



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
Committee on Establishment & Public Service

REPORT

OF

**A BILL FOR ACT TO ESTABLISH THE
INSTITUTE OF MEDIATORS AND
CONCILIATORS AND FOR OTHER RELATED
MATTERS (SB. 512)**

APRIL, 2018

REPORT OF THE SENATE COMMITTEE ON ESTABLISHMENT AND PUBLIC SERVICE ON A BILL FOR ACT TO ESTABLISH THE INSTITUTE OF MEDIATORS AND CONCILIATORS AND FOR OTHER RELATED MATTERS (SB. 512)

1.0 Background

The Senate at its Plenary Sitting on Wednesday 7th February, 2018, deliberated on a Bill for an Act to establish the Institute of Mediators and Conciliators (SB. 512). After extensive deliberations on the general principles of the Bill, it was read for the *Second Time*, and referred to the Senate Committee on Establishment and Public Service, for further legislative action vide (*Senate Order of Referral dated 13th February, 2018*), and to report back its recommendations.

The Bill was sponsored by ***Distinguished Senator Ike Ekweremadu, CFR (Enugu West Senatorial District)***, and was read for the *First Time* on Tuesday 11th July, 2017.

2.0 Objectives of the Bill

The Bill, in a nutshell seeks to establish an Institute to regulate and set standards for the practice of mediation and conciliation and to train and inducts candidates as professional mediators and conciliators in Nigeria. The Institute was established in 1999 with the following objectives:

1. To train persons aspiring to be professional negotiators, mediators, conciliators and peace-builders in Nigeria;
2. To promote and regulate the use of mediation as an Alternative Dispute Resolution (ADR) mechanism in the administration of justice in order to enhance law and promote access to justice in Nigeria; and
3. To promote integration of continuous dialogue, peace-building and participation in policies of government, etc.

3.0 Committee's Legislative Actions

Mr. President, Distinguished colleagues, after the referral of the Bill, the Committee met in order to further deliberate on the provisions of the Bill as well as analyse the views expressed by Distinguished Senators during debates on the general principles of the Bill at its *Second Reading* stage. Thereafter, the Committee resolved to conduct a Public Hearing in order to avail stakeholders and the general public, the opportunity to make further inputs on the merits/justifications for the passage of the Bill by the National Assembly.

As part of the preparation for the Public Hearing, the Committee placed advertisements in the print and electronic media and invited memoranda from stakeholders and the general public on the Bill in order to sensitise them, ahead of the Public Hearing.

Accordingly, the Committee received memoranda from the underlisted organisations. They are:

1. The Nigerian Law Reform Commission
2. The Standard Organisation of Nigeria
3. Abuja Chamber of Commerce and Industry, (ACCI) Dispute Resolution Centre
4. The Abuja Multi-Door Courthouse, FCT Judiciary
5. The Multi-Door Courthouse, Edo State Judiciary
6. The Multi-Door Courthouse, Kano State Judiciary
7. Delta State Multi-Door Courthouse
8. The Institute of Chartered Mediators and Conciliators
9. Intractable Dispute Mediators
10. The Mediation Training Institute
11. Legal Defence and Assistance Project
12. Society for Peace Studies and Practice
13. The International Institute of Leadership and Governance
14. JOBA Consult Limited, Etc.

It is important to state here that apart from memoranda submissions, oral presentations were also made at the Public Hearing by some stakeholders, NGOs and members of the public.

4.0 Public Hearing

Mr. President, Distinguished colleagues, I wish to stress at this point that in line with the Committee's Resolution, the Public Hearing was conducted on Wednesday 14th March, 2018 at the

Senate Conference Hall, Room 231, New Building, National Assembly Complex, Abuja.

4.1 Opening of the Public Hearing

The President of the Senate, ***Senator (Dr.) Abubakar Bukola Saraki, CON***, who was represented by ***Distinguished Senator Philip T. Aduda***, the Minority Whip of the Senate, declared the Public Hearing open. In his opening remarks, the President of the Senate welcomed the stakeholders and the members of the public to the Public Hearing. He stated that the Institute of Mediators and Conciliators (Establishment, Etc.) Bill, 2018 seeks to establish an Institute to regulate the practice of mediation and conciliation in Nigeria. He stressed that even though the Institute has been on ground for some time now, its activities have not been backed with a legal framework, which this Bill seeks to achieve. He recalled that, from the robust debate the Bill elicited during debates on its general principles at the Floor of the Senate, the Bill is indeed an important piece of legislative proposal that requires the attention of all relevant stakeholders.

Furthermore, he reiterated that the Public Hearing was organised by the Senate Committee on Establishment and Public Service in furtherance of its legislative action, sequel to the Senate referral. He maintained that the Public Hearing has provided the needed platform for stakeholders and interested members of the public to make further inputs on the provisions of the Bill before further legislative decisions will be taking.

Finally, he assured the participants of the Senate's open-mindedness on the Bill and urged them to take advantage of the Public Hearing to canvass their views. He affirmed that their views, no doubt, would go a long way in assisting the Committee to come up with appropriate recommendations, that would lead to the passage or otherwise of the Bill by the Senate. Having said that, he wished the participants fruitful deliberations.

On that note, he formally declared the Public Hearing open.

4.2 Highlights of Presentations by stakeholders

Mr. President, Distinguished Colleagues, it is pertinent to submit here that the Public Hearing attracted a huge turnout of stakeholders and members of the public. This turnout, no doubt, underscores the importance that is attached to this Bill. Undoubtedly, stakeholders present at the Hearing, made far-reaching presentations on the provisions of the Bill. And from the presentations, we can categorically state that all the stakeholders supported the passage of the Bill except one organisation, which opposed it on the ground that the functions contemplated to be performed by the proposed Institute is already being performed by the Institute of Chartered Mediators and Conciliators. At this juncture, I wish to highlight the presentations in support of the passage of the Bill, as follows:

Firstly, stakeholders vigorously canvassed that the regulation of the practice of mediation and conciliation in Nigeria will ensure quality control and ethical standards amongst practitioners. They stated that many businesses especially start-ups who cannot afford huge costs of litigation can be assisted through dispute resolutions mechanisms, such as Arbitration, Negotiation, Mediation and conciliation to resolve disputes. The entrenchment of this mechanism, no doubt, will help to preserve and improve business relationships and support economic development. Therefore, the introduction of the Bill is a welcome development and when passed into law, would help to strengthen mediation and conciliation in Nigeria.

Secondly, they submitted that the pinnacle of Judicial hierarchy in the country has strongly advocated Alternative Dispute Resolution (ADR) mechanism to fast track dispute resolutions and that is why Mediation and Conciliation techniques have gained recognition and prominence over the years. Therefore, the regulatory framework sought by this Bill, will no doubt, promote the practice of Mediation and Conciliation by safeguarding the quality and reliability of the profession.

Thirdly, they argued that strategic Negotiation, Mediation and Conciliation techniques assist parties to resolve disputes and arrive at mutually acceptable agreement in less costly, speedy and efficient manner. Therefore, it is imperative for the National Assembly to pass this Bill into law to regulate the practice and to ensure quality control and ethical standards amongst practitioners.

Fourthly, they strongly advocated that mediation is a concept created to supplement and not to supplant or replace the traditional litigation strategies. It does not require formal judicial processes but yet quicker, exploratory and operates a futuristic approach to justice delivery. It could be used in commercial interests and needs based disputes, for restoring and sustaining relationships in line with the original concepts of cost, speed, accuracy, credibility and workability, which are the hallmarks of this practice. Some of its advantages are:

- a. To encourage foreign direct investment;
- b. To promote peace and harmonious co-existence in the society;
- c. To save time spent in litigation and court adjournment
- d. To encourage resolution, suited to disputants needs; and
- e. To restore parties to their pre-dispute relationships; etc.

Fifthly, they posited that already, there is an Arbitration and Conciliation Act in place and in the global parlance, Mediation and Conciliation are now used interchangeably for dispute resolution. However, the act does not provide for an Institution to guide the process and regulate the practice, hence the need for this legislation to bridge that gap by providing the requisite framework to address this seeming *lacuna*.

Finally, they contended that the compelling need to ensure that practitioners in Mediation and Conciliation can carry out their services in an assured, confident and professional manner and be

guided by requisite Code of Conduct, necessitates the passage of this Bill by the National Assembly. This, they said, will ensure the credibility of the process as well as encourage the widespread of the profession in all strata of professional leanings,

5.0 Legislative Summary

Mr. President, Distinguished colleagues, at this point, I wish to state that the Committee, having scrutinised the provisions of the Bill, carried out some amendments on it. These amendments range from editorial corrections, redraft of some provisions to conform to modern drafting styles. The modifications carried out by the Committee, are as set out in the table for ease of understanding.

Also, in order to address the issue raised by the organisation that opposed the passage of the Bill on the ground of existence of a similar Institute, the Committee has established that the only existing similar Institute is the Institute of Chartered Mediation and Conciliation, which has been Incorporated with the Corporate Affairs Commission without a legislative framework. This Bill therefore, is intended to statutory empower the existing Institute for effective and efficient performance and not to create a new Institute with duplicated functions. In this regard, we have changed the nomenclature of the Bill to reflect the name of the incorporated Institute as set in the table.

6.0 Observations/Findings

Flowing from the far-reaching presentations made by the stakeholders and members of the public at the Public Hearing and our subsequent analysis of the submissions vis-à-vis the provisions of the Bill in the course of the Committee's mark-up Sessions, we hereby make the following observations/findings:

1. That all the stakeholders except one organisation supported the passage of the Bill;
2. That the passage of the Bill will re-enforce and further strengthen the Institute of Chartered Mediators and Conciliators to properly regulate the practice so as to make the business environment conducive enough to attract foreign direct investments as investors in other climes are used to the system;
3. That the establishment of the Institute contemplated by this Bill would create an enabling platform for effective mediation and conciliation as alternative dispute resolution mechanisms that would save costs of endless litigations and engender growth and development of the nation's economy;
4. That the passage of the Bill will among other things, bring about reliability, credibility and uniformity in the system as well as provide the requisite assurance of quality service that would ultimately benefit the business environment;

5. That the contemplated framework, if passed into law, would bring about a statutory body capable of training, certifying and maintaining a register of professionals, which can be accessed by individuals, firms and institutions in need of Mediators and Conciliators, devoid of unethical conducts and our country will no longer lack personnel to effectively prevent the several intractable conflicts; and
6. That the passage of the Bill will further strengthen Mediation and Conciliation as alternative means of resolution of conflicts, thereby decongesting the dockets of Judges as most civil matters are amenable to the use of mediation.

7.0 Recommendation

The Senate Committee on Establishment and Public Service, to which this Bill was referred, having painstakingly and exhaustively considered same, recommends as follows:

"That the Senate do consider and pass the Institute of Chartered Mediators and Conciliators of Nigeria (Establishment, Etc.) Bill, 2018, as amended".

I SO MOVE.

8.0 Conclusion

In conclusion, I wish to use this opportunity to thank the President of the Senate and our Distinguished Colleagues for the opportunity to serve in this capacity and to humbly request the Senate to pass this Bill.



Senator Emmanuel Paulker
Chairman

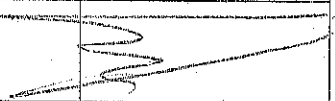
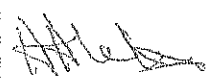
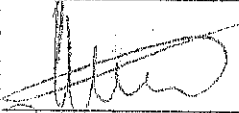
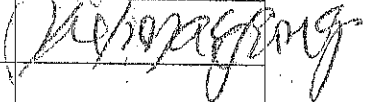
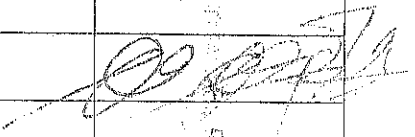


THE SENATE
FEDERAL REPUBLIC OF NIGERIA
Committee on Establishment & Public Service

ENDORSEMENT SHEET:

DATE: 28-04-2018

THE REPORT OF THE SENATE COMMITTEE ON ESTABLISHMENT AND PUBLIC
SERVICE INSTITUTE OF MEDIATORS AND CONCILIATORS IN NIGERIA
(ESTABLISHMENT, ETC) BILL, 2018 (SB. 512)

	Name	Status	Signature
1	Senator Emmanuel Paulker	Chairman	
2	Senator Sulaiman Nazif	Vice Chairman	
3	Senator Nurudeen Adeleke	Member	
4	Senator Olubenga Ashafa	Member	
5	Senator Nelson Efiong	Member	
6	Senator George Akume	Member	
7	Senator Ahmed Lawan	Member	
8	Senator Foster Ogola	Member	
9	Senator Godswill Akpabio	Member	
*	Edith O.Ajah (Mrs.)	Clerk	



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
Committee on Establishment & Public Service

**A BILL FOR AN ACT TO ESTABLISH THE INSTITUTE OF MEDIATORS AND
CONCILIATORS; AND FOR RELATED MATTERS (SB. 512)**

May, 2018.

**REPORT OF THE SENATE COMMITTEE ON ESTABLISHMENT AND PUBLIC SERVICE ON A BILL FOR AN ACT TO
ESTABLISH THE INSTITUTE OF MEDIATORS AND CONCILIATORS; AND FOR OTHER RELATED MATTERS
(SB.512)**

PROVISIONS OF THE BILL	COMMITTEE'S RECOMMENDATION	REMARKS
Long Title A BILL FOR AN ACT TO ESTABLISH THE INSTITUTE OF MEDIATORS AND CONCILIATORS; AND FOR OTHER RELATED MATTERS.	Long Title A Bill For <i>An Act to establish the Institute of Chartered Mediators and Conciliators of Nigeria to determine what standards of knowledge and skills to be attained by persons seeking to become registered members of the mediation and conciliation profession; and for related matters.</i>	It is our view that the Institute should carry its incorporated name to avoid confusion because it is the incorporated Institute that is seeking for this legal backing. The long title must give a brief description of the essence of the Bill.
PART I — ESTABLISHMENT OF INSTITUTE OF MEDIATORS AND CONCILIATORS Establishment of the Institute of Mediators and Conciliators 1. (1) There is established a body to be known as the Institute of Mediators and Conciliators (in this Act referred to as "the Institute") which— (a) shall be a body corporate with— (i) perpetual succession; and (ii) a common seal which shall be kept in such custody as the Council may direct, (b) may sue and be sued in its corporate name; and (c) may, subject to the Land Use Act, hold, acquire and	PART I — ESTABLISHMENT OF INSTITUTE OF CHARTERED MEDIATORS AND CONCILIATORS Establishment of the Institute of <i>Chartered</i> Mediators and Conciliators 1. (1) There is established the Institute of Chartered Mediators and Conciliators of Nigeria (in this Bill referred to as "the Institute") which— (a) Retained (b) Retained (c) Retained	

dispose of any property moveable or immovable. Cap. L5 LFN 2004 (2) The Institute has the general duty of— (a) determining what standards of knowledge and skill are to be attained by persons seeking to become registered members of the mediation and conciliation profession and reviewing those standards from time to time, as circumstances may permit; (b) promoting the highest standards of competence, practice and conduct among members of the profession; (c) securing, in accordance with the provisions of this Bill the establishment and maintenance of a register of fellows, members, associates, students, and honorary members of the profession and the publication, from time to time, if lists of those person; and (d) the performing, through the Council established under section 4 of this Bill, the functions conferred on it by this Bill.	Cap. L5 LFN 2004 (2) The Institute is charged with the general duty of— (a) Retained (b) Retained (c) Retained (d) performing, through the Council established under section 5 of this Bill, the functions conferred on it by this Bill.	
Membership of the Institute 2. (1) Subject to the provisions of this Bill, persons admitted to membership of the Institute shall be enrolled as mediators and conciliators in the category of— (a) Fellows;	Membership of the Institute 2. (1) Subject to the provisions of this Bill, persons admitted as members of the Institute shall be enrolled as mediators and conciliators in the category of—	

(b) Members; (c) Associate members; (d) Honorary members; or (e) Student members. (2) Persons enrolled by the Council under this Bill as Mediators and Conciliators shall be called Mediators and Conciliators (M.C), and shall— (a) be enrolled as Fellows if they satisfy the Council that for the period of ten (10) years immediately preceding the date of application in that behalf, they have been fit persons and have, in addition to being the holders of approved academic qualifications, been in continuous active practice on their own account as Mediators and Conciliators or in partnership with other Mediators and Conciliators; (b) be enrolled as members if for the period of not less than five (5) years immediately preceding the date of application in that behalf (the period of membership of the Institution, in the discretion of the Council, counting in that behalf) they been enrolled as associates, or qualified to be so enrolled and are otherwise fit persons; and (c) shall be enrolled as Associates if they satisfy the Council that they have passed examinations prescribed or accepted by the Institute and are otherwise fit persons to be enrolled in the Register.	(2) Persons enrolled by the Council under this Bill as Mediators and Conciliators shall be called Mediators and Conciliators (M.C), and shall <i>be enrolled as</i> — (a) Fellows, if they satisfy the Council that for the period of 10 years immediately preceding the date of application in that behalf, they have been fit persons and have, in addition to being the holders of approved academic qualifications, been in continuous active practice on their own account as Mediators and Conciliators or in partnership with other Mediators and Conciliators; (b) Members, if for the period of not less than five years Immediately preceding the date of application in that behalf (the period of membership of the Institution, in the discretion of the Council, counting in that behalf) they <i>have</i> been enrolled as associates, or qualified to be so enrolled and are otherwise fit persons; and (c) Associates, if they satisfy the Council that they have passed examinations prescribed or accepted by the Institute and are otherwise fit persons to be enrolled in the Register.	Redrafted for elegance
Use of abbreviations in respect of membership	Use of abbreviations in respect of membership	

3. (1) Persons accorded by the Council under this Act status as Mediators and Conciliators in the category of— (a) Fellows, shall be entitled to use the abbreviation FIMC (Fellow Institute of Mediators and Conciliators); (b) Members, shall be entitled to use the abbreviation MIMC (Member Institute of Mediators and Conciliators); and (c) Associate members shall be entitled to use the abbreviation AMIMC (Associate Member, Institute of Mediators and Conciliators). (2) Where a person is enrolled or registered as the case may be in the Institute, he or she shall be entitled to the use of such letters after his or her name as may be authorized by the Council according as he or she is a fellow, a member and an associate member, including the use of the abbreviations M.C. (Mediator and Conciliator) and shall, when enrolled or registered, as the case may be, receive a certificate in such form as the Council may approve for the purpose. (3) Subject to the provisions of this Act, a person shall not practice or carry on business under any name, style or title containing the words "Chartered Mediator and Conciliator" or any combination of them, unless he is registered under this Act.	3. (1) Persons accorded by the Council under this Bill, the status of Mediators and Conciliators in the categories of— (a) Fellows, are entitled to use the abbreviation FIMCN (Fellow Institute of Chartered Mediators and Conciliators of Nigeria); (b) Members, are entitled to use the abbreviation MIMCN (Member Institute of Chartered Mediators and Conciliators of Nigeria); and (c) Associate members, are entitled to use the abbreviation AMIMCN (Associate Member, Institute of Mediators and Conciliators of Nigeria). (2) Where a person is enrolled or registered, as the case may be, in the Institute, he is entitled to use such letters after his name as may be authorised by the Council as the status of a Fellow, a Member and an Associate member, including the use of the abbreviations M.C. (Mediator and Conciliator) and shall, when enrolled or registered, as the case may be, receive a certificate in such form as the Council may approve for the purpose. (3) Subject to the provisions of this Bill, a person shall not practise or carry on business under any name, style or title containing the words "Chartered Mediator and Conciliator" or any combination of them, unless he is registered under this Bill.	Removal of "shall" to the Draft simple and clear.
Officers of the Institute	Officials of the Institute	

4. (1) There shall be a President and 1st and 2nd Vice Presidents of the Institute who shall be nominated by the Council from among members of the Council and elected by members of the Institute and shall each hold office for a term of two years from the date of election and may thereafter be re-elected for a further term of two years. (2) The President shall be the presiding officer at meetings of the Institute, in the event of his death, incapacity or inability for any reason, the First Vice President or failing him the Second Vice President, shall preside at the meeting or act as President for the un-expired term of office. (3) The President and the Vice President shall respectively be Chairman and Vice Chairman of the Council of the Institute under this Bill. (4) If the President or any of the Vice-Presidents cease to be a member of the Institute, he shall cease to hold any of the offices designated under this section. (5) There shall be appointed for the Institute persons in the position of patrons. (6) The patrons shall be men and women of repute and integrity. (7) Their function shall be limited to providing advice to the Council on the management of the Institute. (8) The number of patrons shall not be less than four and not more than ten.	4. (1) There shall be a President and <i>first</i> and <i>second</i> Vice-Presidents of the Institute who – (a) shall be nominated by the Council from among members of the Council and elected by members of the Institute; (b) shall each hold office for a term of two years from the date of election; and (c) may thereafter be re-elected for a further term of two years and no more. (2) The President shall be the presiding officer at meetings of the Institute, <i>but in</i> the event of his death, incapacity or inability for any reason, the <i>first</i> Vice-President, and in his absence, the <i>second</i> Vice President, shall preside at the meeting or act as President for the un-expired term of office. (3) Retained as in the Bill (4) Retained as in the Bill (5) Retained as in the Bill (6) Retained as in the Bill (7) Retained as in the Bill	Wrong abbreviations corrected.
---	--	---------------------------------------

(9) The patrons shall serve for a term of four years and may thereafter be re-nominated, except for the incumbent Chief Justice of the Federal Republic of Nigeria who shall be a permanent patron of the Institute by virtue of his office.	(8) The number of patrons shall not be less than four and not more than 10.	
The Council or the Institute 5. (1) There shall be as the governing body of the Institute, a Council charged with the administration and general management of the Institute. (2) The Council shall consist of— (a) a chairman who shall be the President of the Institute; (b) 1st Vice Chairman and 2nd Vice Chairman who shall be the 1st and 2nd Vice-Presidents of the Institute; (c) fifteen other persons elected by the Institute who shall be members in practice as Mediators and Conciliators; (d) all past Presidents of the Institute; (e) a representative each of the following Establishments— (i) Federal Ministry of Justice, (ii) Nigeria Bar Association, (iii) Federal Ministry of Education; (f) two persons to represent institutions of higher learning in Nigeria offering courses leading to an approved qualification in mediation and conciliation to be	The Council of the Institute (9) Retained as in the Bill 5. (1) There <i>is established the Governing Council</i> of the Institute (<i>in the Bill referred to as “the Council”</i>) charged with the administration and general management of the Institute. (2) The Council shall consist of— (a) Retained (b) <i>first</i> Vice Chairman and <i>second</i> Vice Chairman who shall be the First and Second Vice-Presidents of the Institute; (c) <i>15</i> other persons elected by the Institute who shall be members in practice as Mediators and Conciliators; (d) Retained (e) a representative each of the — (f) Retained	Drafted in a standard form.

appointed by the Minister of Education, in rotation, and the two shall not come from the same institution; and (g) the Registrar of the Institute who shall serve as the secretary to the Council. First Schedule (3) 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. (4) The Council may assign functions and portfolios to some of its members for the purpose of ensuring the effective management of the Institute.	(g) Retained First Schedule (3) 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 mentioned <i>in the Schedule</i>. (4) Retained as in the Bill	
PART II — FINANCIAL PROVISIONS Funds of the Institute 6. (1) The Council shall establish and maintain a fund for the Institute, the management and control of which shall be in the hands of the Council. (2) There shall be paid into the fund of the Council— (a) all fees and other moneys payable to the Council in pursuance of this Bill; and (b) such moneys as may be payable to the Council; whether in the course of the discharge of its functions or not. (3) There shall be paid out of the fund of the Council established under section 1 (1) of this section—	PART II — FINANCIAL PROVISIONS Funds of the Institute 6. (1) The Council shall establish and maintain a fund (<i>in the Bill referred to as “the Fund”</i>) for the Institute, <i>to be managed and controlled by</i> the Council. (2) There shall be paid into the Fund of the Council— (a) all fees and other money payable to the Council in pursuance of this Bill; and (b) such money as may be payable to the Council, whether in the course of the discharge of its functions or not. (3) There shall be paid out of the Fund of the Council —	Redrafted for elegance.

(a) the remuneration and allowances of the Registrar and other employees of the Council; (b) such reasonable travelling and subsistence allowance of members of the Council in respect of the time spent on the business of the Council as the Council may approve; (c) any other expenses approved and incurred by the Council in the discharge of its functions under this Bill. (4) The Council may invest money in the Fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Council. (5) The Council shall keep proper accounts on behalf of the Institute in respect of each financial year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by an Auditor, approved by the Institute and when audited, the accounts shall be submitted to the members of the Institute for approval at a meeting of the Institute.		
PART III — THE REGISTRAR AND THE REGISTER Appointment of Registrar, etc and preparation of Register 7. (1) The Council shall, appoint a fit and proper person to be the Registrar of the Institute, and such other persons as the Council may, from time to time, think necessary to assist the Registrar in the performance of his functions under this Bill. (2) The Registrar shall prepare and maintain, in accordance with rules made by the Council, a register of the names, addresses, approved qualifications, of all persons who are entitled in	PART III — THE REGISTRAR AND THE REGISTER Appointment of Registrar, etc and preparation of Register 7. (1) Retained as in the Bill (2) The Registrar — (a) shall hold office for a term of four years, and	It is appropriate for the position of a

accordance with the provisions of this Bill to be enrolled as Fellows, Members, Associate Members, or registered as Honorary Members, and apply to be so registered. (3) The Register shall consist of five parts— (a) the first part shall be in respect of Fellows; (b) the second part shall be in respect of Members; (c) the third part shall be in respect of Associate Member; (d) the fourth part shall be in respect of Honorary Members; and (e) the fifth part shall be in respect of Student Members. (4) Subject to the foregoing provision of this section, the Council shall make rules with respect to the form and keeping of the Register and the making of entries therein, and in particular— (a) regulating the making of applications for enrolment or registration, as the case may be, and providing for the evidence to be produced in support of such application; (b) providing for the notification to the Registrar, by the person to whom any registered particulars relates, of any change in those particulars; (c) authorizing an enrolled or registered person to have any qualification which is in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Bill,	upon satisfactory performance; (b) may be eligible for re-appointment for further term of four years, and no more. (3) Retained as in the Bill (4) Subject to the foregoing provision of this section, the Council shall make rules with respect to the form and keeping of the Register and the making of entries <i>in the Register</i>, and in particular— (a) Retained (b) Retained (c) Retained	Registrar to be tenure-bound. Broken Into Paragraphs For Clarity.
---	--	---

registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered; (d) specifying the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the Register, and authorizing the Registrar to refuse to enter a name on the Register until any fee specified for the entry has been paid; (e) specifying anything failing to be specified under the foregoing provisions of this section; but rules for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed at a meeting of the Institute. (5) 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 alteration to the registered particulars of registered persons; (c) remove from the Register, the name of any enrolled or registered persons who had died; and (d) record the names of members of the Institute who are in default for more than six months in payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the	(d) specifying the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the Register, and authorising the Registrar to refuse to enter a name on the Register until any fee specified for the entry has been paid; and (e) specifying anything not specified under this section; (5) For the purposes of subsection (4) (d), the rules shall not come into force until they are confirmed at a meeting of the Institute. (5) retained as (6)	The hanging provision is given a proper place.
--	--	---

Register) as the Council may direct or require; (e) 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; (f) thereafter in each year cause to be printed, published and put on sale as aforesaid, either a corrected edition of the Register or a list of corrections made to the Register since it was last printed; (g) cause a print of each edition of the Register and each list or corrections to be deposited at the principal office of the Institute; (h) keep the Register and lists so deposited to be made available to members of the public at all reasonable times for inspection. (6) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar, or documents purporting to be prints of an edition of a register so published and of the list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered or enrolled was so registered or enrolled at 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 or enrolled. (7) Where in accordance with subsection (6) of this section, a person is, in any proceeding shown to have been or not to have been registered or enrolled at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings	(6) Retained as in the Bill (7) Retained as in the Bill	
--	---	--

as having at all material times thereafter continued to be, or not to be so registered or enrolled. (8) If the Registrar— (a) sends by post to any registered person or enrolled person a registered letter addressed to him at his address on the Register enquiring whether the registered or enrolled particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and (b) upon the expiration of that period sends in the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars 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.	(8) Retained as in the Bill (b) upon the expiration of that period, sends in the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars 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.	Rearranged for elegance.
PART IV — REGISTRATION Registration of Mediators and Conciliators 8. (1) Subject to section 13 of this Act, and to rules made under section 7 (4) of this Act, a person shall be entitled to be registered as a mediator and conciliator if— (a) he passes the qualifying examination for membership conducted by the Council under this Act and complete the practical training prescribed;	PART IV — REGISTRATION Registration of Mediators and Conciliators 8. (1) Subject to section 13 of this Bill, and to rules made under section 7 (4) of this Bill, a person <i>is</i> entitled to be registered as a mediator and conciliator if— (a) he passes the qualifying examination for membership conducted by the Council under this Bill and complete the practical training prescribed;	

(b) holds a qualification granted outside Nigeria and for the time being accepted by the Institute and is by law entitled to practice for all purpose as a Mediator and Conciliator in the country in which the qualification was granted and, if the Council so requires, he satisfied the Council that he has had sufficient experience as a Mediator and Conciliator; (c) before the commencement of this Act, he holds a Bachelors Degree or a Higher National Diploma in Mediation from a recognized higher institution; (d) he holds an approved degree in Peace studies from a recognized higher institution and has passed the professional examinations conducted by the Council; (e) he has attended a minimum of forty hours training in mediation by institutions recognized by the Council and demonstrates evidence of having practical experience; and (f) he is a serving or retired judge in Nigeria. (2) An applicant for registration shall in addition to evidence of qualification, satisfy the Council that— (a) he is of good character; (b) he has attained the age of twenty one years; and (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.	(b) Retained (c) before the commencement of this Bill, he holds a Bachelors Degree or a Higher National Diploma in Mediation from a recognized higher institution; (d) he holds an approved Degree in Peace studies or its equivalent from a recognised higher institution and has passed the professional examinations conducted by the Council; (e) Retained (f) Retained (2) Retained as in the Bill (a) Retained (b) he has attained the age of 21 years; and (c)	
--	---	--

(3) The Council may, in its sole discretion 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) Any entry directed to be made in the Register, under subsection (4) of this section, shall show that the registration is provisional and no entry so made, shall be converted to full registration without the consent of the Council, signified in writing in that behalf. (5) The Council shall, from time to time, publish in the Gazette particulars of qualifications for the time being accepted for registration under this Act.	(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) Retained as in the Bill (5) The Council shall publish in the Federal Government Gazette particulars of qualifications for the time being accepted for registration under this Bill.	The deleted words are unnecessary. <i>Redrafted to remove superfluous words and reflects the appropriate name of the Gazette.</i>
Approval of Training Institutions 9. (1) The Council may approve any institution for the purposes of this Bill and may for those purposes approve - (a) any course of training at any approved institution which is intended for persons seeking to become or are already Mediators and Conciliators and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for admission to the Institute; and (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	Approval of Training Institutions 9. (1) Retained as in the Bill	

reaching a standard at the examination indicating in the opinion of the Council that the candidates have sufficient knowledge and skill to practice as mediators and conciliators. (2) The Council may, if it thinks 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 each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be; (b) afford each such person an opportunity of making to the Council representations with regard to the proposals; and (c) take into consideration any representation made in respect of the proposal in pursuance of paragraph (b) of this subsection. (3) A course, qualification or institution shall not be treated as approved during any period, which the approval of the Council is withdrawn under subsection (2) of this section. (4) Notwithstanding the provisions of subsection (3) of this section, the withdrawal of an approval under subsection (2) of this section, shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.	(2) Retained as in the Bill (3) A course, qualification or institution shall not be treated as approved during any period, which the approval of the Council is withdrawn under subsection (2). (4) Notwithstanding the provisions of subsection (3), the withdrawal of an approval under subsection (2), shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval, was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.	Removal of superfluous words.
--	---	--------------------------------------

(5) The giving or withdrawal of an approval under this section, shall have effect from such date, either before or after the execution of the instruments signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall— (a) as soon as possible publish a copy of every such instrument in the Gazette; and (b) not later than seven days before its publication send a copy of the instrument to the Minister of Education.	(5) Retained as in the Bill (a) publish a copy of every such instrument in the <i>Federal Government</i> Gazette; and (b) not, later than seven days before its publication, send a copy of the instrument to the Minister of Education.	
Compilation of approved Establishments. etc. for training leading to approved qualifications 10. (1) The Council shall compile the list of establishments or institutions, which maintain adequate facilities for the training of Mediators and Conciliators. (2) The Council shall keep itself informed of the nature of— (a) the instruction given at approved institutions to persons attending approved courses of training; and (b) the examination as a result of which approved qualifications are granted, and for the purpose of performing that duty, the Council may appoint, either from among its members or otherwise, persons to visit approved institutions or to observe such examinations. (3) A person appointed under this section shall report to the Council on—	Compilation of approved establishments for training leading to approved qualifications 10. Retained as in the Bill	

(a) the adequacy of the instruction given to persons attending approved courses of training at institutions visited by him; (b) the adequacy of the examinations attended by him; and (c) any other matters relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but no such person shall interfere with the giving of any instruction or the holding of any examination. (4) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall, if so required by the institution 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 an 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.		
Annual Registration of organizations etc. 11. (1) The Council shall register annually all organizations or firms providing mediation and conciliation services or consultancy services thereto. (2) No person, organization or firm shall practice as Mediators or Conciliators in Nigeria unless he or she is registered by the Council.	Annual Registration of organisations 11. Retained as in the Bill (2) No person, organisation or firm shall practice as Mediators or Conciliators in Nigeria unless he is registered by the Council.	
PART V — PROFESSIONAL DISCIPLINE Establishment of Disciplinary Tribunal and Investigating Panel	PART V — PROFESSIONAL DISCIPLINE Establishment of Investigating Panel and Disciplinary Tribunal	Re-arranged the establishment of the two bodies in their proper logical sequence

12. (1) There shall be a tribunal to be known as the Institute of Mediators and Conciliators Disciplinary Tribunal (in this Act referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel established by the following provisions of this section and any other case of which the tribunal has cognizance under the following provisions of this Act. (2) The Tribunal shall consist of the Chairman of the Council and six other members of the Council appointed by the Council, except that the members of the Investigating panel on any particular case shall not be members of the Tribunal for the purposes of considering the report of the Investigating Panel. (3) There shall be a body to be known as the Institute of Mediators Conciliators Investigation Panel (in this Act referred to as "the Panel") which shall be charged with the following duties— (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a Mediator and Conciliator or should for any other reason be the subject of proceedings before the Tribunal; and (b) deciding whether the case should be referred to the Tribunal. (4) The Panel shall be an ad hoc panel appointed as occasion demands by the Council, and shall consist of three members of the	12. (1) There <i>is established</i> the Institute of Chartered Mediators and Conciliators of Nigeria Investigating Panel (in this Bill referred to as "the Panel") charged with the duties <i>of—</i> (2) Retained as in the Bill (3) There <i>is established</i> the Institute of Chartered Mediators and Conciliators of Nigeria Disciplinary Tribunal (in this Bill referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigative Panel, and any other case of which the Tribunal has cognisance under this Bill. (a) Retained (b) Retained (4) Retained as in the Bill	(Panel before Tribunal).
--	--	---------------------------------

Council and two other members of the Institute. (5) The provisions of the Second Schedule to this Act shall, so far as applicable to the Tribunal and Panel respectively, have effect with respect to those bodies. (6) The Council may make rules not inconsistent with this Act as to acts, which constitute professional misconduct.	(5) The provisions of the Second Schedule to this Bill shall, so far as applicable to the Tribunal and Panel respectively, have effect with respect to those bodies. (6) The Council may make rules not inconsistent with this Bill as to acts, which constitute professional misconduct.	Second Schedule.
Penalties for unprofessional conducts, etc. 13. (1) Where— (a) a member is judged by the Tribunal to be guilty of infamous conduct in any professional respect; or (b) a member is convicted, by any court or Tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not punishable with imprisonment), which in the opinion of the Tribunal is incompatible with the status of a Mediator and Conciliator; (c) the Tribunal is satisfied that the name of any person has been fraudulently enrolled or registered, the Tribunal 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 Tribunal may, if it thinks fit, defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal, but—	Penalties for unprofessional conducts 13. Retained as in the Bill (2) The Tribunal may, if it thinks fit, defer its decision as to the giving of a direction under subsection (1) until a subsequent meeting of the Tribunal, but—	

(a) no decision shall be deferred under this subsection for period exceeding two years in the aggregate; and (b) no person shall be a member of the Tribunal for the purposes of reaching a decision, which has been deferred, unless he was present as a member of the Tribunal when the decision was deferred. (3) For the purpose of subsection (1) of this section, 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. (4) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be serve on the person to whom it relates. (5) A person to whom a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal and the Tribunal may appear as respondent to the appeal and, for the proceedings before the Court of Appeal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal. (6) A direction of the Tribunal under subsection (1) of this section, shall take effect only in the following circumstance— (a) where no appeal under this section is brought against the direction within the time limit for such an appeal, on the expiration of that time;	(3) For the purpose of subsection (1), 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. (4) When the Tribunal gives a direction under subsection (1), the Tribunal shall cause notice of the direction to be serve on the person to whom it relates. (5) A person to whom a direction relates may, at any time within 28 days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal and the Tribunal may appear as respondent to the appeal and, for the proceedings before the Court of Appeal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal. (6) A direction of the Tribunal under subsection (1), shall take effect only <i>where</i> — (a) no appeal is brought against the direction within the time limit for such an appeal, on the expiration of that time;	
--	---	--

(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; and (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed. (7) A person whose name is struck off the Register in pursuance of a direction of the Tribunal 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 Tribunal on the application of that person; and a direction under this section for the 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 direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.	(b) such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; and (c) such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed.	
PART VI — MISCELLANEOUS Application of the Act to un-enrolled person 14. Any person not a member of the Institute of Mediators and Conciliators incorporated under the Companies and Allied Matters Act (in this Act referred to as "the Incorporated Institute") who but for this Act, would have been qualified to apply for and obtain membership of the incorporated Institute may, within the period of three months beginning from the commencement of this Act, apply for membership of the Institute in such manner as may be prescribed by rules made by the Council; and if approved, he shall be enrolled and registered, as the case may be, according to his qualifications.	PART VI — MISCELLANEOUS Application of the <i>Bill</i> to un-enrolled person 14. Any person who is not a member of the Institute of Chartered Mediators and Conciliators incorporated under the Companies and Allied Matters Act (in this Bill referred to as "the Incorporated Institute") who but for this Bill, would have been qualified to apply for and obtain membership of the incorporated Institute may, within the period of three months beginning from the commencement of this Bill, apply for membership of the Institute in such manner as may be prescribed by rules made by the Council; and if approved, shall be enrolled and registered, as the case may be, according to his qualifications.	
Persons deemed to practice as Mediators and Conciliators	Persons deemed to practice as Mediators and	

15. (1) Subject to subsection (2) of this section, a person shall be deemed to practice as a Mediator and Conciliator, if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person— (a) he engages himself in the practice of mediation and conciliation or holds himself out to the public as a Mediator and Conciliator; (b) he renders professional service or assistance in or about matters of principle or detail relating to mediation and conciliation; or (c) he renders any other service which may by regulations made by the Council, be designated as service constituting mediation and conciliation practice. (2) Nothing in this section shall be construed as to apply to persons who, while in the employment of any Government or person, are required under the terms of or in the course of such employment to perform the duties or any of the duties of a Mediator and Conciliator.	Conciliators 15. (1) Subject to subsection (2) of this section, a person shall be deemed to practice as a Mediator and Conciliator, if, in consideration of remuneration received or to be received, and whether <i>individually</i> or in partnership with any other person— (a) engages in the practice of mediation and conciliation or holds himself out to the public as a Mediator and Conciliator; (b) renders professional service or assistance in or about matters of principle or detail relating to mediation and conciliation; or (c) renders any other service which may by regulations made by the Council, be designated as service constituting mediation and conciliation practice.	
Rules as to practices, fees, etc. 16. (1) The Council may make rules— (a) for the training of suitable persons in mediation and conciliation methods and practice; and (b) for the supervision and regulation of the engagement, training and transfer of such persons.	Rules as to practices, fees 16. (a) Retained (b) Retained	

(2) The Council may also make rules— (a) prescribing the amount and due date for payment of the annual subscription and for such purpose different amounts may be prescribed by the rules according to whether the person is enrolled as a fellow, member, associate member or a student; (b) prescribing the form of licence to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing licence; and (c) restricting the right to practice in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules; and (d) for mandatory professional education to be held annually or for such period as the Council may prescribe, as a condition for the renewal of licence to practice. (3) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the Gazette.	Deleted Retained as (c) Retained as (d) Retained as (e) Retained as (f) (3) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the <i>Federal Government</i> Gazette.	
Provision of Library and the penalties 17. The Institute shall— (a) provide and maintain a library comprising books and publications for the advancement of knowledge of mediation and conciliation and such other books and publications as the Council may think necessary for the purpose; and	Provision of Library 17. Retained as in the Bill	

(b) encourage research into mediation and conciliation methods and allied subjects to the extent that the Council may think necessary for the purpose.		
Offences and Penalties 18. (1) Any person not a Mediator and Conciliator registered with Council, who— (a) for or in expectation of reward holds himself out to practice as such; or (b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practice as a registered Mediator and Conciliator, shall be guilty of an offence. (2) If any person, for the purpose of procuring the registration of any name, qualification or other matter— (a) makes a statement, which he knows or ought to know to be 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, Provided that in the case of a person falling within section 14 of this Act— (c) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and (d) if within that period he duly applies for membership of the Institute then, unless within that period he is notified that	Offences and Penalties 18. (1) Any person, not <i>being</i> a Mediator and Conciliator, registered with the Council, who— (a) Retained (b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practice as a registered Mediator and Conciliator, <i>commits</i> an offence. (2) <i>A</i> person <i>who</i>, for the purpose of procuring the registration of any name, qualification or other matter— (a) Retained (b) recklessly makes a statement which is false, <i>commits</i> an offence, (3) In the case of a person falling within section 14 of this Bill — (c) Retained (d) Retained	Hanging provision is given a proper place.

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 is notified as aforesaid. (3) If the Registrar or any other person employed by or on behalf of the Institute wilfully makes any false entry in any matter relating to the Register, he shall be guilty of an offence. (4) A person guilty of an offence under this section shall be liable— (a) on summary conviction to a fine of an amount not exceeding x50,000; or (b) on conviction or indictment, to a fine of an amount not exceeding x150,000.00 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment. (5) 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 to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.	(4) The Registrar or any other person employed by or on behalf of the Institute, <i>who wilfully</i> makes any false entry in any matter relating to the Register, <i>commits</i> an offence. (5) A person guilty of an offence under this section shall be liable— (a) Retained (b) on conviction or indictment, to a fine of an amount not exceeding N150,000.00 or to imprisonment for a term not exceeding two years or both. (5) Where an offence, has been committed by a body corporate <i>and is</i> proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, <i>the officer and</i> the body corporate, shall be liable to be proceeded against and punished accordingly.	
Proof of validity of certificate 19. (1) A certificate required by any written law from any class of	Proof of validity of certificate 19. (1) A certificate required by any written law from any	

persons for whom a Register is maintained under this Act shall not be valid unless the person signing it is registered in accordance with this Act. (2) Subject to the provisions of this Act, any person, not registered in accordance with this Act, shall not be entitled to hold any appointment, or be granted a licence by any establishment in the Public Service of the Federation or of a state or in any public or private establishment, body or institution, if the holding of such appointment or the grant of such licence involves the performance by him in Nigeria of any net pertaining to the profession of mediation and conciliation for gain. (3) Notwithstanding the provisions of any other law or enactment, no remuneration shall be recoverable by legal proceedings in respect of any act done or omitted to be done by a person not registered under this Act, in pursuance of any contract while purporting to act as a registered Mediator and Conciliator or by any person who is prohibited from performing such act or gain.	class of persons for whom a Register is maintained under this Bill shall not be valid, unless the person signing it is registered in accordance with this Bill. (2) Subject to the provisions of this Bill, any person, not registered in accordance with this Bill, shall not be entitled to hold any appointment, or be granted a licence by any establishment in the Public Service of the Federation or of a state or in any public or private establishment, body or institution, if the holding of such appointment or the grant of such licence involves the performance by him in Nigeria of any net pertaining to the profession of mediation and conciliation for gain. (3) Notwithstanding the provisions of any other law or enactment, no remuneration shall be recoverable by legal proceedings in respect of any act done or omitted to be done by a person not registered under this Bill, in pursuance of any contract while purporting to act as a registered Mediator and Conciliator or by any person who is prohibited from performing such act or gain.	
Regulations 20. (1) Any power to make regulations, rules or orders by this Act shall include power to make— (a) provisions for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and (b) different provisions for different circumstances. (2) Any regulation made under this Act, shall be published in the	Regulations 20. (1) Any power to make regulations, rules or orders by this Bill shall include power to make— (a) Retained (b) Retained (2) Any regulation made under this Bill, shall be	

Gazette as soon as they are made and a copy of any such regulation shall be sent to the Minister of Education not later than 7 days before they are so published. (3) Rules made for the purposes of this Act, shall be subject to continuation by the Institute at its next general meeting or at any special meeting of the Institute convened for that purpose, and if annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance of any such rules.	published in the <i>Federal Government</i> Gazette as soon as they are made and a copy of any such regulation shall be sent to the Minister of Education not later than <i>seven</i> days before they are so published. (3) Rules made for the purposes of this Bill, shall be subject to continuation by the Institute at its next general meeting or at any special meeting of the Institute convened for that purpose, and if annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance of any such rules.	Proper name of the Gazette captured.
Savings and Transitional provisions 21. (1) On the commencement of this Act— (a) all property held immediately before that day by or on behalf of the Incorporated Institute shall by virtue of this subsection and without further assurance, vest in the Institute and be held by it for the purposes of the Institute; (b) the Incorporated Institute shall cease to exist; and (c) subject to subsection (2) of this section, any act or thing made or done by the Incorporated Institute shall cease to have effect. Third Schedule (2) The provision of the Third Schedule to this Act shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Incorporated Institute and with respect to the other matters mentioned therein.	Savings and Transitional provisions 21. (1) On the commencement of this Bill— (a) Retained (b) Retained (c) subject to subsection (2), any act or thing made or done by the Incorporated Institute shall cease to have effect. Third Schedule (2) The provisions of the Third Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Incorporated Institute and with respect to the other matters mentioned therein.	

Interpretation	Interpretation	
22. In this Act— "AIMC" means Associate Institute of Mediators and Conciliators; "Council" means the Council established as the governing body of the Institute under section 5 of this Act; "Disciplinary Tribunal" means the Institute of Mediators and Conciliators Disciplinary Tribunal established under section 12 of this Act; "Enrolled" in relation to a Fellow, a Member or an Associate Member means registered in the part of the Register relating to Fellows, Members or Associate Members as the case may be; "Fees" include annual subscriptions; "FIMC" means Fellow Institute of Mediators and Conciliators; "Incorporated Institute" means the Institute of Mediators and Conciliators incorporated under the Companies and Allied Matters Act, 2004; "Institute" means the Institute of Mediators and Conciliators established by section 1 of this Act; "Investigation Panel" means the Institute of Mediators and Conciliators Investigation Panel established under section 14 of this Act;	22. In this Bill— "AIMCN" means Associate Institute of Chartered Mediators and Conciliators of Nigeria; "Council" means the <i>Governing Council of the Institute</i> established under section 5 (<i>I</i>) of this Bill; "Disciplinary Tribunal" means the Institute of Chartered Mediators and Conciliators of Nigeria Disciplinary Tribunal established under section 12 (3) of this Bill; Retained Retained "FIMCN" means Fellow Institute of Chartered Mediators and Conciliators of Nigeria; "Incorporated Institute" means the Institute of Chartered Mediators and Conciliators of Nigeria incorporated under the Companies and Allied Matters Act, 2004; "Institute" means the Institute of Chartered Mediators and Conciliators of Nigeria established by section 1 of this Bill; "Investigating Panel" means the Institute of Chartered Mediators and Conciliators of Nigeria Investigation Panel established under section <i>12 (I)</i> of this Bill;	Correct name of the Council with accurate reference is reflected. Wrong references

"M.C. means Mediator and Conciliator; "Mediation practitioner" means a Mediator enrolled as a Fellow, Member or Associate Member of the Institute; "Mediator and Conciliator" means any person who is registered under this Act in any of the categories of membership; "MIMC" means Member Institute of Mediators and Conciliators; "Member of the Institute" means a registered member of the Institute; "Minister means the Minister of the Government of the Federation charged with the responsibility for Education; "President" and "Vice President" means respectively the office holders under those names in the Institute; "Profession" means the profession of mediation and conciliation; "Register" means the register maintained in pursuance of section 8 of this Act.	Retained Retained "Mediator and Conciliator" means any person who is registered under this Bill in any of the categories of membership; "MIMCN" means Member Institute of Chartered Mediators and Conciliators of Nigeria; Retained Retained Retained Retained "Register" means the register maintained in pursuance of section 8 of this Bill.	
Citation	Citation	
23. This Bill may be cited as the Institute of Mediators and Conciliators Bill, 2018.	23. This Bill may be cited as the Institute of Chartered Mediators and Conciliators of Nigeria Bill, 2018.	
SCHEDULES Section 5 (3)	SCHEDULES Section 5 (3)	

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and Tenure of office of Members of the Council

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 shall, if he is also a member of the Council cease to hold office in the Council.

(3) Any elected member of the Council may, by notice in writing under his hand addressed to the President, resign his office and any appointed member may with the consent of the Minister in the same manner resign his office.

(4) A person who retires from or otherwise ceases to be an elected member of the council shall be eligible again to become a member of the Council and any appointed member may be re-appointed.

(5) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council and until so prescribed they shall be decided by a show of hand.

(6) If for any reason, there is a vacation of office by a member and—

(a) such member was appointed by the Minister or any other body, the Minister or that body may appoint another fit person from the area in respect of which the vacancy

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and Tenure of office of Members of the Council

Retained as in the Bill

occurs; or

- (b) such member was elected, the Council may, if the time between the un-expired portion of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit person for such time as aforesaid.

Proceedings of the Council

2. (1) Subject to the provisions of this Bill, 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 power under this Bill, may set up committees in the general interest of the Institute and make standing orders thereof.

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

(3) The quorum of the Council shall be seven and the quorum of a committee of the Council shall be determined by the Council.

Meetings of the Institute

4. (1) The Council shall convene the meeting of the Institute on or about 30th April in every year or on such other day as the Council may, from time to time, appoint, so however, that if the meeting is not held within one year after the previous 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

4. (1) The Council shall convene the meeting of the Institute on or about 30th April in every year or on such other day as the Council may, from time to time, appoint, so however, that if the meeting is not held within one year after the previous meeting, not more than 15 months shall elapse between the respective dates of the two meetings.

Council at any time and if not less than twenty members of the Institute (or such number of members as the Council might subsequently determine and approved by the Institute) so require, by notice in writing addressed to the secretary of the Council setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Institute.

(3) The quorum for any general meeting of the Institute shall be fifteen members and that of any special meeting of the Institute shall be fifteen members.

(4) Without prejudice to the foregoing, the Council may in its discretion, based on the increase in the membership of the Institute, revise the quorum for general and special meetings of the Institute.

Meetings of the Council

5. (1) subject to the provisions of any standing orders of the Council, the Council shall 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 ten other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Council, the President or in his absence the Vice-Presidents shall preside but if both are absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

(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 thinks 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.

5. (1) Subject to the provisions of any standing orders of the Council, the Council shall 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 ten other members, he shall summon a meeting of the Council to be held within **14** days from the date on which the notice is given.

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

Committees

6. (1) The Council may appoint one or more committees to carry out on behalf of the Institute or 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 of whom not more than three-fifths may be persons who are not members of 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 letter by which he was appointed.

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

Miscellaneous

7. (1) The fixing of the seal of the Institute shall be authenticated of the signature of the Chairman or of some other member of the Council authorised generally or specially by the Institute to act for that purpose.

(2) Any 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 Institute or the Council as the case may require any person generally or specially authorized to act for that purpose by the Council.

6. (1) The Council may *set up* or more committees to carry out on behalf of the Institute or of the Council such functions as the Council may determine.

(2) A committee *set up* under this paragraph shall consist of the number of persons determined by the Council of whom not more than three-fifths may be persons who are not members of 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 letter by which he was appointed.

(2) Any 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 Institute or the Council as the case may require any person generally or specially authorised to act for that 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 and shall unless the contrary is proved, be deemed to be so executed. 8. The validity of any proceedings of the Institute or of the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership or by any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings. 9. Any member of the Institute or 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 proposed to be considered by the Council on behalf of the Institute or on behalf of the Council thereof, shall forthwith disclose his interest to the President or to the Council, as the case may be, and shall not vote on any question relating to the contract or agreement. 10. A person shall not by reason only of his membership of the Institute be treated as holding an office in the Public Service of the Federation.	8. The validity of any proceeding of the Institute or of the Council or of a committee of the Council <i>is</i> not adversely affected by – (a) any vacancy in <i>the</i> membership; (b) by any defect in the appointment of a member of the Institute; (c) Council or a person to serve on the committee; or (d) reason that a person not entitled to do so took part in the proceedings.	Broken into paragraphs for clarity
SECOND SCHEDULE <i>Section 14(5)</i> SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL <i>The Disciplinary Tribunal</i> 1. The quorum of the Disciplinary Tribunal shall be four of whom at least two shall be members of Council.	SECOND SCHEDULE <i>Section 12(5)</i> SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATIVE PANEL <i>The Disciplinary Tribunal</i> Retained as in the Bill	

2. (1) The Attorney-General of the Federation may make rules with regard to the procedure to be followed by the Disciplinary Tribunal and the Investigation Panel and on the rules of evidence in such proceedings.

(2) Until the rules are made, the Disciplinary Tribunal and the Investigation Panel shall conduct their proceedings in such manner as to provide—

- (a) that notice of the proceedings shall be given in good time and shall clearly specify the complaint, to the person who is the subject of the proceedings;
- (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
- (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Tribunal;
- (d) for securing that any party to the proceedings may be represented by a legal practitioner;
- (e) subject to the provisions of section 12 (5) of this Bill, as to the costs of proceedings before the Disciplinary Tribunal;
- (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Tribunal 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 matters to which the allegation relates; and

(g) for publishing in the Gazette notice of any direction of the Disciplinary Tribunal, which has taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the Disciplinary Tribunal, any member of the Disciplinary Tribunal may administer oath and any party to the proceedings may issue out of the Registry of the High Court writs of subpoena ad testificandum and duces tecum but no person appearing before the Disciplinary Tribunal shall be compelled—

(a) to make any statement before the Disciplinary Tribunal tending to incriminate himself; or

(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 purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there may in all such proceedings be an assessor to the Disciplinary Tribunal (who may be the legal adviser to the Institute or may be appointed by the Council) and who shall be a legal practitioner of not less than ten years standing.

(2) The Attorney-General of the Federation may make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing—

(a) that where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear thereat or, if the advice is

(g) for publishing in the *Federal Government* Gazette notice of any direction of the Disciplinary Tribunal, which has taken effect providing that a person's name shall be struck off a register.

(a) to make any *incriminating* statement before the Disciplinary Tribunal; or

(b) to produce any document under such a writ which could not be compelled to *be produced* at the trial of an action.

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

(b) that every such party or person as aforesaid shall be informed if in any case where the Disciplinary Tribunal 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 terms of the letter by which he is appointed.

The Investigation Panel

5. The quorum of the Investment Panel shall be three.

6. (1) The Investigation Panel may, at any of its meeting attended by all the members of the Investigation Panel, make standing orders with respect to its proceedings.

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

Miscellaneous

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

8. The Disciplinary Tribunal or the Investigation Panel may act

The Investigating Panel

5. The quorum of the Investment Panel shall be three.

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

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

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 7 (1) 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.

9. 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 secretary to the Council.

10. Any expenses of the Disciplinary Tribunal or the Investigation Panel shall be defrayed by the Institute.

THIRD SCHEDULE
Section 23 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC

Transfer of Property

1. Without prejudice to the generality of section 21 of this Bill, all assets and liabilities of the Incorporated Institute shall become assets and liabilities of the Institute.

2. (1) All agreements, contracts, deeds or other instruments to which the Incorporated Institute was a party shall, so far as possible and subject to any necessary modifications, have effect as if the Institute has been a party thereto in place of the Incorporated Institute.

(2) Documents not falling within subparagraph (1) of this paragraph, which refer either specially or generally to the Incorporated Institute shall be construed in accordance with the said subparagraph as far as possible.

THIRD SCHEDULE
Section 21 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY

Transfer of Property

Retained as in the Bill

(3) Any legal proceedings or application to any authority pending on the day this Act comes into force by or against the Incorporated Institute and relating to property transferred to the Institute by this Act may be continued on or after that day by or against the Institute.

Registration of Transfer

3. If the law in force at the place where any property transferred by this Bill is situate provides for the registration of transfer of property of the kind in question (whether by reference to any instrument of transfer or otherwise) the law shall, so far it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid and it shall be the duty of the Institute to furnish the necessary particulars of the transfer to the proper office of the registration authority and of that officer to register the transfer accordingly.

Transfer of function, etc.

4. (1) As soon as possible after the commencement of this Bill, the President shall summon a general meeting of the Institute to elect the Institute's representatives on the Council of the Institute.

(2) At its first meeting, the Council shall fix a date (not later than six months matter the day this Bill comes into force) for the annual meeting of the Institute.

(3) The persons who were members of the Executive Committee of the Incorporated Institute immediately before the commencement of this Act shall be deemed to be members of the Council of the Institute and their term of office shall continue as if they were elected to the Council under this Bill.

(4) Any person who immediately before the commencement of this Bill held office as the President or Vice President of the Council of the Incorporated Institute by virtue of the Constitution of the Incorporated Institute, shall on the day this Bill comes into force, become the President or Vice-President, as the case may be, of the Institute and shall be deemed—

(a) to have been appointed to that office in pursuance of the provisions of this Bill corresponding to the relevant provisions in the said Constitution; and

(b) to have been so appointed on the date on which he took office or last took office, in pursuance of the relevant provision of the Constitution.

(5) The persons who were members of the Incorporated Institute shall, as from the commencement of this Bill, be enrolled or registered, as the case may be, as members of the Institute and without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who immediately before the commencement of this Bill, was a member of the staff of the Incorporated Institute shall on that day become the holder of an appointment with the Institute with the status, designation and function which correspond as nearly as may be possible to those which appertained to him in his capacity as a member of the staff.

(6) Any person being an office holder, or member of the Council of the Incorporated Institute immediately before the commencement of this Bill and deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council of the Institute, and thereafter ceases to hold office otherwise than by reason of his misconduct, shall be eligible for appointment to office in the Institute or to membership of the Council, as the case may be.

(7) All regulations, rules and similar instructions made for the purposes of the Incorporated Institute and in force immediately before the commencement of the 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 duly made for the corresponding purposes of the Institute.		
EXPLANATORY MEMORANDUM This Bill seeks to establish the Institute of Mediators and Conciliators and gives the Institute the responsibility, among others, of determining the standard of knowledge and skill to be attained by persons seeking to become members of the Institute of Mediators and Conciliators.	EXPLANATORY MEMORANDUM This Bill seeks to establish the Institute of Chartered Mediators and Conciliators <i>of Nigeria</i> and gives the Institute the responsibility, among others, <i>to determine</i> the standard of knowledge and skill to be attained by persons seeking to become members of the Institute.	