

NATIONAL PRODUCTIVITY CENTRE ACT

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Establishment, functions, etc., of the National Productivity Centre

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SCHEDULE

Proceedings of the Council, etc.

An Act to establish the National Productivity Centre, charged with the responsibility of promoting productivity, improvement and consciousness in all sectors of the economy and to provide for all other matters ancillary thereto.

[3rd April, 1987]

[Commencement.]

Establishment. functions, etc., of the National Productivity Centre

1. Establishment of the National Productivity Centre

There is hereby established a body to be known as the National Productivity Centre (in this Act referred to as "the Centre"), which under that name shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

2. Establishment and functions of the Council

(1) There shall be established for the management of the affairs of the Centre, a council to be known as the National Productivity Council (in this Act referred to as "the Council").

(2) The Council shall determine the overall policy of the Centre, including the financial and operational programmes thereof and shall ensure the effective implementation of such policies and programmes.

(3) The Council shall, from time to time, assess the research, consultancy and training programmes relative to productivity, conducted by the State branches of the Centre and other associate institutions, with a view to ascertaining their suitability and to offering them such assistance, either alone or in co-operation with other professional bodies, as may improve the quality and content of productivity promotion measures in Nigeria.

(4) The Council may, subject to such conditions as it may impose, delegate any of the powers conferred on it by this Act (including its powers to appoint and exercise disciplinary control), to any of its committees or the Director-General, as the case may be.

(5) Nothing in this section shall prevent the Council from exercising any of the powers so delegated.

(6) The supplementary provisions contained in the Schedule to this Act, shall have effect with respect to the proceedings of the Council and the other matters

mentioned
therein.

3. Membership of the Council

(I) The Council shall consist of a chairman to be appointed by the President, and the following other members, that is-

(a) two persons selected from workers' organisations;
(b) one person each to represent each of the following organisations of employers-

(i) the Nigeria Employers' Consultative Association; and

(ii) the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture;

(c) one person each to represent the Federal Ministries charged with responsibility

for matters relating to--

(i) industry;

(ii) employment, labour and productivity; and

(iii) budget and planning;

(d) one person each to represent the following bodies-

(i) the Nigerian Institute for Social and Economic Research;

(ii) the Centre for Management Development; and

(e) the Director-General of the Centre.

(2) Subject to the provisions of subsection (3) of this section, a person appointed as a member of the Council (not being an *ex-officio* member) shall hold office for four years

and shall be eligible for reappointment for a further period of four years.

(3) Members of the Council who are not *ex-officio* members shall be appointed by the President, who may also remove any such member, if he is satisfied that it is not in the

interest of the Centre that the person concerned should continue in office.

4. Objectives of the Centre

(1) The Centre shall stimulate consciousness towards the attainment of higher levels of productivity in all sectors of the Nigerian economy and shall promote international co-operation for the enhancement of national productivity.

(2) For the purposes of subsection (1) of this section, the Centre shall-

(a) promote, develop and provide services aimed at utilising to the fullest all available and potential resources, in order to secure for the people of Nigeria a better and higher standard of living;

(b) if the Council so approves, accept technical aid and channel same into any scheme aimed at the advancement or increase in the level of productivity;

(c) conduct studies in contemporary methods of increasing productivity and assist business concerns to set up productivity schemes;

(d) disseminate information on methods and programmes for improving the level of productivity in industries;

(e) provide consultancy and advisory services to management and workers in the field of industrial relations, industrial engineering, personnel management, production planning, work study and job evaluation, with a view to increasing productivity and improving the payment system in the organisation concerned;

(f) provide training facilities by organising courses and seminars which are specially designed to improve competence, supervisory skill and inspiring a consciousness towards increased productivity among workers and the management of business organisations;

(g) conduct studies on the levels of productivity in every sector of the economy and encourage business enterprises to set up productivity teams, charged with the setting up of targets and schemes of productivity;

(h) encourage the formation of productivity committees and establish branches of the National Productivity Centre in each State of Nigeria;

(i) liaise on a continuous basis with the Centre for Management Development, the Administrative Staff College of Nigeria and any similar institution, or association which the Council may consider will further the objectives of the Centre;

(j) liaise with the International Labour Organisation, the United Nations Development Programme, the United Nations Conference for Trade and Development and any similar international organisation, engaged in the promotion of productivity.

(3) The Centre shall carry out such other functions, not inconsistent with its objectives under this Act, as the Minister may, from time to time, assign to it.

Director-General and other staff of the Centre

5. The Director-General of the Centre

(1) There shall be an officer of the Centre to be known as the Director-General, who shall be appointed by the President.

(2) The Director-General shall, subject to this Act, be the chief executive of the Centre and shall be responsible to the Council for the day-to-day management of the affairs of the Centre.

(3) The Director-General shall hold office on such terms and conditions as may be determined, from time to time, by the President.

6. Appointment of the secretary and other staff of the Centre

(1) There shall be appointed by the Council an officer of the Centre, who shall be known as the secretary to the Council.

(2) The secretary shall, in addition to any other duties assigned to him by the Council or the Director-General, as the case may be, keep the records of the Centre and act as the secretary to the Council and of any committee thereof and conduct the correspondence of the Council.

(3) The Council shall employ such other staff to assist the Director-General in the performance of his functions as the Council may, after consultation with the Minister, determine from time to time.

7. Provision of library facilities, office, etc.

(1) The Centre shall establish and maintain a library comprising such books, records and other publications as may be directed by the Council, for the advancement of knowledge in the area of work undertaken by the Centre, for research purposes and for other purposes connected with the functions conferred on

the Council by or pursuant to this Act.

(2) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Council may acquire land in any manner authorised by law and build, equip and maintain offices and premises on such land.

(3) The Council may, with the prior approval of the Minister, dispose in any manner authorised by law such of its land or premises as is no longer required for its purposes.

Financial provisions

8. Power to accept gifts

(1) The Centre may accept gifts of land or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Centre shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with the functions of the Centre or its position as a non-partisan institution, free from any undue external influence.

9. Borrowing power

The Centre may, with the consent of the Minister or in accordance with the general authority issued in that behalf by the Minister, borrow by way of loan or overdraft from any source any moneys required by the Centre for meeting its obligations and discharging its functions under this Act.

10. Establishment of the fund of the Centre

(1) The Centre shall establish and maintain a fund, which shall be applied towards the promotion of the objectives of the Centre specified in this Act.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

(a) such sums as may be provided by the Government of the Federation for payment into the fund;

(b) all subscriptions and fees charged for services rendered by the Centre;

(c) subject to section 8 (2) of this Act, all sums accruing to the Centre by way of gifts, testamentary dispositions, endowments or contributions from philanthropic persons or organisations or otherwise howsoever; and

(d) all moneys raised by the Centre by way of loan or overdraft in accordance with section 9 of this Act.

11. Annual estimates, accounts and audit

(1) The Council shall cause to be prepared and submitted to the Minister, not later than 30 June in each year or such other time as he may direct, an estimate of the expenditure and income of the Centre during the next succeeding financial year.

(2) The Centre shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Council, such accounts shall be audited as soon as may

be after the end of each year, by auditors appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Miscellaneous and supplementary provisions

12. Annual reports

(1) The Council shall, not later than 30 July in each year submit to the Minister a report on the activities of the Centre and its administration during the immediately preceding year and shall include in such report the audited accounts of the Centre and the auditor's report thereon.

(2) The Minister shall, as soon as may be after the receipt of the report, submit to the President, such report, together with any comments thereon made by him.

13. Power of Minister to give directions

The Minister may give to the Council directions of a general nature with respect to any of the functions of the Council or the Centre and it shall be the duty of the Council to comply with such directions or cause them to be complied with.

14. Associate membership of the Centre, etc.

(1) All manufacturing and industrial concerns, organisations, institutions, individuals and other interest groups recognised by the Council, shall be eligible for election for associate membership of the Centre and on election, shall be conferred with such rights as the Council may, from time to time, determine.

(2) The Council shall prescribe the fees payable by organisations and persons elected as associate members of the Centre.

15. Transitional provisions relating to the National Productivity Committee

There shall, by virtue of this Act and without further assurances, be vested in the Centre at the commencement of this Act all rights, interests, obligations, assets and liabilities which immediately before the commencement of this Act, were vested in an unincorporated body known as the National Productivity Committee (in this Act referred to as "the Committee".)

16. Application of the Pensions Act

(1) It is hereby declared that service in the Centre shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the Centre shall in respect of their service in the Centre be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

17. Interpretation

In this Act, unless the context otherwise requires-

"Centre" means the National productivity Centre, established by section I (1) of this Act;

"Council" means the National Productivity Council set up under section 2 (1) of this Act;

"Director-General" means the Director-General of the Centre appointed pursuant to section 5 (1) of this Act;

"Minister" means the Minister for the time being charged with responsibility for matters relating to productivity.

18. Short title

This Act may be cited as the National Productivity Centre Act.

SCHEDULE

[Section 2 (6).]

Proceedings of the Council, etc.

1. (1) Members of the Council shall in every year elect from among their number two vice-chairmen,

(2) Where a member representing an organisation ceases to be a member of the Council, the body by which he was nominated shall nominate another person to represent it on the Council.

(3) Any member of the Council other than an *ex officio* member, may by letter addressed to the Council resign his appointment and on acknowledgement of the receipt of the letter by the Director-General, he shall cease to be a member of the Council from the date indicated on his letter of resignation.

(4) Any member of the Council not being a public officer shall be paid allowances in accordance with scales approved, from time to time, by the President.

2. (1) Any member who is absent from two consecutive ordinary meetings of the Council, shall explain the reason for such absence in writing to the Director-General for consideration by the Council which shall thereafter either accept same or recommend to the President that the member be removed from office and on approval of such recommendation by the President, the member shall stand removed.

(2) A decision of the Council shall not be invalidated by virtue of any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

(3) If it appears to the Council that any of its members should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall after consultation with the interests represented by that member, if any, make a recommendation to that effect to the President, through the Minister, and if the President approves the recommendation, he shall in writing, declare the office of that member vacant.

(4) The Council shall have power to make, with the approval of the Minister, bye-laws for the furtherance of its objects and in particular such bye-laws shall provide for the following-

(a) matters relating to the appointment, removal and resignation of the professional and administrative staff of the Centre; and

(b) in consultation with the relevant agency of the Federal Government, the procedure for and terms and tenure of appointments, emoluments, allowances, discipline and the conditions of service of the employees of the Centre.

(5) Any bye-law made pursuant to sub-paragraph (4) of this paragraph, may be amended or revoked by the Council, with the approval of the Minister.

3. (1) The Council shall meet not less than twice in a year at such time, place and day as the chairman may appoint.

(2) The chairman shall convene an extraordinary meeting of the Council, whenever the need arises or on the written request of not less than five members and such requisition shall specify the subject-matter of the meeting and the chairman shall convene a meeting of the Council within 21 days of the receipt of the request to discuss only the subject-matter specified therein.

4. A notice for a meeting of the Council shall specify the time, place, date and agenda of the meeting and shall be served not less than ten clear days before the date of the meeting.

5. At every meeting of the Council, the chairman shall preside and in his absence, one of the two vice-chairmen shall preside.

6. At every meeting of the Council, five members shall form a quorum.

7. The decisions of the Council shall be taken by a majority of its members and in the case of equality of votes, the person presiding shall have a casting

vote.

8. Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt a person who is not a member of the Council for such purpose, and a person so co-opted, shall take part in the deliberations of the Council, but shall not be entitled to vote nor count towards a quorum at a meeting of the Council.

9. Any business which the Council may perform, except such as has to be placed before an extraordinary meeting of the Council summoned under paragraph 3 (2) of this Schedule, or which relates to the making, amendment and revocation of bye-laws, may be carried out by circulation among all the members respectively of the Council, and approval by members signing shall be as effective and binding as if such a resolution had been passed at a meeting of the Council, provided that at least the number of members consisting the quorum of the Council respectively record their view on the matter.

10. Subject to the provisions of this Act, the Council may make standing orders regulating its own proceedings; and without prejudice to the foregoing, the Council may make standing orders regulating-

(a) the proper conduct of the Council's meeting;

(b) the method of entering into and execution of contracts by the Centre;

(c) the signification of cheques, instruments and other documents by the Centre;

(d) the recording and custody of minutes of proceedings of the Council;

(e) the custody of the common seal of the Centre; and

(f) the procedure at meetings of a committee of the Council.

11. (I) Any contract or instrument which if entered into or executed by a person (not being a body corporate), would not be required to be under seal, may be entered into or executed on behalf of the Centre by any person specially or generally authorised in that behalf by the Council.

(2) Any member of the Council or of a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or any of its committees, shall forthwith disclose his interest to the body concerned and shall not take part in the proceedings or vote on any question relating to the contract or arrangement.

12. (1) The common seal of the Centre shall not be affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of that meeting of the Council.

(2) The fixing of the seal of the Centre shall be authenticated by the signature of the chairman of the Council or other member authorised in that behalf by the Council and the signature of the Director-General or any other staff of the Centre.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation