

A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN INSTITUTE OF SOCIAL WORK AND REGULATE THE PRACTICE OF PROFESSIONAL SOCIAL WORK IN NIGERIA, AND FOR RELATED MATTERS HB.

161

Provisions of the bill	Committee of the Whole Recommendations
PART I –ESTABLISHMENT, GOVERNING COUNCIL, ETC OF THE NIGERIAN COUNCIL FOR SOCIAL WORK Establishment Of The Nigerian Council For Social Work And Its Functions 1-(1) There is established the Nigerian Council for Social Work (in this Bill referred to as ‘the Council’) which:- (a) shall be a body corporate with perpetual succession and a common seal, and (b) may sue and be sued in its corporate name (2) The Council shall: (a) promote professional practice and uphold social work ethics and values; (b) determine what standards of knowledge and skills are to be attained by persons seeking to become member of the profession of social work(in this Act referred ‘the profession’) and reviewing those standards from time to time as circumstances may require; (c) promote research and ensure high standard and quality of training of social workers; (d) regulate and control the practice of the profession in all ramifications	Retained
Establishment Of The Governing Council And Its Membership 2-(1) There is established for the Profession, a Governing Council (in this Bill referred to as “the Council”) charged with the administration and general management of the Social Work Profession (2) The Council shall consist of: (a) a Chairman; (b) two Social Workers to represent the Nigeria Association of Social Workers (NASOW);	Retained

(c) one Social Worker each to represent affiliates of social work umbrella Organisation (AMSWON, NASWE and ISOWN) (d) one Social Worker to represent Indigenous Non-Governmental Organizations; (e) one Social Worker to represent institution offering Social Work on rotation; (f) one person to represent Public Interest; (g) one Social Worker to represent social development component departments at Federal Ministries, Departments and Agencies on rotation; (h) one Social Worker to represent social development component departments at States' Ministries, Departments and Agencies on rotation; (i) one social worker to represent Federal Ministry responsible for Social Development matter in Nigeria. (j) one Person to represent the United Nations Agencies in Nigeria responsible for Child Protection; and k) The Registrar, who shall be the Secretary of the Council. (3) The Chairman of Council shall be appointed by the Minister on the recommendation of Nigeria Association of Social Workers, and other members of the Council shall; (a) be appointed based on the recommendations of the various Agencies they represent ; and (b) hold office for a term of three years and may be eligible for re-appointment for another three years. (4) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the council and other matters therein mentioned.	
Powers Of The Minister 3-(1) The Minister may give to the Council directions of a general nature or relating generally to particular matters (but not to any individual person or case with regard to the exercise by the Council of its functions. (2) The Council will be self-funding. (3) The Minister will play supervisory role over the Council.	Retained
Qualifications of the Chairman and Other Members of the Council:	Retained

4 -(1) A person shall be qualified for appointment into the office of the Chairman and member of the Council , if the person; (a) is a citizen of Nigeria; (b) has attained the age of 35 years; (c) possess the qualification stated in section 10(1)(c) (d) is a duly registered member of Nigeria Association of Social Workers (NASOW) (apart from persons representing United Nations Agencies and Public Interest); (e) has not been adjudged to be mentally derailed (f) has not been declared bankrupt. (2) The Chairman shall preside at the meetings of the Council, but in the event of death, resignation, incapacity or inability to perform the functions of his office for any reason, the Council shall elect a fit and proper member of the Council to act in his stead for the unexpired portion of the term of office.	
PART II – FINANCIAL PROVISIONS Financial provisions, etc. 5. (1) The Council shall establish and maintain a fund, the management and control of which shall be vested in the Council and into which shall be paid: (a) all monies received by the Council in pursuance of this Bill; (b) all fees and other monies payable to the Council by licensed social workers, individuals and corporate bodies; and (c) such monies as the Minister may, out of money provided by the Federal Government , individuals or corporate bodies, national or international to the Council by way of grant, subvention, loan or otherwise. (2) There shall be paid out of the Fund of the Council: (a) all expenditure incurred by the Council in the discharge of its functions under this bill; (b) the remunerations and allowances of the Registrar and other staff of the Council; and (c) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on the duties of the Council as the Council may determine.	Retained

(3) Subject to guidelines issued by the Council from time to time, the Council's funds and assets shall be invested in any bond, bill or other security issued or guaranteed by the Federal Government or the Central Bank of Nigeria. (4) The Council may, from time to time, borrow money for the purposes of the Council and any interest payable on monies so borrowed shall be paid out of the Fund. (5) The Council shall prepare and inform the Minister not later than 31st October of the year in which this Act comes into force (so however that for that year the Minister may, if he considers it necessary, extend the period) and in each subsequent year an estimate of its expenditure and income during the next succeeding financial year. (6) The Council shall keep proper accounts in respect of each financial year and proper records in relation to those accounts, and shall cause the accounts to be audited as soon as may be after the end of each financial year to which the accounts relate by a firm of auditors appointed, as respects that year, from the list and in accordance with guidelines supplied by the Auditor-General for the Federation. (7) The Council shall prepare and inform the Minister not later than twelve months after its establishment and once in each year thereafter a report on the activities of the Council during the last preceding financial year and shall include in the report a copy of the audited accounts of the Council for that year and of the auditors' report on the accounts	
PART III – REGISTRAR AND THE REGISTER Appointment of the Registrar; etc.: 6. (1) The Council shall appoint a fit and competent social worker to be the Registrar for the purpose of this Act, and such other persons as the Council may from time to time, deem necessary to assist the Registrar in the performance of his functions under this Act. (2) The Registrar shall in addition to his/her other functions under this Act, be the Secretary to the Council and shall keep minutes of the proceedings of all meetings of the Council and committees thereof.	Retained

(3) The Registrar appointed under Sub Section (1) of this section shall report to the Council.

(4) The Registrar shall keep the records and conduct the correspondence of the Council and perform such other functions as the Council may from time to time direct.

(5) The Council may appoint two fit and proper Deputy Registrars to assist the Registrar on-

- i. Finance and Administration and
- ii. Professional Matters and other persons to be employees of the Council as the Council may determine.

(6) The Council shall have the power to advance, confirm, promote, transfer, discipline and terminate appointments of employees of the Council.

The Registers and Registration of Members.

(7) Subject to the provisions of this Act, the Council shall make rules with respect to the form and keeping of registers and the making of entries thereon, and in particular;

(a) regulate the making of applications for enrolment or registration, as the case may be and providing for the evidence to be produced in support of the applications;

(b) provide for the notification to the Registrar by the person to whom any registered particular relates or any change in those particulars;

(c) authorize an enrolled or registered person to have any qualification which is in relation to the relevant of the profession, either an approved qualification or an accepted qualification, for the purposes of this Act, registered in relation to his name in addition to or as he may elect, in substitution for any other qualifications so registered;

(d) specify the fees, including any annual subscription, to be paid to the Council in respect of the entry of names on the Register and authorizing the Registrar to refuse to enter a name on the Register until such fees specified for the entry has been paid;

(e) specify the standards of conduct required of a member of the Council and actions or omissions that amount to a misconduct; and

(f) specify anything failing to be specified under the foregoing provisions of this section; but rules made for the purpose of paragraph (d) of this sub-section shall not come into force until they are confirmed by the Council.

(8) The Registrar shall; (a) correct, in accordance with the Council's directions, 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) make, from time to time, any necessary alterations in the registered particulars of registered persons; (c) remove from the register, the name of a deceased person or persons whose names he is directed to strike off as a result of disciplinary action; and (d) record the names of registered persons of the Council who are in the default for more than one year in the payment of license renewal, and to take such action in relation thereto (including removal of the names of defaulters from the register) a person whose name is removed from the register for being in default of payment of any year may be re-registered subject to payment of outstanding fees as may be approved by the Council. All actions is subject to Council approval. (9) The rules made pursuant to sub-section (5) of this section shall provide for a procedure for updating registered persons particulars in the register, and conditions under which the registrar may remove the name of the member from the list for failing to update his particulars and the manner to cause a restoration of such a person in the list.	
Publication of Register and List of Corrections, etc.: 7. 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 Act; (b) thereafter in each year, cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or list of corrections made to the register, since it was last printed; (c) cause a print of each edition of the register and of each list of the corrections to be deposited at the principal office of the Council; and (d) keep the register and list so deposited and make the register and such lists available at all reasonable times for inspection by members of the public, physically and through an internet portal.	Retained

PART IV- REGISTRATION OF SOCIAL WORKERS:

Retained

Approval of qualification

8.(1) the Council will approve:

(a) Social Work course of training at an approved institution which is intended for persons who are seeking to become or are already professional social workers and which the Council considers relevant to be registered and certified as professional ; and

(b) Social Work qualification which as a result of examinations 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 the profession.

(2) The Council may, if it thinks fit, withdraw any approval given under this Section in respect of any social work course or qualification but before withdrawing such approval, the Council shall-

(a) give notice that it proposes to withdraw such approval to such person in Nigeria appearing to the Council to be a person or institution by whom the course is conducted or its qualification is granted or the institution is controlled, as the case may be;

(b) give such a person an opportunity of making to the Council representation with regard to the proposal; and

(c) take into consideration any representation made in respect of the proposal.

(3) The giving 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 giving 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 every such instrument in its website and the print media; and

(b) not later than seven (7) days before its publication, send a copy of the instrument to the Minister and copy the Federal and State Ministries responsible for social development component, Agencies and Departments.	
Supervision of instructions and examinations leading to the approved qualifications 9-(1) The Council shall keep itself informed of the nature of – (a) the instructions given at approved institutions to persons attending approved courses of training; and (b) the examinations as a result of which approved qualifications are granted, and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions, or to attend such examinations. (2) On receiving a report made in pursuance of this Section, the Council may, if it thinks fit and if so required by the Institute, send a copy of the report to the person appearing to the council to be in charge of the Institution or responsible for the examination to which the report relates requesting that person to make observation on the report to 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.	Retained
Registration as social worker 10-(1) A person shall be entitled to be registered under this Act and being so registered to receive a registration certificate if- (a) he has attended a course of training approved by the Council under section of this Act; (b) the course was conducted at an institution so approved, or partly at one of such institutions and partly at another; (c) he holds a minimum Certificate in Social Work awarded by any institution recognized by the Council. (d) he holds a certificate of experience issued on completion of one year internship in an approved institution or agency. (e) he is of good character; and (f) he thereafter pays all prescribed fees. (2) The Council shall determine the nomenclature for the different levels of licensure applicable to the qualifications.	Retained

Special provisions as to social workers trained outside Nigeria

11-(1) Where any person has, outside Nigeria, completed a course of training as a social worker not acceptable to the Council, without further proof of competency, the Council may require that person to undergo additional training in a social work in approved institution or under any scheme of training in Nigeria approved by the Council and upon completion of the prescribed further training to the satisfaction of the Council such person may apply for registration for licensing examination in the prescribed level be registered accordingly in the appropriate register.

(2) Where a person who is a non-Nigeria or an expatriate satisfies the Council-

(a) that he has been selected for employment for period not less than six months in a capacity in which a registered person under this Act would normally be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question;

(b) that he holds or has passed examinations necessary for obtaining some qualifications granted outside Nigeria which is for the time being accepted by the Council for the purpose of this Act as respects the capacity in which, if employed he is to serve; and

(c) he pays any fees prescribed for registration, the Council may, if it thinks fit, give a direction that he shall be temporarily registered and subject to annual renewal, maintain a license for the period of the employment.

(3) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) of this section and shall cease-

(a) on the termination of the period of employment specified to the Council under that subsection; or

(b) on the termination of the said employment before the end of that period, whichever first occurs.

(4) Nothing in subsection (2) of this section shall preclude the Council from giving a further direction under subsection (1) of this section in respect of a specific period, the commencement of which coincides with the termination of another such period.

Prohibition of practice by non-registered person;

(5) (a) No person shall be allowed to practice or to continue in practice or carry out an activity construed to

mean social work practice on commencement of this Act without due registration and license. (b) Subject to the provisions of this Act, no person, not being registered as a social worker, shall be entitled to hold any appointment or practice in the civil service of the Federation or of a State or in any public or private establishment including NGOs, body or institution, if the holding of such appointment involves the performance by him in Nigeria of any act pertaining to the profession.	
PART V – PROFESSIONAL DISCIPLINE Establishment of Disciplinary Committee and Investigating Panel 12. (1) There shall be established a Committee to be known as the Nigerian Institute of Social Works Disciplinary Committee (in this 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 Panel constituted under subsection (3) of this section. (2) The Disciplinary Committee shall be appointed by the Council and shall consist of two members of the Council, one of whom shall be the Chairman, and three other members of the Institute who are not members of the Council. (3) There shall be constituted a body to be known as the Nigerian Institute of Social Workers Investigating Panel (in this Act referred to as “the Investigating Panel”) which shall – (a) conduct a preliminary investigation into any case where it is alleged that a member of the Institute is involved in misconduct in his capacity as a member or should for any other reason be the subject of proceedings before the Disciplinary Committee; and (b) decide whether the case should be referred to the Disciplinary Committee or not. (4) The Investigating Panel shall be appointed by the Council and shall consist of five members as follows –	Retained

(a) two members of the Council, one of whom shall be Chairman of the Committee; and (b) three members of the Institute who are not members of the Council. (5) The tenure of any member of the Investigating Committee shall be two years renewable for a further period of two years. (6) The Council may make rules not inconsistent with this Bill as regard acts, which constitute professional misconduct. (7) The Investigating Committee shall act independently in receiving and investigating allegations under paragraph (a) of subsection (3) of this section and shall have power to receive complaints directly from any individual or organization. (8) The provisions of Second Schedule to this Act shall, so far as applicable to the Investigating Panel and Disciplinary Committee respectively, has effect with respect to those bodies.	
PART V- PROFESSIONAL DISCIPLINE: Establishment of Disciplinary Tribunal and Investigating Panel: 13.(1) There shall be established a Tribunal to be known as the Nigerian Council for Social Work Disciplinary Tribunal (in this Act referred to as "the Disciplinary Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigation Panel constituted under sub-section (3) of this section. (2). The Disciplinary Tribunal shall be appointed by the Council when the need arises and shall consist of three members who are not members of the Council, (3) There shall be constituted a body to be known as the Nigerian Council for Social Work Investigation Panel (in this Bill referred to as the "Investigating Panel") which shall: (a) conduct a preliminary investigation into any case where it is alleged that a Registered social worker is	Retained

involved in a misconduct in his capacity as a certified social worker or should for any other reason be the subject of proceedings before the Disciplinary Tribunal; and (b) decide whether the case shall be referred to the Disciplinary Tribunal or not. 4). the Investigating Panel shall be appointed by the Council and shall consist of three members. (5) the tenure of any member of the Investigating Panel shall be two years renewable for a further period of two years. (6) the Council may make rules not inconsistent with this Bill as regards acts, which constitute professional misconduct. (7) the Investigating Panel shall act independently in receiving and investigating allegations under paragraph (a) of Sub-section (3) of this Section and shall have power to receive complaints directly from any individual, client or organization. (8) the provisions of Second Schedule to this Act shall so far as applicable to the Investigating Panel and Disciplinary Tribunal respectively, has effect with respect to those bodies.	
Penalties for professional misconduct: 14.(1) Where: (a) a member is adjudged by the Disciplinary Tribunal to be guilty of professional misconduct in any professional respect; (b) a member is convicted by any Court of law having power to award imprisonment for an offence (whether or not punishable with imprisonment) which in the opinion of the Disciplinary Tribunal is incompatible with the conduct required of a Certified social worker, or (c) the Disciplinary Tribunal is satisfied that the name of any person has been fraudulently registered; the Disciplinary Tribunal shall order the Registrar to strike his name off the relevant part of the Register.	Retained

(2) For the purpose of subsection(1) of this section, a person shall not be treated as guilty, unless the guilty stands at a time when no appeal or further appeal is pending or may, (without by extension of time) be brought in connection with the direction. (3) Where the Disciplinary Tribunal gives a direction under subsection (1) of this section, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates. (4) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the notice of direction, appeal against the direction to a competent court. (5) A direction of the Disciplinary Tribunal under subsection (1) of this section shall take effect where- (a) no appeal under this section is brought against the direction within the time limit for such an appeal or on the expiration of that time; (b) such an appeal is brought it is withdrawn or struck out for want of prosecution or dismissed for lack of merit. (c) such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and shall take no effect in accordance with the provisions of this subsection. (6) A person whose name is struck off the Register in pursuance of a direction of the Disciplinary Tribunal under this section, shall not be entitled to be enrolled or registered again, except in pursuance of a direction in that behalf and a direction under this section for striking off 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 directive (and where he has duly made such an application, from the date of his last application), as may be specified in the direction.	
PART VI- MISCELLANEOUS: Application of this Act to unregistered persons 15._ A person who is not a member of the Incorporated Association of Social Workers established before the commencement of this Act, but is qualified to apply for	Retained

and obtain membership of the Institute, may apply for membership of the Nigerian Institute of Social Works established by this Act, in such a manner as may be prescribed by rules made by the Council and shall be registered in the category of membership appropriate in the current period for holders of the qualification he possesses.	
Rules as to practice, etc. 16.-(1) The Council may make rules to guide training in social works. (2) The Council may also make rules – (a) prescribing the amount and due date for the payment of the annual subscription and for such purposes, different amounts may be prescribed by rules according to the category of membership; (b) prescribing the form of license to practice to be issued annually, or if the Council thinks fit, by endorsement on an existing license; (c) restricting the right to practice as a member of the Institute in default of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules; (d) restricting the right to practice as a member of the profession if the qualification granted outside Nigeria does not entitle the holder to practice as a member of the profession; and (e) prescribing the period of practical training in the office of a member of the profession in practice to be completed before a person qualifies for a license to practice as a member of the profession. (3) Rules made under this section shall, be published in the official news letter, website and magazine of the Institute.	Retained
Provision of library facilities, etc 17. The Institute shall – (a) provide and maintain a library comprising of books and publications for the advancement of the knowledge of	Retained

social works and such other books, publications and internet communication technology media as may be considered necessary; (b) encourage research into social works and allied subjects, to the extent that the Council may, from time to time, consider necessary.	
Regulations 18. (1) Any regulations, made pursuant to this Act shall be published in the Institute's Journal. (2) Rules made for the purpose of this Act shall be subject to confirmation by the Institute at its next general meeting, and shall not have effect until so confirmed.	Retained
Offences and Penalties 19. (1) A person who, for the purpose of procuring the registration of any name, qualification or other matter – (a) makes a statement which he believes to be false in any material particular; or (b) recklessly makes a statement which is false in any material particular, commits an offence. (2) If on or after the coming into force of this Act, a person who is not member of the Institute practices or holds himself out as a member of the Institute for, or in expectation of reward or takes or uses any name, title, addition or description, implying that he is in practice as a member of the Institute, commits an offence. (3) In the case of a person failing within section 14 of this Act – (a) the provision of subsection (2) of this section shall not apply in respect of anything done by him during the period of three months; and (b) if within that period he duly applies for membership of the Institute then unless within that period he is notified that his application has not been approved, the provision of subsection (2) of this section 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

(4) The Registrar or any other person employed by or on behalf of the Institute who wilfully makes any falsification in any matter relating to the register, committees an offence. (5) A person who commits an offence under this section shall be liable –on conviction to a minimum fine of One Hundred thousand naira (N100,000.00); or imprisonment for a maximum term of two years, or to both such fine and imprisonment. (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or 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 have committed the offence and shall be liable on conviction by court of competent jurisdiction in the case of an individual to the punishment prescribed in subsection 5 of this section and in the case of a body corporate, to a fine of not less than N500,000 (five hundred thousand naira) and or a ban on practice of share registration for a specific period of time not less than one year.	
Training and Continuous Capacity development: 20. The Council may empower affiliate Institutes and other incorporated social work training organizations to offer training, re-training and continuous capacity development activities and professional manpower development for social work practice in Nigeria.	Retained
National and International Relations: 21. The Council may synergize with the social work umbrella organisation and her affiliates to strengthen collaboration with the world global social work regulatory bodies.	Retained
Interpretation 22. In this Bill, unless the context otherwise requires- “affiliates” means Association of Medical Social Workers of Nigeria(AMSWON),Nigerian Association of Social Work Educators, (NASWE), Institute of Social Work of Nigeria(ISOWN) and any other that may be incorporated thereafter.	Retained

“client” refer to individual, family, group, organization and community who engage or benefit from the services of a social worker;

“components: refer to youth development, social welfare, child development, rehabilitation of persons with disabilities ,women and gender affairs, community development, medical social welfare, school social work, sports, case work and intervention and care of the aged.

“Council” means the governing council established under section 2 (1) of this Bill;

“fees” include registration fees, costs of registration for :- examination, inspection, accreditation, indenting and licensing;

“fine” includes amount prescribed for payment in default of the provisions of this Bill and rules of the Council;

“first registrant” means registration done immediately on commencement of this Act.

“government” means government of the Federal Republic of Nigeria

“Member” means Council members.

“minister” means a Minister of the Cabinet of the Federal Republic of Nigeria responsible for Social Development;

“NASoW” means the Nigeria Association of Social Workers, an umbrella social work organization in Nigeria.

“person” means qualified social worker seeking for license to practice;

“social development” is the process of continuous improvement of the social structure ,institutions and programmes in order to create a societal condition in which the rights of citizens are advanced and protected; their welfare enhanced; and their effective functioning and self-actualization ensured.

“social worker” means a registered person who is licensed by the Council to practice the profession of social work in Nigeria. “the list” means the list of recommended auditors to be approved by the Council.	
Citation 23. This Bill may be cited as the Nigerian Institute of Social Work (Establishment, etc.) Bill, 2016	Retained
FIRST SCHEDULE Section 2 (3) SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL Tenure of Office, etc. of Members of the Council 1. (1) subject to the provision of this Act, a member of the council shall hold office for a period of three years, beginning with the date of his appointment (2) Appointments to the Council shall have effect subject to the provisions of this Section. (3) Persons who are- (a) appointed, shall continue to be members of the Council while they are employed in any of the public services of Nigeria, the universities, polytechnics or monotechnics or in the service of the armed forces, as the case may be; (4) A nominated person appointed pursuant to section 2(1) of this Act may resign his membership by notice in writing to the Council, and any person whether or not so appointed who ceases to be a member of the Council shall, in a proper case, be eligible again to become a member of the Council for one further term. (5) It shall not be necessary to fill any vacancy on the Council where the unexpired residue of the term of office of a member (other than by efflux ion of time) does not exceed one Year and the member has not been appointed on rotation. (6) Notwithstanding that his term of office may not have expired, a nominated member may vacate his office if he gives notice in writing of his resignation addressed to the Council; and any such nominated member shall vacate his office if-	Retained

- (a) The Council is satisfied that by reason of mental or physical infirmity he is incapable of discharging the duties of his office; or
- (b) he absents himself for two consecutive ordinary meetings of the Council without the leave of the Council.
- (7) A person who is a member by virtue of occupation of a particular office shall cease to be a member if he ceases to occupy the particular office outside the Council.

Proceedings of the Council:

2-(1) Subject to the provisions of this Bill, the Council may in the name of the Council make Standing Orders, regulating its proceedings or proceedings of its Committee or of any Committees thereof.

(2) The Standing Orders shall provide for decision to be taken by a majority of the members and in the event of equality of votes, the Chairman shall have a second or casting vote.

(3) The Standing Orders made for a Committee of the Council shall provide for the Committee to report to the Council on any matter referred to it by the Council.

(4) The quorum of any meeting of the Council shall be 2/3 and the quorum of the Committee shall be determined by the Council.

Meeting of the Council:

3-(1) Subject to the provisions of any Standing Order of the Council, the council shall convene every three months or meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice in writing given to him by not less than 10 others, he shall convene a meeting of the Council to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Council the Chairman shall preside, but if the Chairman is absent and the quorum is formed, the members present shall elect a member to preside.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council may think fit, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Council, and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister.

Committee:

4.(1) The Council may appoint one or more committees to carry out, on behalf of the Council, such functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council not more than one-third may be persons who are not members of the Council and a person other than a member shall hold on the committee in accordance with the terms of his letter of appointment.

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

Meeting of Members with respective Constituencies:

5-(1) The Council members shall be required to meet at least once in a year with members of the social work constituency they represent. And failure to meet minimum of once in a year may warrant a recall and replacement.

Miscellaneous:

6-(1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or some other members of the Council authorized generally or specifically by the Council to act for that purpose.

(2) A contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Council or of the Council, as the case require, by any person generally or specifically authorized to act for the purpose of the Council.

Proceedings: 7. The validity of any proceeding of the Council or of a Committee thereof shall not be affected by any vacancy in the membership of the Council or Committee, or by any defect in the appointment of a member of the Council or a person to serve or by reason that a person not entitled to do so took part in the proceedings. Disclosure of interest: 8. A member of the Council, and any person holding office on a Committee of the Council, who has a personal interest in any contract or arrangement entered into, or on behalf of the Council or a Committee thereof, shall disclose his interest to the Chairman or to the Council, as the case may be, and shall not vote on any question to that contract or arrangement.	
SECOND SCHEDULE Section 11(8) Quorum of the Disciplinary Tribunal 1. The quorum of the Disciplinary Tribunal shall be three members. 2-(1) The Council shall make rules as to the selection of members of the Disciplinary Tribunal for the purposes of any proceeding, the procedure to be followed and the rules of evidence to be observed in the proceedings before the Disciplinary Tribunal. (2) The rules shall in particular provide for – (a) securing that any party to the proceedings shall be entitled to be heard and given fair opportunity to defend the allegations against him or her by the Disciplinary Tribunal; (b) determining who, in addition to the person aforesaid, shall be party to the proceedings; (c) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Tribunal; (d) securing that any party to the proceedings may be represented by a legal practitioner; (e) subject to the provision of Section 12 (1) of this Bill, the costs of proceedings before the Disciplinary Tribunal;	Retained

- (f) requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of misconduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegation has been proved, it shall record a finding that the person is guilty of such misconduct in respect of the matters to which the allegation relates; and
- (g) publishing in the website, newsletter and magazine a notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be struck off the register.

Administering Oaths, etc.

3. For the purposes of any proceeding before the Disciplinary Tribunal, a member of the Disciplinary Tribunal may administer oaths and any party to the proceedings may sue out of the Registry of the Federal High court by writs of subpoena *ad testificandum* and *dues tecum* but no person appearing before the Disciplinary Tribunal shall be compelled to:

- (a) make any statement before the Disciplinary Tribunal tending to incriminate himself; or
- (b) produce any document under which a writ which he could not be compelled to produce at the trial of an action.

PROCEEDINGS OF THE DISCIPLINARY TRIBUNAL

4. On any question of law, arising in the proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal and who shall be:

- (a) appointed by the Council; and
- (b) a legal practitioner of not less than seven years standing

(2) The Council shall make rules as to the functions of the assessors appointed under this paragraph and in particular such rules shall contain provisions for securing that:-

- (a) where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or a person representing a party to the proceedings, who appears to be a threat or, if the

advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed of what advice the assessor has tendered; and

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

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

(4) The quorum of the Panel shall be three.

The Investigating Panel

5. (1) The quorum of the Investigating Panel shall be three.

(2) The Council may, at any of its meetings attended by all members, make Standing Orders with respect to the Investigation Panel.

(3) Subject to the provision of any Standing Order, the Investigation Panel may regulate its own proceedings.

Appointment of a Person as a Member of the Disciplinary Tribunal, etc.

6-(1) A person ceasing to be a member of the Disciplinary Tribunal shall be eligible for a re-appointment as a member of the Disciplinary Tribunal or Investigating Panel, as the case may be.

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

Non-Validation on the Basis of Vacancy

7. The Disciplinary Tribunal or the Investigation 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 body or subject to paragraph 6 (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 that body. Service of a Document 8. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigation Panel shall be served on the Registrar	
THIRD SCHEDULE Section 13(2) TRANSITIONAL PROVISIONS AS TO PROPERTIES, ETC. Transfer of Properties 1. Every agreement to which the Incorporated Institute was a part immediately before the commencement of this Act, whether it be in writing or not and whether or not of such nature that the rights, liabilities and obligations thereunder could be assigned by the Incorporated Institute, shall have effect from the appointed day so far as it relates to property transferred by this Act to the Institute as if – (a) the Institute had been a party to the agreement; (b) for any reference (however worded and whether express or implied) to the Incorporated Institute, there were substituted as respects anything failing to be done on or after the commencement of this Act, a reference to the Institute; and (c) for any reference (however worded and whether express or implied) to a member or members of the Council of the Incorporated Institute there were substituted, as respects anything failing to be done on or after the commencement of the Act, a reference to a member or members of the Council under this Act. 2. Other documents referring, whether specifically or generally to the Incorporated Institute shall be constructed	Retained

in accordance with sub-paragraph (1) of this paragraph so far as applicable. 3. Any legal proceedings or application to any authority pending on the commencement of this Act by or against the Incorporated Institute may be continued on or after that day by or against the Institute. 4. On the commencement of this Act, any person holding any paid appointment in the Incorporated Institute shall hold corresponding appointment in the Institute on the same terms and conditions as already exist. 5. All regulations, rules and similar instruments made for the purpose of the Incorporated Institute and in force immediately before the coming into force of this Bill shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect with any necessary modifications as if daily made for the corresponding purpose of the Institute.	
EXPLANATORY MEMORANDUM This Bill seeks to establish the Nigerian Institute of Social work charged with the responsibility of regulating its members and advancing the practice of Social Work in Nigeria.	