

The following Bill, which will in due course be presented to Parliament for enactment, is published for general information.

FEDERAL CIVIL AVIATION TRAINING CENTRE BILL

EXPLANATORY NOTE

By this Bill it is intended to establish in Zaria, a Federal Civil Aviation Training Centre in conjunction with the United Nations Special Fund and the International Civil Aviation Organisation.

The Training Centre which will be a corporate body with its own common seal and board of governors will train Nigerians as well as other African Nationals in several technical aspects of civil aviation.

K. O. MBADIWE,
Minister of Aviation

ARRANGEMENT OF CLAUSES

Clause

1. Establishment of a federal civil aviation training centre.
2. Power to appoint a principal for the training centre.
3. Board of governors.
4. Financial provisions.
5. Report on training centre in each year.
6. Travelling allowances etc. to members of the board.
7. Advisory council.
8. Pensions in special cases.

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SCHEDULES

First Schedule—Supplementary provisions relating to the board.

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A BILL

FOR

AN ACT TO MAKE PROVISION FOR A FEDERAL CIVIL AVIATION TRAINING CENTRE,
TO PROVIDE FOR ITS ORGANISATION, CONTROL AND OPERATION, AND FOR
CONNECTED PURPOSES.

[section 13 (1)]

Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria
in this present Parliament assembled and by the authority of the same
as follows:—

1.—(1) There shall be established at Zaria in Northern Nigeria a
training organisation to be known as the Federal Civil Aviation Training
Centre (hereafter in this Act referred to as "the training centre") which
shall be a body corporate under that name and, subject to the provisions
of this Act, the training centre shall be charged with the general duty of
providing—

Establishment of a federal civil aviation training centre.

(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 training centre as may from
time to time be authorised 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 organisation 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 estimated
cost of course, as may be prescribed under this Act.

(3) The training centre as a body corporate shall have perpetual
succession and a common seal which shall be kept in the custody of
the principal of the training centre; and the training centre 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 fifty
pounds without the consent in writing of the Minister.

2. The Minister shall appoint a fit person as head of the training
centre 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 training centre, and shall perform such other duties
as may from time to time be prescribed under this Act.

Power to appoint a principal for the training centre.

Board of
governors.

3.—(1) There shall be a board of governors (hereafter in this Act referred to as "the board") as members of the training centre charged with responsibility for the organisation, administration and policy planning of the training centre, and the board shall consist of the following members—

(a) one fit person appointed as chairman by the Council of Ministers;

(b) three other fit persons having experience in or some knowledge of aviation problems, to be appointed as members by the Minister:

(c) one fit person to be appointed by the International Civil Aviation Organisation (hereafter in this Act referred to as "the executing agency"): and

(d) The director for the time being of the United Nations' Special Fund programmes in Nigeria (which fund is hereafter in this Act referred to as "the special fund")

(2) The principal of the training centre shall be secretary to the board and shall attend the meetings of the board; and in his absence his deputy shall act as 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 such 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 training centre in consultation with the principal of the training centre and the fees to be charged in respect thereof:

(b) regulate the organisation and management of the training centre;

(c) prescribe the duties of the principal of the training centre and any members of its staff:

(d) provide for the appointment, promotion, dismissal and transfer of members of the staff at the training centre and for their salaries:

(e) make provision for a pension scheme for members of the staff at the training centre:

(f) approve annual accounts and estimates:

(g) as and when required make any necessary contact between the training centre 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.

(6) In this section "staff" includes all personnel of the training centre other than those employed by the executing agency or by the special fund, or by any other approved foreign agency or organisation.

4.—(1) The funds of the training centre shall comprise—

Financial provisions.

(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 training centre ;

(d) moneys from such other sources as may from time to time be approved by the board on behalf of the training centre.

(2) The board shall cause accounts to be kept at all times of the income and expenditure of the training centre and proper records in relation to those accounts. The accounts of the training centre shall be audited as soon as may be after the end of the financial year to which the accounts relate by a person qualified to investigate the affairs of a company under the Companies Act and approved by the Minister.

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

5.—(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 training centre. The first of such reports shall be furnished not later than the fifteenth day of July, nineteen hundred and sixty-five, and subsequent reports as nearly as may be on or after the fifteenth days of January and July in each year thereafter ; and every report shall be accompanied by a copy of the audited accounts of the training centre, and of the report (if any) by the auditor on the accounts as audited by him.

Report on training centre in each year.

(2) Copies of the report when made shall be printed and laid before both Houses of Parliament.

6. Members of the board shall be paid such travelling 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 responsibility for finance.

Travelling allowances etc. to members of the board.

7.—(1) There shall be 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 training centre.

Advisory council.

(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 training centre, and to make recommendations to the Minister for the holding of conferences and meetings at the training centre 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 the foregoing subsection 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. 5

(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. Any person attending under this subsection may take part in deliberations of the advisory council, but shall not vote on any subject. 10

8.—(1) The Minister may by order published in the gazette declare that service with the training centre is an approved service for the purposes of the Pensions Act and upon such publication the provisions of the Pensions Act 1964 (which extends the application of the Pensions Act in certain cases) shall thereupon have effect. 15

(2) In this section "Minister" means the Minister of the Government of the Federation charged with responsibility for pensions.

9.—(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 training centre by the board. 20

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

10. 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 training centre 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. 25

11.—(1) The Council of Ministers after consultation with the executing agency and of the special fund may prescribe a date not earlier than five years after the commencement of this Act for the preparation of a schedule (hereafter 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. The transfer schedule shall be certified to by the persons so collaborating, and a copy shall be supplied by the principal of the training centre to the Minister. 30

(2) On a day to be appointed thereafter by the Minister (hereafter in this Act referred to as "the appointed transfer day") the training centre 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 training centre accordingly. 40

(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 training centre of the assets in Nigeria of the special fund and with respect to the other matters mentioned in that Schedule. 50

Pensions
in special
cases.

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Regulations.

Validation
of past
acts etc.

Disposal
of property
of the
special
fund.

12. In this Act unless the context otherwise requires—

"approved" means approved by the Minister ;

"the appointed transfer day" means the day appointed for the purpose of section eleven of this Act for the vesting of certain property of the special fund in the training centre ;

"the board" means the board of governors under section three of this Act ;

"the executing agency" means the International Civil Aviation Organisation acting on behalf of the special fund ;

"the Minister" means the Minister of the government of the Federation charged with responsibility for civil aviation ;

"prescribed" means prescribed on behalf of the training centre with the approval of the Minister ;

"the principal" means the principal of the training centre ;

"the special fund" means the United Nations' Special Fund administered in Nigeria by the director of the special fund programmes in Nigeria ;

"the training centre" means the Federal Civil Aviation Training Centre established under section one of this Act.

13.—(1) This Act may be cited as the Federal Civil Aviation Training Centre Act, 1964, and shall come into operation on a day to be appointed by the Minister by order in the gazette.

(2) The Act shall apply throughout the Federation.

Interpretation.

Short title, commencement, and application.

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 he 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 in writing addressed to the minister.

(4) A person who has ceased to be an elected member of the board shall be eligible again to become a member of the board and any appointed member may be reappointed.

(5) 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.

Powers of board

2. Unless otherwise precluded by this Act, the board shall have power to do anything which in the opinion of the members is calculated to facilitate the carrying on of the activities of the training centre.

Proceedings of the board

3.—(1) Subject to the provisions of this Act the board may in the name of the training centre make standing orders regulating the proceedings of the training centre or of the board, and in the exercise of its powers under this Act, may set out committees in the general interest of the training centre, and make standing orders therefor.

(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 number to be chairman of the meeting.

(3) Where the board desires to obtain advice of any expert on a particular matter touching or concerning the training centre, 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 sub-paragraph shall not be entitled to vote at any meeting of the board, and shall not count towards a quorum.

(4) Notwithstanding any thing in the foregoing provisions of this paragraph, the first meeting of the board shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

6.—(1) The board may appoint one or more committees 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 training centre shall be authenticated by the signature of the chairman of the board or of the principal if authorised 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 training centre by any person generally or specially authorised to act for that purpose by the board.

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

8. The validity of any proceedings of the board shall not 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 training centre or on behalf of the board or a committee thereof shall forthwith disclose his interest to the Minister in the case of the training centre 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 11 (3)

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

1.—(1) Every agreement to which the executing agency or the special fund under this Act was a party 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 property transferred by this Act to the training centre, as if—

(a) the training centre 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, as respects anything falling to be done on or after the appointed transfer day, a reference to the training centre.

(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.

(3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of any of them or of section eleven of this Act, any right, liability or obligation vests in the training centre, the training centre 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 training centre.

(4) 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 training centre.

(5) 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.