

A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF LOCAL GOVERNMENT AND PUBLIC ADMINISTRATION OF NIGERIA IN ORDER TO ENSURE PROFESSIONALISM IN THE SYSTEM AND TO PROVIDE FOR MATTERS RELATED THEREWITH, HB 108

Provisions of the bill	Committee of the Whole Recommendations
PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF LOCAL GOVERNMENT AND PUBLIC ADMINISTRATION OF NIGERIA Establishment of the Chartered Institute. 1. (1) There is hereby established a body to be known as the Chartered Institute of Local Government and public administration of Nigeria (hereinafter in this Bill referred to as “the Institute”. (2) The Institute — (a) shall be a body corporate with perpetual succession and a common seal; (b) may acquire, hold and dispose of real and personal property; and (c) may sue or be sued in its corporate name.	Retained
Functions of the Institute. 2. The functions of the Institute are to — (a) determine the standards of knowledge and skills attained by persons seeking to become members of the Institute and improve those standards from time to time; (b) secure a register of members of the Institute and establishment of the Chartered Institute; (c) promote research and development of curricula of training of local government employees and public administrators; (d) Provide consultancy services in appropriate cases; and	Retained

(e) carry out such functions that are intended to facilitate the achievement of the objects contained in this Bill (f) arranging conferences, seminars, symposia and meetings.	
Powers of the Institute. 3. The Institute has power to do all things necessary and convenient to be done in connection with the performance of its functions and in particular, may — (a) enter into contracts; (b) charge fees for its services; (c) make regulations for the conferment of charter; and (d) make penal regulations (e) the Institute shall have the power to award honorary membership of the Institute to persons it deems worthy of such honour on terms and conditions prescribed by the Council and approved by the Institute in a general meeting.	Retained
Establishment of Governing Council and management. 4. (1) There is hereby established for the Institute a Governing Council charged with the administration and management of the Institute, whose membership shall consist of the followings: (a) the President, elected by Council members amongst themselves; (b) the Vice-President, elected by Council members amongst themselves; (c) two persons appointed by the minister; (d) six persons elected by the Institute; and	Retained

(e) an immediate past president of the Institute who entitled to serve for a further maximum period of three years from the expiration of his tenure as President. (2) The President and the Vice shall hold office for a term of two (2) from the date of their elections (3) The President shall preside at meetings of the Council, and in his absence, the Vice-President shall preside. <i>Schedule.</i> (4) The provisions set out in the Schedule to this Bill shall have effect, with respect to operation, qualification, tenure of office of members of the Council and other matters therein mentioned.	
PART II — APPOINTMENT OF REGISTRAR, AND PREPARATION OF REGISTER, ETC. Appointment of Registrar, and preparation of register. 5. (1) The Council shall appoint the Registrar who shall be the Chief Executive Officer of the Institute. (2) A person appointed as the Registrar shall have served the Institute for a period not less than (2) two years preceding the date of his appointment (3) The Registrar shall prepare and maintain in accordance with the rules and regulations made by the Council, a Register of — (a) names; (b) addresses; (c) approved qualifications; and (d) other particulars,	Retained

of all persons who are entitled to be enrolled as fellows, members, associates or registered students and who, in the manner prescribed by such rules apply to be so registered	
Functions of the Registrar. 6. (1) The Registrar shall be the Secretary to the Council and shall keep minutes of proceedings at all meetings of the Council. (2) The Registrar shall — (a) in accordance with the directions of the Council, correct any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made; (b) from time to time, make any necessary alterations to the particulars of registered members; (c) record the names of the registered members who are in default for more than six months in the payment of annual subscriptions; and (d) remove the names of defaulters from the registers as the Council may direct or require.	Retained
Other staff. 7. (1) The Council may, on the recommendation of the Registrar appoint such other staff as it may consider necessary to assist the Registrar in the discharge of his duties. (2) The employment of the Registrar and other staff shall be pensionable, in accordance with the terms and conditions of service in the Federal Government of Nigeria.	Retained
Content of the register. 8. The Register shall be in four parts namely —	Retained

(a) fellows; (b) members; (c) associates; and (d) registered students.	
Regulation 9. The Council may by regulations provide for the — (a) manner of making entries in the Register; (b) manner of application for enrolment or registration in the Register; (c) Fees, including annual subscriptions payable to the Institute.	Retained
Publication of the register and list of correction, etc. 10. The Registrar shall — (a) cause the register to be printed and published not later than two years from the coming into force of this Bill; (b) thereafter in each year after the register is first published under paragraph; (c) cause to be printed, published and put on sale a corrected edition of the register; (d) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute; and (e) Make the register and lists so deposited available at all reasonable times for inspection by members of the public.	Retained
Evidence of Registration of Chartered Local Government and Public Administrators. 11. A print of an edition of the register published under this section by the Registrar (without prejudice to any other mode of proof) shall be admissible in any proceeding as evidence that any person specified in the	Retained

register was so registered at the date of the edition, and that any person not so specified was not so registered.	
PART III — REGISTRATION OF MEMBERSHIP Qualification for membership. 12. (1) A person shall be entitled to be registered as a member of the Institute if: (a) he passes the qualifying professional examination conducted by the Council and completes the practical training prescribed; or (b) he holds a qualification accepted by the Council as sufficient practical experience in Local Government and Public Administration; or (c) he holds a qualification granted outside Nigeria which is recognised by the Council and he is by law entitled to practice the profession for all purpose in the country in which the qualification was granted. (2) An applicant for registration shall in addition to evidence or qualification, satisfy the Council that — (a) he is of good character; (b) he had attained the age of eighteen years; and (c) he has not been convicted in Nigeria or elsewhere of an offence involving dishonesty. (3) The Council may, provisionally accept a qualification produced 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. (4) An entry made under subsection (3), shall show that the registration is provisional and such entry may only be converted to full	Retained

registration with the Consent of the Council, signified in writing.	
Publication in the Gazette. 13. The Council shall, periodically publish in the Gazette particulars of qualifications acceptable for registration.	Retained
Designation of members. 14. Members admitted to the Institute shall be: (a) registered as Chartered Local Government and Public Administrators in the categories of: (i) fellows, or (ii) members (iii) associate; or (iv) registered students (2) Persons accorded by the Council the status of Chartered Local Government and Public Administrators, shall be entitled to the use of that name and shall be enrolled as— (a) fellows, if they are at least thirty-five years of age and — (i) have ten years relevant work experience in a public organisations; (ii) have, for at least three years in the past ten years, held relevant senior appointments in a public organisation; (iii) are holders of the professional qualifying certificate of the Institute; and (iv) are otherwise considered by the Council to be fit and proper persons to be so enrolled. (b) members, if they are thirty years of age or above and —	Retained

(i) have passed a professional qualifying examination of the Institute; (ii) have at least eight years relevant work experience in a public Organisation. (c) Associates, if they are twenty-one years of age or above and — (i) have passed the professional qualifying examination of the Institute or any equivalent examination recognised by the Institute; or (ii) have at least five years relevant work experience in a Public Organization. (d) registered students, if they are eighteen years of age or above and have passed with Credits, West African School Certificate or General Certificate Examination O/Level or Senior Secondary certificate Examination in five papers at no more than two sittings.	
Designatory letters 15. The designatory letters of the — (a) fellows of the Institute shall be “FCPA”; (b) Members of the Institute shall be “MCPA”; (c) Associates of the Institute shall be “ACPA”.	Retained
Approval for qualification, etc 16. The Council may approve any course of training at any approved Institute which is intended for person seeking to become or are already engaged in Local Government and Public Administration and which the Council considers as being designed to confer on persons completing it sufficient knowledge and skill for admission into the Institute.	Retained
Supervision of instructions.	

17. (1) It shall be the duty of the Council to keep itself informed of the nature of — (a) instructions given at approved institutions to persons attending approved courses of training, and (b) examination, the result of which qualifications are granted, and for the purpose of performing that duty, the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions to observe such instructions or examinations. (2) It shall be the duty of persons appointed under subsection (1) to report to the Council on the sufficiency or otherwise of the instructions given to persons attending approved courses of training at institutions visited by them.	
Signatory to certificates. 18. The President and Registrar shall be the joint signatory to certificates awarded by the Institute.	Retained
PART IV — FUND FOR THE INSTITUTE Funds for the Institute. 19. (1) The Council shall establish and maintain a fund, to be applied towards the function of the Institute. (2) The Institute shall not later than 1st October in each financial year or soon thereafter submit to the Council for approval, its estimate of revenue and expenditure in respect of the following year — (i) the Council may from time to time, reasonably borrow money for purposes of the Institute; (ii) all fees, and other monies payable to the Institute;	Retained

(iii) all grants, aids and solicited funds received for the Institute; (iv) proceeds from programme and activities.	
Expenditure. 20. (1) There shall be defrayed from the fund the following: (a) the remuneration and allowances of the Registrar and, other employees of the Institute; (b) such reasonable travelling allowance(as determined by the Council and its Committees) incurred in the business or official functions of the Institute; (c) any expense incurred by the Council in the discharge of its duties.	Retained
Auditing of accounts. 21. (1) The Council shall keep proper records of the annual accounts of the Institute in each financial year. (2) The accounts of the Institute shall be audited within six months after the end of each financial year by auditors appointed by the Council. The fees of the auditors and the expenses of audit shall be paid from the fund of the Institute. (3) The audited annual accounts and report shall be submitted by the Council to the Members of the Institute at the AGM.	Retained
Regulations. 22. Any regulations made under this Bill shall be published in the gazette as soon as they are made and the Minister shall lay a copy of any such regulation before the National Assembly for consideration and passage into law.	

PART V — PROFESSIONAL DISCIPLINE Investigating panel. 23. (1) There shall be an Investigating panel, consisting of three members and two non-members of the Council all to be appointed by the Council charged with duty of — — (a) conducting preliminary investigation into allegations that a registered member has misconduct himself in his capacity as a registered member; and (b) deciding whether the allegations should be referred to the disciplinary committee or not.	Retained
Disciplinary committee. 24. There shall be a Disciplinary Committee consisting of seven (7) members one of whom shall be the Chairman appointed by the Council, charged with the duty of investigating and determining any case referred to it by the Investigating Panel established under section 26(1)(b).	Retained
Penalties for unprofessional conduct. 25. (1) Where — (a) a registered person is, adjudged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect; or (b) a registered person is convicted, in Nigeria or elsewhere by any court of competent jurisdiction; or (c) the Disciplinary Committee determines that the name of any person has been fraudulently registered. (2) The Disciplinary Committee, may, give a direction reprimanding that person or ordering the Registrar to strike the person's name out of the relevant Part of the Register.	Retained

(3) Disciplinary Committee may, defer or further defer its decision as to the giving of a direction under subsection two (2) until a subsequent meeting of the Disciplinary Committee. (4) The Disciplinary Committee may not defer its decision under subsection (3) for periods exceeding one year. (5) When the Disciplinary Committee gives a direction under subsection (2), the Disciplinary Committee shall cause notice of the direction to be served on the Person to whom it relates (6) The person to whom a direction under subsection (2) relates may, at any time within twenty-eight days from the date of service on him, appeal against the direction to the Federal High Court. (7) A person whose name is removed from the register pursuant to a direction of the Disciplinary Committee, may not be registered again except pursuant to a direction in that respect given by the Disciplinary Committee on the application of that person. (8) A direction for the removal of a person's name from the register may prohibit an application under subsection by that person until the expiration of such period from the date of the direction.	
PART VI — OFFENCES AND PENALTIES Offences and penalties. 26. (1) A person commits an offence, who — (a) holds himself out as a Chartered Local Government and Public Administrator; or (b) willfully makes falsification in any matter relating to the register. (2) A person who is found guilty of an offence under this section is liable on —	Retained

(a) summary conviction, to a fine of an amount not exceeding N1,000 or (6) conviction on indictment to a fine of an amount not exceeding N5,000 to imprisonment for a term not exceeding two years, or both.	
Limitation of suits against the Council and its staff 27. (1) Notwithstanding anything to the contrary contained in any other enactment, no suit against the Institute, a member or any employee of the Institute 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 a continuing damage or injury, within 12 months next after the ceasing thereof. (2) No suit shall be commenced against the Institute before the expiration of a period of one month notice of intention to commence the suit shall have been served upon the Institute by the intending plaintiff or his authorized 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 authorized to be served upon the Institute under the provisions of this Bill or any other enactment or law may be served by delivering the same to the President, Chairman, Governing Council or the Registrar of the Institute and by sending it	Retained

by registered post to the principal office of the Institute.	
Interpretation. 28. In this Bill unless the context otherwise requires — “Registered” means enrolled. “Incorporated Institute” means the Institute of Chartered Local Government and Public Administration incorporated under the Companies and Allied Matters Act, 2004 “Minister” means the Minister charged with the responsibility of matters relating to education.	Retained
Citation 29. This Bill may be cited as the Chartered Institute of Local Government and Public Administration (Establishment) Bill, 2016.	Retained
SCHEDULE SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL PROCEEDING OF THE COUNCIL <i>Section 4 (4)</i> 1. Subject to this Bill and section 27 of the Interpretation Act (which provides for decision of a statutory body to be taken by a majority of its members, and for the President to have a second or casting votes) the council may make standing orders regulating the proceedings of the Council and any Committee thereof:- 2. If at any time, the office of the President is vacant or the President is in the opinion of the Council permanently or temporarily unable to perform the function of his office, the Council may approve one of its Members to perform such functions and reference in the schedule to the President shall be construed accordingly.	Retained

3. Every meeting of the Council shall be presided over by the President and if he is unable to attend a particular meeting the Vice President shall preside and in the event where both the President and Vice President are absent, the Member present at the meeting shall elect one of their Members to preside at the meeting.

4. The Quorum at a meeting of the Council shall consist of the President /or in the appropriate case, the person presiding at the meeting and six other members.

5. Where upon any special occasion, the Council desire to obtain the advice of any person may co-opt that person to be member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

Committee

6. (1) Subject to its standing orders, the Council may appoint such number of standing or Ad-Hoc Committees as it thinks fit to consider and report on any matter with which the Council is concerned.

(2) Every Committee appointed under the provision of subparagraph (1) of this paragraph, shall be presided over by a member of the council and shall be made up of a number of persons, not necessarily members of the council as the council may determine in each case.

7. The decision of the Committee shall have no effect until it is confirmed by the Council.

Miscellaneous

8. The fixing of the seal to the Council shall be authenticated by the signature of the president and Registrar of the Institute. 9. Any contract or instrument, which if made by a person not being a body corporate, would not be required to be made under seal, may be made or executed on behalf of the Institute by the Registrar or by any other person generally or specifically authorised by the council to act for that purpose. 10. Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Institute shall be received in evidence and, unless the contract is proved, be presumed, without further proof to have been so signed or sealed. 11. (1) The validity of any proceedings of Council or a Committee thereof, shall or be adversely affected. (2) By any vacancy in the membership of the Council; or (3) By any defect in the appointment of a member of the Council or Committee; or (4) By reason that a person not entitled to do so, took part in the proceedings. 12. 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 Committee shall forthwith disclose his interest to the Council or Committee and shall not vote on any question relating to the contract or arrangement	
EXPLANATORY MEMORANDUM <i>(This note does not form part of the above Bill but is intended to explain in support)</i>	

This Bill seeks to establish the Institute of Local Government and public Administration and also make provisions for determining the standard of knowledge and skill to be attained by persons seeking to be Chartered Local Government and Public Administrators.