

PETROLEUM TRAINING INSTITUTE DECREE 1972



ARRANGEMENT OF SECTIONS

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Decree No. 37

[19th September 1972]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I—GENERAL

Establishment of the Petroleum Training Institute

1.—(1) There shall be established an institute by the name of the Petroleum Training Institute (hereinafter in this Decree referred to as "the Institute") which shall be a body corporate with perpetual succession and a common seal.

Establish-
ment and
function
of the
Petroleum
Training
Institute.

(2) The functions of the Institute shall be—

(a) to provide courses of instruction, training and research in oil technology and to produce technicians and such skilled personnel normally required for oil production ;

(b) to arrange conferences, seminars and study groups relative to the field of learning specified in paragraph (a) above; and

(c) to 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

Establishment and constitution of the Council, etc.

2.—(1) There shall be established a body to be known as the Council of the Petroleum Training Institute (hereinafter in this Decree 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 Mines and Power;

(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 Commissioner to represent the National Oil Corporation;

(g) one person appointed by the Commissioner to represent the Nigerian Mining, Geological and Metallurgical Society; and

(h) one person appointed by the Commissioner to represent the interest of other bodies (excluding the National Oil Corporation) engaged in oil industry in Nigeria.

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

(4) The Commissioner may by order published in the Gazette amend the provisions scheduled under subsection (3) of this section and set out in the order, and such provisions shall as so amended accordingly have effect.

Functions and Powers of the Council

General functions of the Council.

3. Subject to the provisions of this Decree, 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 Decree.

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

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

(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 Decree, 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 Decree, the Institute may invest its funds in such manner and to such extent as it may think necessary or expedient.

Supplementary Provisions

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

Secretary to the Council.

(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.—(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.

Appointment of the Principal and other staff.

(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 Decree, to be known as the "Appointments Committee", which shall be charged by the Council with responsibility for the making of recommendations for the appointments 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.—(1) If it appears to the Council that a member of the Council who is a member by virtue of paragraph (f) or (g) of section 2 (2) of this Decree should be removed from office on the ground 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 Commissioner; if the Commissioner approves the recommendation, he shall remove the member from the membership of the Council.

Removal from office of members of the Council, etc.

(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 ground of misconduct or inability to perform the functions of his office or employment, the Council shall—

(a) give notice to the person concerned specifying the reasons therefor ;

(b) make arrangements for an investigating committee to investigate and report on the matter ;

(c) afford the person concerned an opportunity of making representation in person, or by his representative on his behalf, on the matter before the investigating committee, and if the Council, after considering the report of the Committee is satisfied that the person concerned should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council in the following circumstances, that is—

(i) if a resolution is passed at a special meeting convened for the purpose of which 30 clear days notice has been given by the Chairman in writing to each member of the Council, in which the notice to remove the person concerned is clearly set out; and

(ii) where not less than 6 members are present in person and the said resolution is passed by at least two-thirds majority of those members present and voting.

(3) In the application of subsection (2) of this section, the Council shall at any stage of the proceedings have power to suspend from office until the investigation is completed and a decision taken any member of the staff of the Institute whose conduct is being investigated.

(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.

Discipline
of students.

8.—(1) Subject to the provisions of any by-law made under the provisions of section 14 of this Decree, 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 cause 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

Annual
budget
estimates,
etc.

9.—(1) As soon as may be after the end of March in any year after the commencement of this Decree 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) above shall, when certified by the Principal, be audited by an independent firm of auditors appointed by the Council with the approval of the Commissioner, and shall be published within six months thereafter in the Gazette.

(3) The Council shall cause to be prepared not later than 1st 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.

Revenue of
the Institute.

10. 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.—(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 Commissioner until such time as they may be expended in fulfilment of such purpose :

Donations for particular 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 interest derived from the investments referred to in subsection (1) above, unless the terms of the donation otherwise require, shall be deemed to be revenue of the Institute.

12. 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 or current or deposit account :

Payment into bank.

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 Decree.

PART III—MISCELLANEOUS

13.—(1) The Council may, within the scope of its authority under this Decree, make by-laws relating to any internal and domestic matters placed by this Decree 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.

Power to make by-laws.

(2) All such by-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) above shall make it obligatory for the Council to publish any of the said by-laws in the Gazette.

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

Quorum and procedure of bodies established by this Decree.

15. In this Decree, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

Interpretation.

“by-laws” means by-laws made under section 13 of this Decree ;

“Commissioner” means the Federal Commissioner for Mines and Power ;

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

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

“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.

Citation.

16. This Decree may be cited as the Petroleum Training Institute Decree 1972.

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 paragraph (f) or (g) of section 2 (2) of this Decree 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 paragraph 1 (1) above 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 reappointment.

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.

MADE at Lagos this 19th day of September 1972.

GENERAL Y. GOWON,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree establishes the Petroleum Training Institute. The main functions of the Institute are to provide courses of instruction, training and research in oil technology and to produce technicians and other skilled personnel required to run the oil industry.