be
7 appointed in consultation with that body;

8 (iii) A representative of professional bodies whose disciplines are
9 taught at the Institute in consultation with such bodies;

10 (iv) A representative of a University to be elected by the Senate of that
11 University;

12 (v) Two representatives of industry;

13 (vi) Two distinguished public persons one of whom shall be a woman;

14 (vii) One person of standing in the community where the institute is
15 situate;

16 (viii) One representative of the academic board of the institute;

Visitation

17 7.-(1) The Minister of Education shall be the Visitor to the institute.

18 (2) The Visitor shall, not less than once in every five years, conduct a
19 visitation of the institute or appoint a Visitation Panel, consisting of not less
20 than five experts. To conduct the visitation:

21 (a) for the purpose of evaluating the academic and administrative
22 performance of the institute;

23 (b) for such other purpose or in respect of any other affairs of the
24 institute as the Visitor may deem fit.

25 PART 2 - STAFF

Registrar of the
Institute

26 8.-(1) There shall be a Registrar to the institute who shall be
27 responsible to the Rector for the day-to-day administration of the institute and
28 shall perform such other duties as the Councilor, as the case may be, the Rector
29 may from time to time require him to do.

30 (2) The Registrar shall be the secretary to the Council, the Academic

1 Board and any committee of the Council and shall attend all the meetings of
2 those bodies unless excused for good reason by the chairman of the Council.

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

6 (4) The secretary to the Council or a person appointed to act under
7 subsection (3) of this section shall not vote on any question before the
8 Councilor count towards a quorum unless he is so entitled as a member of
9 the Council.

10 **9.-(1) A Registrar:**

Tenure of office
of the Registrar

11 (a) shall hold office for a period of five years beginning from the
12 effective date of his appointment and on such terms and conditions as may
13 be specified in the letter of his appointment; and

14 (b) may be re-appointed for one further period of five years and no
15 more.

16 (2) Where on the commencement of this section, a Registrar shall
17 held office:

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

20 (b) for more than five years but less than ten years, he shall
21 complete the maximum period of ten years and thereafter relinquish his post
22 and be assigned other duties in the institute:

23 (c) for ten years or more, the Council may allow him to serve as
24 Registrar for a further period of one year only and thereafter he shall
25 relinquish his post and be assigned other duties in the institute.

26 **10.-(1) There shall be a Rector of the institute ("the Rector") who**
27 shall be appointed by the President in accordance with the provisions of this
28 section.

The Rector

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

30 (a) advertise the vacancy in a reputable journal or widely read

1 newspaper in Nigeria, specifying:

2 (i) the qualities of the person who may apply for the post; and

3 (ii) the terms and conditions of service applicable to the post, and

4 thereafter, draw up a short list of suitable candidates for consideration;

5 (b) constitute a Search Team consisting of:

6 (i) a member of the Council, not being a member of the Academic

7 Board, as Chairman;

8 (ii) two members of the Academic Board, not below the rank of Chief

9 Lecturer;

10 (iii) two members of the Academic Community of the college not

11 below the rank of Chief Lecturer, to be selected by Council, to identify and

12 draw up a short list of persons who are not likely to apply on their own volition

13 because they feel that it is not proper to do so,

14 (3) A Joint Council and Academic Board Selection Board consisting

15 of:

16 (a) the Chairman of the Council;

17 (b) two members of the Council not being members of the Academic

18 Board;

19 (c) two members of the Academic Board not below the rank of Chief

20 Lecturer, who were not members of the Search Team, shall consider the

21 candidates on the short list drawn up under subsection (2) of this section

22 through an examination of their curriculum vitae and interaction with them and

23 recommend, through the Council, to the President, three candidates for his

24 consideration.

25 (4) The President shall appoint, as Rector, one of the candidates

26 recommended to him under the provisions of subsection (3) of this section.

27 (5) Subject to this Act and the general control of the Council, the

28 Rector shall be the Chief Executive of the institute and shall be charged with

29 responsibility for matters relating to the day-to-day management operations of

30 the institute.

1 (6) The Rector:

2 (a) shall hold office for a period of four years beginning with the
3 effective date of his appointment and on such terms and conditions as may
4 be specified in his letter of appointment;

5 (b) may be re-appointed for a further period of four years and no
6 more.

7 **11.**-(1) There shall be for the institute a Deputy Rector. Deputy Rector

8 (2) The Council shall appoint the Deputy Rector from among the
9 chief lecturers in the institute in one of the following ways:

10 (a) from a list of three candidates, in order of preference, submitted
11 by the Rector; or

12 (b) on the recommendation of a Selection Board constituted under
13 this section for that purpose; or

14 (c) on the nomination of the Rector.

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

17 (a) consist of:

18 (i) the Chairman of the Council;

19 (ii) the Rector;

20 (iii) two members of the Council not being members of the
21 Academic Board;

22 (iv) two members of the Academic Board; and

23 (b) make such inquiries as it deems fit before making the
24 commendation required under that subsection.

25 (4) The Deputy Rector:

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

27 (b) act in the place of the Rector when the post of Rector is vacant
28 or if the Rector is for any reason absent or unable to perform his functions as
29 Rector; and

30 (c) perform such other functions as the Rector may, from time to

1 time, assign to him.

2 (5) The Deputy Rector:

3 (a) shall hold office for a period of two years beginning from the
4 effective date of his appointment and on such terms and conditions as may be
5 specified in his letter of appointment; and

6 (b) may be re-appointed for one further period of two years and no
7 more.

Other principal
officers of the
Institute

8 **12.**-(1) There shall be for the institute, other principal officers in
9 addition to the Registrar, that is:

10 (a) the Bursar; and

11 (b) the institute Librarian, who shall be appointed by the Council on
12 the recommendation of the Selection Board constituted under section 9 (2)(b)
13 of this Act.

14 (2) The Bursar shall be the Chief Financial Officer of the institute and
15 be responsible to the Rector for the day to day administration and control of the
16 financial affairs of the institute.

17 (3) The institute Librarian shall be responsible to the Rector for the
18 administration of the institute library and the co-ordination of the library
19 services in the teaching units of the institute.

20 (4) The Bursar or Librarian:

21 (a) shall hold office for a period of five years in the first instance and
22 on such terms and conditions as may be specified in his letter of appointment;

23 (b) may be re-appointed for a further period of five years and no more.

24 (5) Where on the commencement of this section, a Bursar or Librarian
25 has held office:

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

28 (b) for more than five years but less than ten years, he shall complete
29 the maximum period of ten years and thereafter relinquish his post and be
30 assigned other duties in the institute;

1 (c) for ten years or more, the Council may allow him to serve as
2 Registrar for a further period of one year only and thereafter he shall
3 relinquish his post and be assigned other duties in the institute.

4 **13.** A principal officer may resign his appointment:

Resignation of
appointment of
principal officers

5 (a) in the case of the Rector, by notice to the Visitor;

6 (b) And, by notice to the Council.

7 **14.**-(1) There shall be, for the institute, a Selection Board which
8 shall consist of:

Selection Board
for other principal
officers

9 (a) the chairman of the Council;

10 (b) the Rector;

11 (c) four members of the Council not being members of the
12 Academic Board;

13 (d) two members of the Academic Board.

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

17 **15.**-(1) The Council may appoint such other persons to be
18 employees of the institute as the Council may determine to assist the Rector
19 and the principal officers of the institute in the performance of their
20 functions under this Act.

Other employees
of the Institute

21 (2) The power to appoint all other employees of the institute shall
22 be exercised-

23 (a) in the case of senior employees, by the Council on the
24 recommendation of the Appointment and Promotions Committee set up
25 under the provisions of paragraph 3 (2) (a) of the Second Schedule to this
26 Act;

27 (b) in the case of junior employees, by the Rector on the
28 recommendation of the Junior Staff Appointments and Promotions
29 Committee constituted under paragraph 3 (2) (b) of the Second schedule to
30 this Act.

1 (3) Subject to the provisions of this Act, the remuneration, tenure of
2 office and conditions of service of the employees of the Council shall be
3 determined by the Council in consultation with the Federal Civil Service
4 Commission.

Application of
the Pensions
Reform Act

5 **16.**-(1) The Federal Civil Service Commission may by order
6 published in the Federal Gazette declare the office of the Rector or any other
7 person employed by the Council to be a pensionable office for the purposes of
8 the Pensions Reform Act.

9 (2) Nothing in the provisions of subsection (1) of this section shall
10 prevent the appointment of any person to any office on terms which preclude
11 the grant of a pension or gratuity in respect of service in that office.

12 PART 3 - ESTABLISHMENT OF THE ACADEMIC BOARD

The Academic
Board

13 **17.**-(1) There shall be established for the institute a board to be known
14 as the Academic Board which shall consist of the following members:

15 (a) the Rector of the institute, as the Chairman;

16 (b) the Deputy-Rector of the institute;

17 (c) all Heads of Departments;

18 (d) the institute Librarian; and

19 (e) not more than two members of the academic staff, other than heads
20 of departments, who may be appointed by the Academic Board.

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

22 (a) the direction and management of academic matters of the institute
23 including the regulation of admission of students, the award of certificates and
24 diplomas, higher diplomas, scholarships, prizes and other academic
25 distinctions;

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

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

1 PART 4 - TENURE OF OFFICE

2 18.-(1) If it appears to the Council that a member of the Council
3 (other than an ex-officio member) or the Rector should be removed from
4 office on the ground of misconduct or inability to perform the functions of
5 his office, the Council shall make a recommendation to that effect to the
6 President, and if the President, after making such inquiries as he considers
7 necessary, approves the recommendation, the President, shall, in writing,
8 declare the office of such member vacant.

Removal from
office of members
of the Council
and the Rector

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

12 19.-(1) If it appears to the Council that there are reasons for
13 believing that any person employed as a member of the academic,
14 administrative or technical staff of the institute, other than the Rector, should
15 be removed from office on the ground of misconduct or inability to perform
16 the functions of his office, the Council shall:

Removal and
discipline of
academic,
administrative
and technical
staff

- 17 (a) give notice of those reasons to the person in question;
18 (b) afford him an opportunity of making representations in person
19 on the matter to the Council; and
20 (c) if he or any three members of the Council so request within the
21 period of one month beginning with the date of the notice, make
22 arrangements:
23 (i) if he is an academic staff, for a joint committee of the Council
24 and the Academic Board to investigate the matter and to report on it to the
25 Council; or
26 (ii) for a committee of the Council to investigate the matter, where
27 it relates to any other member of the staff of the institute and to report on it to
28 the Council; and
29 (iii) for the person in question to be afforded an opportunity of
30 appearing before and being heard by the investigating committee with

1 respect to the matter, and if the Council, after considering the report of the
2 investigating committee, is satisfied that the person in question should be
3 removed as aforesaid, the Council may so remove him by an instrument in
4 writing signed on the directions of the Council.

5 (2) The Rector may, in a case of misconduct by a member of the staff
6 which in the opinion of the Rector is prejudicial to the interests of the institute,
7 suspend such member and any such suspension shall forthwith be reported to
8 the Council.

9 (3) For good cause, any member of staff may be suspended from
10 office or his appointment may be terminated by the Council, and for the
11 purpose of this subsection, "good cause" means:

12 (a) any physical or mental incapacity which the Council, after
13 obtaining medical advice, considers to be such as to render the person
14 concerned unfit for the discharge of the functions of his office; or

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

18 (c) conduct of a scandalous or other disgraceful nature which the
19 Council considers to be such as to render the person concerned unfit to continue
20 to hold his office; or

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

24 (4) Any person suspended pursuant to subsection (2) or (3) of this
25 section, shall be placed on half pay and the Council shall before the expiration
26 of the period of three months after the date of such suspension consider the case
27 against that person and come to a decision as to:

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

30 (b) whether to reinstate such person, in which case the Council shall

1 restore his full emoluments to him with effect from the date of suspension;
2 (c) whether to terminate the appointment of the person in question,
3 in which case such a person, will not be entitled to the proportion of his
4 emoluments withheld during the period of suspension; or
5 (d) whether to take such lesser disciplinary action against such
6 person (including the restoration of such proportion of his emoluments that
7 might have been withheld) as the Council may determine, and in any case
8 where the Council, pursuant to this section, decides to continue a person's
9 suspension or decides to take further disciplinary action against a person, the
10 Council shall before the expiration of a period of three months from such
11 decision come to a final determination in respect of the case concerning any
12 such person.

13 (5) It shall be the duty of the person by whom an instrument of
14 removal is signed in pursuance of subsection (1) of this section, to use his
15 best endeavors to cause a copy of the instrument to be served as soon as
16 reasonably practicable on the person in whom it relates.

17 (6) Nothing in the foregoing provisions of this section shall prevent
18 the Council from making such regulations for the discipline of other
19 categories of staff and workers of the polytechnic as it may think fit.

20 PART 5 - DISCIPLINE

21 **20.**-(1) Subject to the provisions of this section, where it appears to
22 the Rector that any student of the institute has been guilty of misconduct, the
23 Rector may, without prejudice to any other disciplinary powers conferred on
24 him by this Act or regulations made hereunder direct:

Discipline of
students

25 (a) that the student shall not during such period as may be specified
26 in the direction, participate in such activities of the institute, or make use of
27 such facilities of the institute, as he may specify; or

28 (b) that the activities of the student shall, during such period as may
29 be specified in the directions, be restricted in such manner as may be so
30 specified; or

1 (c) that the student be suspended for such period as may be specified
2 in the directions; or

3 (d) that the student be expelled from the institute.

4 (2) Where there is temporarily no Rector or where the Rector refuses
5 to apply any disciplinary measures, the Council, either directly or through
6 some other staff, may apply such disciplinary actions as are specified in
7 subsection (1) of this section to any student of the institute who is guilty of
8 misconduct.

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

16 (4) The fact that an appeal from a direction is brought in pursuance of
17 subsection (3) of this section shall not affect the operation of the direction while
18 the appeal is pending.

19 (5) The Rector may delegate his power under this section to a
20 disciplinary committee consisting of such members of the institute as he may
21 nominate.

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

25 (7) It is hereby declared that a direction under subsection (1)(a) of this
26 section may be combined with a direction under subsection (1) (b) of this
27 section.

28 (8) In all cases under this section, the decision of the Council shall be
29 final.

1 (3) The statement of accounts referred to in subsection (2) of this
2 section shall, when certified by the Rector, be audited by a firm of auditors
3 appointed from the list and in accordance with the guidelines supplied by the
4 Auditor-General of the Federation and shall be published in the annual report
5 of the institute.

Funds of the
Council

6 **23.** The funds of the Council shall include:

7 (a) fees charged by and payable to the Council in respect of students;

8 (b) any other amounts due to or recoverable by the Council;

9 (c) revenue from time to time accruing to the Council from the
10 Federal Government by way of subvention, grant-in- aid, endowment or
11 otherwise howsoever;

12 (d) donations and legacies accruing to the Council from any source
13 for the special purpose of the Council.

Donations for
particular purposes

14 **24.**-(1) Donations of money to be applied to any particular purpose
15 shall be placed to the credit of a special reserve account approved by the
16 Council until such time as they may be expended in fulfillment of such
17 purpose.

18 (2) No Council shall be obliged to accept a donation for a particular
19 purpose unless it approves of the terms and conditions attached to such
20 donation.

Payment into
bank

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

Annual report

24 **26.** The Council shall on or before 31 December in each year prepare
25 and submit to the President through the Minister, a report of the activities
26 during the preceding financial year and shall include in the report, the audited
27 accounts of the institute in respect of that financial year and the auditors'
28 comments on the account.

Power to make
bye-laws

29 **PART 7 - MISCELLANEOUS AND SUPPLEMENTAL**

30 **27.**-(1) The Council may make bye-laws relating to any matter within

1 its competence under this Act other than matters for which provision is to be
2 made by standing orders pursuant to paragraph 7 of the Schedule to this Act.

3 (2) All such bye-laws shall be in writing and shall come into force
4 when sealed with the seal of the Council unless some other date for their
5 commencement is prescribed therein.

6 (3) Nothing in subsection (2) of this section, shall make it
7 obligatory for the Council to publish any of the said bye-laws in the Federal
8 Gazette but the Council shall bring such bye-laws to the notice of all affected
9 thereby.

10 **28.** No person shall be required to satisfy requirements as to any of
11 the following matters, that is to say race (including ethnic grouping), sex,
12 place of birth or of the family origin or religious or political persuasion or as
13 a condition of becoming or continuing to be a student at the institute or as a
14 holder of any certificate of the institute, or of any appointment or
15 employment at the institute, or a member of anybody established by virtue
16 of this Act; and no person shall be subjected to any disadvantage or accorded
17 any advantage in relation to the institute by reference to any of those matters:

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

18 Provided that, nothing in this section shall be construed as
19 preventing the institute from imposing any disability or restriction on any of
20 the aforementioned persons where such a person willfully refuses or fails on
21 grounds of religious belief to undertake any duty generally and uniformly
22 imposed on all such persons or any group of them which duty, having regard
23 to its nature and the special circumstances pertaining thereto is, in the
24 opinion of the institute, reasonably justifiable in the national interest.

25 **29.** Subject to the provisions of paragraph 6 (2) of the Schedule to
26 this Act and any standing orders or bye-law made under this Act, the quorum
27 and procedure of any body of persons established by this Act shall be such as
28 may be determined by that body.

Quorum and
procedure of
bodies established
under this Act

29 **30.** In this Act, unless the context otherwise requires:

Interpretation

1 "The Academic Board" means the board establish under section 15 of this Act;
2 "Appointments and Promotions Committee" means a body by that name
3 established under paragraph 3 (2) (a) of the Schedule to this Act;
4 "financial year" means the period of twelve months commencing on the 1st day
5 of January of each year;
6 "head of academic unit" means the head of a designated academic unit of the
7 National Institute of Industrial Technology so designated by the Council of the
8 National Institute of Industrial Technology;
9 "Institute" means the respective institute set up under section 1 of this Act;
10 "Institute Council" means the governing board of the National Institute of
11 Industrial Technology, Kwale, Delta State established under Section 5 of this
12 Act;
13 "Junior Staff Appointments and Promotion Committee" means a body by that
14 name set up under paragraph 3 (2) (b) of the Schedule to this Act;
15 "Minister" means the Minister charged with responsibility for matters relating
16 to technical education;
17 "President" means the President of the Federal Republic of Nigeria;
18 "Registrar" means the Registrar of the institute appointed under section 8 (1) of
19 this Act.

Short title

20 **31.** This Bill may be cited as the National Institute of Industrial
21 Technology, Kwale, Delta State (Est., etc.) Bill, 2020.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

3 *Terms of office of members*

4 1.-(1) A member of the Council other than an ex-officio member
5 shall hold office for a period of three years beginning with the date on which
6 he was appointed and shall be eligible for re-appointment for a further term
7 of three years and thereafter he shall no longer be eligible for re-
8 appointment.

9 (2) Members of the Council holding office as specified in
10 paragraph 1 (1) of this Schedule, shall be paid remuneration or allowance in
11 accordance with rates specified from time to time by the National Council of
12 Ministers.

13 (3) A member of the Council holding office as specified in
14 paragraph 1 (1) of this Schedule may by notice in writing to the Minister
15 resign his office.

16 2.-(1) Where a vacancy occurs in the membership of the Council,
17 that vacancy shall be filled by the appointment of a successor to hold office
18 for the remainder of the term of office of his predecessor; so however that the
19 successor shall represent the same interest as his predecessor.

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

23 *Committees*

24 3.-(1) The Council may appoint one or more committees to which it
25 may delegate any of its functions.

26 (2) Without prejudice to the generality to sub-paragraph (1) of this
27 Schedule, the Council shall appoint the following committees, that is:

28 (a) the Appointments and Promotions Committee which shall
29 without prejudice to section 7 (4) of this Act:

30 (i) consist of a chairman to be appointed by the Rector from

1 members of the senior staff of the polytechnic and four other members who
2 shall be appointed by the Council;

3 (ii) be charged with the responsibility for making recommendations
4 to the Council on the appointment and promotion of the academic and senior
5 staff of the polytechnic and have a quorum of three members;

6 (b) the Junior Staff Appointments and Promotions Committee which
7 shall consist of a chairman and four other members to be appointed by the
8 Council and shall have the powers set out in sections 7 (5) and 14 of this Act;

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

11 (i) a chairman who shall be appointed by the Rector from among the
12 senior employees of the polytechnic;

13 (ii) one member of the Council;

14 (iii) two members of the academic staff of the institute; and

15 (iv) four students of the polytechnic, and the Committee on Students'
16 Affairs shall be charged with the duty of:

17 (i) considering any matter which relates to the welfare of students;

18 (ii) any other matter referred to it by either the Council or students of
19 the polytechnic;

20 (iii) any matter which the students wish to refer to the Council shall be
21 referred to the Committee on Students' Affairs in the first instance.

22 (3) No decision of a committee shall have effect unless it is confirmed
23 by the Council.

24 *Proceedings of the Council*

25 4.-(1) The Council shall meet for the conduct of business at such times
26 as the chairman of the Council may appoint but shall meet not less than twice in
27 a year.

28 (2) The chairman of the Council may at any time and shall at the
29 request in writing of not less than five members of the Council summon a
30 meeting of the Council.

1 (3) Particulars of the business to be transacted shall be circulated to
2 members with the notice of the meeting at least two weeks before the date of
3 the meeting.

4 5. Where the Council desires to obtain the advice of any person on
5 any particular matter, it may co-opt such person as a member for a meeting
6 whether or not expressly convened for the purpose of considering the
7 particular matter but no co-opted member shall be entitled to vote or shall
8 count towards quorum.

9 6.-(1) Every question put before the Council at a meeting shall be
10 decided by a simple majority of the members present and voting.

11 (2) Seven members shall form a quorum at any meeting of the
12 Council,

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

15 7. Subject as aforesaid, the Council may make standing orders
16 with respect to the holding of meetings, the nature of notices to be given, the
17 proceedings thereat, the keeping of minutes of such proceedings and the
18 custody and production for inspection of such minutes.

19 8. If the Chairman of the Council is absent from a meeting of the
20 Council, the members present shall elect one of their number to act as
21 chairman for the purposes of that meeting.

22 *Miscellaneous*

23 9. Any contract or instrument which if entered into by a person not
24 being a body corporate would not be required to be under seal, may in like
25 manner be entered into or executed on behalf of the Council by any person
26 generally or specifically authorized by it for that purpose.

27 10.-(1) The common seal of the Council shall not be used or affixed
28 to any document except in pursuance of a resolution duly passed at a
29 properly constituted meeting of the Council and recorded in the minutes of
30 such meeting.

1 (2) The fixing of the seal of the Council shall be authenticated by the
2 signature of the Chairman of the Council and some other member authorized
3 generally or specifically by the Council to act for that purpose.

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

7 11. Any member of the Council or a committee thereof who has a
8 personal interest in any contract or arrangement entered into or proposed to be
9 considered by the Council or a committee thereof, shall forthwith disclose his
10 interest to the Council and shall not vote on any question relating to such
11 contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish National Institute of Industrial Technology, Kwale,
to provide for its functions and management.