

REPORT OF A BILL FOR AN ACT TO ESTABLISH FISHERIES INSTITUTE OF NIGERIA CHARGED WITH RESPONSIBILITY FOR REGISTRATION AND DISCIPLINE OF MEMBERS OF THE PROFESSION AND FOR RELATED MATTERS 2018 (HB.595).

PROVISION OF BILL	COMMITTEE'S RECOMMENDATION	REMARK
1. Establishment of Investigating Panel and Disciplinary Tribunal 18. (1) There is established the Fisheries Investigating Panel (in this Bill referred to as "the Investigating Panel") charged with the duty of: (a) conducting preliminary investigations into cases where it is alleged that a member of the Institute has committed an act of gross misconduct, fraud, bribery or corruption in his capacity as a consultant or Chartered Fisheries Professional; and (b) deciding whether the case should be referred to the Disciplinary Tribunal. (2) The members of the Investigating Panel are appointed by the Council and shall consist of such number of members as the Council may determine. (3) There is established the Fisheries Disciplinary Tribunal (in this Bill referred to as "the Disciplinary Tribunal") charged with the duty of considering and determining any case referred to it by the Investigating Panel. (4) The Disciplinary Tribunal shall consist of the Chairman who shall be a retired Magistrate or a High Court Judge and six other professional members appointed by the Council. (5) The supplementary provisions to the first schedule of this Bill apply to the Investigating Panel and Disciplinary Tribunal. "	Retained	
2. PENALTIES BY THE DISCIPLINARY TRIBUNAL 20. (1) Where: (a) a member is adjudged by the Disciplinary Tribunal to be guilty of professional misconduct,	Retained	

(b) a member is convicted by a court of competent jurisdiction in Nigeria or elsewhere having power to sentence a person to imprisonment (whether or not the member was sentenced to a term of imprisonment) which, in the opinion of the Disciplinary Tribunal is incompatible with the status of a member of the Institute, or

(c) the Disciplinary Tribunal is satisfied that the name of any person has been fraudulently registered, the Disciplinary Tribunal may, if it deems fit, give a direction reprimanding an erring member or directing the Registrar of the Institute to strike his name off the relevant part of the register.

(2) For the purpose of subsection (1) (b), a person shall not be treated as convicted 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.

(3) When the Disciplinary Tribunal gives a direction under subsection (1), the Disciplinary Tribunal shall cause notice of the direction to be served on the member to whom it relates.

(4) The person to whom such direction relates may, at any time within 28 days from the date of such service on him of the notice of the direction, make a representation to the court with appropriate jurisdiction, and the Disciplinary Tribunal may appear as respondent to the appeal and, for the purposes of enabling directions to be given as to costs, the Disciplinary Tribunal is deemed to be a party whether or not it appears at the hearing of the appeal.

(5) A decision of the Disciplinary Tribunal under subsection (1) shall be taken where:

(a) no appeal under this section is brought against the direction within the time limit for such an appeal and on the expiration of that time;

(b) such appeal is brought and is withdrawn or struck out for want of prosecution; or

(c) the appeal is heard ,it shall take effect only in accordance with the provisions of this Act. (6) A person whose name is struck out from the register under the direction of the Disciplinary Tribunal is not entitled to be registered again except upon another given by the Disciplinary Tribunal on an application by the person, provided that the direction to strike off may prohibit any application by that member until the expiration of the application as may be specified in the direction." 22. (4) Where the offence is committed by a corporate body and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager and every officer, the director, manager and every officer as well as the corporate body shall be liable on conviction to: (a) in the case of an individual, to a fine of N500,000 or imprisonment for a term of two years or both. (b) in the case of a corporate body to a fine of N2,000,000.		
FIRST SCHEDULE Disciplinary Tribunal Procedure 3(1) On receipt of any allegations of professional misconduct against any registered member of the Institute, the tribunal shall direct the Registrar to send to the Registered person complained about a written statement of the facts of the allegation. (2) The respondant to the complaint, being a registered member of the institute, shall reply by a sworn affidavit to the allegation. (3) The Registrar shall cause copies of the statement of the allegation and the affidavit in reply and any other documents related thereto to be sent with notice of meeting to the members of the Tribunal.	Retained	

(4) The Registrar shall summon the member against whom allegation is made to appear before the Tribunal specifying time and place, and inform him to come with a legal practitioner if he so desire. (5) The decisions of the Tribunal shall be final. (6) All witnesses testifying before the Tribunal shall do so on Oath. (7) The Oath may be administered by the Registrar or any members of the Tribunal nominated by the Chairman.		
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