

NATIONAL MANPOWER BOARD ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Establishment of the National Manpower Board, etc.
2. Membership of the Board.
3. Tenure of office of members of the Board.
4. Removal from office of members of the Board.
5. Functions of the Board.
6. Board to make input in certain matters.
7. Duty to liaise with professional bodies.
8. Power to conduct seminars, etc.
9. Executive Secretary of the Board.
10. Staff of the Board.
11. Application of Pension Act.
12. Fund of the Board.
13. Expenditure of the Board.
14. Power to accept gifts.
15. Power to borrow.
16. Award of contracts.
17. Office and premises.
18. Annual estimates and accounts.
19. Annual reports.
20. Power to obtain information.
21. Regulations.
22. Power of Minister to give directives to the Board.
23. Interpretation.
24. Short title.

SCHEDULE

NATIONAL MANPOWER BOARD ACT

An Act to establish the National Manpower Board to, among other things, determine and advise the Government on the nation's manpower needs in all occupations.

[1991 No. 18.]

[30th May, 1991]

[Commencement.]

1. Establishment of the National Manpower Board etc.

(1) There is hereby established a body to be known as the National Manpower Board (in this Act referred to as "the Board").

(2) The Board shall be a body corporate with perpetual succession and a common seal.

(3) The Board may sue and be sued in its corporate name.

(4) The Board shall have four operational zonal offices to be located at Owerri, Bauchi, Akure and Minna.

2. Membership of the Board

(I) The Board shall consist of a part-time chairman and the following other members that is-

(a) a representative each of the following Federal Ministries, that is to say-

(i) Finance;

(ii) Education;

(iii) Employment, Labour and Productivity;

(b) a representative each of the following Federal establishments or bodies, that is-

(i) Federal Civil Service Commission;

(ii) National Universities Commission;

(iii) Federal Office of Statistics;

(iv) Industrial Training Fund;

(v) Employers of Labour;

(vi) Nigeria Labour Congress; and

(c) the Executive Secretary of the Board.

(2) The chairman and other members of the Board shall be appointed by the President on the recommendation of the Minister.

(3) The Executive Secretary of the Board shall be an *ex-officio* member of the Board and shall not have the right to vote at meetings of the Board.

(4) 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 contained therein. [Schedule.]

3. Tenure of office of members of the Board

(1) Subject to the provisions of this Act, a person appointed to be a member of the Board, not being a public officer, shall hold office for a period of three years from the date of this appointment.

(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 President may, from time to time, determine.

4. Removal from office of members of the Board

(1) The Minister may at any time remove any member of the Board from office if the Minister 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 the 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 office.

5. Functions of the Board

(1) The functions of the Board shall be to-

(a) determine and advise the Government on the nation's manpower needs in all occupations;

(b) formulate manpower development and utilisation policies and programmes in order to ensure optimum implementation of same for the enhancement of the nation's manpower resources;

(c) co-ordinate manpower policies and programmes of Federal, State and local governments;

(d) collect, collate, analyse and publish manpower and employment information and data generated through surveys, studies and enquiries including administrative means.

(2) It shall be the duty of any person so required by the Board to furnish to the Board such information as the Board may require in the discharge of its functions under this Act.

6. Board to make input in certain matters

Without prejudice to the provisions of section 5 of this Act the Board shall be consulted and be required to make input on important policies and programmes relating to-

(a) the distribution of scholarships, bursaries, fellowship awards, student loan schemes and employment promotion schemes;

(b) manpower development and utilisation for government agencies;

(c) manpower, issues concerning-

(i) the Federal and State Ministries of Education and of Employment, Labour and Productivity;

(ii) the National Board for Technical Education;

(iii) the Industrial Training Fund;

(iv) the Centre for Management Development;

(v) the Administrative Staff College of Nigeria;

(vi) the Management Services Department of the Federal Civil Service Commission;

(vii) the National Universities Commission;

(viii) the National Directorate of Employment;

(ix) the Commissions-in-charge of each level of the Nigerian educational system and all relevant training institutions in the private sector requiring governmental

recognition;

(x) the National Productivity Centre;

(xi) The Nigerian Education Bank;

(xii) the Nigerian Investment Promotion Commission;

(xiii) the statutory bodies such as councils and institutes controlling the training of professional bodies;

(d) *the preparation of periodic master plans for the co-ordinated development of institutions of higher learning;*

(e) the formulation of-

(i) training programmes by all government agencies, including, Ministries, corporations and government-owned companies;

(ii) policies governing scholarships and students' loans tenable within or outside Nigeria;

(f) matters pertaining to the under-employment in Nigeria of trained manpower;

(g) the formation of employment policies including measures for promoting employment as well as skills development and enhanced productivity of employed persons; and

(h) the implementation of manpower policies and programmes relating to-

(i) expatriate employment;

(ii) the training efforts of private firms; and

(iii) the participation of Nigerians in the management of business activities.

7. Duty to liaise with professional bodies

The Board shall liaise with professional bodies and institutions involved in the development and training of professional manpower for the purpose of identifying the stock flow and distribution of professional manpower in the senior and junior categories.

8. Power to conduct seminars, etc.

The Board shall organise and conduct seminars, workshops, conferences, symposia and other research and training activities as will enable it to acquire and disseminate adequate information on the manpower aspect of the population, especially, the working age population, labour force, employment, unemployment, under-employment, brain-drain, labour mobility and labour productivity across occupational and industrial groups as well as State boundaries in Nigeria.

9. Executive Secretary of the Board

(1) There shall be appointed for the Board, by the President on the recommendation of the Minister, an Executive Secretary who shall have appropriate qualifications.

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

10. Staff of the Board

(1) Subject to this Act, the Board may appoint such other persons as members of its staff as it considers necessary.

(2) The remuneration and tenure of office of the other staff 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 way of transfer or secondment from any of the public services in the Federation.

11. Application of Pensions Act

(1) It is hereby declared that service in the Board shall be pensionable under the Pensions Act, and accordingly employees of the Board shall, in respect of their services in the Board, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

[Cap. P4.]

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

(3) For the purpose 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 Board and not by any other person or authority.

(4) Subject to subsection (2) of this section, the Pensions Act shall in its application by virtue of subsection (3) of this section to any office, have effect as if the office were in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

12. Fund of the Board

(1) The Board shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Board.

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

(a) such moneys as may, from time to time, be lent or granted to the Board by the Government of the Federation or of a State;

(b) all moneys raised for the purposes of the Board by way of gift, loan grant-in-aid, testamentary disposition or otherwise;

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

(d) all other assets that may, from time to time, accrue to the Board.

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

(a) specifying the manner in which the assets or the fund are to be held and regulating the making of payments into and out of the fund;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules.

13. Expenditure of the Board

The Board may, from time to time, apply the proceeds of the fund established pursuant to section 12 of this Act to-

(a) the cost of administration of the Board;

(b) the payment of the salaries, fees and other remuneration, allowances, pensions 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 of a State.

14. Power to accept gifts

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

(2) The Board shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Board.

15. Power to borrow

The Board may, with the consent of the Minister, borrow, on such terms and conditions as the Board may determine, such sums of money as the Board may require in the exercise of the functions conferred on it under this Act.

16. Award of contracts

The Minister shall, subject to such limitations as may be imposed on him by the President, stipulate conditions for the award of contracts by the Board.

17. Office and premises

(1) For the purpose of providing offices and premises necessary for the performance of its functions, the Board may-

- (a) purchase or take on lease any landed property; and
- (b) build, equip and maintain offices and premises.

(2) The Board may sell or lease any land, offices or premises held by it and no longer required for the performance of its functions.

18. Annual estimates and accounts

The Board shall submit to the Minister not later than 31 October in each year an estimate of its expenditure and income during the next succeeding financial year.

19. Annual reports

The Board shall prepare and submit to the President through the Minister, not later than 30 June in each year, a report in such form as he may direct on the activities of the Board during the immediately preceding 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.

20. Power to obtain information

(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-

(a) shall have a right of access at all reasonable times to all training and employment records of any establishment or institution;

(b) may by notice in writing served on any person in charge of any such establishment or 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 any information pursuant to subsection (1) of this section, to comply with the notice within a reasonable period of time.

21. Regulations

The Minister may make regulations generally for the purpose of giving effect to the provisions of this Act.

22. Power of Minister to give directives to the Board

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

23. Interpretation

In this Act, unless the context otherwise requires-

"chairman" means the chairman of the Board;

"Executive Secretary" means the person appointed as the Executive Secretary to the Board under section 9 of this Act;

"member" means a member of the Board and includes the chairman; and

"Minister" means Minister charged with responsibility for matters relating to budget and planning.

24. Short title

This Act may be cited as the National Manpower Board Act.

SCHEDULE [Section 2 (4).]

Proceedings of the Board

1. (1) The Board shall meet for the conduct of its business at such time, place and on such day as the chairman may appoint but shall meet not less than twice in a year.

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

(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting of the Board.

(4) Every question put before the Board at a meeting shall be decided by a majority of the votes of the members present and voting.

(5) Five members of the Board shall form a quorum at any meeting of the Board.

(6) The chairman shall preside at all meetings of the Board and, in the absence of the chairman, the members present shall appoint one of their number to preside at that meeting.

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

(8) Subject to the provisions of this Act, the Board may make standing orders with respect to the holding of meetings, the nature or notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Committees

2. (1) The Board may appoint one or more committees to advise it on the exercise and performance of its functions under this Act.

(2) Every such committee shall consist of-

(a) a chairman who shall be appointed by the Board from among the members of the Board;

(b) not more than five persons (who may not be members of the Board) so however that any non-member of the Board co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and be counted towards the quorum;

(c) in this paragraph, "chairman" means the chairman of a committee.

Miscellaneous

3. (1) 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 Board by any person generally or specifically authorised in that behalf by the Board.

(2) Any member of the Board or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereto, shall forthwith disclose his interest to the Board or the committee, as the case may be, and shall not vote on any question relating to such contract or arrangement.

4. (1) The common seal of the Board shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Board and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or some other member authorised generally or specifically by the Board to act for that purpose.

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

SUBSIDIARY LEGISLATION

No Subsidiary Legislation