

THE KADUNA POLYTECHNIC DECREE 1968



ARRANGEMENT OF SECTIONS

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Decree No. 20

(See section 8 (4))

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) On a day to be appointed by the agency by notice in the Federal Gazette (in this Decree hereafter referred to as “the appointed day”) there shall be established a place for technical institution to be known as the Kaduna Polytechnic (in this Decree hereafter referred to as “the Polytechnic”) which shall consist of sundry educational institutions that is to say—

Establishment of Kaduna Polytechnic.

(a) the Polytechnic at Kaduna and the Irrigation School at Sokoto together shall comprise and be known as the College of Science and Technology ;

(b) the Staff Development Centre, Kaduna, the Local Government Training Centre, Zaria, the Co-operative Training Centre, Zaria, the Social Welfare Training Centre, Zaria and the Community Development Institute together shall comprise and be known as the Staff Development Centre ;

(c) other institutions for technical education or in-service instruction approved from time to time for the purpose by the board of governors (hereafter to be constituted as provided in this Decree).

(2) The objects of the Polytechnic shall be—

(a) to provide divers instruction, training and research in technology, the sciences, commerce, and the humanities, as well as any other sphere of learning from time to time approved by the board ;

(b) to provide courses of in-service instruction for members of the public services in Nigeria, and to the extent that the board thinks fit, courses of the like nature for persons unconnected with any of the public services.

Board of
Governors.

2.—(1) As from the appointed day there shall be established a Board of Governors (in this Decree hereafter referred to as "the board") to be known as the Kaduna Polytechnic Board of Governors which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and charged with the general supervision and control of the Polytechnic, and with the initiation and implementation of policy in respect thereof.

(2) The board shall consist of the following members,—

(a) one fit person from each State to be appointed by the Military Governor of that State ;

(b) four fit persons (one of whom is required to have a special interest in textiles) as representatives of industry, commerce and statutory corporations to be appointed by the agency ;

(c) two fit persons (one of whom is required to have a special interest in agriculture) to be appointed by the Senate of Ahmadu Bello University ;

(d) two fit persons representing institutions other than those within paragraph (b) or (c) above to be appointed by the agency ;

(e) one fit person representing Trade Unions to be appointed by the agency ;

(f) the Principal.

Schedule 1.

(3) The provisions of Schedule 1 to this Decree shall have effect with respect to the qualifications and tenure of office of members of the board, the powers and procedure of the board and other matters there mentioned.

Appoint-
ment of
Principal and
others.

3.—(1) There shall be as the chief academic and administrative officer of the Polytechnic a person to be known as the Principal who shall be appointed by the board on such terms and conditions as it may think fit ; and when so appointed the Principal shall have and may exercise general authority over staff and be responsible for the discipline of the Polytechnic.

(2) Subject to the provisions of subsection (1) above, the Principal may at any time be removed from office by the board on the ground of his misconduct or for reasons of inefficiency.

(3) There shall on the recommendation of the Principal likewise be appointed by the board fit persons as directors and chief executive officers of the constituent parts of the Polytechnic, of whom the Principal shall by virtue of his office be one ; and the board shall, in respect of the constituent part of which the Principal is chief executive, appoint a fit person as associate director under the general control of the Principal as director.

(4) Appointments to positions as heads of departments and principal lecturers shall be made by the board on the recommendation of the Principal.

(5) The secretary to the Polytechnic shall be appointed by the board.

(6) The power to appoint other members of the staff shall be exercised by a director or the secretary, as the case may require, if the Principal so recommends and the board approves; but nothing in this subsection shall restrict or prohibit the exercise of the power by the Principal to appoint in any particular case.

(7) It is hereby declared for the avoidance of doubt that where immediately before the commencement of this Decree persons hold posts by whatever name known in the educational institutions intended by this Decree to form constituent parts of the Polytechnic, such persons shall on its commencement be deemed to have been duly appointed under the respective powers conferred by this section; and any instrument of appointment shall be construed and have effect accordingly.

4. The general direction and management of academic matters and other subjects referred to it from time to time by the board or the Principal shall be under the control of a board to be known as the academic board of the Polytechnic consisting of the Principal as chairman and the membership to comprise the directors and such members of the teaching staff of the Polytechnic as may be approved by the Board of Governors.

Academic Board.

5.—(1) The revenue of the board shall include—

Revenue etc.

- (a) fees charged by and payable to the board in respect of students;
- (b) any other amounts, charges or dues recoverable by the board;
- (c) revenue from time to time accruing due by way of subvention, grant-in-aid, endowment or otherwise howsoever;
- (d) interest on investments;
- (e) donations and legacies;
- (f) moneys borrowed.

(2) Revenue when received shall be paid to the credit of the board into a bank approved by the board, and the board may approve more than one bank for the purpose of receipt of moneys.

6.—(1) As soon as may be after the end of March in any year after the commencement of this Decree the board shall cause to be prepared a statement of its income and expenditure during the previous financial year together with a statement of the assets as valued by a competent valuer and of the liabilities of the board as at the last day of the financial year concerned.

Estimates etc.

(2) The statements referred to in subsection (1) above shall when certified by the Principal be audited within six months thereafter by an auditor appointed by the board; and six copies of the statements as so audited and of the auditor's report shall be prepared and be forwarded immediately thereafter to the agency for distribution to the governments of the states concerned.

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

Transfer of
property of
integrated
institutions,
etc.

7.—(1) Property held immediately before the appointed day by or on behalf of the educational institutions shall on that day by virtue of this subsection and without further assurance vest in the board and, subject to the provisions of any past or present law shall as the case may require, be held by the board for the purposes of the relevant constituent part of the Polytechnic.

1963 No. 20.
Schedule 2.

(2) Subject to the provisions of the Constitution of the Federation, the provisions of Schedule 2 to this Decree shall have effect with respect to the transfer by this section to the board of any property of the educational institutions, and with respect to matters arising out of the transfer and the other matters mentioned in that Schedule.

(3) Without prejudice to any practice whereby payment is not made after the end of a financial year out of moneys provided by any Government in respect of that year, the agency is authorised to pay as soon as may be after the appointed day such portions of the moneys provided for the purposes by the former interim administrative council for the respective educational institutions intended to be integrated by this Decree, in respect of the financial year ending on 31st March 1968 as the agency may determine, and any further sum which may thereafter be appropriated by the agency for the purposes of the Polytechnic (less so much of the balance or further sum as before that date has been paid over to or for the purposes of the educational institutions aforesaid).

1963 No. 20.

(4) Subject to the provisions of the Constitution of the Federation and without prejudice to the provisions of Schedule 2 to this Decree the agency may with the approval of the Military Governors concerned within the period of one year beginning with the appointed day, by order make such alterations (whether by way of amendment or repeal) to any enactment or Law as the agency considers necessary for the purposes of removing provisions which are redundant in consequence of this Decree, or for bringing the provisions of the enactment or Law as the case may be into conformity with this Decree; and any such order may be made so as to take effect from a date not earlier than the appointed day, and may contain such transitional provisions as the agency considers expedient.

1964 No. 1.

(5) Any alteration made under the provisions of subsection (4) above shall be without prejudice to the provisions of section 6 of the Interpretation Act 1964 (which relates to the effect of repeals), and nothing in this Decree shall affect any power to grant, or any contingent right to receive pensions, gratuities, allowances or other retiring benefits in respect of periods of service which precede the appointed day; but any power conferred on or otherwise exercisable by the board shall instead be exercisable by the agency in its discretion and without certificate or other instrument from any person. Accordingly, references in any relevant instrument to any officer thereof shall be construed as references to the agency.

Citation,
application
and interpre-
tation.

1968 No. 12.

8.—(1) This Decree may be cited as the Kaduna Polytechnic Decree 1968 and shall apply throughout the Federation.

(2) In this Decree—

“the agency” means the agency constituted by the Interim Common Services Agency Decree 1968;

“the appointed day” has the meaning assigned by section 1 (1) of this Decree;

“the board” means the Kaduna Polytechnic Board of Governors;

"the Constitution of the Federation" means the Constitution of 1963 as affected by the Constitution (Suspension and Modification) Decree 1966 as from time to time amended ;

1963 No. 20.
1966 No. 1.

"educational institution" means an institution within section 1 of this Decree intended to be integrated with the Polytechnic ;

"the former interim administrative council" means the council established under the Interim Administrative Councils Decree 1967 and since replaced by the agency ;

1967 No. 18.

"Law" includes any enactment of the Legislature of the territory formerly known as Northern Nigeria, and any edict made by the Military Governor of that territory or made by the Military Governor of any state created out of that territory, as well as any direction given or issued by the former interim administrative council ;

"member" includes the chairman of the board ;

"the Polytechnic" has the meaning assigned by section 1 (1) of this Decree ;

"statutory corporation" means any corporation established by any enactment or Law.

(3) References in this Decree to a state shall be read as references to any of the states created out of the former territory of Northern Nigeria, so however that where one state only may be affected but not named the references shall, as the case may require, be construed as a reference to any of the following that is to say, Kwara, North-Central, North-Western, North-Eastern, Benue-Plateau and Kano.

(4) This Decree shall come into operation on the appointed day.

SCHEDULES

SCHEDULE 1

Section 2 (3)

Supplementary provisions regarding the board

Tenure of office of members

1.—(1) A member (other than the Principal) shall hold office for a period of three years beginning with the date of his appointment.

(2) The chairman shall be appointed by the agency from among the members (other than the Principal) and any member (other than the Principal) may by notice to the board resign his office.

(3) A person (other than the Principal) who has ceased to be a member of the board shall be eligible again to become a member of the board.

(4) Where a vacancy occurs in the membership it shall not be necessary to fill it if the residue of the term of office of the member vacating office does not exceed six months unless the board otherwise resolves ; and the board may act notwithstanding any such vacancy in its membership.

Secretary of the Board

2.—(1) The secretary of the Polytechnic shall be secretary to the board and shall attend all meetings.

(2) The secretary shall supply information to the board as and when required; and, with the approval of the chairman given in any particular case, may take part in the deliberations of the board but whether or not he takes part in its deliberations he shall not vote on any question before the board.

≠ (3) In the absence of the secretary from any meeting of the board, the chairman shall appoint a fit person to act.

Powers of the board

3.—(1) The board may—

(a) acquire and hold any movable and immovable property necessary in the opinion of the board for the purposes of this Decree and may dispose of movable property if no longer required and, with the approval of the agency given on such terms as it thinks fit, the board may sell, mortgage, lease or otherwise dispose of any of its immovable property;

(b) erect, provide, equip and maintain and keep in repair buildings necessary for carrying into effect the provisions of this Decree;

(c) invest the funds of the Polytechnic in securities in Nigeria approved by the agency;

(d) borrow money within Nigeria in such manner and upon such security as the agency may from time to time authorise or allow.

(2) The board may enter into any contract necessary to give effect to the powers conferred by sub-paragraph (1) above so however that any contract or instrument which if entered into or executed by a person not being a body corporate would not require to be under seal, may be entered into or executed on behalf of the board by any person generally or specially authorised for the purpose of the board.

(3) The board may in the exercise of its authority under this Decree—

(a) institute posts and make appointments thereto and prescribe conditions of service;

(b) provide amenities for and make such other provision for the welfare of staff as it may from time to time think fit;

(c) institute and award scholarships and prizes and make awards necessary or incidental to the management and organisation of the Polytechnic;

(d) prescribe courses not inconsistent with this Decree and examinations and grant diplomas or certificates as circumstances may require and for such purposes the board may appoint external examiners;

(e) delegate all or any powers not exclusively to be exercised by the board itself to committees of the board or to its chairman or to the Principal as the case may require.

Proceedings of the board

4. Subject to the provisions of this Decree and of section 26 of the Interpretation Act 1964 (which provides for decisions of a body of three or more to be taken by a majority of the members of the body and for the chairman to have a second or casting vote) the board may make standing orders regulating its own proceedings or those of any committee of the board.

5. The quorum of the board shall be nine; and the quorum of any committee of the board shall be determined by the board.

6. If the chairman is absent from a meeting the members present shall elect one of their number to be chairman of the meeting but nothing in this paragraph shall be construed so as to authorise the election of the secretary.

7.—(1) Subject to the provisions of any standing orders of the board, the board shall meet whenever it is summoned by the chairman, and if the chairman is required so to do by notice given him by not less than six members (as representing all States) he shall summon a meeting of the board to be held within seven days from the date on which the notice is given. If the chairman fails to convene the meeting the agency may in its discretion convene it.

(2) Where the board desires to obtain the advice of persons on a particular matter, the board may co-opt not more than three persons as members for a meeting whether or not expressly convened for the purpose of considering the particular matter, but persons who are members by virtue of this subparagraph shall not be entitled to vote at the meeting and shall not count towards its quorum.

(3) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the board shall be summoned by the agency, and that agency may give such directions as it thinks fit as to the procedure to be followed at the meeting.

Committees

8.—(1) The board may appoint one or more committees consisting of such persons as it may think fit to carry out on behalf of the board such of its functions (not inconsistent with functions otherwise to be delegated to the academic board under this Decree) as the board may determine.

(2) Any decision of a committee shall be of no effect until it is confirmed by the board.

Miscellaneous

9.—(1) The board may give directions relating to any domestic matter under its control by virtue of this Decree.

(2) Directions when given under this paragraph shall be in writing signed by the chairman and shall come into force when issued under the seal of the board.

10.—(1) The fixing of the seal of the board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the board to act for that purpose.

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

11. The validity of any proceedings of the board or of a committee thereof shall not be affected by any vacancy in the membership of the board or of the committee or by any defect in the appointment of a member of the board or of a member to serve on a committee, or by reason that a person not entitled to do so took part in the proceedings.

12. Any member of the board, or of a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the board or a committee thereof shall forthwith disclose his interest to the board and shall not vote on any question relating to the contract or arrangement.

13. A person shall not by reason only of his membership of the board be treated as holding an office of emolument under the State as represented by the Federal Republic or any territory thereof.

SCHEDULE 2

Section 7 (2)

Provisions relating to transfer of property to the Polytechnic etc.

1.—(1) Any dispute as to whether any property of an educational institution was held on the appointed day for purposes mentioned in section 7 of this Decree shall be determined by the agency.

(2) Where it appears to the agency that any property aforesaid was held as to one part for some of those purposes and as to another part for others of them the agency may, notwithstanding anything in the said section 7, by an instrument executed on behalf of the agency allocate those parts in such manner as the agency thinks fit.

2.—(1) Subject to the provisions of paragraph 1 above, every agreement to which an educational institution was a party immediately before a transfer date, 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 educational institution, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect as from the appointed day, so far as it relates to property transferred by this Decree on that date to the board as if—

(a) the board had been a party to the agreement ;

(b) for any reference (however worded and whether express or implied) to the educational institution there were substituted as respects anything falling to be done on or after the transfer date, a reference to the board ;

(c) for any reference (however worded and whether express or implied) to a member or officer of the educational institution there were substituted as respects anything falling to be done on or after the appointed day, a reference to such person as the board may appoint or, in default of appointment, to the member or officer of the board or, as the case may be, the academic board, who corresponds as nearly as may be to the member or officer in question of the educational institution.

(2) Other documents, including enactments and Laws which refer, whether specially or generally, to any of the educational institutions shall be construed in accordance with subparagraph (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 7 of this Decree, any right, liability or obligation vests in the board, that board and all other persons shall, as from the appointed 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 board.

(4) Any legal proceedings or application to any authority pending on the appointed day by or against a particular educational institution and relating to property transferred by this Decree on that date to the board may be continued on or after that day by or against the board.

3. Notwithstanding anything in section 7 of this Decree if the law in force at the place where any property transferred by this Decree 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, or any matter other than the payment of fees) apply with the necessary modifications to the transfer of the property aforesaid; and it shall be the duty of the transferee to furnish the necessary particulars of the transfer to the proper officer of the registration authority and of that officer to register the transfer without payment of any fee accordingly.

4. No stamp duty or other fee shall be payable in respect of any transfer of property by this Decree.

5. Anything done or omitted to be done, whether before or after the commencement of this Decree by an educational institution or the board in anticipation of the transfer of any property affected by this Decree shall be and be deemed always to have been as valid as if the transfer in question had taken place.

6.—(1) Subject to the provisions of this paragraph the board may by directions make such ancillary, supplemental or incidental provision as the board considers expedient for carrying out the purposes of this Decree.

(2) Directions under the foregoing subparagraph may provide that the foregoing paragraphs of this Schedule or of section 7 of this Decree shall in their application to any case specified by the directions, have effect with such alterations (including omissions) as may be so specified; and any such direction may be made so as to take effect from a date not earlier than the transfer date applicable to the case in question.

(3) Directions made under this paragraph shall be submitted by the board to the agency for approval, and until so approved shall have no effect.

MADE at Lagos this 25th day of April 1968.

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