

# NIGERIAN INSTITUTE OF TRANSPORT TECHNOLOGY ACT

## ARRANGEMENT OF SECTIONS

### *Establishment of the Nigerian Institute of Transport Technology*

#### SECTION

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## SCHEDULE

### *Supplementary provisions relating to the Council*

**An Act to establish the Nigerian Institute of Transport Technology to, amongst other things, provide for full or part-time courses of instruction and training of middle cadre managers, technicians and technologists engaged in the operations, management and general development of the transport sector of the Nigerian economy.**

[1986 No.6.]

[14th March, 1986]

[Commencement]

*Establishment of the Nigerian Institute of Transport Technology*

### **1. Establishment of the Nigerian Institute of Transport Technology**

(1) There is hereby established a body to be known as the Nigerian Institute of Transport Technology (in this Act referred to as "the Institute") which shall have the functions assigned to it by this Act.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and shall have power to acquire property and may sue and be sued in its corporate name.

#### **1. Governing Council of the Institute**

(1) The government of the Institute and the direction of its affairs shall vest in the Governing Council of the Institute (in this Act referred to as "the Council").

(2) Without prejudice to the generality of subsection (1) of this section and subject to this Act, it shall be the responsibility of the Council to consider and approve-

- (a) the plan of activities and general policy of the Institute;
- (b) the programme of studies, courses and research to be undertaken by the Institute;
- (c) the annual estimates of the income and expenditure of the Institute; and
- (d) the investment plans of the Institute.

#### **1. Membership of the Council**

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

(a) one representative each of the Federal Ministries charged with responsibility

for matters relating to-

(i) the Institute;

(ii) works;

(iii) national planning; and

(iv) education;

(b) one representative of the Armed Forces;

(c) one representative of the Nigeria Police Force;

(d) one representative of transport workers union to be appointed in rotation from among transport workers unions recognised by the Ministry;

(e) one representative of the Nigerian Ports Authority;

(f) one representative of the Nigerian Railway Corporation;

(g) one representative of the Nigerian National Petroleum Corporation;

(h) one representative chosen in rotation from the Faculty of Engineering of the Universities in Nigeria;

(i) one representative of the Chartered Institute of Transport;

(j) one representative of the Nigeria Airways Limited;

(k) the Director of the Institute; and

(l) such other persons as the President may from time to time appoint.

(2) Subject to 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 re-appointment for only one further period of four years.

(3) The President may terminate the appointment of a member of the Council if it is satisfied that it is no longer in the interest of the Institute that the person concerned should continue in office.

(4) 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 therein mentioned.

[Schedule.]

## **1. Powers of the Council**

(1) For the purpose of carrying out the functions of the Institute as specified in this Act, the Council shall have power to-

- (a) determine the general policy of the Institute;
- (b) prescribe the fees to be charged for courses of instruction and other services offered by the Institute;
- (c) prescribe, monitor and regulate the organisation and management of the Institute;
- (d) establish such departments, divisions, schools, extra-mural departments and other teaching and research units within the Institute as may from time to time seem to the Council to be necessary or desirable;
- (e) institute lectureships and other posts and offices and to make appointments thereto;
- (f) provide for the discipline and welfare of members of staff of the Institute;
- (g) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
- (h) arrange for the general welfare of children of members of staff;
- (i) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or structures necessary for the Institute; and
- (j) carry out such other activities as are necessary and expedient for the full discharge of any of its functions under or pursuant to this Act.

(2) Notwithstanding any other provisions of this Act, the Council shall not establish additional educational unit within the Institute without the prior approval of the Minister.

## **1. Objectives and functions of the Institute**

The objectives of the Institute shall be-

- (a) to provide middle cadre managers, technicians and technologists suited for employment in the operations, management, accounting and allied services in the transportation sector of the economy, including transportation by rail, road, air, sea and inland waterways;
- (b) to provide basic standard and specialised courses of instruction leading to the award of qualifications, certificates and diplomas in the techniques of transport engineering, operations and management with a view to developing a store of

technically competent, highly skilful and efficient operators for the transport sector of the economy;

(c) to provide approved and adequate training in the design, installation, maintenance, operation and modernisation of technical equipment relevant in all forms of the transportation sector;

(d) to provide courses of instruction on the co-ordination of all aspects of the transportation industry and the regulation and management techniques suited to the transport industry both in the public and private sectors of the economy after consultation with the Ministry or department charged with responsibility for matters relating to establishment and training;

(e) to provide facilities for the training of persons in the installation, operation and maintenance of technical equipment and in the formulation and administration of rules, procedures and practices calculated to increase the margin of operational safety of transport services;

(f) to provide equipment and facilities for the encouragement, promotion and conduct of research in all fields of transportation, ensure the periodic evaluation of transport plans and programmes and the formulation of such policies on transportation as may from time to time be authorised by the Minister;

(g) to serve as an information cell for the planning and co-ordination of such transportation policies and programmes as the Minister may from time to time direct;

(h) to serve as-

(i) a centre for the transfer of technology in all aspects of the transport sector of the economy;

(ii) the Transport Intelligence Centre; and

(iii) a data bank for the collection, collation and analysis of all economic and technological data relating to all aspects of transportation;

(i) to award certificates of attendance to those who participate and attain a sufficiently satisfactory standard in any of the courses organised by the Institute;

(j) to organise course of instruction and provide necessary facilities for the pursuit and acquisition of diplomas, certificates and other qualifications of such other professions allied to transport as the Council may determine; and

(k) to promote or undertake such other activities (not inconsistent with the foregoing provisions of this section) as the Council considers will help to further

the objectives of the Institute.

### **1. Provision of library facilities**

The Institute shall establish and maintain a library comprising such books, records, reports and other publications as may be directed by the Council for the advancement of knowledge in the areas of work undertaken by it, for research purposes and for other purposes connected with the functions conferred on the Institute by or pursuant to this Act.

*Staff of the Institute*

### **7. The Director of the Institute**

(1) There shall be an officer of the Institute to be known as the Director.

(2) The Director shall be appointed by the President.

(3) The Director shall be the chief executive of the Institute and be responsible to the Council for the day-to-day management of the affairs of the Institute.

(4) The Director shall hold office on such terms and conditions as may be specified in his letter of appointment and on such other terms and conditions as may be determined from time to time by the Council with the concurrence of the President.

### **1. Appointment of other staff of the Institute**

(1) There shall be appointed by the Council the following officers of the Institute, that is-

(a) the deputy Director

(b) The Registrar

(c) the heads of the various academic units; and

(d) the Bursar

(2) The Deputy Director shall be the deputy chief executive of the Institute and shall be responsible to the Director.

(3) The heads of the various academic units shall be responsible to the Director for planning, organising, co-ordinating and conducting the courses and other studies undertaken by their respective units of the Institute including collation and publication of course materials and other written materials relating thereto.

(4) The Registrar shall be responsible to the Director for the day-to-day administration of the Institute and in addition shall keep in safe custody all records of the Institute.

(5) The Bursar shall be responsible to the Director for the finances and accounts of the Institute.

(6) There may be appointed from time to time by the Council such other staff as may be required for the purpose of the efficient performance of the function conferred on the Institute under this Act.

## **9. Pensions**

(1) It is hereby declared that service in the Institute shall be public service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the Institute shall in respect of their service in the Institute 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 or gratuity in respect of that office.

[Cap. P4.]

(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.

*Financial provisions*

## **10. Establishment of fund of the Institute**

(1) The Institute shall establish and maintain a fund which shall be applied towards the promotion of the objectives 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) any fees charged for services rendered by the Institute; and

(c) all other sums accruing to the Institute by way of gifts, testamentary disposition and endowments or contributions from philanthropic persons or organisations or otherwise howsoever.

## **11. Power to accept gifts**

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

(2) The Institute 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 Institute.

## **12. Borrowing power, etc.**

(1) The Council may with the consent or in accordance with any general authority given by the President borrow by way of loan or overdraft from a source approved by the President, such specified amount of money as may be required by the Institute for meeting its obligations and discharging its functions under this Act.

(2) The Council may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds with the like consent or general authority as are mentioned in subsection (1) of this section.

(3) The Council may invest any surplus funds of the Institute in securities prescribed by the Trustee Investments Act or such other securities as may from time to time be approved by the Minister.

[Cap. T22.]

(4) Subject to the provisions of the Land Use Act, and any special or general direction which the Minister may give in that behalf, the Council may acquire or lease any land required for its purpose under this Act.

[Cap. L5.]

## **13. Annual estimates, accounts and audit**

(1) The Council shall cause to be prepared, not later than six months before the end of each financial year or such other time as the Minister may direct, an estimate of the expenditure and income of the Institute during the next succeeding financial year and when prepared they shall be submitted through the Minister for approval by the President.

(2) The Council 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 provided in subsection (3) of this section.

(3) The accounts of the Institute shall be audited as soon as may be after the end of each financial year by auditors appointed from the list of auditors and in accordance with the guidelines issued by the Auditor-General for the Federation and the fees of the auditors and the expenses for the audit generally shall be paid from the fund of the Institute.

*Miscellaneous and supplementary provisions*



## **14. Annual reports**

The Council shall, not later than six months after the end of each financial year, submit through the Minister to the President a report on the activities of the Institute and its administration during the immediately preceding year and shall include in such report the audited accounts of the Institute and the auditor's comments thereon.

## **15. Staff regulations**

(1) The Institute may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Institute and, without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Institute; and

(b) appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Institute.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Minister, and when so approved they need not be published in the *Federal Gazette* but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may from time to time determine.

## **16. Discipline of students**

(1) Subject to the provisions of this section, where it appears to the Director that any student of the Institute has been guilty of misconduct, the Director may, without prejudice to any other disciplinary powers conferred on him by rules, direct-

(a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the Institute as may be so specified; or

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

(c) that the student be rusticated for such period as may be specified in the direction; or

(d) that the student be expelled from the Institute.

(2) Where a direction is given under subsection (1) of this section in respect of any student, the student may within the prescribed period and in the prescribed manner, appeal from the direction to the Council, and where such an appeal is brought, the Council

shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council thinks fit.

(3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection shall not affect the operation of the direction while the appeal is pending.

## 17. Interpretation

In this Act, unless the context otherwise requires-

“**Council**” means the Governing Council of the Institute constituted under section 2 of this Act;

“**chairman**” means the chairman of the Council;

“**Director**” means the Director of the Institute;

“**Institute**” means the Nigerian Institute of Transport Technology established by section 1 of this Act;

“**member**” includes the chairman of the Council;

“**Minister**” means the Minister charged with responsibility for matters relating to the Institute and “**Ministry**” shall be construed accordingly.

## 18. Short title

This Act may be cited as the Nigerian Institute of Transport Technology Act.

### SCHEDULE

[Section 3 (4).]

*Supplementary provisions relating to the Council*

*Proceedings of the Council*

**1.** (1) Subject to this Act and to section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Council may make standing orders regulating its proceedings or of any committee thereof.

[Cap. 123.]

(2) The quorum at any meeting of the Council shall be seven and the quorum of any committee of the Council shall be determined by the Council.

**2.** (1) The Council shall meet not less than four times in each year and, subject thereto, the Council shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than five other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Council the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

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

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister.

(5) The validity of any proceedings of the Council or of a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or committee, or by reason that a person not entitled to do so took part in the proceedings.

#### *Committees*

**3.** (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Council) as may be determined by the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.

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

#### *Miscellaneous*

**4.** (1) The fixing of the seal of the Institute shall be authenticated by the signature of the chairman or of some other member authorised generally or specially to act for that purpose by the Council.

(2) Any contract or instrument which, if made or executed 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 Institute by the Director or any person generally or specially authorised to act for that purpose by the Council.

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

5. Members of the Council who are not public officers shall be paid out of monies at the disposal of the Council such remuneration, fees or allowances in accordance with such scales as may be approved from time to time by the President.

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

NIGERIAN INSTITUTE OF TRANSPORT TECHNOLOGY ACT

### **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*