

NATIONAL METALLURGICAL TRAINING INSTITUTE, ONITSHA

(ESTABLISHMENT) BILL, 2021

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SCHEDULE

A BILL EXECUTIVE
FOR

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

[] Commencement

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

1 PART I - ESTABLISHMENT, OBJECTIVES AND FUNCTIONS OF THE
2 NATIONAL METALLURGICAL TRAINING INSTITUTE, ONITSHA

3 1.-(1) There is established the National Metallurgical Training
4 Institute, Onitsha (in this Act referred to as "the Institute").

Establishment of the National Metallurgical Training Institute, Onitsha

5 (2) The Institute-

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 acquire, hold and dispose of any property for the purpose
10 of carrying out its functions under this Act

11 2. The objectives of the Institute are to-

Objectives of the Institute

12 (a) establish, organize and run training courses for low and middle
13 level manpower for the iron, gas, oil, steel and related industries in the area
14 of welding technique and maintenance engineering; and

15 (b) minimize the need to send Nigerians overseas for professional
16 training in Metallurgy.

17 3.-(1) There is established for the Institute a Governing Board (in
18 this Act referred to as "the Board") which shall be approved by the president.

Governing Board of the Institute

19 (2) The Board shall consist of-

- 1 (a) A Chairman to be appointed by the President on the
2 recommendation of the Minister;
- 3 (b) one representative of the-
- 4 (i) Federal Ministry responsible for Mines and Steel Development,
5 (ii) Federal Ministry responsible for Education,
6 (iii) National Board for Technical Education,
7 (iv) Manufacturer's Association of Nigeria (Steel Group), and
8 (v) Nigerian Metallurgical Society;
- 9 (c) the Rector of the Institute;
- 10 (d) two persons to be appointed by the Minister on the approval of the
11 President who by reason of their ability, experience and specialized knowledge
12 of the Metallurgical and Allied Industries are capable of making useful
13 contributions to the work of the Institute; and
- 14 (e) the Registrar of the Institute who shall also be the Secretary to the
15 Board.

16 (3) The Chairman and members of the Board, who are not ex-officio
17 members, shall be appointed by the President on the recommendation on the
18 Minister.

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

22 4.-(1) The Chairman shall hold office for a term of four years and may
23 be re-appointed by the President for a further term of four years and no more.

24 (2) A member of the Board, other than an ex-officio member, shall
25 hold office for a term of four years and may be re-appointed for a further term of
26 four years and no more.

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

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

Tenure of office
of members of
the Board

Remuneration
of members of
the Board

1 Government from time to time.

2 6.-(1) The Chairman or any member of the Board may be removed
3 for misconduct or inability to perform the functions of his office.

Removal from
office of a member
of the Board

4 (2) Where it appears to the Minister that a member of the Board
5 should be removed on ground of misconduct or inability to perform the
6 functions of his office, the Minister shall make recommendation for such
7 removal to the President.

8 (3) Where the President, after making such inquiries as he
9 considers necessary approves the recommendation, he shall remove such
10 member from office.

11 (4) A member of the Board may resign his appointment by a letter
12 to the President through the Minister.

13 7. The Functions of the Institute are to -

Functions of the
Institute

14 (a) engage in the training of low and middle level manpower in
15 metallurgy and related fields in the use of iron, gas, oil and steel industries
16 for national development;

17 (b) conduct courses in metallurgy and related subjects for students
18 and provide them with practical exercises;

19 (c) provide relevant information, supervision guidance and advice
20 to personnel in iron, gas, oil and steel industries; and

21 (d) carry out other activities as are necessary and expedient for the
22 full discharge of any of its functions under this Act.

23 8.-(1) The Board shall-

Functions and
Powers of the
Board

24 (a) subject to the provisions of this Act, be charged with the general
25 control and supervision of the policy, staff, finances and property of the
26 Institute;

27 (b) ensure that the Institute is staffed by persons with competencies
28 in relevant fields;

29 (c) ensure that proper accounts of the Institute are kept and that
30 those accounts are audited annually as specified in this Act;

1 (d) control courses of study of the Institute and the examinations held
2 in those courses; and

3 (e) do such other things as are necessary for the successful
4 performance of its functions and those of the Institute.

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

8 (3) A committee appointed pursuant to the provisions of subsection
9 (2) of this section shall be presided over by a member of the Board, and shall
10 consist of such number of persons who are not necessarily members of the
11 Board as the Board may determine.

12 9. For the effective carrying out its objectives and functions under this
13 Act, the Institute shall have power to-

14 (a) establish such units and departments within the Institute as may,
15 from time to time, be deemed necessary;

16 (b) institute and award fellowships, scholarships, bursaries, medals,
17 prizes and other awards;

18 (c) provide for the discipline and welfare of the staff and students of
19 the Institute;

20 (d) hold examinations and award diplomas, certificates and other
21 distinctions to persons approved by the Institute as having satisfied the
22 requirements of the Institute;

23 (e) determine and demand from any student or any other person
24 attending the Institute for the purpose of instruction and training, such fees as
25 the Institute may, from time to time fix;

26 (f) enter into contracts, establish trusts, act as trustees solely or jointly
27 with any other person and employ and act through agents;

28 (g) erect, provide, equip and maintain libraries, lecture halls or
29 residences, sports grounds, dining halls and other buildings suitable for the
30 objectives of the Institute;

1 (h) undertake publishing and book sales and liaise with other
2 professional bodies and institutions in respect of book publishing for
3 activities suitable for the objectives of the Institute;

4 (i) subject to any limitations or conditions imposed by this Act,
5 invest any money accruing to the Institute by way of endowment, whether
6 for general or special purposes and such other money as may not be
7 immediately required for current expenditure in investments, securities or in
8 the purchase or improvement of land, with power from time to time to vary
9 such investment;

10 (j) make gifts for any charitable purposes and donations to
11 professional bodies; and

12 (k) do all other things that are necessary and incidental to giving
13 full effect to the provisions of this Act.

14 PART II - STAFF OF THE INSTITUTE

15 10.-(1) The Principal Officers of the Institute shall consist of-

Appointment of
Principal Officers
of the Institute

16 (a) the Rector;

17 (b) the Director of Studies;

18 (c) the Registrar;

19 (d) the Bursar;

20 (e) the Librarian; and

21 (f) such other Officers as may from time to time be appointed and
22 removed from office on the approval of the Minister.

23 (2) The Principal Officers of the Institute other than the Rector
24 shall be appointed by the Board.

25 11.-(1) There shall be appointed for the Institute by the President)
26 on the recommendation of the Minister) a Rector) who shall be a graduate of
27 a recognized university and has since his qualification been actively
28 employed or engaged in the metallurgical or allied industry in managerial
29 capacity for a continuous period of not less than ten years.

Appointment of
Rector of the
Institute

30 (2) The Rector shall be the Chief Academic and Chief Executive

1 Officer of the Institute and shall be responsible for the day to day
2 administration of the Institute.

3 (3) The Rector shall hold office for a term of four years and shall be
4 eligible for re-appointment for another term of four years and no more.

5 (4) Subject to the provisions of this section) the Rector shall hold
6 office on such terms as may be specified in his letter of appointment.

The Director
of Studies

7 12.-(1) There shall be a Director of Studies who shall be responsible
8 to and assist the Rector of the Institute in the execution of his duties.

9 (2) Subject to the provisions of subsection (1) of this section, the
10 Director of studies shall be in charge of co-coordinating the activities of the
11 Heads of Departments in training, collation and publication of course materials
12 of the Institute.

13 (3) The Director of Studies shall be appointed by the Board on the
14 recommendation of the Rector and shall hold office on such terms as may be
15 specified in his letter of appointment.

The Registrar
of the Institute

16 13. There shall be for the Institute, a Registrar who shall be the Head
17 of Administration of the Institute and shall be responsible to the Rector for the
18 day-to-day administration of the Institute.

The Bursar of
the Institute

19 14.-(1) The Bursar shall be the Chief Finance Officer of the Institute
20 and shall be responsible to the Rector for the day-to-day administration and
21 control of the financial affairs of the Institute.

22 (2) Any person to be appointed to the office of the Bursar shall have
23 appropriate qualification with cognate experience in financial matters and
24 shall be a member of a relevant and recognized professional body.

25 (3) The Bursar shall hold office for such period and on such terms and
26 conditions, as to emoluments as may be specified in his letter of appointment.

The Librarian
of the Institute.

27 15.-(1) The Librarian shall be responsible to the Rector for the
28 administration of the Institute's libraries.

29 (2) Any person to be appointed to the office of the Librarian shall be a
30 certified librarian with cognate experience in Library matters and member of

1 the Library Council of Nigeria.

2 (3) The Librarian shall hold office for such period and on such
3 terms and conditions as to emoluments as may be specified in his letter of
4 appointment

5 16.-(1) The Board may, from time to time appoint for the Institute,
6 such other staff as it may deem necessary, to assist the Rector in the
7 performance of his functions under this Act.

Appointment of
other employees
of the Institute

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

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

Condition of
Service of
employees of
the Institute

15 18.-(1) If it appears to the Board that the Rector should be removed
16 from office on grounds specified under section 6 of this Act, the Board shall
17 make a recommendation to the Minister, who after making such inquiries as
18 he may deem fit, approve the recommendation.

Removal from
office of the Rector

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

21 19.-(1) If it appears to the Board that there are reasons for believing
22 that a person employed as a Principal Officer of the Institute, other than the
23 Rector, should be removed from office on grounds of misconduct or
24 inability to discharge the functions of his office, the Board through its
25 appropriate committee shall-

Removal and
Discipline of
Principal Officers

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

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

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

1 notice, make arrangements-

2 (i) for the Appointments and Promotion Committee of the Board or an
3 Ad-Hoc Committee of the Board to investigate the matter and report to the
4 Board, and

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

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

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

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

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

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

21 (c) conduct which the Board considers to be such as to constitute a
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 (5) A person suspended pursuant to sub-section (3) of this section
25 shall be placed on half pay and the Board shall within six months of suspension
26 come to a decision as to whether to-

27 (a) continue with that person's suspension;

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

30 (c) terminate that person's appointment, in which case the person shall

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

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

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

9 (7) The Board may make regulations from time to time for the
10 discipline of other categories of employees and workers of the Institute as it
11 may think fit.

12 20.-(1) Where a junior member of staff is accused of misconduct or
13 inefficiency, the Rector may suspend him for not more than three months
14 and shall refer the matter to the Junior Staff Disciplinary Committee to make
15 recommendations as to the appropriate action to be taken by the Rector.

Discipline of
Junior Staff

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

19 (3) The Rector may, after considering the recommendation made
20 pursuant to subsection (1) of this section, downgrade, retire or dismiss the
21 junior officer or terminate the appointment.

22 (4) A person aggrieved by a decision of the Rector under sub-
23 section (3) of this section may, within a period of 21 days from the date of
24 receipt of the letter communicating the decision to him, address a petition to
25 the Board to reconsider his case and the Board's decision thereon shall be
26 final.

27 21.-(1) Service in the Institute shall be approved service for the
28 purpose of the Pension Reform Act, and accordingly, officers and other
29 persons employed in the Institute shall in respect of their service in the
30 Institute, be entitled to pension, and other retirement benefits, provided that

Service in the
Institute to be
Pensionable

1 nothing in this Act shall prevent the appointment of a person to any office on
2 terms which preclude the grant of a pension in respect of that office.

3 (2) For the purpose of the application of the provisions of the Pension
4 Reform Act, any power exercisable thereunder by a Minister or other authority
5 of the Government of the Federation, other than the power to make regulations
6 under section 23 thereof is hereby vested in and shall be exercisable by the
7 Board and not by any other authority.

8 PART III - ACADEMIC BOARD OF THE INSTITUTE

9 22.-(1) There is established for the Institute an Academic Board
10 which shall consist of- (a) the Rector of the Institute as Chairman;

11 (b) the Director of Studies;

12 (c) all Heads of Department;

13 (d) two members elected by the Congregation;

14 (e) the Librarian; and

15 (f) the Registrar of the Institute who shall be the Secretary to the
16 Academic Board.

17 (2) The Rector shall preside at the meetings of Academic Board and in
18 his absence the Director of Studies shall preside but in their absence the
19 members present shall elect one of their number to preside at the meeting.

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

21 (4) Subject to sub sections (2) and (3) of this section, the Academic
22 Board shall regulate its own procedure.

23 23. Subject to the provisions of this Act, the Academic Board shall
24 formulate, regulate and continuously evaluate the academic programmes of the
25 Institute including-

26 (a) the organization and control of courses of study and the
27 examination held in connection with those courses;

28 (b) the award of diplomas, certificates and such other qualifications as
29 may be prescribed in connection with examination held as aforesaid.

Establishment
of the Academic
Board of the
Institute

Functions of the
Academic Board

1 (c) Such other functions as the Board may from time to time assign
2 to it.

3 24.-(1) The Institute shall create such departments as may be
4 necessary from time to time. Creation of
Departments

5 (2) Each academic department shall have a Departmental Board.

6 (3) Each academic department shall elect from its members, five
7 members to serve on its Departmental Board, two of such persons being
8 elected as Chairman and Secretary respectively, and all members so elected
9 to the Departmental Board shall each hold office for a period of two
10 academic sessions.

11 (4) Subject to such standing orders that may be made by the
12 Academic Board for that purpose, each Departmental Board may carry out
13 its duties as it deems fit.

14 (5) Each academic Department shall appoint a board of examiners
15 and that board shall be charged with the conduct of examination under this
16 section and thereafter make its recommendations to the Academic Board.

17 (6) Members of the Departmental Board and board of examiners
18 shall not be entitled to any emoluments other than expenses reasonably
19 incurred in the course of the business of the Departmental Board or the board
20 of examiners, respectively.

21 25. Any candidate for any examination shall satisfy the appropriate
22 Departmental Board that he is- Candidates for
Examination

23 (a) a registered student of the Institute; and

24 (b) in possession of and is therein named as the holder of a
25 certificate that qualified him for admission to the Institute.

26 26. Diplomas and certificates shall be awarded to students of the
27 Institute who are of good character and learning and who have passed the
28 examinations prescribed by the Academic Board for the award of same. Award of Diplomas
and Certificates

29 27.-(1) There shall be for the Institute a body known as Congregation
30 Congregation which shall consist of-

1 (a) the Rector;
2 (b) the Director of Studies;
3 (c) members of the Academic Boards;
4 (d) the Registrar;
5 (e) the Bursar;
6 (f) the Librarian; and
7 (g) every member of staff who holds a minimum of Higher National
8 Diploma or its equivalent from a recognized institution.

9 (2) The Rector shall be the Chairman at all meetings of congregation
10 when present, and in his absence such other member of congregation present at
11 the meeting, as congregation may appoint, shall be the Chairman at the
12 meeting.

13 (3) The quorum of congregation shall be one third (or the number
14 nearest to one third) of the total number of members of congregation whichever
15 is less.

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

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

22 PART IV - FINANCIAL PROVISIONS

23 28.-(1) The Institute shall establish and maintain a fund.

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

26 (a) such monies as may, from time to time, be granted to the Institute
27 by the government of the federation or of a state or any of their agencies;

28 (b) all monies raised for the purposes of the Institute by way of gifts,
29 grant-in-aid, testamentary disposition or otherwise;

1 (c) all subscriptions or fees, and charges for services rendered by
2 the Institute;

3 (d) all interests received in respect of monies invested by the
4 Institute; and

5 (e) such other monies as may from time to time accrue to the
6 Institute.

7 (3) The fund shall be managed in accordance with guidelines given
8 by the Minister and without prejudice to the generality of the power to give
9 guidelines under this subsection, the guidelines shall in particular contain
10 such provisions specifying the manner in which the assets of the Institute are
11 to be held, and regulating the making of payments into and out of the fund.

12 29. The Institute may, from time to time, apply the Fund
13 established under subsection (1) of this section-

Expenditure of
the Institute

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

16 (b) for reimbursing a member of any Committee set up by the
17 Institute for expenses expressly authorized by the Institute;

18 (c) for the provision of scholarships and other awards for the
19 training of staff of the Institute;

20 (d) for the payment of salaries, fees or other remuneration,
21 allowances, pensions or superannuation payable to the employees of the
22 Institute.

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

24 30.-(1) The Institute may accept gifts, legacies and donations of
25 land, money or other property, on such terms and conditions, if any, as may
26 be specified by the person or organization making the gift.

Power of accept
gifts

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

Power to borrow

1 31.-(1) The Institute may, with the consent of the Minister or in
2 accordance with the general authority given by the Federal Government,
3 borrow by way of loan or overdraft, from any source, any monies required by
4 the Institute for meeting its obligations and discharging its functions under this
5 Act, provided that no such consent or authority shall be required, where the
6 sum or the aggregate of the sums involved at anyone time does not exceed the
7 limit set by the Minister.

8 (2) Notwithstanding the provisions of subsection (1) of this section,
9 where the sum to be borrowed is in foreign currency, the Institute shall not
10 borrow the sum without the prior approval of the Minister.

Annual Estimate,
Accounts and
Audit

11 32.-(1) The Board shall cause to be prepared, not later than 30th
12 September in each year, an estimate of the expenditure and income of the
13 Institute during the next succeeding year, and when prepared, they shall be
14 submitted to the Minister through the Board.

15 (2) The Board shall cause to be kept proper accounts of the Institute
16 and proper records in relation thereto and when certified by the Board the
17 accounts shall be audited as provided in subsection (3) of this section.

18 (3) The accounts of the Institute shall be audited within six months
19 after the end of each year by auditors appointed by the Board from the list and
20 in accordance with the guidelines supplied by the Auditor General for the
21 Federation, and the fees of the auditors generally shall be paid from the funds of
22 the Institute.

Annual Report

23 33. The Board shall, not later than 31st July in each year, submit to the
24 President report, in such form as the President may, from time to time, direct on
25 the activities of the Institute during the preceding year, and shall include in the
26 report the audited accounts of the Institute.

27 PART V - MISCELLANEOUS PROVISIONS

Discoveries,
Inventions and
Improvements

28 34.-(1) Subject to the provisions of this Act, the results of all
29 researched discoveries, inventions and improvements in respect of processes,
30 apparatus and machines made by-

1 (a) employees and Student of the Institute; and

2 (b) persons assisting the Institute with any investigation or
3 research, shall vest in the Institute.

4 (2) Where the rights in any discoveries, inventions or
5 improvements are vested in the Institute by virtue of subsection (1) of this
6 section, the Board may award to the person responsible for the discoveries,
7 inventions or improvements such bonus as it deems fit and make provisions
8 for financial participation by him in the profits derived from such
9 discoveries, inventions or improvements to such extent as the Minister may
10 determine.

11 (3) The provisions of this section shall not apply in respect of a
12 discovery or an invention or improvement contemplated in subsection (1) of
13 this section, if in the opinion of the Board such discovery, invention or
14 improvement was not made by the person—

15 (a) in the course of his employment as an employee of the Institute;

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

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

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

22 35. The Minister may give to the Institute or the Board, directives
23 of a general nature or relating generally to matters of relating to policy and
24 the performance of any function by the Institute or the Board and it shall be
25 the duty of the Institute or the Board to comply with those directives.

Powers of the
Minister to give
directives

26 36.-(1) For the purpose of providing offices and premises
27 necessary for the performance of its functions, the Institute may—

Office and
Premises

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

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

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

Provision of
Library services

4 37. The Institute shall establish and maintain a library comprising
5 such books, records, reports and other publications as may be directed by the
6 Board for the advancement of knowledge in the areas of work undertaken by it,
7 for research purposes and for other purposes connected with the functions
8 conferred on the Institute under this Act.

Procedure in
respect of suit
against the
Institute etc.

9 38.-(1) No suit against the Institute, a member of the Board or an
10 employee of the Institute for any act done in pursuance or execution of any law
11 of any public duties or in respect of any alleged neglect or default in the
12 execution of such law or duties shall lie or be instituted in any court unless it is
13 commenced within twelve months after the act, neglect or default complained
14 of or, in the case of a continuance of damage or injury, within twelve months
15 after the ceasing thereof.

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

20 (a) cause of action;

21 (b) particulars of the claim;

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

23 (d) relief which he claims.

Service of
documents

24 39. The notice referred to in section 38 (2) of this Act and any
25 summons, notice or other document required or authorized to be served upon
26 the Institute under the provisions of this Act or any other law may be served by
27 delivering the same to the Chairman or the Rector or by sending it by registered
28 post addressed to the Rector at the principal office of the Institute.

Indemnity of
members of the
Board and
employees of
the Institute

29 40. Every member of the Board, agent, auditor or employee for the
30 time being of the Institute shall be indemnified out of the assets of the Institute

1 against any liability incurred by him in defending any proceeding whether
2 civil or criminal, if any such proceeding is brought against him in his
3 capacity as such member, agent, auditor or employee.

4 41.-(1) The Board may, with the approval of the Minister, make
5 regulations for giving effect to the provisions of this Act and without
6 prejudice to the foregoing the regulations shall provide for matters including
7 the-

Power to make
regulations

8 (a) entry into and the type of courses and programmes approved by
9 the Institute;

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

11 (c) degrees, diplomas, or certificates if any to be awarded by the
12 Institute.

13 (2) Any regulations made pursuant to subsection (1) of this section
14 shall be published in the Federal Gazette.

15 42.-(1) The Metallurgical Training Institute, Onitsha (in this Act
16 referred to as "the reconstituted Institute") is reconstituted as the National
17 Metallurgical Training Institute, Onitsha in accordance with the provisions
18 of this Act.

Transitional
provisions

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

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

29 (4) Anything made or done or having effect as if made before the
30 commencement of this Act by the reconstituted institute and having any

1 resulting or continuing effect shall be treated as from the commencement of
2 this Act as if it were made or done by the Institute.

Interpretation

3 43. In this Act-

4 "Act" means the National Metallurgical Training Institute Onitsha, Act;

5 "Academic Board" means the Academic Board established pursuant to Section
6 22 of this Act;

7 "Board" means the Board of the Institute;

8 "Chairman" means the Chairman of the Board of the Institute;

9 "Institute" means the National Metallurgical Training Institute, Onitsha,
10 established under Section 1 of this Act;

11 "maintenance engineering" means mechanical maintenance, industrial
12 electrics, instrumentation and control, heavy mobile equipment maintenance
13 and industrial metallurgy;

14 "Member" means a member of the Board and includes the Chairman.

15 "Minister" means the Minister charged with responsibility for metals
16 industries;

17 "President" means the President of the Federal Republic of Nigeria;

18 "Principal Officer" means the Principal Officers of the Institute appointed
19 under this Act;

20 "Rector" means the Rector of the Institute appointed under this Act.

Short title

21 44. This Bill may be cited as the National Metallurgical Training
22 Institute, Onitsha (Establishment) Bill, 2021.

1 SCHEDULE

2 [Section 3 (4)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC

4 *Proceedings of the Board*

5 (1) Subject to the provisions of this Act and Section 27 of the
6 Interpretation Act, the Board shall have power to regulate its proceedings
7 and may make standing orders with respect to holding of its meetings and
8 those of any of its committees, the notice to be given, the proceedings
9 thereat, the keeping of minutes of those proceedings and the custody and
10 production for inspection of the minutes.

11 (2) The quorum of the Board shall be five and the quorum of a
12 committee of the Board shall be determined by the Board.

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

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

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

26 *Committees*

27 (6) The Board may appoint one or more committees to carry out on
28 behalf of the Board, such of its functions as the Board may determine.

29 (7) A committee appointed under this schedule shall consist of
30 such number of persons (not necessarily members of the Board) as may be

1 determined by the Board; and a person other than a member of the Board shall
2 hold office on the committee in accordance with the terms of his appointment.

3 (8) A decision of a committee of the Board shall be of no effect until it
4 is confirmed by the Board.

5 *Miscellaneous*

6 (9) (1) The fixing of the seal of the Institute shall be authenticated by
7 the signature of the Chairman and the Rector.

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

11 (10) The validity of the proceedings of the Board or any of its
12 committees shall not be affected by-

13 (a) a vacancy in the membership of the Board or of the committee;

14 (b) reason that a person not entitled to do so took part in the
15 proceedings; or

16 (c) a defect in the appointment of a member.

17 (11) A member of the Board and a person holding office on a
18 committee of the Board, who has a personal interest in any contract or
19 arrangement entered into or proposed to be considered by the Board or the
20 Committee;

21 (a) Shall forthwith disclose his interest to the Board or Committee, as
22 the case may be; and

23 (b) Shall not vote on any question relating to contract or arrangement.

EXPLANATORY MEMORANDUM

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

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

