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**AIR FORCE INSTITUTE OF TECHNOLOGY OF NIGERIA
(ESTABLISHMENT) ACT, 2017**



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SCHEDULE

AIR FORCE INSTITUTE OF TECHNOLOGY OF NIGERIA (ESTABLISHMENT) ACT, 2017

ACT No. 18

AN ACT TO ESTABLISH THE AIR FORCE INSTITUTE OF TECHNOLOGY, KADUNA TO GIVE TECHNICAL TRAINING TO PERSONNEL OF THE NIGERIAN AIR FORCE, OTHER SERVICES OF THE ARMED FORCES OF NIGERIA, NIGERIANS AND OTHER AFRICAN COUNTRIES ;
AND FOR RELATED MATTERS

[5th day of December, 2017]

ENACTED by the National Assembly of the Federal Republic of Nigeria :

Commence-
ment.

PART I—ESTABLISHMENT, STATUS AND OBJECTIVES OF THE AIR FORCE INSTITUTE OF TECHNOLOGY

1.—(1) There is established the Air Force Institute of Technology of Nigeria (in this Act referred to as “the Principal Act”) as set out in this Act.

Establishment
of Air Force
Institute of
Technology
of Nigeria.

(2) The Institute—

(a) shall be a corporate body with perpetual succession and common seal ;

(b) may sue or be sued in its own name ; and

(c) own or dispose moveable and immoveable property.

(3) The Institute shall be in Kaduna.

2. The objectives of the Institute are to:

Objectives of
the Institute.

(a) create a technological research and development institute of a world class standard in all facets of engineering and technological endeavors including but not limited to aerospace and aeronautical engineering, mechanical, electrical, automobile and automotive engineering, marine engineering ;

(b) expose each of its students to a broad and balanced curriculum ;

(c) meet a higher level maintenance capability locally for aviation aerospace and allied specialties of the Nigerian Air Force, other Services of the Nigerian Armed Forces, Government, Agencies and related organisations, Nigerians and other African countries and people of other nationalities ;

(d) expand the horizon for indigenous research and development efforts, through the provision of conducive atmosphere and infrastructure that will promote cooperation and collaboration with similar institutions within and outside Nigeria ;

(e) prepare Nigerian Air Force personnel, those of the other sister Services of the Nigerian Armed Forces, Nigerians and military personnel from other African countries for brighter post-service employment as a means of enhancing their integration to civil society and broadening the technical manpower of the aviation industry ; and

(f) attract international researchers and stakeholders in the aerospace, aeronautics, aviation and allied industries.

PART II—POWERS OF THE INSTITUTE AND THE GOVERNING COUNCIL

Powers of
the Institute.

3.—(1) The Institute shall have powers to—

(a) establish such campuses, colleges, schools, extramural departments and other teaching and research units within the institute as may from time to time, be deemed necessary or desirable subject to the approval of the National Universities Commission or the National Board for Technical Education, as the case may be ;

(b) institute professorships, readerships or associate professorships, readerships and other posts and offices and to make appointments thereto ;

(c) award honorary degrees, fellowships or academic titles ;

(d) hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a Course of study approved by the Institute and have satisfied such other requirements as the Institute may lay down from time to time ;

(e) Institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions awards and other forms of assistance ;

(f) provide for the discipline and welfare of members of the Institute;

(g) demand and receive from any student or any other person attending the institute for the purpose of instruction such fees as the institute may, from time to time, determine subject to the overall directive of the Governing Council ;

(h) acquire, hold, grant, charge or otherwise deal with or dispose off movable and immovable property wherever situate ;

(i) accept gifts, legacies and donations, but without obligation to accept the same for particular purpose unless it approves the terms and conditions attached to the gifts or donations ;

(j) enter into contracts, establish trusts, act as trustee, solely or jointly with any person and employ and act through agents ;

(k) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary or suitable or convenient for any of the objectives of the Institute ;

(l) hold public lectures, produce periodic journals and to undertake printing, publishing and book-selling ;

(m) subject to any provisions of this Act, invest any money appertaining to the Institute by way of endowment, not being investments or securities or the purchase or improvement of land, with power to vary any such investment and deposit any money for the time being not invested with any bank on deposit or current account, not charge or surety ;

(n) borrow, whether on interest or not if need be upon the security of any or all of the property, movable or immovable, of the Institute, such money, as the Council may in its discretion, find necessary or expedient to borrow or to guarantee any loan, advances or direct facilities ;

(o) make gifts for any charitable purpose ;

(p) arrange for the general welfare of children of members of staff ;

(q) comply with any law regulating the activities of similar Institutions and to do anything which it is authorised or required by this Act or by any other law to do ; and

(r) do all such acts or things, whether or not incidental to the Institute's powers, as may advance the objectives of the institute.

(2) The powers conferred on the Institute under subsection (1) of this section shall be exercised by the Council in the manner authorised by this Act.

4. The Council is established for the Institute the Governing Council (in this Act referred to as "the Council") which shall consist of—

Constitution
of the
Governing
Council.

(a) a chairman, who shall be the Chief of Air Staff ;

(b) Chief of Policy and Plans Headquarters, Nigerian Air Force ;

(c) Chief of Aircraft Engineering, Headquarters, Nigerian Air Force ;

(d) the Air Officer Commanding, Training Command ;

(e) Chief of Logistics and Communication, Headquarters, Nigerian Air Force ;

(f) Chief of Accounts and Budgets, Headquarters, Nigerian Air Force ;

(g) Director of Training, Headquarters, Nigerian Air Force ;

(h) Director of Education, Headquarters, Nigerian Air Force ;

(i) the Director of Air Force Affairs, Ministry of Defence ;

(j) the Commandant of the Institute ;

- (k) the Provost of the Institute ;
- (l) a representative of Ministry of Science and Technology ;
- (m) a representative of Civil Aviation Authority ;
- (n) a representative of National Universities Commission ;
- (o) a representative of National Board for Technical Education ; and
- (p) the Registrar of the Institute, who shall be the Secretary of the Council.

Visitor.

5. There shall be a visitor for the Institute who shall be the President of the Federal Republic of Nigeria and shall be responsible for—

- (a) giving to the Council direction of a general character, as to the performance of its functions in relation to matters of public interest ; and
- (b) intervening where there is a deadlock or crisis that goes beyond the powers of the Council.

Powers of
the Council.

6.—(1) The governance of the Institute and the direction of its affairs shall vest in the Governing Council of the Institute (in this Act referred to as “the Council”).

(2) Without prejudice to the generality of subsection (1) of this section and subject to this Act, the Council shall have the power to consider and approve—

- (a) the strategic plan of activities of the Institute ;
- (b) the academic programme, courses and research to be undertaken by the institute ;
- (c) the annual budget of the Institute ; and
- (d) curricular and programmes taught in the Institute.

(3) The Council may, subject to the provisions of this Act, employ such number and category of officers as may be expedient for the proper running of the Institute.

(4) The Council may make staff regulations relating to the terms and condition of service of its civilian employees and, without prejudice to the generality of the foregoing, such regulations may provide for the appointment, remuneration, promotion, tenure and discipline of civilian employees as are made under any instrument relating to the condition of service of officers and junior staff in the Civil Service of the Federation or those in the National Universities structure which shall be applicable with such modifications as may be necessary to the civilian employees of the Institute.

(5) Until regulations are made under subsection (4) any instrument relating to the conditions of service of officers and junior staff in the Civil Service of the Federation or those in the National Universities structure shall be applicable with such modifications as may be necessary to the civilian employees.

(6) The Council shall have power to create any office or department, necessary for the efficient running of the Institute.

(7) The decision of the Council on all matters pertaining to training, assessment, and certificate, award of degrees, academic titles, fellowship and discipline of participants shall be final.

7. The Council shall meet when necessary for the performance of its functions under this Act, and shall meet, at least twice a year, in accordance with the provisions of this Act as contained in the schedule to this Act.

Meetings.

Schedule.

PART III—ACADEMIC BOARD OF THE INSTITUTE AND THE SCHOOL BOARD

8.—(1) There shall be an Academic Board which shall have control of the academic affairs of the Institute and, subject to the powers of the Council, the Academic Board shall—

The
Academic
Board.

(a) organise and control the teaching of academic courses and the examination ;

(b) determine the passes and failures of all courses in accordance with the criteria for passing as laid down in the academic assessment policy ;

(c) deal with matters relating to admission into departments and schools ;

(d) recommend to the Council persons to be appointed as external examiners for the Diplomas, Degrees and Higher Degrees examinations ;

(e) deal with matters relating to research and development projects ;
and

(f) perform other functions assigned or delegated to it by the Council.

(2) The Academic Board shall consist of—

(a) the Provost of the Institute, who shall be the Chairman ;

(b) the Deans of Schools ;

(c) the Heads of Academic Departments ;

(d) all Professors, whether Heads of Departments or not ;

(e) two military members of the Institute to be appointed by the Commandant ;

(f) the Librarian of the Institute ; and

(g) the Registrar of the Institute, who shall be the Secretary.

School
Board.

9.—(1) There shall be established for the Institute, the Schools in line with the various disciplines and departments under them as may be required.

(2) There is established in respect of each School, the School Board which, subject to the provisions of the statute and directions of the Provost, shall—

(a) regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the School ;

(b) deal with any other matter assigned to it by this Act, the Provost or Academic Board ; and

(c) advise the Provost or the Academic Board on any matter referred to it by the Provost or Academic Board.

(3) Each School shall be divided into such number of departments as may be prescribed.

(4) Where a School consists of two or more departments, each department shall have its own board of studies which shall be responsible to, and be under the control of, the Academic Board.

(5) Each School Board shall consist of—

(a) the Dean of the School ;

(b) the persons in charge of the Departments of the School ;

(c) such numbers of lecturers assigned to the School and having prescribed qualifications as the School Board may determine ; and

(d) such numbers of persons whether or not members of the Institute as the School Board may, with general or special approval, appoint.

(6) The quorum of the School Board shall be two-thirds of the members of the School Board and, subject to the provisions of this Act and any provision made by regulations on this behalf, the School Board may regulate its own procedure.

Dean of
the School.

10.—(1) The Dean of the School shall be appointed in such manner and hold office for such period and subject to such conditions as may be prescribed by regulations.

(2) If there is no Professor in the School, the office of the Dean of the School shall be held by a member of the School holding the rank of a reader or senior lecturer or senior military officer of comparative academic experience on the basis of seniority as may be determined by the School Board.

(3) The Dean shall be the Chairman at all meetings of the School Board when he is present and he shall be a member of all committees and other

Boards set up by the School and when the Dean is absent from any meeting, the most senior member present shall preside at the meeting.

(4) The Dean of the School shall exercise general superintendence over the academic and administrative affairs of the School, the Dean shall present graduants for the conferment of Certificates or Degrees, after having qualified at examinations held in the department.

(5) The Dean of the School may be removed from office by the Commandant for good cause and in event of a vacancy occurring following the removal of a Dean, an Acting Dean may be appointed by the Commandant provided that arrangement shall be made for a new Dean to be appointed in the manner prescribed within a period of three months from the date when the acting Dean assumed office.

(6) For the purpose of subsection (5) of this section, "good cause" means—

(a) a person suspected for any offence which the Commandant considers to be such as to render the person concerned unfit for the performance of the functions of his office ;

(b) any physical or mental incapacity which the Commandant, after obtaining medical advice, consider to be such as to render the person concerned unfit to continue to hold his office ;

(c) conducts which are of disciplinary nature such as scandalous or disgraceful and other offences which the Commandant considers to be such as to render the person concerned unfit to continue to hold his office;

(d) conducts which the Commandant considers to be a failure or inability of the person concerned to perform the functions of his office or to comply with the terms and conditions of service : or

(e) conducts which the Commandant considers to be generally of such nature as to render the continuous appointment or service of the person concerned prejudicial or detrimental to the Institute.

11.—(1) There shall be appointed for the Institute, a Commandant, whose appointment and removal from office shall be in accordance with military posting, and who shall be responsible for—

Appointment
of the
Commandant.

(a) giving to the Council such information on the activities of the Institute as the Chairman of the Council may require ; and

(b) authorising programmes and plans for giving effect to policy approved by the Council or to any direction of the Council, subject to all or any of the powers in this section as may be delegated to him by the Council.

(2) The fact that any power has been delegated to the Commandant pursuant to subsection (1) of this section does not preclude the Council itself from exercising them in any special case.

(3) The powers referred to in subsection (2) of this section shall include—

(a) the executive control over the military and civilian staff of the Institute ;

(b) the supervision of accounts and records ;

(c) the preparation for approval of programmes and plans necessary to carry into effect approved policy or any directive of the Council ;

(d) the interpretation of such policy to other members of staff of the Institute ;

(e) the making of any recommendation on members of staff to the Council ; and

(f) the establishment of organisational structures committee and definitions of duties,

Cap. A20.
LFN. 2004.

Provided that nothing in this Act shall be deemed to detract from the military powers of command of the Commandant, which shall include trial powers to try service personnel in accordance with the Armed Forces Act.

Cap. A20.
LFN. 2004.

(4) The Commandant shall, in the exercise of his disciplinary powers, have similar powers to that of an Air Officer Commanding or its equivalent in the conduct of summary trial or convening a court martial under the Armed Forces Act.

Appointment
of Principal
Staff Officer
Coordination.

12. There shall be appointed for the Institute a Principal Staff Officer Coordination, whose appointment and removal from office shall be in accordance with military posting, and who shall assist the Commandant in the running of the Institute in accordance with the provisions of this Act.

Appointment
of the
Provost and
his
qualification.

13.—(1) There shall be appointed for the Institute the Provost (in this Act referred to as “the Provost”) who shall—

(a) be responsible to the Commandant for the coordination of all academic activities of the Institute ;

(b) be the head of Academic Branch ; and

(c) shall perform such other functions as the Council or the Commandant, as the case may be, may assign to him.

(2) The Provost shall have, at least, a PhD in engineering and, at least, 8 years cognate working experience.

14.—(1) There shall be for the Institute the Registrar who shall be responsible to the Provost for the day-to-day administrative work of the Academic Branch.

Appointment
of Registrar.

(2) The Registrar shall possess at least a First Degree or its equivalent in engineering, and Membership of a professional body is an advantage.

15. There shall be for the Institute the Librarian who shall be responsible to the Provost for the administration of the library services in the Institute, its Schools and Departments.

Appointment
of
Librarian.

16.—(1) When a vacancy exists in the offices of the Registrar and the Librarian of the Institute, the Headquarter Nigerian Airforce shall fill the vacancies accordingly while the appointment of Principal Officers of the Institute, Heads of non-academic positions and a selection committee shall be made consisting of—

Appointment
of Principal
Officers of
the Institute.

- (a) the Commandant ;
- (b) the Principal Staff Officer Coordination ;
- (c) the Provost ; and
- (d) two members appointed by the Academic Board.

(2) The selection committee, after making such inquiries as it deems fit, shall recommend a candidate to the Council for appointment to the vacant post and, after considering the recommendation of the selection committee, the Council may make an appointment to that post.

17.—(1) Panel to interview candidates, not above the grade of a senior lecturer or equivalent, shall be constituted consisting of—

Appointment
of other non-
academic
staff of the
institute.

- (a) the Provost who shall be the Chairman ;
- (b) the Deans of the relevant School ;
- (c) the Heads of the Departments concerned, except that if the Head of Departments is himself a candidate, he shall not serve on the interview panel ;
- (d) the Registrar, who shall be the secretary of the interview panel ; and
- (e) at least two persons recommended by the Dean to the Provost and such persons shall have knowledge of the subject or field in respect of which candidates are being assessed or interviewed, and shall not be of lower status than that of the post being interviewed for.

(2) For the purpose of filling vacancy occurring in the post of Professor or Reader, the Academic Committee set up under subsection (3) of this section shall sit as a selection board to select and recommend to the Council, suitable persons to fill the vacant posts.

(3) The Academic Committee, when sitting as a Selection Board, under sub-section (2) of this section, shall consist of—

- (a) the Commandant ;
- (b) the Provost ;
- (c) the Dean of the School concerned ;
- (d) two members of the Committee appointed by the Council, one of who shall be a member of staff of the School or academic unit concerned ;
- (e) two other persons who are not members of the academic staff, appointed, from time to time, by the Council ; and
- (f) the Registrar who shall be the Secretary.

(4) The Council shall have the power to interview candidates directly.

Other staff.

18.—(1) The Nigerian Air Force shall have power to post officers and Airmen from time to time to fill administrative, teaching and other military or academic vacancies in the Institute.

(2) The Council may appoint such persons as civilian members of the academic staff of the Institute for teaching, research, academic and administration as it considers necessary and may approve terms and conditions of service including provisions for the payment of pensions.

(3) Members of staff of the Institute shall, unless exempted by the Chairman of the Council, take oaths of secrecy on assumption of duty and as may be determined from time to time.

(4) No civilian personnel employed in any capacity, whether or not a member of a trade union shall engage or take part in any strike.

PART IV—FINANCIAL PROVISIONS

Fund of the
Institute.

19. The Institute shall establish and maintain a fund, the management and control of which shall be in the Council and into which shall be paid—

- (a) all money received by the Council under this Act ;
- (b) such money as may be provided by the Federal Government to the Institute by way of grant, gift or otherwise ; and
- (c) all fees and other moneys payable to the Institute under this section.

20.—(1) There shall be paid out of the Fund of the Institute—

Expenditure,
borrowing
power,
account and
audit.

(a) all expenditures incurred by the Council in the performance of its functions under this Act ;

(b) the remuneration and allowances of the Registrar and other employees of the Institute ; and

(c) such reasonable traveling and subsistence allowances of the members of the Council in respect of the time spent on the duties of the Institute.

(2) The Council may, borrow money for the purpose of the Institute and any interest payable on moneys so borrowed shall be paid out of the Fund.

(3) The Institute shall keep accounts in respect of each year and proper records in relation to those accounts to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(4) The auditor appointed for the purpose of this section, shall not be a member of the Council.

PART V—GENERAL PROVISIONS

21.—(1) Any officer referred to in the provisions of this Act may resign his office in accordance with the terms and conditions of the Civil Service or National Universities with such modifications as may be necessary to the civilian employee—

Method of
resignation.

(a) in line with military tradition ; or

(b) if civilian, by notice to the Council, through the Commandant.

(2) Subject to as may be otherwise specified, a person who has ceased to hold an office otherwise than by removal for misconduct, is eligible for re-appointment to that office.

22. In this Act—

Interpretation.

“*Commandant*” means the Commandant appointed under section 11 (1) of this Act ;

“*Council*” means the Council established as the Governing Council of the Institute under section 4 of this Act ;

“*fee*” includes registration fees ;

“*Institute*” means the Air Force Institute of Technology, Kaduna established under section 1 (1) of this Act ;

“*members*” includes a member of the Council of the Institute ; and

“*Registrar*” means the Registrar appointed under section 14 (1) this Act.

Citation.

23. This Act may be cited as the Air Force Institute of Technology
(Establishment) Act, 2017.

SCHEDULE

Section 7

PROCEEDINGS OF THE GOVERNING COUNCIL

(1) Subject to this Act and 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 persons presiding to have a second or casting vote), the Council may make standing orders regulating its proceedings or of any of its committee.

(2) The quorum of the Council shall be the Chairman and six other members and the quorum of any committee of the Council shall be determined by the Council.

(3) The Council 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 Commandant or Registrar of the Institute, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.

(4) The Chairman shall preside over the meeting of the Council, in the event of his absence he shall delegate any member of the Council to represent him and carry out the responsibilities of the Chairman at that particular meeting or meetings subject to the mandate given by the Chairman.

(5) Where the Council wishes to obtain the advice of any person on any particular matter, the Council may co-opt him as a member for such period as it deems fit, but a person who is a member by virtue of this subparagraph is not entitled to vote at any meeting of the Council and shall not count towards a quorum.

Committees

(6) The Council may set up one or more committees to carry out, on behalf of the Council, its function as the Council may determine.

(7) A Committee set up under subparagraph (6) of this paragraph shall consist of such number of persons as may be determined by the Council and not more than one-third of those persons who are members of the Council and a person other than a member of the Council shall hold office on the committee in accordance with terms of the instrument of his appointment.

(8) A decision of a committee of the Council shall be of no effect until it is ratified by the Council.

(9) The fixing of the seal of the Institute shall be authorised by the signature of the Chairman or another member authorised generally or specially by the Council.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
6th Day of November, 2017

EXPLANATORY MEMORANDUM

This Act establishes the Air Force Institute of Technology, Kaduna to give technical training to the personnel of the Nigeria Air Force and other services of the Nigeria Armed Forces, Nigerians and other African countries.

**SCHEDULE TO THE AIR FORCE INSTITUTE OF TECHNOLOGY OF NIGERIA
(ESTABLISHMENT) BILL, 2017**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Air Force Institute of Technology of Nigeria (Establishment) Bill, 2017.	An Act to establish the Air Force Institute of Technology, Kaduna to give technical training to personnel of the Nigerian Air Force, other services of the Armed Forces of Nigeria, Nigerians and other African Countries ; and for related matters.	This Bill establishes the Air Force Institute of Technology, Kaduna to give technical training to personnel of the Nigerian Air Force, other services of the Armed Forces of Nigeria, Nigerians and other African Countries.	6th April, 2017.	10th January, 2017.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
6th Day of November, 2017.

MUHAMMADU BUIHARI, GCFR
President of the Federal Republic of Nigeria
5th Day of December, 2017.