

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF AUCTIONEERS TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTE THE PRACTICE OF AUCTIONEERS IN NIGERIA AND FOR OTHER PURPOSE CONNECTED THEREWITH, 2019 (HB. 599).

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

PROVISION OF BILL	COMMITTEE'S RECOMMENDATION	REMARK
PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF AUCTIONEERS OF NIGERIA Establishment of the Chartered Institute of Auctioneers of Nigeria. 1. (1) There shall be established a body to be known as the Chartered Institute of Auctioneers of Nigeria (in this Bill referred to as "Institute"). (2) The Institute: (a) shall be a body corporate with perpetual succession; (b) shall have common seal which shall be kept in such custody as the council may, from time to time, authorize; (c) may sue or be sued in its corporate name.	Retained	
Functions of the Institute. 2. The powers and objectives of the Institute shall be: (a) determining what standards of knowledge and skills are to be attained by persons seeking to become registered as Chartered Auctioneers and raising those standards from time to time as circumstances may permit; (b) securing in accordance with the provisions of this Bill, the establishment and maintenance of a register of members and the publication from time to time of the list of those persons; and (c) unite all holders of and/or foreign qualification(s) in auctioneering and related disciplines in the public and private sector.	Retained	

(d) ensure that the practice of Auctioneering is done professionally in Nigeria; (e) provide consultancy services on auctioneering and allied matters to the public as well as the private sector; (f) hold conferences, workshops, seminars and symposia on contemporary auctioneering issues; and (g) perform any other duties as the council may deem fit from time to time.		
Membership of the Institute. 3. (1) The Council may enroll qualified individuals as auctioneers in the following category of: (a) Fellow; (b) Full Member; or (c) Associate Member. (2) Without prejudice to the last forgoing provision of subsection (1) of this Bill, persons registered as members of the Institute, shall be entitled to be enrolled — (a) as Fellows, if they satisfy the council that for the period of not less than five years immediately preceding the date of their applications in that behalf that they: (i) are fit and proper persons; (ii) are holders of approved academic qualifications; (iii) have satisfied the council in their dissertation; and (iv) have satisfied the continuously active in the practice in auctioneering in the public and private sections of the economy and as member of the Institute. (b) as Full Members, if for a period of not less than three years immediately preceding the date of	Retained	

their application in that behalf that they have been enrolled as associate members and are otherwise fit and proper persons. And as may be approved in the discretion of the Council. (c) as associate members, if they satisfy the council that they have passed the mandatory examination conducted by the Institute, hold equivalent qualifications from recognized institutions of higher education and are otherwise however found it to be fit and proper persons by the Council. (3) The following are the order of precedence and designations for: (a) a Fellow of the Chartered Institute of Auctioneers who shall have their right to use the designator letters FCAI immediately after his names; (b) a Full Member of the Chartered Institute of Auctioneers who shall have the right to use designator letters of MCAI immediately after his names; and (c) Associate member of the Chartered Institute of Auctioneers who shall have the right to use the designator letters of ACAI immediately after his name.		
Election of Principal Officers of the Institute. 4. (1) The Principal offices of the Institute shall be — (a) the President; (b) the Vice-Presidents 1st Vice President 2nd Vice President; (c) the Registrar/National Secretary; (d) the Assistant National Secretary; (e) the Public Relations Officer; (f) National Welfare Officer; (g) Ex-officio. (2) The Principal officers listed under subsection (1) of this section shall be financial members of the Institute in the grades of fellows and full members and shall be elected to office biennially at the second Council meeting after another term of two years, and no more.	Retained	

(3) The President shall be the Chairman of the meetings of the Institute, but in the event of his incapacity, death or inability to perform the duties reposed on him under this subsection, the first Vice-President shall perform such duties for the unexpired portion of the office of that president. (4) If any of the officers listed under subsection (1) of this sections shall cease to hold any of the offices designated thereof.		
Establishment and Composition of the Governing Council. 5. (1) There shall be for the Institute, a governing body to be known as the Council" which shall have responsibility for the administration and General management of the institute. (2) The Council established pursuant to subsection (1) of this section shall consist of the following members, that is — (a) the President of the Institute, who shall be the Chairman; (b) the First Vice-president of the Institute who shall be the deputy Chairman; (c) the Registrar; (d) twelve members nominated by the Institute from the six geopolitical zones of the Federation; (e) two persons who shall be members of the Institute, to represent Institution of higher education in Nigeria offering courses leading to an Approved qualification, to be appointed in rotation; (f) two representatives appointed by the Nigerian Institution of Estate Surveyors and Valuers; (g) two representatives of National association of Auctioneers. (h) the Founding Directors of the Institute; (i) one person each not below the rank of a Director to represent the following Federal Ministries, that is: (i) Finance;	Retained	

(ii) Trade and Investment; (iii) Education. (3) The provision of the first schedule to this Bill shall have effect with respect to the supplementary provision of the Council and the qualifications and tenure of office of members of the Council and the matters therein mentioned.		
Appointment of Board of Fellows. 6. (1) There shall be appointed annually a Board of Fellows, to Coordinate the activities of fellows of the Institute and to recommend to the council on yearly basis, admission of full members into the fellowship grade. (2) The Board of Fellows shall consist of persons who have been duly elected as fellows of the Institute, and shall have a Chairman who shall preside over the activities of the Board subject to the approval of the Council.	Retained	
PART II — FINANCIAL PROVISIONS Establishment of the fund and expenditure. 7. (1) The Council shall establish and maintain a fund for the Institute, the management and control of which shall be under the authority of the Council, into which shall be paid: (a) all monies received by the Council in pursuance of this Bill; (b) all subscriptions, fees by members in pursuance of this Bill; (c) such monies as may be provided by the Federal, State or Local Government from time to time by way of grants and subventions or loans, and (d) all monies raised for the purposes of the institute by way of gifts, donations, grants-in-aid, testamentary dispositions from individuals, bodies corporation or philanthropic organizations, non-otherwise however. (2) The Council shall, from time to time, apply the proceeds of the funds of the Institute to: <i>Cap. C12 LFN.</i> (a) all expenditure incurred by the Institute in the	Retained	

course of the discharged of its functions under the Act; (b) the remunerations and allowances of the Registrar and other staff of the Institute to; (c) the maintenance of the premises and property owned and vested in the Institute; (d) the payment of traveling allowance and such stipend for members of the council as may be approved by the Council; and (e) the payment of such other charges as may be reasonably incurred in the performance of the functions of the Institute and the Council. (3) For the purpose of the Companies Income tax, any donation made by any company in Nigeria to the Institute shall be a deductible donation within" the meaning of the Act.		
Power to borrow. 8. (1) The Council, with the general consent of its members or in accordance with the general guidelines or authority given by the government of the federation, borrow, on behalf of the Institute, by way of loan or overdraft from any source, any monies' required by the Council to meet the obligations of the Institute in other to perform its functions under this Bill, so however, that such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being projected in relation to the Institute in any particular year. (2) The Council may, subject to the provisions of the Act and conditions of trust in respect of funds held or any property owned by the Institute, invest any but not all its funds with the same consent or general authority.	Retained	
Annual estimates, account and audit. 9. (1) The Chairman of the Council shall cause to be prepared not later than six months before the end of the year, estimates for the recurrent and capital expenditure (if any) and income of the Institute during the next succeeding financial year which shall be presented to the Annual General Meeting of the Institute by the Council for approval. (2) The Council shall keep proper accounts and records in	Retained	

relation thereto, and shall prepare in respect of each financial year, a statement of account in such form as the chairman or the council shall direct. (3) The Council shall at the end of a financial year, cause the accounts of the Institute and those of the Council to be audited by qualified auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor - General for the Federation. (4) The auditors appointed pursuant to subsection (3) of this section shall, on completion of the audit of the accounts of the Institute and the Council for each financial year, prepare and submit to the Council two reports, that is to say: (a) a general report setting out the observations and recommendations of the said auditors on the financial affairs of the Institute and the Council for the year, and on any important matters which the auditors may consider necessary to bring to the notice of the Council; and (b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Institute and the Council.		
PART III — THE REGISTRAR Appointment and Duties of the Registrar. 10. (1) The Council shall appoint a fit and proper person to be the Registrar of the Institute. (2) The Registrar appointed in accordance with subsection (1) of this section shall be the head of Administration of the Institute and Secretary to the Council. (3) The Register shall consist of three parts of which the first part shall be in respect of fellows, the second part shall be in respect of full members, and the third part shall be in respect Associates. (4) Subject to the following provisions of this subsection, the Council may make rules with respect to the form and keeping of the Register and making of entries therein and in particular: (a) the making of application for enrolment or registration, as the case may be;	Retained	

(b) providing for notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars.

(c) authorizing a registered person to have any qualification which is in relation to the relevant discipline of the profession for the purpose of the Act, registered in relation to his name in addition to, as he may elect, in substitution for other qualifications so registered;

(d) specifying from time to time the fees including subscription to be paid to the Institute in respect of the entry of names on the Register for the entry has been paid; and

(e) specifying anything failing to be specified under this section, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed at a special meeting of the Institute convened for that purpose, or at the next annual general meeting of the Institute, as the case may be.

(5) The Registrar shall:

(a) correct, in accordance with the Council's directives, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;

(b) remove from the Register the name of any registered person who had died;

(c) record the names of the members of the Institute who are in default in the payment of the annual subscription, dues or other charges for more than twelve months, and take such action in relation thereto (including removal of the names of the defaulters from the Registers) as the Council may determine or direct;

(d) make from time to time any necessary alteration in the registered particulars of registered persons;

(e) send by post to any registered persons a letter addressed to him at his address on the Register

enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting; and (f) upon the expiration of the period specified in paragraph (a) of this subsection, sends in like manner to the person in question a second similar letter and received no reply to the letter within three months from the posting it, then the Registrar, may remove the particular relating to the person in question from the register, and the council may direct the Registrar to restore to the appropriate part of the Register any particulars removed there from under this subsection.		
Publication of registers and list of corrections. 11. (1) The Registrar shall: (a) cause the Register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Bill; (b) in each year to cause to be printed, published and put on sale as aforesaid, corrected edition of the Register since it was last printed; and (c) cause a print of each of the Registers and of each list of correction to be deposited at the principal offices of the Institute and the Council shall keep the Register and the list so deposited available at all reasonable times for inspection by members of the Institute. (2) A document purporting to be print of an edition of the Register published, pursuant to this section by authority of the Registrar, or document purporting to be print of an edition so printed, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered. (3) Where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been, or not to have been registered at a particular date, he shall, unless the contrary is proven, be taken for the purposes of these proceedings as having at all material times thereafter continued to be, or not to be, so registered.	Retained	

Registration	Retained	
12. (1) Subject to the rules made by the Council pursuant to section 10(5) of this Bill, a person whether or not a member of a professional Auctioneers body recognized by an Act of National Assembly, shall be entitled to be enrolled or registered as a Member of Chartered Institute of Auctioneers Nigeria, if: (a) he possesses a minimum of recognized diploma or its equivalence from a recognized higher institution in addition to: (b) he passes the institute qualifying examinations for membership conducted by the Council under this Bill and complete the practical training prescribed; or (c) he holds a qualification granted outside Nigeria and for the time being accepted by the Institute and, if the Council so requires, satisfies the Council that he had sufficient practical experience as an Auctioneer. (2) Subject to the rules made by the Council pursuant to section 10 (5) of this Bill, a person shall be entitled to be registered as an Auctioneer if he satisfies the Council that immediately before the appointed day he had not less than five years' experience as an inspector and internal auditor of the affairs of a company as defined under the provision of the Companies and Allied Matters Act. (3) An application for registration shall, in addition to evidence of qualification, satisfy the Council: (a) that he is of good character; (b) that he has attained the age of twenty-one year; and (c) he has not been convicted of a criminal offence involving fraud or dishonesty in Nigeria or elsewhere. (4) The Council may in its discretion provisionally accept a qualification presented in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.		

(5) Any entry directed to be made in the Register in terms of subsection (2) of this section shall indicate that the registration is provisional, and no entry made in consequence thereof shall be converted to, construed as, full registration without explicit consent of the Council made in writing in that behalf. (6) The Council shall from time to time publish the Federal Government Gazette particulars of qualifications for the time being accepted as aforesaid.		
Approval of qualification. 13. (1) The council may approve an institution for the purpose of this Bill and may for those purposes approve: (a) any course of training at any institution which for persons who are seeking to become or are already auctioneer, and which the council considers as necessary to confer on persons completing the course, sufficient knowledge and skill for admission to the institute; (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the council that the candidates have sufficient knowledge and skill to practice as auctioneer. (2) The council may, if it deems fit withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval, the council shall: (a) give notice that it proposes to do so to person in Nigeria appearing to the council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case, maybe; (b) afford each such an opportunity of making representations to the council with regard to the proposal; and (c) take into consideration any representation made	Retained	

in respect of the proposal in pursuance of paragraph (b) of this subsection. (3) Where the approval of the council under this section for a course, qualification or institution is withdrawn; the course, qualification or institution shall not be treated as approved under this section, but the withdrawal of any such approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn. (4) The given or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the given or withdrawal of the approval, as the council may specify in that instrument, and the council shall: (a) publish as soon as possible a copy of such instrument in the Federal Government Gazette; and (b) not later than seven days before its publication, send a copy of the instrument to the Minister.		
Supervision of instruction, etc leading to approved qualifications. 14. (1) It shall be the duty of the members of the council of the institute to keep themselves informed of the nature of: (a) the instructions given at approved institutions to persons attending approved training; and (b) the examination as a result of which approved qualifications are granted, and for the purpose of performing that duty, the Council of the institute may appoint, either from among its members or otherwise, person to visit approved institutions, or to attend such examination. (2) It shall be the duty of the visitor appointed in respect of subsection (1) of this section to report to the Council on: (a) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him; (b) the conduct and the adequacy of the examination observed by him; and	Retained	

(c) any other matters relating to the instructions or examinations on which the council may, either generally or in particular case, request him to report, but no visitor shall interfere with the given of any instruction or the conduct of any examination. (3) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and if so required by the Institution, send a copy of the report to the person appearing before the Council to be in charge of the institution or which the Disciplinary Tribunal has cognizance under the following provisions of the Act responsible for the examination of which the report relates requesting that person to make an observation on the report on the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.		
PART IV — PROFESSIONAL DISCIPLINE Establishment, composition, etc of the disciplinary committee and of the investigating panel. 15. (1) There shall be a tribunal to be known as the Chartered Institute of Auctioneers Disciplinary Committee (in the Act, referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the investigating the Panel established pursuant to subsection (3) of this section, and any other case of panel, which the Disciplinary Committee has organization under the following provisions of this Bill. (2) The Disciplinary Committee shall consist of the Chairman of the Council and six other members of the Council. (3) There shall be a panel to be known as the Chartered Institute of Auctioneers Investigating Panel (in this Bill, referred to as "the Investigating panel") which shall be charged with the duties of: (a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as an auctioneer or for any other reason being the subject of proceeding before the Disciplinary Committee.	Retained	

(b) deciding whether the case be referred to the Disciplinary Committee. (4) The Investigating Panel shall be appointed by the council and shall consist of four members of the council and one person who is not member of the council. (5) The provisions of the Second Schedule to this Bill shall, so far as applicable to the Third Disciplinary Committee and Investigating Panel respectively, have effect with respect to the bodies.		
Penalties for unprofessional conduct. 16. (1) Where: (a) a member is judged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect; (b) a member is convicted by any court or tribunal in Nigeria or elsewhere having power to award imprisonment of an offence or (whether or not punishable with imprisonment which in the opinion of the disciplinary Committee is incompatible with the status of a professional Auctioneer; (c) the disciplinary Committee is satisfied that the name of any person has been fraudulently registered, the Disciplinary Committee may, if it thinks fit, give a direction, reprimanding that person or ordering the Registrar to strike his name off the relevant part of the Register. (2) The Disciplinary Committee may, if it thinks fit, defer its decisions in respect of subsection (1) of this section until a subsequent meeting of the disciplinary Tribunal but: (a) no decision shall be deferred under this subsection for period exceeding two years on the aggregate; and (b) no person shall be a member of the Disciplinary Committee for purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Disciplinary Committee when the decision was deferred. (3) For the purposes of subsection (1) (b) of this section, a	Retained	

person shall not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction. (4) When the Disciplinary Committee gives a direction under subsection (1) of this section, the Disciplinary Committee shall cause notice of the direction to be served on the person to whom it relates. (5) A person whose name is struck off the Register in pursuance of a direction of the Disciplinary Committee under this section, shall not be entitled to be enrolled or registered again except in pursuance of a direction in that behalf given by the Disciplinary Committee on the application of that person, and a direction under this section for the removal of a person's name from the Register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.		
Rules as to professional practices and fees. 17. (1) The Council may make rules for: (a) the training of suitable persons in Auctioneering and its practice; and (b) the supervision and regulation of the engagement, training and business of such persons. (2) The Council may also make rules: (a) prescribing the amount payable as annual subscription, licensing fees and for such purpose, different amount may be prescribed by the rules according to whether the person is enrolled as a fellow, full member, associate member or student; (b) prescribing the form of license to practice to be issued annually; and (c) restricting the right to practice in default of payment of the amount of annual subscription where the default continues for longer than such period as may be prescribed by the rules.	Retained	

(3) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the Federal Government Gazette.		
Provision of library facilities. 18. The institute shall: (a) provide and maintain a Library, comprising books and publications for the advancement of knowledge of auctioneering and such other books and publications as the council may think necessary for that purpose; (b) encourage research into auctioneering and allied subjects to the extent that the council may from time to time consider necessary.	Retained	
Offences. 19. (1) If any person, for the purpose of procuring the registration of any name, be qualification or other matter: (a) make a statement which he believes is false in a material particular, or (b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence. (2) If on or after the relevant date, any person who is not a member of the Institute, practices or holds himself out as an auctioneer for or in expectation of reward or takes or uses any name, title, addition or description, implying that he is practicing auctioneer, he shall be guilty of an offence, provided that, in the case of a person falling within section 17 of this Bill: (a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and (b) if within that period his duty applies for membership of the Institute, then, unless within the period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or notified as aforesaid.	Retained	

(3) If the Registrar or any other person employed by or acting on behalf of the Institute willfully makes any falsification in any matter relating to the Register, he shall be guilty of an offence. (4) A person guilty of an offence under this section is liable: (a) on summary conviction, to a fine of an amount not exceeding ₦50,000; (b) on conviction on indictment, to a fine of an amount not exceeding ₦100,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment. (5) Where an offence under this section has been committed by a body corporate or is proven to have been committed with the consent or connivance, or 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 that offence and shall be liable to be prosecuted and punished accordingly. (6) In this section, "the relevant date" means the third anniversary of the appointed date or such earlier date as may be prescribed for the purpose of this section by order of the ministry published in the Federal Government Gazette.		
Regulations and rules. 20. (1) Any regulation made under this Bill shall be published in the Federal Government Gazette as soon as they are made and a copy of any such regulations shall be sent to the Ministry not later than twenty one days they are so published. (2) Rules made for the purposes of this Bill shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for the purpose, and if then annulled, shall cause to have effect on the day after the date of annulment, but with prejudice to anything done in pursuance or intended pursuance of any such Rules.	Retained	
Dissolution of Institute of Auctioneers. 21. (1) The body known as the certified Institute of Auctioneers of Nigeria is hereby dissolved.	Retained	

(2) Accordingly, all the property held by or on behalf of the former Institute shall by virtue of this section and without further assurance, vest in the Institute, and be held in for the purpose of the Institute. (3) The provisions of the Third Schedule to this section to the effect with to matters arising from the transfer by this section to the Institute of the property; directors and staff of the former institute, and with respect of the other matter mentioned in that schedule.		
Interpretation. 22. In this Bill, unless the context otherwise requires, the following words and expressions have the meanings respectively assigned to them, that is: "institute" means Chartered Institute of Auctioneers established under section 1 of this Bill; "Council" means the Council established as the governing body of the institute Under section 5 of this Bill; "Disciplinary Committee" means the Chartered Institute of Auctioneers; "Disciplinary Committee" under section 15 (1) of this Bill; "Enrolled" in relation to a Fellow, a Full Member, and Associate Member, as the case may be; "Fees" includes annual subscription; "Investigating Panel" means "Chartered Institute of Auctioneers Investigating Panel" shall be construed accordingly; "Ministry" means the ministry charged with the responsibility for matters relating to finance; "President and Vice President" means respectively the office holders, under those names in the institute; "Profession" means the profession pursuant to section 10 (2) of this Bill; "Register" means register maintained in pursuance of section 10 (2) of this Bill.	Retained	

Short title. 23. This Bill may be cited as the Chartered Institute of Auctioneers of Nigeria Bill, 2019.	Retained	
SCHEDULES FIRST SCHEDULE <i>Section 5 (3)</i> SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL <i>Qualification and tenure of members</i> 1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of two years beginning with the date of his appointment or election. (2) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office in the council. (3) Any elected member may by notice in writing under his hand addressed to the President resign his office, and any appointed member may likewise resign appointment. (4) A person who retires from or otherwise cease to be elected Member of the Council shall be eligible again to become a member of Council, and any appointed or elected, and longest in office to retire at that annual general meeting. (5) Members of the Council shall at the meeting next before the annual general meeting of the Institute, arrange for five members of the Council appointed or elected, and longest in office to retire at that annual General meeting. (6) Elections to the Institute shall be in such manners as may be prescribed by rules made by the Council and until so prescribed, they Shall be decided in a secret balloting process. (7) If for any reason there is an vacation of office by a member and; (a) such member was appointed by the minster or any other body Corporate, the Minster or any such body corporate shall appoint another fit Person to occupy the office in which the vacancy occurs; or	Retained	

(b) such member was elected, the Council may if the period between the unexpired of the tenure of the next general meeting of the institute appears to warrant the prompt filling the vacancy Co-opt some person for such periods aforesaid

Powers of Council.

2. The Council shall have powers to do anything which in its opinion is calculated to facilitate the carrying on the activities of the institute.

Proceeding of the Council

3. (1) Subject to the provision of this section, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute or of the Council, and in the exercise of its powers under this Bill, may set up committees in the general interest of the Institute, and make standing orders therefore.

(2) Standing order shall be provided for decision to be taken by a majority of the members, and, in the event of equality of votes, for the president or the Chairman as the case may be, a second or cast a vote.

(3) Standing orders made for a committee shall provide the commute report back to the Council on any matter not within its competence to be decided upon.

(4) The quorum of the Council including the founding directors shall be nine, and the quorum of a committee of the Council shall be as fixed by the Council.

Meeting of the Institute

4. (1) The Council shall convene the annual general meeting of the Institute on a day the Council may from time to time appoint any particular year, so however that if the meeting is not held within one year after the previous annual general meeting, not more than fifteen months, shall elapse between the respective dates of the two meetings

(2) A special meeting of the Institute may be convened by the Council at any time, and if not less than thirty members of the Institute require it by notice in writing addressed to the General Secretary of the Institute setting out. The objects of the proposed meeting shall convene a special

meeting of the Institute.

(3) The quorum of any general meeting of the Council shall be Fifteen members and that of any special meeting of the Institute shall be Twenty-five members of the Council.

Meeting of the Council

6. (1) Subject to the provision of any standing orders of the Council, the Council shall whenever it is summoned by the Chairman, and by the Secretary whenever required, do so by notice in writing given to him by not less than seven other members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Council, the Chairman or in his absence the deputy Chairman shall preside, but if both are absent the members present at the meeting shall appoint one of their numbers to preside at that meeting.

(3) Where the Council desires to obtain advice of any person on a particular matter the Council may think fit, but a person who is member by virtue of the provision of this subparagraph shall not be entitled to vote at any meet of the Council and shall not form part of the quorum.

(4) Notwithstanding anything in the foregoing provision of the paragraph, the first meeting of the Council 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

7. (1) The Council may appoint one or more committees to carry out on behalf of the Institute of person 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 the instrument by which he is appointed.

(2) Any recommendations of a committee of the Council shall be of no effect until is approved by the Council.

Miscellaneous

8. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the National President or Secretary to the Council or at least 2 founding Directors and some other members of the Council authorized

generally by the Institute to act for that purpose. (2) Any contract or instrument which, if made or executed by a person no being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Council as the case may require, by any person generally or specially authorized to act for the purpose by the Council. (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence, unless the contrary is proven to be deemed to be executed. (4) The validity of any proceedings of the Institute or Council or of a committee of the Council shall not be affected by any vacancy in membership, or of any defect in the appointment of a member of the Institute or of the councilor of person to serve on committee, or by reason that a person not entitled to do so took part in the proceedings. (5) Any member of the Institute or the Council, and any person holding office on a committee thereof, shall forthwith disclose his interest to the Council, as the case may be and not vote on any question relating to the contract or arrangement. (6) A person shall not be reason only of his membership of the Institute be required to disclose any interest relating solely to the audit to the accounts of the Institute.		
SECOND SCHEDULE <i>Section 15(5)</i> SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE AND INVESTIGATING PANEL <i>The Tribunal Committee</i> 1. The quorum of the Committee shall be three of whom at least two shall be professional practicing Auctioneer. 2. (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Committee for the purposes of any proceedings and as to the procedures to be followed and the rules of evidence to be observed in proceedings before the Committee:	Retained	

(a) for securing that notice of the proceedings shall be given at such time and at such manner as may be specified by the rules to the person who is subject of the proceeding; (b) for determining who in addition to the aforesaid, shall be a party to the proceeding; (c) for securing that any party to the proceedings shall, if he so requires be entitled to be heard by the Committee; (d) for enabling any party to the proceeding to be represented by a legal practitioner; (e) subject to the provision of section 16 (5) of this Bill as to be cost of proceedings before the Committee; (f) for requiring in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Committee adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates; and (g) for publishing in the media notice of any direction of the Committee that a person's name shall be struck off a register.		
3. For the purposes of any proceedings before the Committee, any member of the Committee may administer oaths, and any party to the proceedings may sue through the Supreme Court writs of subpoena ad testandum and duces tecum, but no person appearing before the Committee shall be compelled: (a) to make any statement before the Committee tending of incriminate himself; (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action. 4. (1) For the purposes of advising the Tribunal on question of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be		

appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.

(2) The Chief Justice of Nigeria shall make rules as to the function of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing:

(a) that where an assessors advises the Committee on any question of law as the evidence, procedure or any matters specified in rules, he shall do so in the presence of every party or person presenting a party to proceedings who appears thereat or, if the advises is tendered while the Committee is deliberating in private, that every such party or persons as aforesaid;

(b) that every such party or person as aforesaid shall be informed if in any case the Committee does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the instrument by which he is appointed.

The Panel

5. The quorum of the panel shall be two.

6. (1) The Panel may, at any sitting attended by all members, make standing orders with respect to the Panel.

(2) Subject to the provisions of any standing orders, the Panel may regulate its procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the Committee or the Panel shall be eligible for reappointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Committee and the Panel, but no person who acted as a member of the Panel with respect to any case shall be a member of the Committee with respect to that case.

8. The Committee or the Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that, or (subject to paragraph 7 (2) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of the body. 9. Any document authorized or required by virtue of this Bill to be served on the Committee or the Panel shall be served on the Registrar appointed in pursuance of section 10 of this Bill. 10. Any expenses of the Committee or the Panel shall be defrayed by the Institute.		
THIRD SCHEDULE <i>Section 23 (3)</i> TRANSITIONAL PROVISION AS A PROPERTY, ETC. 1. (1) Every agreement to which the former Institute was a party to before the appointment day, whether in writing or not and whether or not of such a nature that the right, liabilities and obligations thereunder could be assigned by the former Institute 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 from the appointed day, so far as it relates to property transferred by this Bill to the Institute, as if: (a) the Institute had been a party to the agreement; (b) for any reference (however worded and whether expressed or implied) to the former Institute they were substituted, as respects anything failing to be done or after the appointed day, a reference to the Institute; and (c) for any reference (however worded and whether expressed or implied) to a member of the Council of the former Institute or an officer of the former Institute they were substituted, as respects anything falling to be done on or after the appointed day, a reference to members of the Council under this Art or the officers of the former Institute who corresponds as nearly as may be to the member of	Retained	

officer in questions of the former Institute.

(2) Other documents which refer, whether specially or generally, to the former Institute shall be constructed in accordance with subparagraph (1) of this paragraph so far as applicable.

(3) Without prejudice to the generally of the foregoing provisions of this schedule, where, by the operation of any of them or of section 23 of this Bill, any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the appointed day, have the same rights as to the making 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 obligations of the Institute.

(4) Any legal proceedings or application to any authority pending on the appointed day by or against the former Institute and relating to property transferred by this Bill, the Institute may continue on or after that day by or against the Institute.

(5) If the law in force at the place where any property transferred by this Bill is situated (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provided for alterations of a Register (but not for avoidance of transfer, the payment of fees or any matter) apply with the necessary modifications to the transfer of the property aforesaid, and it shall be the duty of the Council 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.

Transfer of Functions, etc.

2. (1) At its first meeting, the Council of the Institute shall fix a date (not late than six months after the appointed day) for the annual general meeting of the Institute.

(2) The members of the Council of the former Institute shall be deemed to be members of the Council of the Institute until the date determined in pursuance of the foregoing subparagraph when the Institute shall have its first annual general meeting, and they shall cease to hold office at the conclusion of such meeting.

(3) Any person who, immediately before the appointed day,

held offices as the President of the Council of the former Institute shall on that day become the President or, as the case may be, the Vice-President of the Institute, and shall be deemed: (a) to have been appointed to that office in pursuance of the provision of this Bill corresponding to the relevant provision in the said articles and bye-laws of the Institute; and (b) to have been appointed on the date on which he took office, or last took office, in pursuance of the relevant provision of those articles. (4) The members of the former Institute shall, as from the appointed to the generality of the provisions of this schedule relating to the transfer of property, any person who, immediately before the appointed day, was a member of the staff of the former institute shall on that day become the holder of such an appointment with the institute with the status, designation and functions which corresponds as nearly as may be to those which appertained to him in his capacity as a member of that staff.		
EXPLANATORY MEMORANDUM This Bill seeks to provide for the establishment of the Chartered Institute of Auctioneers to provide for the control of its membership and to promote the practice of Auctioneers in Nigeria.	Retained	