

CHAPTER 237

NATIONAL BOARD FOR TECHNICAL
EDUCATION ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 237

NATIONAL BOARD FOR TECHNICAL
EDUCATION ACT

977 No. 9. **An Act to establish the National Board for Technical Education as a body corporate to advise the Federal Government on all aspects of technical education which falls outside the scope of the Universities and other matters ancillary thereto.**

Commence-
ment.

[11th January, 1977]

Establishment, etc. of National Board for Technical Education

Establish-
ment of the
National
Board for
Technical
Education.

1. (1) There is hereby established a body to be known as the National Board for Technical Education (hereinafter referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

Member-
ship of the
Board.

2. (1) The Board shall consist of a Chairman and the following other members, that is—

(a) six members appointed to represent industrial, commercial and professional interests in such a way that at least one person each is appointed to represent the following bodies, that is to say—

(i) trade unions and national associations of employees,

(ii) national associations of employers,

(iii) national organisations representing women's interests;

(b) two representatives of polytechnics and colleges of technology;

- (c) one representative each of vocational training institutions and technical teacher institutions;
- (d) one representative each of the following Federal Ministries, that is—
 - (i) Education;
 - (ii) Employment, Labour and Productivity;
 - (iii) Finance and Economic Development (National Manpower Board);
- (e) five representatives of the States as nominated one each by the Governor of the State concerned and appointed by the Minister to represent the States in rotation for two years at a time, so however that no two of them shall come from the same State;
- (f) one representative each of the Industrial Training Fund and the National Science and Technology Development Agency;
- (g) two members appointed on individual merit and having special knowledge and experience of technical education; and
- (h) the Executive Secretary who shall be an *ex-officio* member of the Board but shall not have the right to vote at meetings of the Board.

(2) The Chairman and other members of the Board, other than the members under paragraphs (d) and (h) of subsection (1) of this section, shall be appointed by the Minister with the approval of the National Council of Ministers.

3. (1) Subject to the provisions of this Act, a person appointed to be a member of the Board, not being a public officer or appointed under paragraph (e) of section 2(1) of this Act, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment. Tenure of office.

(2) Any member, not being a public officer, may resign his appointment by a notice in writing under his hand addressed to the Minister.

(3) Members of the Board, not being public officers, shall be paid such remuneration and allowances as the National Council of Ministers may determine.

Removal
from office
of member
of the
Board.

4. (1) The Minister may at any time remove any member of the Board from office if he is of the opinion that it is not in the interest of the Board for the member to continue in office and shall notify the member in writing to that effect.

(2) Where the Board is satisfied that the continued presence on the Board of any member is not in the national interest or the interest of the Board, the Board may recommend to the Minister that the member concerned be removed from his office.

Functions
of the
Board.

5. The functions of the Board shall be—

(a) to advise the Federal Government on, and to co-ordinate all aspects of, technical and vocational education falling outside the universities and to make recommendations on the national policy necessary for the full development of technical and vocational education for the training of technicians, craftsmen and other middle-level and skilled manpower;

(b) to determine, after consultation with the National Manpower Board, the Industrial Training Fund and such other bodies as it considers appropriate, the skilled and middle-level manpower needs of the country in the industrial, commercial and other relevant fields for the purpose of planning training facilities and in particular to prepare periodic master plans for the balanced and co-ordinated development of polytechnics and colleges of technology and such plans shall include—

(i) the general programmes to be pursued by polytechnics and colleges of technology in order to maximise the use of available facilities and avoid unnecessary duplication while ensuring that they are adequate to the manpower needs of the country, and

(ii) recommendations for the establishment and location of new polytechnics and colleges of technology as and when considered necessary;

- (c) to inquire into and advise the Federal Government on the financial needs, both recurrent and capital, of polytechnics and colleges of technology and other technical institutions to enable them meet the objective of producing the trained manpower needs of the country;
- (d) to receive block grants from the Federal Government and allocate them to polytechnics and colleges of technology in accordance with such formula as may be laid down by the National Council of Ministers;
- (e) to act as the agency for channelling all external aid to polytechnics and colleges of technology in Nigeria;
- (f) to advise on, and take steps to harmonise entry requirements and duration of courses at technical institutions;
- (g) to lay down standards of skill to be attained and to continually review such standards as necessitated by technological and national needs;
- (h) to review methods of assessment of students and trainees and to develop a scheme of national certification for technicians, craftsmen and other skilled personnel in collaboration with Ministries and organisations having technical training programmes;
- (i) to undertake periodic reviews of the terms and conditions of service of personnel in polytechnics and colleges of technology and to make recommendations thereon to the Federal Government;
- (j) to collate, analyse and publish information relating to technical and vocational education;
- (k) to consider any matter pertaining to technical or technological education as may be referred to it from time to time by the Minister; and
- (l) to carry out such other activities as are conducive to the discharge of its functions under this Act.

6. In its role of advising on all aspects of technical education, the Board shall make recommendation as to how best—

- (a) to stimulate and encourage pre-vocational and general technical education in secondary schools not only as a basis for creating early technological awareness, but also to provide suitable orientation for further education and

Provisions supplementary to section 5.

training in technology and to provide direct practical skills for earning a living;

- (b) to inculcate in the public the attitude of respect for, and as appreciation of, the role of technology in society;
- (c) to advise on and take measures to improve the immediate and long term prospects of technicians and technical teachers with respect to status and remuneration;
- (d) to expand the facilities for the training of technical teachers and ensure that these teachers are exposed, both during and after training, to industrial experience;
- (e) to involve experts both in government and industry in the design of courses relevant to the practical needs of the country in all fields; and
- (f) to provide encouragement for women to enter a wider range of fields of technical education.

Executive
Secretary to
the Board.

7. (1) There shall be appointed by the National Council of Ministers on the recommendation of the Minister, an Executive Secretary who shall have appropriate qualifications.

(2) The Executive Secretary shall be the chief executive officer of the Board and shall be responsible for the execution of the policy of the Board and the day-to-day running of the affairs of the Board.

(3) The Executive Secretary shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further terms as the National Council of Ministers may determine.

(4) Subject to this section, the Executive Secretary shall hold office on such terms as to emolument and otherwise as may be specified in his letter of appointment, and as may from time to time be approved by the National Council of Ministers.

Staff of the
Board.

8. (1) The Board may appoint other employees of the Board to assist the Executive Secretary in the exercise of his functions.

(2) The remuneration and tenure of office of the other employees of the Board shall be determined by the Board after consultation with the Federal Civil Service Commission.

(3) Notwithstanding the provisions of subsection (1) of this section, employees of the Board may be appointed by the Board by way of transfer or secondment from any of the civil services of the Federation.

9. (1) The Federal Civil Service Commission may by order published in the Federal *Gazette* declare the office of any person employed by the Board to be a pensionable office for the purposes of the Pensions Act. Application of Pensions Act. Cap. 346

(2) Subject to subsections (3) and (4) of this section, the Pensions Act shall in its application by virtue of the foregoing subsection to any office have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria. Cap. 62

(3) For the purpose of the application of the Pensions Act in accordance with subsection (2) of this section—

- (a) paragraph (1) of section 7 of that Act (which confers on the Minister power to waive the requirement to give notice of desire to retire at the age of forty-five) shall have effect as if for the references to the Minister there were substituted references to the Board; and
- (b) the power under section 9(1) of the Act to require an officer to retire at any time after attaining the age of forty-five, subject to his being given six months' notice in writing, shall be exercisable by the Board and not by any other authority.

(4) Nothing in the foregoing provisions shall prevent the appointment by the Board of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

Finance

10. (1) There shall be established by the Board, a fund to be known as the National Board for Technical Education Fund. Establishment of the National Board for Technical Education Fund.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section—

- (a) such sums as may be made available to the Board for the purpose of making grants to polytechnics and

colleges of technology in pursuance of paragraph (d) of section 5 of this Act; and

(b) such sums as may from time to time be credited to the fund by way of payment of the principal and interest on and other charges in respect of any loan made out of the fund, and also any interest from investments made from the fund.

(3) The fund shall be managed in accordance with rules made by the Minister for Finance and Economic Development; and, without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions—

- (i) specifying the manner in which the assets of the funds are to be held, and regulating the making of payments into and out of the fund;
- (ii) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules;
- (iii) requiring copies of the accounts to be audited periodically by the Auditor-General of the Federation; and
- (iv) requiring copies of accounts and of the auditor's report on them to be furnished to the National Council of Ministers through the Minister.

Maintenance
of separate
fund by the
Board.

11. (1) The Board shall establish and maintain a separate fund from which shall be defrayed all expenditure incurred by the Board except such expenditure as may be incurred pursuant to section 10 of this Act.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section such payments as may be made to it by the Federal Government for the running expenses of the Board and all other assets from time to time accruing to the Board otherwise than in pursuance of section 10 of this Act.

Expenditure
of the
Board.

12. The Board may, from time to time, apply the proceeds of the fund established in pursuance of section 11 (1) of this Act—

- (a) to the cost of administration of the Board;

- (b) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to members or employees of the Board, so however that no payment of any kind under this paragraph shall be made to any person who is in receipt of emoluments from the Government of the Federation or the Government of a State;
- (c) for the maintenance of any property vested in the Board; and
- (d) for and in connection with any of its functions under this Act.

13. (1) The Board shall submit to the Minister not later than 31st December in each financial year an estimate of its expenditure and income (including payments from the National Board for Technical Education Fund) during the next succeeding financial year. Annual estimates and accounts;

(2) The Board shall keep proper accounts in respect of each financial year (and proper records in relation thereto) and shall cause the accounts to be audited by the Auditor-General of the Federation.

Miscellaneous and Supplementary

14. The Board shall prepare and submit to the National Council of Ministers through the Minister, not later than 31st December in each financial year a report in such form as he may direct on the activities of the Board during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Board for that year and the Auditor-General's report thereon. Annual reports.

15. (1) For the purpose of carrying out the functions conferred on the Board under this Act, the Executive Secretary or any other officer of the Board authorised in that behalf— Power to obtain information.

- (a) shall have a right of access to all the records of any institution to which this section applies;
- (b) may by notice in writing served on any person in charge of any such institution require that person to furnish

information on such matters as may be specified in that notice.

(2) It shall be the duty of any person required to furnish information pursuant to subsection (1) of this section to comply with the notice within a reasonable period of time.

(3) In this section, the reference to an institution to which this section applies is a reference to any polytechnic, college of technology or technical institution.

Power of Minister to give directions to the Board.

16. Subject to the provisions of this Act, the Minister may give to the Board directions of a general character or relating generally to matters of policy with regard to the exercise by the Board of its functions and it shall be the duty of the Board to comply with such directions.

Interpretation.

17. In this Act, unless the context otherwise requires—
“the Board” means the National Board for Technical Education established under section 1 of this Act;
“the Chairman” means the Chairman of the National Board for Technical Education;
“the Executive Secretary” means the person appointed as the Executive Secretary to the Board in pursuance of section 7(1) of this Act;
“member” means a member of the Board and includes the chairman;
“Minister” means the Minister charged with responsibility for Education.

Short title.

18. This Act may be cited as the National Board for Technical Education Act.

SCHEDULE

Section 1(2)

SUPPLEMENTARY PROVISIONS RELATING
TO THE BOARD, ETC.

Proceedings

Cap. 192

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of

its members and for the Chairman to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

2. Every meeting of the Board shall be presided over by the Chairman or, if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum at a meeting of the Board shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members.

4. Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

Committees

5. (1) Subject to its standing orders, the Board may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Board is concerned.

(2) Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

(3) The quorum of any committee set up by the Board shall be as may be determined by the committee.

6. Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Board to consist of or co-opt persons who are not members of the Board, the committee may advise the Board on any matter referred to it by the Board.

7. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or of the Executive Secretary of the Board.

8. Any contract or instrument which if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Board by the Executive Secretary or by any other person generally or specially authorised to act for that purpose by the Board.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and, unless the contrary be proved, be presumed without further proof to have been so signed or sealed.

10. The validity of any proceedings of the Board or a committee thereof shall not be affected—

- (a) by any vacancy in the membership of the Board or committee; or
- (b) by any defect in the appointment of a member of the Board or committee.

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

**NATIONAL BOARD FOR TECHNICAL EDUCATION
(AMENDMENT) DECREE 1993**



Decree No. 8

[1st January 1993]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees, as follows:-

1. The National Board for Technical Education Act is amended-

Amendment of Cap.
237 LFN.

(a) by substituting for section 2, the following new section, that is -

"Membership
of the Board.

2.-(1) The Board shall consist of a Chairman who shall be appointed by the President, Commander-in-Chief of the Armed Forces and the following other members, that is-

(a) one person to represent the Ministry of Education and Youth Development;

(b) one person to represent the Ministry of Labour and Productivity;

(c) one person to represent the Ministry of Agriculture and Water Resources;

(d) one person to represent the Ministry of Industry and Technology;

(e) two persons to represent the Polytechnics;

(f) one person to represent Technical Colleges;

(g) two persons to represent the Colleges of Agriculture;

(h) one person to represent the States of the Federation;

(i) one person to represent the Industrial Training Fund;

(j) one person to represent employers organisations;

(k) one persons to represent the National Manpower Board;

(l) two persons to represent professional bodies;

(m) one person to represent the National Commission for Women;

(n) two persons to be appointed on individual merit on a nationwide basis who should have wide experience of service in the public or private sector; and

(o) the Executive Secretary of the Board who shall be an *ex-officio* member of the Board but shall not have the right to vote at meetings of the Board.

(2) The Chairman of the Board and the members not mentioned under paragraphs (a), (b), (c) and (d) of subsection (1) of this section, shall be appointed by the President.";

(b) in section 5 -

(i) by inserting immediately after paragraph (j), the following new paragraph, that is -

"(k) to recommend to the Visitor of a polytechnic that a visitation be made to the polytechnic as and when it considers it necessary;" and

(ii) by renumbering the existing paragraphs (k) and (l) as paragraphs (l) and (m) respectively.

2. This Decree may be cited as the National Board for Technical Education (Amendment) Decree 1993.

Citation.

MADE at Abuja this 1st day of January 1993.

GENERAL I.B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purport)*

The Decree amends the National Board for Technical Education Act to, among other things, reconstitute the membership of the National Board for Technical Education.