

CHAPTER P16

PETROLEUM TRAINING INSTITUTE ACT

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CHAPTER P16

PETROLEUM TRAINING INSTITUTE ACT

An Act to establish the Petroleum Training Institute to provide courses of instruction, training and research in petroleum technology and to produce technicians and other skilled personnel required to run the petroleum industry.

[1972 No. 37.]

[19th September, 1972]

[Commencement.]

PART I

General

Establishment of the Petroleum Training Institute

1. Establishment and functions of the Petroleum Training Institute

- (1) There shall be established an institute to be known as the Petroleum Training Institute (in this Act referred to as "the Institute") which shall be a body corporate with perpetual succession and a common seal.
- (2) The functions of the Institute shall be to—
 - (a) provide courses of instruction, training and research in oil technology and produce technicians and such skilled personnel normally required for oil production;
 - (b) arrange conferences, seminars and study groups relative to the field of learning specified in paragraph (a) of this subsection; and
 - (c) perform such other functions as in the opinion of the Council may serve to promote the objectives of the Institute, including, without prejudice to the generality of the foregoing, the making of such regulations as may be necessary for entry into and type of courses approved by the Institute, the duration of such courses and their academic standards, and the recognised equivalents of such certificates and diplomas that the Institute may award.

Establishment, etc., of the Council of the Institute

2. Establishment and constitution of the Council, etc.

- (1) There shall be established a body to be known as the Council of the Petroleum Training Institute (in this Act referred to as "the Council").
- (2) The Council shall consist of the following members—
 - (a) the Director of Petroleum Resources, who shall be the chairman;
 - (b) one person appointed by the Permanent Secretary to represent the Federal Ministry of Power and Steel;

- (c) one person appointed by the Permanent Secretary to represent the Federal Ministry of Finance;
- (d) the Federal Adviser on Technical Education;
- (e) the Principal of the Institute;
- (f) two persons appointed by the Minister to represent the Nigerian National Petroleum Corporation;
- (g) one person appointed by the Minister to represent the Nigerian Mining, Geological and Metallurgical Society; and
- (h) one person appointed by the Minister to represent the interest of other bodies (excluding the Nigerian National Petroleum Corporation) engaged in the oil industry in Nigeria.

(3) The provisions set out in the Schedule to this Act shall apply in relation to the constitution of the Council and as to other matters therein specified.

[Schedule.]

(4) The Minister may by order published in the Federal *Gazette* amend the provisions of the Schedule to this Act, and such provisions shall have effect, as amended.

Functions and powers of the Council

3. General functions of the Council

Subject to the provisions of this Act, the Council shall be the governing body of the Institute and shall have the general management of the affairs of the Institute, and in particular, the control of the property and the finances of the Institute; and shall also have power to do anything which in its opinion is calculated to facilitate the carrying out of the functions of the Institute under this Act.

4. Power of the Institute to enter into contracts, to hold property and to invest

(1) The Institute may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Act.

(2) The Institute may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Act, and for the same purpose may sell, lease, mortgage, or otherwise alienate or dispose of any property so acquired.

(3) Subject to section 11(1) of this Act, the Institute may invest its funds in such manner and to such extent as it may think necessary or expedient.

Supplementary provisions

5. Secretary to the Council

(1) The Registrar of the Institute shall be the secretary to the Council and shall attend all meetings of the Council and its committees.

(2) In the absence of the Registrar, the chairman of the Council may, after consultation with the principal, appoint a suitable person to act as secretary for any particular meeting.

(3) The secretary to the Council or a person appointed under subsection (2) of this section, shall not be entitled to vote on any question before the Council unless he is so entitled as a member of the Council.

6. Appointment of the principal and other staff

(1) The principal of the Institute, who shall be the chief academic and administrative officer, shall be appointed by the Council on such terms and conditions as it may think fit, and he shall have power to exercise general authority over the staff, and shall be responsible for the discipline of the Institute.

(2) The vice-principal, heads of departments, the Registrar, and any other academic and senior administrative staff shall be appointed by the Council on the recommendations of a committee appointed under paragraph (3) of the Schedule to this Act, to be known as the "Appointment Committee" which shall be charged by the Council with responsibility for the making of recommendations for the appointment of academic and senior administrative staff.

(3) The power to appoint other categories of staff shall be exercised by the Principal with the assistance of such committee as may be constituted by him for such purpose.

7. Removal from office of members of the Council, etc.

(1) If it appears to the Council that a member of the Council who is a member by virtue of section 2 (2) (f) or (g) of this Act should be removed from office on the grounds of misconduct or inability to perform the functions of his office, the Council shall, after consultation with the interest represented by such member, make a recommendation to that effect to the Minister; and if the Minister approves the recommendation, he shall remove the member from the membership of the Council.

(2) If it appears to the Council that the principal, vice-principal or any other member of the academic or senior administrative staff of the Institute should be removed from office or employment on the grounds of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the Minister and, if the Minister approves the recommendation, the Council shall remove the person concerned from his office or employment.

(3) Nothing in subsection (2) of this section shall be construed as precluding the Council from exercising disciplinary control (other than the power of removal from office or employment) in relation to the persons to whom that subsection applies; and in the operation of subsection (2) of this section, the Council shall have power at any time to suspend the person concerned from his office or employment until the decision of the Minister on the recommendation made by the Council is known.

(4) Other categories of staff shall for the purposes of discipline be subject to the authority of the principal, so however that no member of such staff (except members who are daily paid) shall be removed from office without the approval of the Council; and in exercise of his authority under this section, the principal shall have power to appoint, in any case where he considers it appropriate so to do, a disciplinary panel of such number

of members of the staff of the Institute as he may in his discretion determine for the purpose of advising him on any particular matter relating to discipline.

8. Discipline of students

(1) Subject to the provisions of any bye-law made under the provisions of section 13 of this Act, the principal shall have power to exclude or suspend for such period as he may in his discretion determine any student from attending the Institute for any course which the principal considers adequate to warrant such action; and any such exclusion or suspension shall be reported to the Council so soon thereafter as may be convenient.

(2) A student may, with the approval of the Council, be expelled by the principal for misconduct.

PART II

Financial provisions

9. Annual budget and estimates, etc.

(1) As soon as may be after the end of March in any year after the commencement of this Act, the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year together with a statement of the assets and the liabilities of the Institute as at the last day of that financial year.

(2) The statements referred to in subsection (1) of this section shall, when certified by the Principal, be audited by an independent firm of auditors appointed by the Council with the approval of the Minister, and shall be published within six months thereafter in the Federal *Gazette*.

(3) The Council shall cause to be prepared not later than 1 December in any year estimates of revenue and expenditure for the ensuing financial year and when prepared they shall be submitted to the Council for approval.

10. Revenue of the Institute

The revenue of the Institute shall include—

- (a) fees charged by and payable to the Institute in respect of students;
- (b) any other amounts, charges or dues recoverable by the Institute;
- (c) revenue, from time to time, accruing to the Institute by way of subvention, grants-in-aid, endowment or otherwise;
- (d) interests on investments; and
- (e) donations and legacies accruing to the Institute from any source for the general or special purposes of the Institute.

11. Donations for particular purposes

(1) Donations of money to be applied for any particular purpose shall be placed to the credit of a special reserve account and may be invested in such securities or other investments as may be approved by the Minister until such time as they may be expended in fulfilment of such purposes:

Provided that the Institute shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attaching to such donation.

(2) The interests derived from the investments referred to in subsection (1) of this section, unless the terms of the donation otherwise require, shall be deemed to be revenue of the Institute.

12. Payment into bank

All sums of money received on account of the Institute shall be paid into such bank as may be approved by the Council for the credit of the Institute's general, current or deposit account:

Provided that the Council may invest, as it deems fit, any money not required for immediate use other than donations of money referred to in subsection (1) of section 11 of this Act.

PART III

Miscellaneous

13. Power to make bye-laws

(1) The Council may, within the scope of its authority under this Act, make bye-laws relating to any internal and domestic matters placed by this Act under its control and superintendence other than matters for which provision is to be made by standing orders under paragraph 7 of the Schedule or in pursuance of paragraph 8 of the said Schedule.

(2) All such bye-laws shall be in writing and shall come into force when sealed with the seal of the Institute, unless some other date for commencement be therein prescribed.

(3) Nothing in subsection (2) of this section shall make it obligatory for the Council to publish any of the said bye-laws in the *Federal Gazette*.

14. Quorum and procedure of bodies established by this Act

Subject to the provisions of this Act and any standing orders or bye-laws made thereunder the quorum and procedure of any body of persons established by this Act shall be such as may be determined by that body.

15. Interpretation

In this Act, unless the context otherwise requires—

“**bye-laws**” means bye-laws made under section 13 of this Act;

“**Council**” means the governing body of the Institute established under section 2 of this Act;

“**Government**” means the Federal Government;

“**Institute**” means the Petroleum Training Institute established under section 1 of this Act;

"Minister" means the Minister charged with responsibility for matters relating to petroleum;

"property" includes rights, liabilities and obligations;

"Registrar" means the Registrar of the Institute;

"staff" means all persons employed by the Council to serve at the Institute.

16. Short title

This Act may be cited as the Petroleum Training Institute Act.

SCHEDULE

[Section 2 (3).]

Supplementary provisions relating to the Council

Terms of office of members

1. (1) A member of the Council who is a member by virtue of section 2 (2) (f) or (g) of this Act shall hold office for a period of three years beginning with the date on which he is appointed.

(2) A member of the Council holding office as specified in sub-paragraph (1) of this paragraph may, by notice to the Council, resign his office.

(3) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct, shall be eligible for re-appointment.

2. (1) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor.

(2) The Council may act, notwithstanding any vacancy in its membership or the absence of any member.

Committees

3. (1) The Council may appoint one or more committees to which it may delegate any of its functions.

(2) No decision of a committee shall have effect unless confirmed by the Council.

Meetings of the Council

4. (1) The Council shall meet for the conduct of business at such times and places as the chairman may appoint but shall not meet less than twice in a year.

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

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

Power to co-opt members

5. (1) Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting whether or not expressly convened for the purpose of considering the particular matter.

(2) Such member shall not be entitled to vote nor shall he count towards a quorum.

Questions how decided

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

(2) Four members shall form a quorum at any meeting of the Council.

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

Standing orders

7. Subject as aforesaid, the Council shall make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Absence of the chairman

8. If the chairman is absent from a meeting of the Council, the members present shall elect one of their number to act as chairman for the purpose of that meeting.

Contracts and instruments

9. (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 in like manner be entered into or executed on behalf of the Institute by any person generally or specifically authorised by it for that purpose.

(2) Any member of the Council or of 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.

Seal of the Institute

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

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

(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 deemed to be so executed.

CHAPTER P16
PETROLEUM TRAINING INSTITUTE ACT
SUBSIDIARY LEGISLATION

No Subsidiary Legislation

