

REPORT OF A BILL FOR AN ACT TO REPEAL THE NIGERIAN COUNCIL FOR MANAGEMENT DEVELOPMENT ACT, CAP. N99, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIAN COUNCIL FOR MANAGEMENT DEVELOPMENT, AND FOR OTHER RELATED MATTERS, 2019 (HB. 461).

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

PROVISION OF BILL	COMMITTEE'S RECOMMENDATION	REMARK
PART I – ESTABLISHMENT OF THE NIGERIAN COUNCIL FOR MANAGEMENT DEVELOPMENT Establishment of the Nigerian Council for Management Development. 1. (1) There is established a body to be known as the Nigerian Council for Management Development (in this Bill referred to as "the Council"). (2) The Council: (a) shall be a body corporate with perpetual succession and a common seal; (b) may sue or be sued in its corporate name; and (c) may acquire, hold or dispose of any property, movable or immovable in its corporate name, for the purpose of carrying out its functions under this Bill.	Retained	
Membership of the Council. 2. (1) The Council shall consist of: (a) a Chairman; (b) a representative each of the following: (i) Ministry of Budget and National Planning/National Planning Commission, (ii) National Youth Service Corps (NYSC); (iii) National University Commission (NUC);	Retained	

(iv) one member representing the organised Private Sector; (v) Office of the Head of Civil Service of the Federation; (vi) Central Bank of Nigeria; (vii) Tertiary Education Trust Fund (TETFund); (viii) Industrial Training Fund; and (ix) Central Bank of Nigeria; (c) one person representing each of the geo-political zones in the country, other than that of the Chairman, with knowledge and close association with management training, industry, commerce or economies; and (d) the Director-General, Centre for Management Development. (2) The Chairman and members of the Council, other than the ex-officio members referred to in subsection (2) (b) of this section, shall be appointed by the President on the recommendation of the Minister. (3) The Chairman and members of the Council shall be persons of proven integrity, ability, good repute with high professional competence in a related discipline. (4) The provisions of Part II of the Schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters therein mentioned.		
Tenure of office and cessation of membership. 3. (1) The Chairman and members of the Council other than the ex-officio members shall hold office for a term of four years in the first instance and may be re-appointed for another term of four years and no more. (2) The office of the Chairman or any member of the Council shall become vacant where:	Retained	

(a) he resigns his office by notice in writing under his hand addressed to the President through the Minister; (b) he becomes of unsound mind or is incapable of carrying out his duties due to infirmity of mind or body; (c) he is declared bankrupt by a court of competent jurisdiction; (d) he is found guilty of gross misconduct relating to his duties or is convicted of a felony or of any offence involving dishonesty, corruption or embezzlement; (e) death of the Chairman or Member; (f) in the case of an ex-officio member, he ceases to hold the office on the basis of which he became a member of the Council; or (g) the President is satisfied that it is not in the interest of the Council or of the public for the person appointed to continue in office. (3) The Chairman and members of the Council shall hold office on part time basis.		
Remuneration of members of the Council. 4. Members of the Council shall be entitled to sitting allowances, travel expenses and such other benefits as may be determined from time to time by the Government.	Retained	
PART II – FUNCTIONS AND POWERS OF THE COUNCIL Functions and powers of the Council. 5. The Council shall: (a) advise the Minister on policies, plans and programmes for the enhancement of the number, quality and effective utilization of the managerial manpower resources of the country in all sectors of the economy;	Retained	

(b) formulate policies and guidelines for the co-ordination of management education and training activities throughout the country; (c) develop, regulate and promote high national standards of management education, entrepreneurial development and supervisory training programmes in line with international standards; (d) accredit every management consultant, trainer or institution with the relevant and requisite qualifications, operating within Nigeria; (e) accredit every registered management training firm or institution upon the fulfillment of all criteria set by the Council; (f) keep and maintain a register of all management consultants, management training institutions, their training programmes, curriculum, location, standards, duration, type and cost; (g) sanction or prohibit any management trainer, consultant or training institution from commencing, undertaking, carrying on or engaging in training programmes without accreditation; (h) assess periodically, the training programmes of management development training institutions with a view to determining their competence; and (i) to perform any other functions as may be necessary to achieve the goals and objectives of the Council.		
Appointments and establishment of Committee. 6. The Council shall constitute an Appointments and Establishment Committee consisting of not less than 4 members of the Council whose function shall be to advise it on matters relating to the appointment, conditions of service, advancement, promotion and	Retained	

discipline of staff of the Council.		
PART III – STAFF OF THE COUNCIL Staff of the Council. 7. (1) The Council shall appoint a Secretary who shall: (a) be an officer of the Centre established under section 15 of this Bill; (b) be responsible to the Council and the Director-General; (c) be responsible for: (i) taking the minutes of meetings of the Council, (ii) keeping records and conducting the correspondence of the Council, and (iii) issuing notices for the meetings of the Council; and (d) perform such other duties as may be assigned to him, from time to time by the Council or the Director-General. (2) The Council Secretary shall possess such professional qualifications and cognate experience as the Council may prescribe.	Retained	
Other staff of the Council. 8. (1) The Council may from time to time appoint such other category of staff or engage staff on secondment from other Government Ministries, Departments and Agencies as it may deem expedient and necessary to assist the Council in the performance of its functions under this Bill. (2) The Council shall pay its employees such remuneration, allowances and other benefits as may be determined by the Council from time to time.	Retained	

(3) The Council shall make rules relating generally to the conditions of service of employees of the Council and without prejudice to the generality of the foregoing, the rules may provide for the appointment, promotion and disciplinary control of all employees of the Council.		
Service in the Council. 9. (1) Service in the Council shall be approved service for purposes of the Pension Reform Act and accordingly employees of the Council shall, in respect of their services, be entitled to pensions and other retirement benefits as are applicable to persons holding equivalent grades in the Public Service of the Federation. (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of pension in respect of that office. (3) For the purpose of the application of the provisions of the Pension Reform Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation, other than the power to make regulations; is vested in and shall be exercisable by the Council.	Retained	
Indemnity. 10. Every member, agent, auditor or employee of the Council shall be indemnified out of the assets of the Council against any liability incurred by him in defending any proceedings, whether civil or criminal in which judgment is given in his favour or in which he is acquitted, if any such proceedings has been brought against him in his capacity as such a member, agent, auditor or employee.	Retained	
PART IV – FINANCIAL PROVISIONS Fund of the Council. 11. (1) The Council shall establish and maintain a fund into which shall be paid and credited: (a) such moneys as may from time to time be appropriated or granted to the Council by the Government of the Federation or of a State;	Retained	

(b) such moneys as may be granted to the Council by the Industrial Training Fund or any other body; (c) all subscription fees or charges for services rendered by the Council or any of its agents; (d) all other assets that may from time to time accrue to the Council; and (e) all other sums accruing to the Council by way of gift, and testamentary dispositions. (2) The Council shall apply the proceeds of the fund established pursuant to subsection (1) of this section: (i) to the cost of administration of the Council; (ii) for reimbursing members of the Council and any committee of the Council for such expenses expressly authorized by the Council; (iii) to the payment of salaries or other remuneration or allowances, pension and other retirement benefits payable to members or employees of the Council.		
Power to accept gifts. 12. (1) The Council 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 Council shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Council or any other law in Nigeria.	Retained	
Council estimates and expenditure. 13. (1) The Council shall not later than 1st October in each financial year or soon thereafter submit to the Minister for approval, its estimate of revenue and expenditure in respect of the following financial year. (2) The Council shall prepare and submit to the Minister not later than 31st March in each financial year, a report	Retained	

on its activities during the preceding financial year and the report shall be accompanied by a copy of the audited accounts of the Council for that period and of the auditor's report on the accounts.		
Borrowing. 14. The Council may, with the consent of the Minister, borrow on such terms and conditions as the Council may determine in line with financial regulations, such sums of money as the Council may require in the exercise of the functions conferred on it under this Bill.	Retained	
PART V – ESTABLISHMENT OF THE CENTRE FOR MANAGEMENT DEVELOPMENT, ETC. Establishment of the Center for Management Development. 15. There is established the Centre for Management Development (in this Bill referred to as the Centre") which shall be the operational arm of the Council.	Retained	
Powers of the Centre. 16. The Centre shall perform the following powers: (a) provide to the Council information and other technical data necessary for the Council's policy making and coordinating functions; (b) undertake management development for small and medium enterprises in the country through the provision of relevant training and extension services; (c) establish and maintain a world class library on management studies; (d) undertake, commission and participate in in-depth research studies and consultancy services in relevant fields; (e) publish journals, research papers and books on modern management and supervisory techniques; (f) promote the development of programmes	Retained	

aimed at improving the performance of private and public enterprises; (g) provide macro and micro economic training programmes to economic planners, budget and project officers at the Federal, State, Area Councils and sectoral levels; (h) undertake training programmes and promotion examinations for the employees of Ministries, Departments and Agencies of the Federal, States and Local Governments; (i) in collaboration with the NYSC, provide regular trainings in NYSC camps; (j) act as a policy laboratory for vigorous and sustained development and promotion of highly specialized skills required for enhancing efficient and effective planning and management of the Nigerian economy; (k) undertake the development of executive postgraduate programmes and Diploma Courses for the development of Manpower capacity building in Nigeria; (l) conduct examinations and grant certificates in areas of management to persons who have pursued a course of study approved by the Council and have satisfied such other requirements as may be prescribed by the Council from time to time; (m) collaborate with the similar management training institutions within and outside Nigeria in the execution of its mandate with a view to embracing international standards; and (n) carry out any other duties as may be necessary for the efficient discharge of its functions under this Bill.		
Director-General of the Centre. 17. (1) There shall be for the Centre, a Director-General who shall be appointed by the President on the recommendation of the Minister	Retained	

(2) The Director- General shall be: (a) the chief executive and accounting officer of the Centre; (b) charged with the general responsibility for matters affecting the day-to-day management and operations of the Centre; and (c) responsible for any other duties or functions as may be necessary for the effective and efficient running of the Centre. (3) The Director-General shall hold office for a period of four years in the first instance and may be reappointed for a further term of four years and no more. (4) The terms and conditions of appointment of the Director-General shall be as specified in his letter of appointment.		
Information on management training institution. 18. The Director-General may, with the approval of the Council require any management training institution to furnish such information on any aspect of its operations as may appear to the Director-General to be necessary to enable the Council carry out any of its functions under this Bill.	Retained	
PART VI – OFFENCES AND PENALTIES 19. (1) Any person who operates as a management consultant or trainer without accreditation from the Council commits an offence and is liable on conviction to a fine not less than ₦500,000.00 or to imprisonment for a term not less than 6 months or both. (2) Any management development training institution which operates with an unaccredited member of faculty or with substandard equipment, tools or in an unconducive environment commits an offence and is liable on conviction to a fine not less than ₦1,000,000.00 or to imprisonment for a term not less than 1 year for every principal officer of the institution or both.	Retained	

PART VII – MISCELLANEOUS Power of the Minister to give directives. 20. The Minister may give to the Council directives of a general character or relating generally to particular matters with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directives.	Retained	
Limitation of suits against the Council and its staff. 21. (1) Notwithstanding anything to the contrary contained in any other enactment, no suit against the Council, a member or any employee of the Council, for any act done in pursuance or execution of any enactment or law, or of any public duty or authority, or in respect of an alleged negligence or default in the execution of such enactment or law, duty or authority, shall lie or be instituted in any court unless it is commenced within 12 months next after the act or neglect complained of or in the case of continuing damage or injury, within 12 months next after the ceasing thereof. (2) No suit shall be commenced against the Council before the expiration of a period of one month notice of intention to commence the suit shall have been served upon the Council by the intending plaintiff or his authorised agent and the notice shall clearly and explicitly state: (a) the cause of action; (b) the particulars of the claim; (c) the name and place of abode of the intending plaintiff; and (d) the relief which he claims. (3) The notice referred to in subsections (1) and (2) of this section and any summons, notice or other document required or authorised to be served upon the Council under the provisions of this Bill or any other enactment or law may be served by delivering the same to the Director - General, the Council Secretary or by sending it by registered post to the principal office of the Council.	Retained	
Regulations. 22. (1) The Council may with the approval of the	Retained	

Minister make regulations as may be necessary or expedient to give effect to the provisions of this Bill. (2) Regulations made under this Bill shall be published in the Federal Government Gazette.		
Repeal, savings, etc. 23. (1) The Nigerian Council for Management Development Act, Cap. N99, Laws of the Federation of Nigeria, 2004 is repealed. (2) The National Centre for Economic Management and Administration Act, Cap. N14, Laws of the Federation of Nigeria, 2004 is repealed. (3) Without prejudice to section 6 of the Interpretation Act, Cap. 123, Laws of the Federation of Nigeria, 2004, the repeal referred to in sub section (1) of this section shall not affect anything done under or pursuant to the enactment. (4) The National Centre for Economic Management and Administration established pursuant to the National Centre for Economic Management and Administration Act is dissolved. (5) The statutory functions, rights, interests, obligations and liabilities of the National Centre for Economic Management and Administration shall by virtue of this Bill be assigned to and vested in the Nigerian Council for Management Development established by this Bill. (6) The Nigerian Council for Management Development shall be subject to all the obligations and liabilities to which the defunct National Centre for Economic Management and Administration was subject and all other persons shall have the same rights, powers and remedies against the Nigerian Council for Management Development as they had against the National Centre for Economic Management and Administration before the commencement of this Bill; (7) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the National Centre for Economic Management and Administration in respect of any	Retained	

right, interest, obligation or liability may be continued or commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Nigerian Council for Management Development. (8) All assets, funds, resources, movable or immovable property which immediately before the commencement of this Bill were vested in the National Centre for Economic Management and Administration shall by virtue of this Bill and without further assurance, be vested in the Nigerian Council for Management Development; (9) Any person immediately before the commencement of this Bill being a holder of an office in the National Centre for Economic Management and Administration shall on the commencement of this Bill be deemed to have been appointed to his office by the Nigerian Council for Management Development.		
Interpretation. 23. In this Bill unless the context otherwise requires "Centre" means the Centre for Management Development; "Council" means the Nigerian Council for Management Development; "Director-General" means the Director-General of the Centre for Management Development; "Fees" includes annual subscription and payment for the issuance of documents or performance of duties by the Council in connection with the provisions of this Bill; "Member" means a member of the Council and includes the Chairman; "Minister" means the Minister in-charge of the Ministry responsible for Budget and National Planning/National Planning Commission; "the National Youth Service Corps" refers to the Service charged with the responsibility of training, deployment	Retained	

and discharge of corps members; "Manpower capacity building" refers to acquisition of knowledge and skills through short, medium and long term training, retraining, including post graduate programmes conducted by the Center; "Financial Regulations" refers to the financial regulations being announced from time to time by the relevant authority.		
Citation. 25. This Bill may be cited as the Nigerian Council for Management Development Bill, 2019.	Retained	
SCHEDULE SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL <i>Section 2(4)</i> <i>Qualification and Tenure of Office of Members</i> 1. A person under section 2 of this Bill shall not be a member of the Council unless he is a citizen of Nigeria. 2. A member of the Council other than a public office holder may resign his appointment by a letter under his hand addressed to the Minister and copied to the Chairman, or in the case of the Chairman, copied to the Director - General and the resignation shall take effect from the date of the receipt of the letter by the Minister. 3. Where a member of the Council ceases to hold office before the date when his term of office would have expired by effluxion of time, the body or person by whom he was appointed or elected shall as soon as practicable appoint or, as the case may be, elect another person to fill the vacancy for the residue of the term aforesaid, so however that the foregoing provision of this paragraph shall not apply where a person holding office as a member of the Council ceases to hold office at the time when the residue of his term does not exceed six months. 4. The foregoing provisions of this Schedule shall be	Retained	

without prejudice to the provisions of Section 11 of the Interpretation Act which relates to appointment.

5. Any accredited member of a profession who ceases to be such accredited member shall, if he is also a member of the Council ceases to hold his position on the Council.

6. A person who is a member by virtue of his office shall cease to be a member if he ceases to occupy the particular office.

Proceedings of the Council

7. Subject to the provisions of this Bill and section 27 of the Interpretation Act (providing for decisions of a body to be taken by a majority of the members of the body and for the Chairman to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

8. The Council shall meet at least four times in a year and at such other times as the Chairman may from time to time determine and in any case, shall not meet more than six times in a year.

9. Every meeting of the Council shall be presided over by the chairman and if the chairman is unable to attend, a member may be appointed by the members present to act as chairman for that particular meeting.

10. The Quorum for the meeting of the Council shall be any number above one third of the total number of members of the Council and in the case of any of its committees shall not be less than half of the members of such committee.

11. Where standing orders made under paragraph 1 of this Part of this Schedule provide for the Council to co-opt persons who are not members of the Council, such persons may advise the Council on any matter referred to them by the Council but shall not be entitled to vote at a meeting of the Council or count towards a quorum.

12. Subject to its standing orders, the Council may appoint such number of standing and ad-hoc

committees as it thinks fit to consider and report on any matter with which the Council is concerned.

13. Every committee appointed under paragraph 12 of this Schedule shall be presided over by a member of the Council and shall be made up of such number of persons, not necessarily members of the Council, as the Council may determine in each case.

14. A decision of a committee shall be of no effect until it is confirmed by the Council.

Miscellaneous

15. The fixing of the seal of the Council shall be authenticated by the signature of the chairman and the Council Secretary.

16. Any contract or instrument which, if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Council by any person, generally or specially authorised to act for that purpose by the Council.

17. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Council shall be received in evidence and shall unless the contrary is proved, be presumed to have been so signed and sealed.

18. The validity of any proceeding of the Council or of any of its committees shall not be affected by:

(a) any vacancy in the membership of the Council or any of its committees;

(b) any defect in the appointment of any member;
or

(c) reason of the fact that any person not entitled to do so took part in the proceedings.

19. Any member of the Council and any person holding a position on a committee of the Council who has a personal interest in any contract or arrangement

entered into or proposed to be considered by the Council or its committee shall not be present at any deliberation relating to the contract arrangement.		
EXPLANATORY MEMORANDUM This Bill repeals the Nigerian Council for Management Development Act, Cap. N99, Laws of the Federation of Nigeria, 2004, enacts the Nigerian Council for Management Development Bill, 2019 and prescribes penalties for any violation of its provisions.	Retained	