

CHAPTER N96

NIGERIAN COLLEGE OF AVIAITON TECHNOLOGY ACT

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CHAPTER N96

NIGERIAN COLLEGE OF AVIATION TECHNOLOGY ACT

An Act to make provision for a training organization to be known as the Nigerian College of Aviation Technology, to provide for its organization, control and operation, and for connected purposes.

[1964 No. 31.]

[1st December, 1965]

[Commencement.]

CAP. N96

Nigerian College of Aviation Technology Act

1. Establishment of the Nigerian College of Aviation Technology

(1) There shall be established in Zaria, a training organization to be known as the Nigerian college of Aviation technology (in this Act referred to as “the College”) which shall be a body corporate under that name and, subject to the provision of this Act, the College shall be charged with the general duty of providing-
[No. 42 of 1990]

- (a) civil aviation courses, standard or special, designed for use in flight training or in airport operation and management as may from time to time be prescribed under this Act for approved persons;
 - (b) training of approved persons in the installation, maintenance and operation, as the case may be, of technical equipment the use of which is calculated or likely to increase the margin of operational safety of civil aircraft services;
 - (c) equipment and necessary facilities for technical research or normal use by approved persons at the College as may from time to time be authorized or allowed by the Board of governors under this Act.
- (2) Courses provided for the purposes of subsection (1) of this section shall include the organization of incidental study groups and the delivery of necessary series of lectures; and if approved, fees may be calculated and be charged at such rate, not exceeding the estimate cost of the course, as may be prescribed under this ACT
- (3) The college as a body corporate shall have perpetual succession and a common seal which shall be kept in the custody of the Principal of the College; and the College may hold or acquire property, movable and immovable, but shall not mortgage, charge or dispose of any property held by it over the value of N100 without the consent in writing of the Minister.

2. Power to appoint a Principal for the college

The Minister shall appoint a fit person as head of the College and its Principal; and the Principal shall be responsible to the Board of Governors under this Act for the day-to-day administration and control of the College, and shall perform such other duties as may, from time to time, be prescribed under this Act

3. Board of Governors

(1) There shall be a Board of Governors (in this Act referred to as “the Board”) as members of the College charged with responsibility for the organization, administration and policy planning of the college, and the Board shall consist of the following members-

- (a) one fit person appointed as Chairman by the President;
- (b) one fit person appointed as a member by the President;
- (c) a representative of the Ministry of Civil Aviation;
- (d) the managing Director of the Nigerian Airways Ltd;
- (e) a representative of the Nigerian Airways Ltd;
- (f) a representative of the Nigerian Airforce; and

- (g) a representative of the International Civil Aviation Organization.

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(2) The Principal of the College shall be the secretary to the Board and shall attend the meetings of the Board; and in his absence his deputy shall act as a secretary at meetings attended by him, but neither the secretary nor his deputy acting for him in that capacity shall have a vote at meetings of the Board.

(3) The Minister may give to the Board directions of a general nature or relating generally to particular matters and, in any event while it continues to operate in Nigeria, not inconsistent with the objects of the special fund, or of the executing agency; and the Board shall comply with any directions given by the Minister.

- (4) Subject to the provisions of subsection (3) of this section, the Board may-
- (a) prescribe the general policy of the College in consultation with Principal of the college and the fees to be charged in respect thereof;
 - (b) regulate the organization and management of the College;
 - (c) prescribe the duties of the principal of the College and any members of its staff;
 - (d) provide for the appointment, promotion, dismissal and transfer of members of the staff at the College;
 - (e) make provision for pension schemes for members of the staff at the college;
 - (f) approve annual accounts and estimates;
 - (g) as and when required, make any necessary contract between the college and any persons not connected therewith;
 - (h) submit annual reports to the Minister.

(5) The provisions of the First Schedule to this Act shall have effect with respect to the tenure of office of members of the Board and the other matters there mentioned.

[First Schedule]

(6) In this section, “**Staff**” includes all personnel of the college other than those employed by the executing agency or by the special fund, or by any other approved foreign agency or organization.

4. Financial provisions

- (1) The funds of the College shall comprise-
- (a) money allocated to it in each year by the Government of the federation and, while it continues to operate in Nigeria, by the special fund in such shares as may be agreed from time to time;
 - (b) donations and subsidies;

- (c) fees for training received from the College;
- (d) monies from such other sources as may, from time to time, be approved by the Board on behalf of the College.

(2) The Board shall cause accounts to be kept at all times of the income and expenditure of the college and proper records in relation to those accounts; and the accounts of the College shall be audited as soon as may be after the end financial year to which the accounts relate by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the federation.

(3) The Board shall prepare and submit to the Minister not later than the last day of October in each and every year after the commencement of this Act an estimate of the expenditure and income during the next financial year.

(5) Report on the College in each year

(1) The Board shall in every year furnish half-yearly reports to the Minister and while the special fund continues to operate in Nigeria, to both the representatives of the executing agency and of the special fund, on the activities of the college, so however, that the first of such reports shall be furnished not later than 15 July, 1965, and subsequent reports as nearly as may be on or after 15 January and 15 July in each year thereafter; and every report shall be accompanied by a copy of the audited accounts of the College, and of the report (if any) by the auditor on the accounts as audited by him.

(2) Copies of the report when made shall be printed and submitted to the President.

(6) Traveling allowances etc, to members of the board

Members of the Board shall be paid such traveling and other allowances at such rate as the minister may, from time to time, approve, after consultation with the Minister of the Government of the Federation charged with the responsibility for finance.

(7) Advisory Council

(1) There shall be for the College an advisory council consisting of not less than ten members or more than twenty members appointed, from time to time, by the Minister from among representatives of governments, airlines and civil aviation bodies making use of the College.

(2) Meetings of the advisory council shall be convened by the principal as and when necessary, so however that the advisory council shall meet at least once in each calendar year.

(3) It shall be the duty of the advisory council to make suggestions to the Board relative to courses of instruction provided or to be provided by the College, and to make recommendations to the Minister for the holding of conferences and meetings at the College which members of the advisory council consider suitable or necessary.

(4) The Board shall consider all suggestions offered to it by the advisory council under subsection (3) of this section and shall give effect to them as far as is practicable.

(5) Members attending a meeting of the advisory council shall appoint the Chairman for the meeting and may regulate its own procedure thereat.

(6) The Principal or in his absence some person nominated by him shall attend meetings of the advisory council and provide any necessary assistance of a secretarial nature and any person attending under this subsection may take part in deliberations of the advisory council, but shall not vote on any subject.

(8) Pensions in special cases

The Federal Civil Service Commission may by order published in the federal Gazette declare that service with the College shall be approved service for the purposes of the Pensions Act.

[Cap.P4.]

(9) Regulations

(1) Where any act, matter or thing falls to be prescribed under this Act, any such act, matter or thing may be prescribed by regulations made on behalf of the College by the board.

(2) Regulations made under this section shall, when approved by the Minister, be published in the Federal Gazette.

10. Validation of past acts, etc

It is declared for the avoidance of doubt that where any persons have before the commencement of this Act been appointed or have purported to act under powers, however conferred, incidental to the acquisition of land for, or incidental to the erection, supervision or control of, the College hereby established, such persons shall be deemed always to have been lawfully appointed, or to have validly exercised the powers, as the case may be.

(11) Disposal of property of the special fund

(1) The President may, after consultation with the executing agency and of the special fund, prescribe a date not earlier than five years after the commencement of this Act for the preparation of a schedule (in this section referred to as “the transfer schedule”) of the assets in Nigeria of the special fund, and the Accountant-General of the Federation shall, when so directed, and acting in collaboration with the executing agency, the special fund and the board, prepare the transfer schedule accordingly; and the transfer schedule shall be certified to, by the persons so collaborating, and a copy shall be supplied by the principal of the College to the Minister.

(2) On a day to be appointed thereafter by the Minister (hereafter in this Act referred to as “the appointed transfer day”) the College shall have and may exercise administrative control on behalf of the Government of the Federation over all property shown as assets in the transfer schedule, and such assets shall vest in the College

(3) The provisions of the second schedule to this Act shall have effect with respect to any matter arising from the transfer by this section to the College of the assets in Nigeria of the special fund and with respect to the other matters mentioned in that Schedule.

[Second Schedule.]

12. Interpretation

In this Act, unless the context otherwise requires-

“**appointed transfer day**” means the day appointed for the purpose of section 11 of this Act for the vesting of certain property of the special fund in the College.

“**approved**” means approved by the Minister;

“**Board**” means the Board of Governors under section 3 of this Act;

“**College**” means the Nigerian College of Aviation Technology established under section 1 of this Act;

“**executing agency**” means the International Civil Aviation Organization acting on behalf of the special fund;

“**Minister**” means the Minister of the Government of the Federation charged with responsibility for civil aviation;

“**prescribed**” means prescribed on behalf of the College with the approval of the Minister

“**principal**” means the principal of the College

“**Special Fund**” means the United nations’ Special fund administered in Nigeria by the director of the special fund programmes in Nigeria.

13. Short title

The Act may be cited as the Nigerian College of Aviation Technology Act.

SCHEDULES

FIRST SCHEDULE

[Section 3 (5).]

Supplementary provisions relating to the Board

Qualifications and tenure of office of members

1. (1) Subject to the provisions of this paragraph, a member of the Board shall hold office for such period not exceeding three years as may be set out in the instrument of appointment, or if he is a member by office or in a representative capacity the shall be a member while he continues to hold the particular office or be the representative, as the case may be.

(2) Any member of the Board who ceases to be a member thereof shall, if he is also a member of a committee thereof, cease to hold office on the committee.

(3) Any member appointed by the government of the federation may by notice in writing under his hand addressed to the Minister and with his consent resign his office, and any member appointed by office or in a representative capacity may, with the consent of the person or body appointing him, resign his office by notice witting addressed to the Minister.

(4) A person who has ceased to be a member of the Board shall be eligible for the

(4) If for any reason there is a vacation of office by a member and-

(a) Such member was appointed on behalf of the government of the Federation, another fit person shall be appointed either permanently or temporarily in his stead to be a member of the Board; and

(b) in any other case the vacancy shall be filled by appointment as the circumstances may require.

2. Unless otherwise precluded by his Act, the Board shall have power to do anything which in the opinion of the members is calculated to facilitate the carrying on of activities of the College.

Proceeding of the Board

3. (1) Subject to the provisions of this Act, the Board may in the name of the College make standing orders regulating the proceedings of the College or of the Board, and in the exercise of its power under this Act, may set out committees in the general interest of the College, and make standing orders thereof.

(2) Standing orders shall provide for decisions taken to be unanimous and accordingly the chairman shall not have a second or casting vote. Standing orders made for a committee shall provide that the committee is to report back to the Board on any matter not within its competence under this Act to decide.

4. The quorum of the Board shall be four of whom one shall be the representative of either the executing agency or of the special fund; and the quorum of a committee of the Board shall be fixed by the Board itself.

Meetings

5. (1) Subject to the [provisions of this Act and any standing orders of the Board, 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 the Minister, he shall summon a meeting of the Board to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman shall preside and if he is not present, the members attending may appoint one of their numbers to be chairman of the meeting.

(3) Where the Board desires to obtain the advice of any expert on a particular matter touching or concerning the College, the Board may co-opt him as a member for such period as the Board thinks fit; but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the board, and shall not count towards a quorum.

Committee

6. (1) The Board may appoint one or more committee to carry out on behalf of the Board such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Board.

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

Miscellaneous

7. (1) The fixing of the seal of the College shall be authenticated by the signature of the chairman of the Board of the principal if authorized by the Board for that purpose.

(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 College by any person generally or specially authorized to act for that purpose by the Board.

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

8. The validity of any proceeding of the Board shall be affected by any defect in the appointment of a member of the Board or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

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

10. A person shall not by reason only of his membership of the Board be treated as holding an office of emolument under the State.

SECOND SCHEDULE

[Section 10(3).]

Transitional provisions as to property, etc

1. (1) Every arrangement to which the executing agency or the special fund this Act was a part immediately before the appointed transfer day, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned by the said executing agency shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect from the appointed transfer day, so far as it relates to in property transferred by this Act to the College as if-

(a) The College had been a party to the agreement on behalf of the government of the Federation; and

(b) for any reference (however worded and whether express or implied) to the said executing agency or to the special fund there were substituted, in respect of anything falling to be done on or after the appointed transfer day, a reference to the College.

(2) Other documents which refer, whether specially or generally, to the executing agency or to the special fund shall be construed in accordance with sub-paragraph (1) of this paragraph so far as applicable.

2. Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of any of them or of section 10 of this Act, any right, liability or obligation vests in the College, the College and all other persons shall, as from the appointed transfer day, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the College.

3. Any application to any authority pending on the appointed transfer day by or against the executing agency under this Act and relating to property transferred by this Act to the training centre may be continued on or after that day by or against the College.

4. If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter), apply with the necessary modifications to the transfer of the property aforesaid; and it shall be the duty of the principal to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly, and notwithstanding the disclosure of a trust.

CHAPTER N96

NIGERIAN COLLEGE OF AVIATION TECHNOLOGY ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
