



MARITIME ACADEMY OF NIGERIA ACT

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MARITIME ACADEMY OF NIGERIA ACT

An Act, amongst other things, to establish the Maritime Academy of Nigeria to provide courses of instruction and training, *inter alia*, in marine technology, applied research in maritime technology and other relevant fields of applied maritime sciences.

[20th April, 1988]

[Commencement.]

Establishment of the Maritime Academy of Nigeria

1. Establishment of the Maritime Academy of Nigeria

- (1) There is hereby established a body to be known as the Maritime Academy of Nigeria (in this Act referred to as "the Academy") which shall have the functions assigned to it by this Act.

- (2) The Academy shall be a body corporate with perpetual succession and a common seal and shall have power to acquire and dispose of interests in movable and immovable property and may sue and be sued in its corporate name.
- (3) The Academy shall consist of-
 - (a) the nautical department;
 - (b) the marine engineering department;
 - (c) the radio and electronics department;
 - (d) the maritime studies department;
 - (e) the general studies department;
 - (f) the research institute;
 - (g) the specialised seamen training centre;
 - (h) the cadets regiment; and
 - (i) such other educational units or departments or variations of the above as may, subject to this Act, be established from time to time by the Governing Council.

2. Governing Council of the Academy and membership

- (1) The affairs and running of the Academy shall vest in the Governing Council of the Academy (in this Act referred to as "the Council").
- (2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the Council to consider and approve-
 - (a) the objectives and the plan of activities of the Academy;
 - (b) the programme of studies, courses and research to be undertaken by the Academy;
 - (c) the annual estimates of the Academy; and
 - (d) the investment plans of the Academy.

- (3) The Council shall consist of a chairman to be appointed by the President, on the recommendation of the Minister and the following other members, that is-
- (a) one representative of the Ministry charged with responsibility for matters relating to the Academy;
 - (b) one representative of the Nigerian Navy;
 - (c) one representative of the Academic Board of the Academy;
 - (d) the Rector of the Academy;
 - (e) one representative of the Federal Ministry of Education;
 - (f) one representative of the Federal Ministry of Communications;
 - (g) one representative of the Nigerian National Shipping Line Limited;
 - (h) one representative of the Nigerian Ports Authority;
 - (i) one representative of the Institute of Oceanography; and
 - (j) three other persons to be appointed by the President, on the recommendation of the Minister.
- (4) The President, may terminate the appointment of a member of the Council (not being an *ex-officio* member) if he is satisfied that it is not in the interest of the Academy that the person concerned should continue in office.
- (5) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters therein metioned.

3. Functions of the Academy

The functions of the Academy shall be-

- (a) to admit and train the various levels of personnel required for running and operating ships of the merchant navy;

- (b) to train technical manpower for ports, marine engineering, workshops, piloting and navigation, marine insurance, hydrography and other related services; and
- (c) to provide such other forms of instructions as the Academy may, from time to time, decide to undertake.

4. Powers of the Council

(1) For the carrying out of the functions of the Academy as specified in this Act, the Council shall have power to-

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- (a) establish such campuses, departments, divisions, institutes, schools, extra- mural departments and other teaching and research units within the Academy as may from time to time seem to the Council to be necessary or desirable;
 - (b) institute lectureships and other posts and offices and make appointments thereto;
 - (c) institute and award scholarship, and bursaries, on the advice of the Academic Board;
 - (d) provide for the discipline and welfare of members of the Academy including the cadet regiment;
 - (e) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or structures necessary for the Academy;
 - (f) carry out such other activities as are necessary and expedient for the full discharge of any of its functions under or pursuant to this Act.
- (2) Notwithstanding any other provision of this Act, the Council may only establish additional educational units within the Academy with the prior approval of the Minister.

5. Powers of the Academy

(1) For the carrying out of its functions as specified in this Act the Academy shall have power-

- (a) to provide courses of instruction and training-
 - (i) in marine technology, including marine engineering, navigation, applied maritime sciences, shipping business and the management thereof and any other courses as may be approved by the Council from time to time;
 - (ii) in maritime sciences related to the needs and development of Nigeria in areas associated with maritime affairs; and
 - (iii) in applied research in maritime technology and related activities;
- (b) to arrange conferences and seminars;
- (c) to encourage and promote in-service training and study groups;
- (d) to hold examinations and grant or award diplomas, and other distinctions to persons who have pursued a course of study approved by the Council and have satisfied such other requirements as the Council may lay down;
- (e) to demand and receive from any student or any other person attending the Academy for the purpose of instruction such fees as the Council may, with the prior approval of the Minister, from time to time, determine;
- (f) to hold public lectures and undertake printing, publishing and bookselling;
- (g) to make gifts for any charitable purpose;
- (h) to undertake any other activity appropriate for a maritime academy of the highest standard.

6. Establishment of Academic Board

- (1) There shall be established an Academic Board which shall be responsible for the general direction and management of academic matters and other subjects referred to it from time to time by the Council.
- (2) Membership of the Board shall consist of-
 - (a) the Rector as the chairman;
 - (b) the Director of Education;

- (c) the Heads of the Academic Departments; and
- (d) such other members of the teaching staff as may be approved from time to time by the Council.

Staff of the Academy

7. Appointment of the Rector

- (1) There shall be an officer of the Academy to be known as the Rector, who shall be appointed by the President, Commander-in-Chief of the Armed Forces, on the recommendation of the Minister.
- (2) The Rector shall be the chief executive of the Academy and shall be responsible to the Council for the day-to-day management of the affairs of the Academy.
- (3) The Rector shall hold office for four years in the first instance and shall be eligible for reappointment for only one further term of four years subject to the approval of the President, Commander-in-Chief of the Armed Forces on the recommendation of the Minister.

8. Appointment of other staff of the Academy

- (1) There shall be appointed by the Council the following officers of the Academy, that is- (a) the Registrar;
- (b) the Director of Education and Planning;
- (c) the Director of Research;
- (d) the Bursar;
- (e) the Director of Works and Services; and
- (f) the Regimental Unit Commander who shall be a serving officer in the Nigerian Navy.

- (2) The Registrar shall be responsible to the Rector for the day-to-day administration of the Academy and shall be the Secretary to the Council and the Academic Board.
- (3) The Director of Education and Planning shall be responsible to the Rector for educational and physical planning, organising, co-ordinating and conducting the courses and other studies undertaken by the Academy including collation and publication of course materials and other written matters relating thereto.
- (4) The Director of Research shall be responsible to the Rector for co-ordinating the research staff and research projects of the Academy including collation and publication of research materials.
- (5) The Bursar shall be responsible to the Rector for the finances and accounts of the Academy.
- (6) The Director of Works and Services shall be responsible to the Rector for the general maintenance and repairs of the assets and properties of the Academy.
- (7) The Regimental Unit Commander shall be responsible to the Rector for the discipline, welfare and extracurricular activities of the cadet regiment.
- (8) There may be appointed from time to time by the Council such other staff as may be required for the purposes of the efficient performance of the functions conferred on the Academy under or pursuant to this Act.

9. Pensions

- (1) It is hereby declared that service in the Academy shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the Academy shall in respect of their service in the Academy be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder,

so however, that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

- (2) For the purpose of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other

authority of the Government of the Federation (not being the power to make regulations under section 23 thereof), is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

Financial provisions

10. Establishment of fund of the Academy

- (1) The Academy shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Act.
- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-
 - (a) such sums as may be provided by the Government of the Federation for payment into the fund;
 - (b) any fees charged for services rendered by the Academy; and
 - (c) all other sums accruing to the Academy by way of gifts, testamentary disposition and endowments or contributions from philanthropic persons or organisations or otherwise howsoever.

11. Power to accept gifts

- (1) The Academy may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Academy shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with the aims and objectives of the Academy.

12. Borrowing power

- (1) The Council may with the consent or in accordance with any general authority given by the Minister borrow by way of loan or overdraft from any source any moneys required by the Academy for meeting its obligations and discharging its functions under this Act.

- (2) The Council may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds.
- (3) The Council may invest any surplus funds of the Academy in securities prescribed by the Trustee Investment Act or such other securities as may from time to time be approved by the Minister.

13. Annual estimates, accounts and audit

- (1) The Council shall cause to be prepared not later than six months before the end of each financial year or such other time as the Minister may direct, an estimate of the expenditure and income of the Academy during the next succeeding financial year and when prepared they shall be submitted through the Minister for approval by the President.
- (2) The Council shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Council such accounts shall be audited as provided in subsection (3) of this section.
- (3) The accounts of the Academy shall be audited within six months after the end of each financial year by auditors appointed by the Council from the list of qualified auditors to be provided by the Auditor-General for the Federation and the fee of the auditors and expenses for the audit generally shall be paid from the funds of the Academy in accordance with the guidelines on the level of fees to be paid to the external auditors as provided by the Auditor-General of the Federation.
- (4) The Auditor-General for the Federation shall comment on the annual accounts of the Academy and the auditors' report there on and thereafter shall submit his report to the National Assembly.
Miscellaneous and supplementary

14. Annual reports

The Council shall, not later than six months after the end of each financial year, submit through the Minister to the President, a report on the activities of the Academy and its administration during the immediately preceding year and shall include in such report the audited accounts of the Academy and the auditor's comments thereon.

15. Staff regulations

- (1) The Academy may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Academy and, without prejudice to the generality of the foregoing, such regulations may provide for-
 - (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Academy; and
 - (b) appeals by such employees against dismissal or other disciplinary measures,

and until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Academy.

- (2) There shall be established an Accounting Manual for the Academy.
- (3) Staff regulations and the Accounting Manual made under subsections (1) and (2) of this section shall not have effect until approved by the Minister, and when so approved they need not be published in the *Federal Gazette* but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may from time to time determine.

16. Discipline of students

- (1) Subject to the provisions of this section, where it appears to the Rector that any student of the Academy has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by rules made pursuant to this Act, direct-
 - (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the Academy; or
 - (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as he may deem fit; or
 - (c) that the student be rusticated for such period as may be specified in the direction; or

- (d) that the student be expelled from the Academy on the advice of a disciplinary board.
- (2) No student shall be expelled from the Academy in accordance with the provisions of subsection (1) (d) of this section without him being given a fair hearing and allowed to put forward his representations.
- (3) Where a direction is given under subsection (1) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the
- Council thinks fit.
- (4) The fact that an appeal from a direction is brought in pursuance of subsection (3) of this section shall not affect the operation of the direction while the appeal is pending.
- (5) The Rector may delegate his powers under this section to a disciplinary board consisting of such members of the Academy as he may nominate.
- (6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the Academy otherwise than on the ground of misconduct.
- (7) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.

17. Restriction on disposal of land by Academy

Without prejudice to the provisions of the Land Use Act, the Academy shall not dispose of or charge any interest vested in it relating to any land except with the prior written consent, either general or special, of the Minister charged with responsibility for matters relating to Federal lands.

18. Interpretation

In this Act, unless the context otherwise requires -

"Academy" means the Maritime Academy of Nigeria established by section I of this Act;

"Council" means the Governing Council of the Academy established for the Academy by section 2 of this Act; **"member"** means a member of the Council including the chairman;

"Minister" means the Minister of the Government of the Federation for the time being charged with responsibility for matters relating to the Academy;

"notice" means a notice in writing;

"prescribed" means prescribed by statute or regulations;

"property" includes rights, liabilities and obligations;

"student" means a person in *statu pupillari* at the Academy and includes a cadet.

19. Short title

This Act may be cited as the Maritime Academy of Nigeria Act.

SCHEDULE

Supplementary provisions relating to the Council

Proceedings of the Council

1. (1) Subject to this Act and to 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 person presiding to have a second or casting vote), the Council may make standing orders regulating its proceedings or of any committee thereof.
- (2) The quorum at any meeting of the Council shall be five and the quorum of any committee of the Council shall be determined by the Council.
2. (1) The Council shall meet not less than four times in each year and, subject thereto, 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 not less than five other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

- (2) At any meeting of the Council the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister.
- (5) The validity of any proceedings of the Council or of a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or committee, or by reason that a person not entitled to do so took part in the proceedings.

Committees

3. (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Council) as may be determined by the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.
- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

4. (1) The fixing of the seal of the Academy shall be authenticated by the signature of the chairman and of some other member

authorised generally or specially to act for the purpose by the Council.

- (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 Academy by the Rector or any person generally or specially authorised to act for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Academy shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- S. Members of the Council who are not public officers shall be paid out of moneys at the disposal of the Council such remuneration, fees or allowances in accordance with such scales as may be approved from time to time by the President.
6. Any member of the Council or 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.

MARITIME ACADEMY OF NIGERIA ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation