

NATIONAL INSTITUTE FOR CULTURAL ORIENTATION ACT

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NATIONAL INSTITUTE FOR CULTURAL ORIENTATION ACT

An Act to establish the National Institute for Cultural Orientation with the objective, among others, to serve as a focus for orientation in cultural matters for

Nigerian Policy Makers.

[1993 No. 93.]

[23rd August, 1993]

[Commencement.]

PART I

Establishment of the National Institute for Cultural Orientation

1. Establishment of the National Institute for Cultural Orientation

(1) There is hereby established a body to be known as the National Institute for Cultural Orientation (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 may sue or be sued in its corporate name.

2. Governing Board of the Institute, etc

(1) The governance of the Institute and the direction of its affairs shall vest in the Board of Governors of the Institute (in this Act referred to as "the Board").

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

(a) the programme, policy direction and the long-range plan and programme of activities of the Institute; and

(b) the annual budget of the Institute.

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

(a) a representative each of the following Federal Ministries-

(i) Culture and Tourism;

(ii) Education;

(b) a representative each of-

(i) the National Universities Commission;

(ii) the Nigerian Institute of International Affairs;

(iii) the Nigerian Institute of Policy and Strategic Studies;

- (iv) the Centre for Management Development;
- (v) the Centre for Black and African Arts and Civilisation;
- (vi) the National Council for Arts and Culture;
- (vii): the National Commission for United Nations Education and Scientific Organisation in Nigeria; and

(c) the Executive Secretary.

(4) Subject to subsection (5) of this section, a person appointed as a member of the Board (not being an *ex-officio* member) shall hold office for three years and shall be eligible for re-appointment for one further period of three years and no more.

(5) The President may terminate the appointment of a member of the Board (not being an *ex-officio* member) if satisfied that it is not in the interest of the Institute or the Board that the person concerned should continue in office.

(6) 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 therein mentioned. [Schedule.]

PART II

Objectives, functions, powers

3. Objectives and functions of the Institute

(1) The objectives of the Institute shall be to-

- (a) serve as a focus for orientation in cultural matters for Nigerian policy makers;
- (b) promote, revive, develop and encourage Nigeria's culture and history.

(2) Without prejudice to the generality of the provisions of subsection (1) of this Act, it shall be the functions of the Institute to-

- (a) promote public enlightenment of the various facets of Nigeria's culture;
- (b) build up personnel and materials for innovative study and development of Nigeria's culture and history;
- (c) promote and develop relevant curricula aimed at integrating Nigeria's culture

into the educational system at all levels;

- (d) promote Nigeria's cultural image;
- (e) sponsor and undertake research into all aspects of Nigeria's arts and culture;
- (f) promote or undertake any other activity which, in the opinion of the Board, is calculated to help achieve the purposes of the Institute; and
- (g) do anything or enter into any transaction which in the opinion of the Board is necessary to ensure the proper performance of its functions under this Act.

4. Functions of the Board

The Board shall be responsible for-

- (a) managing and superintending the affairs of the Institute;
- (b) the overall policy and general administration of the Institute;
- (c) determining the programme of activities of the Institute;
- (d) working closely with the management of the Institute to ensure smooth operation of the affairs of the Institute;
- (e) approving annual report and statement of accounts of the Institute;
- (j) appointing and approving fees for external auditors; and
- (g) carrying out such other activities connected with or incidental to the other functions of the Board.

5. Powers of the Board

The Board shall have power-

- (a) to acquire offices and other premises for the use of the Institute;
- (b) to fix terms and conditions of service, including remuneration of the employees of the Institute;
- (c) to do such other things as are necessary for the successful performance of its functions under this Act.

PART III

Staff of the Institute

6. Executive Secretary of the Institute

- (1) There shall be appointed by the President for the Institute an Executive Secretary, who shall be the chief executive of the Institute and be responsible to the Board for the detailed management of the affairs of the Institute.
- (2) The Executive Secretary shall be responsible for the execution of the policies and programmes of the Institute and its day-to-day administration.
- (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 period as the President may determine.
- (4) Subject to the provisions of 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.

7. Appointment of other staff

(1) There may be appointed from time to time by the Board, such other staff as may be required for the purposes of the efficient performance of the functions conferred on the Institute under or pursuant to this Act.

(2) The Board 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 public officers shall be applicable, with such modifications as may be necessary, to the employees of the Institute.

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

8. Pensions

(1) Notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Institute shall be approved service for the purposes of that 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 enjoyed by persons holding equivalent grades in the public service of the Federation, 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 and 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, other than 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 authority.

[Cap. P4.]

PART IV

Financial provisions

9. Funds of the Institute

(1) The Board shall establish and maintain a fund which shall be applied towards the promotion of the objectives and functions 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 or of a State for payment into the fund;

(b) fees charged for services rendered by the Institute; and

(c) subject to section 10 (2) of this Act, all sums accruing to the Institute by way of gifts, testamentary disposition and endowments or contributions from philanthropic persons or organisations or otherwise howsoever.

10. 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 or organisation making the gift.

(2) The Board 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.

11. Power to borrow

(1) The Board may, with the consent or in accordance with the general authority given by the Federal Government, borrow by way of loan or overdraft, from any source, any monies required by the Institute for meeting its obligations and discharging its functions under this Act.

(2) The Institute 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.

(3) The Board may invest any surplus funds of the Institute in such securities as may be approved by the Federal Government.

12. Estimates, accounts and audit

(1) The Board shall cause to be prepared not later than 31 October in each year, an estimate of the expenditure and income of the Institute during the next succeeding financial year and when prepared, they shall be submitted to the President through the Ministry.

(2) The Board shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Board 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 year by auditors appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation, and the fees of the auditors and the expenses of the audit generally shall be paid from the funds of the Institute.

13. Annual report

The Institute shall, not later than 30 September in each year, submit 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.

PART V

Miscellaneous and supplementary

14. Establishment of library

The Institute shall establish and maintain a library comprising such books, records, reports, guides, catalogues, creative bibliographies and other publications as may be directed by the Board for innovative study and advancement of Nigeria's culture and history for research purposes and for other purposes connected with the functions conferred on the Institute by or pursuant to this Act.

15. Regulations

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

16. Interpretation

In this Act, unless the context otherwise requires--

"Board" means the Board of Governors of the Institute constituted as provided in section 2 of this Act;

"chairman" means the chairman of the Board;

"Institute" means the National Institute for Cultural Orientation established by section I of this Act;

"member" includes the chairman of the Board;

"Minister" means the Minister charged with responsibility for culture;

"Ministry" means the Federal Ministry of Culture and Tourism; and

"secretary" means the secretary charged with responsibility for culture.

17. Short title

This Act may be cited as the National Institute for Cultural Orientation Act.

SCHEDULE
[Section 2 (6).]

Proceedings of the Board

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 Board may make standing orders regulating the proceedings of the Board or of any committee thereof.

[Cap. 123.]

(2) The quorum of the Board shall be the chairman and four other members and the quorum of any committee of the Board shall be determined by the Board.

2. (1) The Board shall meet not less than four times in each year and subject thereto, the Board 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 three other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Board 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 Board desires to obtain the advice of any person on a particular matter, the Board 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 Board and shall not be counted towards the quorum.

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

Committees

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

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

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

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 Board.

(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 Executive Secretary or any person generally or specially authorised to act for that purpose by the Board.

(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.

S. Members of the Board who are not public officers shall be paid out of monies at the disposal

of the Board such remuneration, fees or allowances in accordance with such scales as may be approved from time to time, by the President.

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

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

SUBSIDIARY LEGISLATION

No Subsidiary Legislation