

**BAYELSA STATE INSTITUTE OF TOURISM, CATERING AND HOTEL
MANAGEMENT LAW, 2012**

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**GOVERNMENT OF BAYELSA STATE OF NIGERIA
BAYELSA STATE INSTITUTE OF TOURISM, CATERING AND HOTEL
MANAGEMENT LAW, 2012**

**A LAW to provide for the establishment of the INSTITUTE OF TOURISM,
CATERING AND HOTEL MANAGEMENT and other matters connected therewith.**

Commencement ()

BE IT ENACTED by the House of Assembly of Bayelsa State of Nigeria and by the Authority of same as follows:

PART I

**ESTABLISHMENT AND FUNCTIONS OF THE
INSTITUTE**

(1) There is hereby established an Institute known as the Institute of Tourism, Catering and Hotel Management (hereinafter in this law referred to as “the Institute”).

(2) The Institute –

Establishment
of the Institute
of Tourism
Catering and
Hotel
Management

(a) Shall be a body corporate with perpetual succession;

(b) Shall have a common seal;

(c) May acquire, hold and dispose of real and personal property;

(d) May enter into contracts and other transactions;

(e) May sue and be sued in its corporate name.

(3) The Institute shall be located in Bayelsa State of the Federal Republic of Nigeria.

Subject to the provisions of this Law, the Institute shall be charged with the responsibility of conducting quality academic and professional research, education, training, consultancy and advocacy on travel, tourism, hotel, catering, culture, entertainment and hospitality studies.

Aims and Objectives

2.

The Institute shall have the following functions –

(a) Act as a centre of excellence for education, training, teaching, research, consultancy, advocacy, advancement and publications on travel, tourism, hotel management, catering, hospitality, culture, entertainment and other related or connected areas;

Functions of the Institute

3.

(b) Act as a centre for planning, strategic development and policy formulation in the areas mentioned under section 3(a) above;

(c) Promote and disseminate the science, theory, practice and study of travel, tourism, hotel management, catering, culture, hospitality and related or connected areas;

(d) Assist and advise the Bayelsa State Government in the planning and formulation of policies and strategies in order to achieve the objectives of this law;

(e) Assist and advise the Bayelsa State Government in developing laws and policies relating to the conservation and protection of wildlife, the environment and the eco system;

(f) Assist and advise the Bayelsa State Government in protection and promotion of the history, culture, traditions, heritage and languages of Bayelsa State.

(g) Promote entrepreneurship, business development and employment in the travel, tourism, hotel management, catering, hospitality, culture, entertainment and other related or connected areas;

(h) Encourage private sector participation and collaborate with state, national and international organizations on research, training and consultancy on issues relevant to its mandate;

(i) Run and maintain quality and world class libraries and database on the areas provided in section 3(a);

(j) Collaborate with other academic and professional institutions, businesses and organizations or individuals in Nigeria or abroad in order to achieve its objectives;

(k) Engage visiting scholars and fellow to participate in its teaching and academic research programme;

(l) Encourage and initiate student exchange programme with other institutions in Nigeria and abroad;

(m) Provide professional membership services (with different membership grades) for persons who qualify to become members of the Institute.

The institute shall have powers to:-

(a) Offer diploma and certificate courses.

(b) Conduct examinations and/or other forms of assessment, and award the qualifications mentioned under section 4(a) above;

(c) Conduct seminars, workshops, conferences and other related or connected services;

(d) Undertake such other incidental responsibilities relating to the development, consolidation and advancement of its aims and objectives;

(e) Provide endowments to enhance the training and teaching offered to its clients;

(f) Initiate and execute any project that would help to generate ideas and policies relating to the different areas provided in section 3(a).

PART II
GOVERNING BOARD, COMPOSITION AND
FUNCTIONS

(1) There is established for the Institute the Governing Board (in this Law referred to as “The Board”).

(2) The Board shall consist of the following members all of whom shall be appointed by the Governor, (except the Registrar, who is appointed by the Board).

(a) Nine members, which shall be made of six executive members and three non-executive members;

(b) The executive member of the Board are the Rector, the Director of Administration, the Director

Establishment
of the
Governing
Board

5.

of Finance, the Director of Regulation & Compliance, the Director of Education & Research and the Registrar of the Institute;

(c) The Chairman and the two other members of the Board shall be non-executive members;

(d) The Director of Compliance shall be a qualified lawyer, who is similar with the regulatory environment; and

(e) The supplementary provisions contained in the Schedule to this Law shall regulate the proceedings of the Board and the other matters.

(3) 1. The members of the Board shall be professionals who have knowledge and good history of commitment to the advancement and development of education and the other areas mentioned under section 2.

The members of the Board shall be persons of unquestionable character.

No person shall qualify to be appointed a member of the Board who –

(a) Has been adjudged or otherwise declared-

i. A

bankrupt under any law in force in Nigeria and has not been discharged; or

Qualification of members

ii. To

be of unsound mind.

(b) Is under a sentence of death or a sentence of imprisonment for any criminal offence by any court of law in Nigeria;

(c) Within a period of less than ten years before the date of his appointment has been convicted and sentenced for an offence involving dishonesty or has been found guilty of a contravention of the Code of Conduct; or

(d) Is otherwise disqualified by any law for the time being in force in Nigeria.

(a) The Board is vested with the power to make decisions and formulate general policies for the guidance of the Institute.

(b) Determine the general policy of the Institute.

(c) Provide for the discipline and welfare of members of staff in the Institute;

Establishment
of the
Governing
Board

(d) Constitute relevant committees or Boards to assist in executing specific assignments for the Institute;

6.

(e) Determine and provide any other rules and regulations that will enable the institute achieve its objectives; and

(f) Make decisions to erect, procure equipment, build and maintain libraries, lectures halls, halls of residence and other buildings or infrastructure necessary for the institute.

(1) The Chairman and the other members of the Board shall hold office for a period of 4 years and may be eligible for re-appointment for another term of 4 years.

(2) The office of the chairman or any member of the Board shall become vacant if:-

(a) He resigns his office by notice in writing and addressed to the Executive Governor of Bayelsa State;

(b) He was removed from office by the Executive Governor of the State for reasons of gross misconduct or non-performance; or

(c) He is incapable of performing the functions of his office by reason of disease or infirmity and has been so declared by a qualified medical practitioner.

Tenure of the
Board

There shall be paid to members of the Board and other committees such remuneration and allowances as are applicable to other Government agencies and institutions or as the Board may with the approval of the Governor determine.

PART III

MANAGEMENT AND STAFF OF THE INSTITUTE

Allowances

8.

Subject to the provisions of this Law, the Board shall be charged with the management of the Institute, its property, business and finances and other affairs thereof on matters of policy.

Management of
the affairs of the
Institute

9.

(1) There shall be for the Institute, a Rector who shall possess appropriate qualifications coupled with considerable knowledge, capacity and experience in travel, tourism, hotel management, catering, culture, hospitality and related or connected areas.

(2) The Rector shall be appointed by the Executive Governor.

(3) The Rector shall hold office for a period of 4 years and may be reappointed for another term of 4 years.

The Rector of
the Institute

10.

(4) The Rector shall be the Chief Executive and Academic Officer of the Institute and shall be charged with the general responsibility for matters relating to

the day-to-day management and operations of the Institute.

(5) The Rector shall be responsible to the Board.

The Rector as the chief executive shall be remunerated in the form of salaries, and other relevant allowances as it applies to the Head of similar institutions in the state or as it may be approved by the Executive Governor.

Remuneration
for Rector

11.

The Board shall have the power to make changes to the Management Structure of the Institute as contained in section 5(2) (b).

The
Management
Structure

12.

(1) The Institute may, through the Board, establish and maintain such departments and make such other administrative arrangements as in the opinion of the Board are necessary for the performance of the functions of the Institute.

(2) Without prejudice to the generality of subsection (1) of this section, there shall be the following departments of the Institute –

(a) Office of the Rector;

Departments

13.

- (b) Department of Administration;
- (c) Department of Finance;
- (d) Department of Regulation and Compliance;
- (e) Department of Education and Research;
and
- (f) Office of the Registrar.

(1) Each Department shall be headed by a Director who shall be a professionally qualified person in the relevant field appointed through a competitive process.

(2) Subject to the approval of the Board, the Institute may create additional department, divisions and units as it may deem necessary to achieve the objectives of the Institute.

Heads of
Departments

14.

(1) There shall be a Registrar who shall be the Chief Administrative officer of the Institute and shall serve as the Secretary to the Management Committee.

Registrar

15.

(2) The Registrar shall be responsible to the Rector for-

i. Administration of the Institute;

ii. Keeping the records and correspondence of the Institute; and

iii. Performing such other functions as may be assigned to him by the Rector or the Management Committee.

(3) The Registrar shall be appointed by the Board and shall possess a good degree from a recognized university with at least 10 years experience.

(1) There is established for the Institute, a Management Committee which shall consist of –

The Rector;

The Director;

All Heads of Departments;

The Registrar of the Institute.

(2) The Rector shall be the Chairman of the Management Committee.

Management
Committee

(3) The Management Committee shall be responsible for the general administration of the Institute, particularly in the areas of recruitment, discipline, promotion of staff, behavior and related activities of lecturers and staff, and the day-to-day management of the Institute.

(4) The Management Committee shall also be responsible for establishing the rules, regulations and procedures relating to students admission, enrolment and all other students activities and behavior at the institute.

(5) The Management Committee shall be responsible for making rules and regulations in connection with the prohibition of gangs, cults, political violence, terrorist activities and other forms of deviance.

(1) The Registrar shall be the secretary to the Board at its meetings and shall, subject to the directions of the Board arrange the business for and cause to be recorded and kept minutes of all meetings of the Board.

(2) The registrar shall also –

(a) Take charge of, and keep the seal of the Institute;

(b) Conduct the correspondence of the Institute; and

(c) Perform such functions as the Board may by writing direct or as the Executive Chairman may by writing delegate to him and shall be assisted in his functions by such employees of the Institute as the Board may direct.

(1) The Institute may from time to time engage such employees as may be necessary for the proper and efficient conduct of the business and functions of the Institute.

(2) The Institute may also engage the services of such consultants and advisers as the Institute may upon the recommendations of the Executive Chairman determine.

(3) The Staff of the Institute shall be appointed subject to the provisions of this Part of this Law.

(4) Public officers may be transferred or seconded to the Institute or may otherwise give assistance thereto.

Staff of the
Institute

18.

(1) The Board may, subject to the provisions of this law, make rules and 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:

Staff discipline
and Regulations

19.

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

Appeal 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 modification as may be necessary, to the employees of the Institute.

(2) The staff regulations made under subsection (1) of this section shall not have effect until they are approved by the Board of the Institute.

(3) However, the wages, relevant allowances and other benefits for the Director of Administration, the Director of Finance, the Director of Education & Research, the Director of Regulation & Compliance and the Registrar of the Institute are to be approved by the Executive Governor of Bayelsa State.

(4) The Board shall prescribe the minimum standard of entry into the Institute and also prescribe the required fees.

Staff of the Institute shall have the right to become members of an appropriate trade union.

Trade Union
Democracy

20.

Pensions
(Bayelsa State
Contributory
Pensions
Scheme Law,
2009)

21.

Notwithstanding the provisions of the Pension Law, service in the Institute shall be approved service for the purpose of that Law and accordingly, employees of the Institute shall, in respect of their service benefits as are enjoyed by persons holding equivalent grades in the civil service of the State; but nothing in this Law 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.

The seal of the Institute when affixed to any document of the Institute or when affixed to any document which the Institute is a party, shall be authenticated by the signature of the Chairman or any other member authorized in that behalf by the Board and by the Rector.

PART IV

FINANCIAL PROVISIONS

Seal

22.

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

(2) The funds and resource of the Institute shall consist of

Such sums appropriated for the Institute from the state budget for the fiscal year;

Gifts, donations and contributions from national and international institutions, agencies, philanthropic persons and organizations; and

Fess charged for tuition, registration, consultancy and other services rendered by the Institute.

Funds of the
Institute

23.

(1) There shall be established bank account(s) for the Institute. All funds accruing to the Institute shall be paid into the said bank account(s).

(2) The Institute shall manage its funds in accordance with rules made by the Management Committee with the general direction of the Board, and without prejudice to the power to make rules under this section, the rules shall contain provisions specifying:-

The manner in which assets or funds of the Institute are to be held; and

The keeping of proper accounts and records for the purpose of the fund in such manner as may be safe and effective.

Bank Accounts

24.

The Institute shall apply its funds to the cost of administration of the Institute, including but not limited to, payment of salaries, gratuities, allowances, fees and the payments for contracts, consultancies and purchases made for the benefit of the Institute.

Use of funds

25.

The Institute shall, not later than 31st of August each year, present to the Board for approval, an estimate of the expenditure and incomes of the Institute for the next fiscal year.

Estimate of the expenditure

26.

(1) The Board shall cause to be kept proper books of accounts of all income and expenditure of the Institute and proper records in relation to them.

Books of Accounts

27.

(2) Subject to any directions that may be given by the Governor, the Board shall cause to be prepared in respect of each financial year, and not later than 3 months after the close of the financial year, a statement of accounts which shall include a report on the performance of the Institute during that financial year, and the statement shall comprise: –

A statement of income and expenditure;

A balance sheet; and

Any other information in respect of the financial affairs of the Institute.

(1) The accounts of the Institute shall, in respect of each financial year, be audited by the Auditor General or by an auditor acting in that capacity.

(2) The Board shall ensure that within 4 months after the close of each financial year, a statement of accounts is submitted to the Auditor General for auditing.

(3) The Auditor General and any auditor appointed in that capacity shall have access to all books of account, vouchers and other financial records of the Institute and shall be entitled to have any information and explanation required as he may think fit.

(4) The Auditor General Shall, within 4 months after receipt of the statement of accounts submitted, audit the accounts and deliver to the Board a copy of the audited accounts together with his report on them, stating any matter which in his or

her opinion, should be brought to the attention of the Governor.

(5) The Auditor General shall deliver to the Executive Governor, a copy of the audited accounts together with his or her report on them.

(6) The Governor shall cause the report of the Auditor-General to be laid before the State Executive Council.

(1) A member of the Board who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as possible, after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Board.

(2) Disclosure of interest under subsection (1) above, shall be recorded in the minutes of the meeting of the Board; and the member making the disclosure shall not, unless the Board otherwise determines in respect of that matter:-

Be present during any deliberation on the matter by the Board; and

Take part in the decision of the Board.

Disclosure of
interest

29.

(3) For the purpose of the making of a decision by the Board under subsection (2) in relation to a member who has made a disclosure under subsection

(1), the member who had made the disclosure shall not :

Be present during the deliberation of the Board for the making of that determination; or

Influence any other members or take part in the making by the Board of the determination.

(4) A decision made under subparagraph (2) shall be deemed to have been validly made, notwithstanding the fact that there was no quorum by virtue of the member making the disclosure, not being present.

PART V

MISCELLANEOUS

(1) The Institute may honour outstanding individuals and organizations in Bayelsa State, Nigeria or abroad, who may have made significant contributions to the advancement of the Institute, or the tourism and hospitality industry.

(2) The Management Committee shall establish the rules of the award of the honour, which has to be approved by the Board.

Honor/Awards

30.

Acquisition of property

31.

The Institute may, subject to the provision of the Land Use Act and any other application law, lease, rent or acquire an interest in land and other

properties, build and maintain offices and premises for its activities.

In this Law, unless the context otherwise requires,

“Auditor-General” means the Auditor-General of Bayelsa State;

“Board” means the Governing Board of the Institute;

“Chairman” means the Chairman of Governing Board of the Agency.

“Rector” means the Chief Executive of the Institute;

“Director” means the Director in a recognized department of the Institute;

“Governor” means the Governor of Bayelsa State;

“Gross misconduct” means a grave violation or breach of the provisions of this law;

“Institute” means the Institute of Tourism, Catering and Hotel Management

Interpretation

32.

Citation and Commencement

18.

This Law may be cited as the Institute of Tourism, Catering and Hotel Management Law, 2012 and it shall come into force on the day of 2012.

SCHEDULE
SECTION 5(e)

PROCEEDINGS OF THE BOARD

Subject to this Law and other applicable laws, the Board may make standing orders regulating its proceedings.

The Board shall meet whenever summoned by the Chairman, or if required to do so by at least 5 members of the Board and shall meet for a minimum of 6 times a year.

The Chairman shall preside at the meeting of the Board and in his absence, the members present shall elect from among themselves an acting chairman to preside.

The quorum of the Board shall be formed whenever the Chairman and 4 other members are present at a scheduled meeting but in the absence of the chairman, 6 members including the Secretary shall form a quorum.

The Management Committee may appoint one or more committees to carry out, on behalf of the Management Committee, such of its functions as the Management Committee may determine.

A decision of a sub-committee of the Management Committee shall be of no effect until it is confirmed by the Management Committee.

COMMON SEAL

The fixing of the common seal of the Institute shall be authenticated by the signature of the Chairman or of any other member authorized in that behalf by the Board and the Rector.

(1)

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 Rector or any person generally or specially authorized to act

(2) for that purpose by the Management committee.

Where the Management Committee desires to obtain advice from any person on a particular matter, the Board or Management Committee may co-opt him or her as a member for such period as the Management Committee thinks fit but, a person who is a member virtue of this paragraph shall not be entitled to vote at any meeting of the Management Committee and shall not count towards a quorum.

This printed impression has been carefully compared by me with the Bill which has passed the Bayelsa State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

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Mr. AARON NICODEMUS TIMIYE
Clerk of the House

Assented the day of 2012

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HON. HENRY SERIAKE DICKSON
Governor of Bayelsa State