The Center for Research Libraries scans to provide digital delivery of its holdings. In some cases problems with the quality of the original document or microfilm reproduction may result in a lower quality scan, but it will be legible. In some cases pages may be damaged or missing. Files include OCR (machine searchable text) when the quality of the scan and the language or format of the text allows.

If preferred, you may request a loan by contacting Center for Research Libraries through your Interlibrary Loan Office.

Rights and usage

Materials digitized by the Center for Research Libraries are intended for the personal educational and research use of students, scholars, and other researchers of the CRL member community. Copyrighted images and texts may not to be reproduced, displayed, distributed, broadcast, or downloaded for other purposes without the expressed, written permission of the copyright owner.

Center for Research Libraries
Identifier: f-n-000001

Downloaded on: Jul 23, 2018, 12:13:15 PM
THE INDUSTRIAL TRAINING FUND DECREE 1971

Decree No. 47

[8th October 1971]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:

1. There is hereby established a fund to be known as the Industrial Training Fund (in this Decree referred to as “the Fund”) into which shall be paid—

   (a) all contributions prescribed by this Decree, and
   
   (b) such sums as may be provided for that purpose by the Federal Military Government.

2. The Fund may be utilised to promote and encourage the acquisition of skills in industry or commerce with a view to generating a pool of indigenous trained manpower sufficient to meet the needs of the economy.

3.—(1) There shall be, for the purpose of administering the Fund in accordance with the provisions of this Decree, a body to be known as the Industrial Training Fund Governing Council (in this Decree referred to as “the Council”).

   (2) The provisions of the Schedule to this Decree shall have effect with respect to the constitution of the Council and its proceedings and the other matters therein contained.

4. The Council shall have power—

   (a) to provide or secure the provision of such courses and other facilities (which may include residential accommodation) for the training of persons employed or intending to be employed in industry or commerce as may be required, having regard to any courses or facilities available to such persons;

   (b) to approve such courses and facilities provided by other persons;

   (c) from time to time, to consider the employments in industry or commerce as appears to require special consideration and publish recommendations with regard to the nature and length of the training for any such employment and the further education to be associated with the training, the persons by and to whom the training ought to be given, the standards to be attained as a result of the training and the methods of ascertaining whether those standards have been attained;
(d) to apply or make arrangements for the application of selection tests and of tests or other methods for ascertaining the attainment of any standards recommended by the Council and may award certificates of the attainment of those standards;

(e) to assist persons in finding facilities for being trained for employment in industry or commerce;

(f) to carry on or assist other person in carrying on research into any matter relating to training for employment in industry or commerce.

5.—(1) There shall from time to time be appointed a fit person to be called the Secretary of the Industrial Training Fund who shall be the administrative head of the Fund, and, subject to the directions of the Council, shall be responsible—

(a) for the assessment of contributions under this Decree and for the collection and payments of moneys into the Fund,

(b) for the payment of all disbursements authorised under or by virtue of this Decree,

(c) for accounting for all moneys collected, paid or otherwise expended under this Decree,

(d) for ensuring the achievement of the aims of this Decree.

(2) There may also from time to time be appointed as officers or employees of the Fund such number of persons as may be necessary for the administration of this Decree, who shall be subject to the general control of the Secretary, and who shall perform such duties as the Secretary may authorise.

6.—(1) Every employer having twenty-five or more persons in his establishment shall in respect of each year and on the prescribed date contribute to the Fund three \( \text{per centum} \) of the amount of his annual payroll or one half \( \text{per centum} \) of his annual turnover, whichever is the greater.

(2) In this section “the prescribed date”—

(a) in respect of the year one thousand nine hundred and seventy-one, means a date not later than three months from the commencement of this Decree, and

(b) in respect of every subsequent year, means a date not later than 1st June of that year.

7.—(1) If any contribution is not paid within the time prescribed in section 6 above, a sum equal to five \( \text{per centum} \) of the amount unpaid shall be added for each month or part of a month after the date on which payment should have been made.

(2) Notwithstanding the provisions of subsection (1) above, the Council may if it thinks fit, remit in whole or in part any penalty imposed under this section.

8.—(1) The Council shall keep proper accounts and proper records in relation thereto, and shall prepare in respect of each financial year a statement of accounts in such form as the Commissioner may direct.

(2) The Council shall as soon as may be after the end of the financial year to which the accounts relate cause the accounts to be audited by auditors appointed by the Council with the approval of Commissioner.
(3) The auditors shall on the completion of the audit of the accounts of each financial year prepare and submit to the Council a report setting out their observations and recommendations on all aspects of the accounts of the Council for that year; and the Council shall forward a copy of the report to the Commissioner.

9.—(1) Notwithstanding any other provisions of this Decree, a contribution to the Fund shall be recoverable by action as a debt owing to the Fund at any time within six years from the date when the contribution became due.

(2) Any action for the recovery of contributions under this section may be instituted by the Secretary or by any officer of the Fund on behalf of the Secretary or by any other person approved by the Commissioner, and where the action is instituted in a magistrate's court any person authorised by this subsection may appear and conduct the case.

(3) For the purposes of this section "contribution" includes any interest or penalty payable or imposed for non-payment or for late payment, as the case may be.

10. A copy of an entry in the accounts of the Fund or other extract from the records of the Fund shall, when certified by the Secretary be received in all courts as prima facie evidence of the truth of the contents thereof and, as the case may be, of the debt to the Fund by any person.

11. If any question of fact arises as to the liability of an employer to pay contributions under this Decree, the question shall be determined by the Commissioner whose decision shall be final.

12. The Secretary may require any employer to furnish such returns and other information and to keep such records and produce them for examination by, or on behalf of, the Secretary as appears to the Secretary to be necessary for carrying out his functions under this Decree.

13.—(1) Any person who fails to comply with any requirement made under section 12 above shall be guilty of an offence and liable on conviction to a fine of one hundred pounds.

(2) Any person who—
(a) knowingly or recklessly furnishes in pursuance of any requirement under section 12 above, any return or other information which is false in a material particular, or
(b) wilfully makes a false entry in any record required to be produced under that section with intent to deceive, makes use of any such entry which he knows to be false, shall be guilty of an offence and liable on conviction to a fine of two hundred pounds or imprisonment for a term of two years or both.

(3) Where an offence under this Decree by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate (or any person purporting to act in any such capacity) he as well as the body corporate shall be deemed to be guilty of the offence and may be proceeded against and punished accordingly.

14. In this Decree, except where the context otherwise requires—
"the Commissioner" means the Federal Commissioner for Industries;
"the Council" means the Industrial Training Fund Governing Council established under section 3 of this Decree;

"employer" means any person engaged in industry or commerce with whom an employee entered into a contract of service or apprenticeship and who is responsible for the payment of wages or remuneration to the employee;

"the Fund" means the Industrial Training Fund established under this Decree;

"Secretary" means the Secretary to the Fund appointed under section 5 of this Decree.

15. This Decree may be cited as the Industrial Training Fund Decree 1971 and shall apply throughout the Federation.

SCHEDULE

Section 3 (2)

CONSTITUTION ETC. OF THE INDUSTRIAL TRAINING FUND
GOVERNING COUNCIL

1. The Council shall consist of twenty-two members to be appointed by the Commissioner and shall comprise—

(a) one representative each of the following Federal Ministries, that is to say, the Federal Ministry of—

(i) Industries,
(ii) Economic Development (Manpower Board),
(iii) Education,
(iv) Labour,
(v) Finance, and
(vi) Agriculture and Natural Resources;

(b) four persons to represent the States in rotation for two years at a time, no two of whom shall come from one State;

(c) three representatives of the National Employers Consultative Association;

(d) three representatives of the various Chambers of Commerce and Industries;

(e) four representatives of the trade unions;

(f) two persons with extensive knowledge of and close association with industrial training.

2. The Commissioner shall appoint the Chairman of the Council from amongst the members appointed under paragraph 1 (a) above and shall convene the first meeting of the Council.

3. The Council shall appoint a Vice-Chairman from among the members appointed under paragraph 1 (c) to (f) above.

4. Any member appointed under paragraph 1 (c) to (f) above shall hold office for two years and shall be eligible for reappointment.

5. Without prejudice to section 11 of the Interpretation Act 1964 (which relates to appointments) a member of the Council may at any time by notice in writing addressed to the Commissioner resign his office, and if a
member becomes, in the opinion of the Commissioner, unfit to continue in office or incapable of performing his duties, the Commissioner may remove that member from his office.

6. Subject to paragraph 2 above, the Council shall meet at least once each year and on such other occasions as the Council may consider necessary.

7. Every meeting of the Council shall be presided over by the Chairman, or, if the Chairman is unable to attend any particular meeting, by the Vice-Chairman.

8.—(1) Subject to the provisions of this Decree and of section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote) the Council may make standing orders regulating its proceedings.

   (2) The quorum for any meeting of the Council shall be eight.

   (3) The validity of any proceedings of the Council shall not be affected—

   (a) by any vacancy in the membership of the Council,

   (b) by any defect in the appointment of a member,

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

9. A member of the Council who is not a public officer shall be paid out of the moneys at the disposal of the Council such remuneration and allowances as the Commissioner with the approval of the Federal Executive Council may determine.

Made at Lagos this 8th day of October 1971.

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

EXPLANATORY NOTE

(This note does not form part of the above Decree, but is intended to explain its purpose)

The Decree sets up an Industrial Training Fund (the Fund) comprising sums provided by the Federal Military Government and contributions by employers in the manner prescribed in the Decree.

2. The Fund is to be administered by a governing council and is to be utilised to promote and encourage the acquisition of skills in industry or commerce with a view to generating a pool of indigenous trained manpower sufficient to meet the needs of the economy.