



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 30th March, 2017

1. The Senate met at 10:51 a.m. The Senate President read Prayers.
2. The Senate examined the Votes and Proceedings of Wednesday, 29th March, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Message from Mr. President:**

The Senate President announced that he had received a letter from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

Confirmation of Appointment:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

29th March, 2017

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**RE: REQUEST FOR THE CONFIRMATION OF MEMBERS OF NIGER DELTA
DEVELOPMENT COMMISSION (NDDC)**

In accordance with the provision of Section 2(2)(a) of the NDDC Act, 2000, I hereby present the following nominees to the Board of Niger Delta Development Commission (NDDC) for confirmation by the Senate of the Federal Republic of Nigeria.

The Distinguished Senate is invited to note that these nominees are replacement of those that were rejected for not representing the Oil producing Area of their respective states.

S/N	NAME	POSITION	STATE
1.	Lucky Orimisan Aiyedatiwa	Non-Executive Director	Ondo
2.	Hon. Chuka Ama Nwauwa	Non-Executive Director	Imo
3.	Nwogu N. Nwogu	Non-Executive Director	Abia

Copies of their Curriculum Vitae are attached herewith.

I hope that the request will receive the usual expeditious consideration and confirmation of the Distinguished Senate.

Please accept, Distinguished President of the Senate, the assurances of my highest consideration and regards.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

4. Announcements:

(a) Re: Submission of Reports on the 2017 Appropriation Bill:

The Senate President announced that 30th March, 2017 marks the closing date for the Sub-Committee Chairmen to submit their various Ministries Departments and Agencies (MDAs) budget to the Committee on Appropriations.

(b) Acknowledgment:

The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

- (i) Staff and Students of Sancta Virgo International Academy, Mararaba, Nasarawa State;
- (ii) Staff and Students of Lekced International School, Karu, Abuja; and
- (iii) Staff and Students of Wind of Glory International Schools, New Nyanya, Nasarawa State.

5. Presentation of Bills:

- (i) Chartered Institute of Commerce of Nigeria (Establishment, etc.) Bill, 2017 (SB. 326) — *Read the First Time.*
- (ii) National Consumer Credit Regulatory Commission Bill, 2017 (SB. 456) — *Read the First Time.*
- (iii) Banks and other Financial Institutions Act 2007 (Amendment) Bill, 2017 (SB. 457) — *Read the First Time.*

6. Conference Committee:

Report on Agricultural Credit and Guarantee Scheme (Amendment) Bill, 2017 (SB. 17):

Motion made: That the Senate do receive the Report of the Conference Committee on Agricultural Credit and Guarantee Scheme (Amendment) Bill, 2017 (*Senator Abdullahi Adamu — Nasarawa West*).

Question put and agreed to.

Report Laid.

7. **Conference Committee:**
Report on the Nigerian Air Force Institute of Technology (SB. 180):

Consideration of Report deferred to another Legislative Day.

8. **Committee on Independent National Electoral Commission (INEC):**
Report on the Independent National Electoral Commission Act (Amendment) Bill, 2017(SB. 231 & SB. 234):

Motion made: That the Senate do resolve into the Committee of the Whole to resume consideration of the Report of the Committee on Independent National Electoral Commission on the Independent National Electoral Commission Act (Amendment) Bill, 2017 (*Adjourned Consideration, Thursday, 23rd March, 2017*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

RESUMED CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE ELECTORAL ACT NO. 6, 2010 AND FOR OTHER RELATED MATTERS.

Clause 18: Guidelines, Rules, etc on Primaries and Ad-hoc Delegates Election:

- (10) A Political Party that adopts the system of indirect primaries for the nomination of its candidates may outline nomination guidelines, rules and procedures to guarantee free, fair, and credible indirect primaries and Ad-hoc Delegates Elections, but such guidelines, rules and procedures shall not add to, subtract from or otherwise be inconsistent with the provisions of this Act.

Necessity and Validity of Ad-hoc Delegates Elections

- (11) (a) A Political Party that adopts the system of indirect primaries for the nomination of candidates for elections shall not nominate candidates for any election unless it has conducted Ad-hoc Delegates Election to elect its ad-hoc delegates who shall nominate its candidates for the elections, as provided in this Act.
- (b) Any Ad-hoc Delegates Election and/or indirect primaries conducted in contravention of or contrary to the provisions of subsections (7), (8), (9), (10) and/or 11(a) of this section shall be invalid, null, void and of no effect whatsoever.

Time for Electing, Term of Ad-hoc Delegates

- (12) (a) A Political Party nominating candidates by indirect primaries for a general election shall not later than 120 days before the date appointed by the Commission for the general election conduct its Ad-hoc Delegates Elections to elect its Ad-hoc Delegates.
- (b) A Political Party nominating candidates by indirect primaries for any election conducted by the Commission other than a general election shall not conduct a fresh Ad-hoc Delegates Election but the same Ad-hoc Delegates who nominated the candidate(s) of the party for the immediate past general election under paragraph (a) of this subsection shall (with Statutory Delegates) be eligible to nominate the party's candidate(s) for that election,

PROVIDED that if more than half of the Ad-hoc Delegates who nominated the Party's candidate in the immediate past general election are no longer members of the party, confirmed dead or otherwise not available, the Party shall conduct fresh Ad-hoc Delegates Election(s) and nominate candidates for that election not later than 10 days before the date of the said election.

- (c) A Political Party nominating candidates by indirect primaries for a general Local Government Council Chairmanship and Ward Councillorship election conducted by a State Independent Electoral Commission all over a State of the Federation shall conduct its Ad-hoc Delegates Elections to elect its Ad-hoc Delegates not later than 120 days before the date appointed by the State's Independent Electoral Commission for the general Local Government Council Chairmanship and Ward Councillorship election in that State.
- (d) A Political Party nominating candidates by indirect primaries for any election conducted by a State Independent Electoral Commission other than a general Local Government Council Chairmanship and Ward Councillorship election conducted by a State Independent Electoral Commission all over a State of the Federation shall not conduct a fresh Ad-hoc Delegates Election but the same Ad-hoc Delegates who nominated the candidates of the party for the immediate past general Local Government Council Chairmanship and Ward Councillorship election under paragraph (c) of this subsection shall (with Statutory Delegates) be eligible to nominate the party's candidates for that election,

PROVIDED that if more than half of the Ad-hoc Delegates who nominated the Party's candidate in the immediate past general Local Government Council Chairmanship and Ward Councillorship election held all over the State are no longer members of the Party, confirmed dead or otherwise not available, the Party shall conduct fresh Ad-hoc Delegates Election(s) and nominate candidates for that general Local Government Council Chairmanship and Ward Councillorship election not later than 10 days before the date of the said election.

- (13) Any Ad-Hoc Delegates Election or primaries held by a Political Party to nominate Local Government Council Chairmanship and Ward Councillorship candidates in a State of the Federation shall be exclusively monitored by the State Independent Electoral Commission in that State and the result of such an Ad-hoc Delegate Election or primaries shall be endorsed or certified by the State Independent Electoral Commission for the correctness and validity of what it states.

Issuance of False Results

- (14) Any official of the Commission or a State Independent Electoral Commission who issues, endorses or certifies a false report or result in respect of an Ad-hoc Delegates Election or primaries of a Political Party commits an offence and shall be liable, on conviction, to imprisonment for five (5) years, without an option of a fine.

Guarantee of Equal Opportunity for Aspirants

- (15) A Political Party that adopts the system of indirect primaries for the nomination of its candidate(s) for election shall ensure that all aspirants are given equal opportunity of being voted for by Ad-hoc and Statutory delegates of the Party who shall be registered members of the Party as provided in this Act.

Procedures for Nominating Candidates by Indirect Primaries

- (16) Subject to subsection (17) of this section, a Political Party nominating candidates for elections by the system of indirect primaries shall adopt the procedure outlined hereunder in paragraph (a) to (f) of this subsection for each type of election.

Nomination of Presidential Candidate

- (a) In the case of nominations to the position of Presidential candidate for Presidential Election, a Political Party shall, where it intends to sponsor a candidate, -
- (i) hold Presidential primaries or a Special Presidential Convention at a designated centre or place in the FCT, Abuja or the headquarters/capital of a State of the Federation and on a date agreed by the National Executive Committee of the party where both Ad-hoc and Statutory Delegates of the Party identified and listed under sub-section (9)(a) of this section shall be exclusively eligible to freely vote for any presidential aspirant of the Party; and
 - (ii) the presidential aspirant with the highest number of votes at the end of voting shall be declared the winner of the Presidential primaries and the Party shall forward the winner's name to the Commission as the Presidential candidate of the Party for the Presidential Election.

Nomination of Governorship Candidate

- (b) In the case of nominations to the position of Governorship candidate for Governorship Election, a Political Party shall, where it intends to sponsor a candidate in a State, -
- (i) hold Governorship primaries or a Special State Congress in a designated centre or place in the State headquarters/capital and on a date agreed by the party where Ad-hoc and Statutory Delegates of the party identified and listed under sub-section (9)(b) of this section shall be exclusively eligible to freely vote for any Governorship aspirant of the party in the State; and
 - (ii) the Governorship aspirant with the highest number of votes at the end of voting shall be declared the winner of the Governorship primaries of the party in the State and the party shall forward the winner's name to the Commission as the candidate of the party for the Governorship Election in that State.

Nomination of Senatorial Candidate

- (c) In the case of nominations to the position of a Senatorial candidate for Senatorial Election, a Political Party shall, where it intends to sponsor a candidate in a Senatorial District, -

- (i) hold Senatorial primaries in a designated centre or place in the headquarters of the Senatorial District (and the headquarters shall be designated by the Commission) and on a date agreed by the Party where both Ad-hoc and Statutory delegates of the party identified and listed under subsection (9)(c) of this section shall be exclusively eligible to freely vote for any Senatorial aspirant of the party in the Senatorial District; and
- (ii) the Senatorial aspirant with the highest number of votes at the end of voting in the Senatorial primaries shall be declared the winner of the Senatorial primaries of the Party for that Senatorial District and the Party shall forward the winner's name to the Commission as the Senatorial candidate of the party for that Senatorial District.

Nomination of House of Representatives Candidate

- (d) In the case of nominations to the position of a House of Representatives candidate for a Federal Constituency Election, a Political Party shall, where it intends to sponsor a candidate in a Federal Constituency, -
 - (i) hold House of Representatives primaries in a designated centre or place in the headquarters of the Federal Constituency (and the headquarters shall be designated by the Commission) and on a date agreed by the party where both Ad-hoc and Statutory Delegates of the party identified under subsections (9)(d) of this section shall be exclusively eligible to vote for any House of Representatives aspirant of the party in the Federal Constituency; and
 - (ii) the House of Representatives aspirant with the highest number of votes at the end of voting in the Federal Constituency primaries shall be declared the winner of the primaries of the Party for that Federal Constituency and the Party shall forward the winner's name to the Commission as the House of Representatives candidate of the party for that Federal Constituency.

Nomination of House of Assembly Candidate

- (e) In the case of nomination to the position of a State House of Assembly candidate of a State Constituency, a Political Party shall, where it intends to sponsor a candidate, -
 - (i) hold State House of Assembly primaries in a designated centre or place within the State Constituency and on a date agreed by the Party where both Ad-hoc and Statutory Delegates of the Party identified under subsection (9)(e) of this section shall be exclusively eligible to freely vote for any House of Assembly aspirant of the Party in the State Constituency; and
 - (ii) the House of Assembly aspirant with the highest number of votes at the end of voting in the State Constituency primaries shall be declared the winner of the primaries of the party for the State Constituency and the party shall

forward the name of the winner to the Commission as the House of Assembly candidate of the party for that State Constituency.

Nomination of Local Government Council Chairmanship Candidate

- (f) In the case of nomination to the position of a Chairmanship candidate of a Local Government Area/Council in a State of the Federation or the FCT, Abuja, a Political Party shall, where it intends to sponsor a candidate, -
- (i) hold Local Government Council Chairmanship primaries in a designated center or place in the headquarters of the Local Government Area/Council and on a date agreed by the Party where both Ad-hoc and Statutory Delegates of the party identified under sub-section (9)(f) of this section shall be exclusively eligible to vote for any Local Government Council Chairmanship aspirant of the Party; and
 - (ii) the Chairmanship aspirant with the highest number of votes at the end of voting shall be declared the winner of that Local Government Area/Council primaries and the Party shall forward the winner's name to the Commission (in the case of a Local Government Council in the FCT, Abuja) or a State Independent Electoral Commission (in the case of a Local Government Area of a State in the Federation) as the Chairmanship candidate of the Party for that Local Government Area/Council.
- (17) Subject to the provisions of this Act, a Political Party shall have the option to and may hold ad-hoc delegates elections or primaries to nominate its candidates for different types of elections at common venues and/or on common dates as it may deem convenient in the same electoral constituencies,
- PROVIDED that its Presidential and Governorship primaries convened to nominate its Presidential and Governorship candidates respectively shall stand alone.
- (18) Where there is only one aspirant in a Political Party for any of the elective positions mentioned in subsections (15)(a), (15)(b), (15)(c) and (15)(d) of this section, the Party shall convene a Special Convention or Congress, as the case may be, at a designated centre in the particular constituency on a specified date to vote affirmative to confirm that aspirant as the candidate of the Party and the Party shall forward the name of the aspirant to the Commission as the candidate of the Party for the position in question.
- (19) Where there is only one aspirant for an elective position in a Political Party that has adopted the system of direct primaries, such an aspirant shall be deemed to be unchallenged and the Party shall forward the name of the aspirant to the Commission as the candidate of the Party in the election in question.

Nomination of Councillorship Candidate

- (20) In the case of nomination to the position of a Councillorship candidate of a Ward Constituency, a Political Party shall, where it intends to sponsor a candidate, -
- (a) conduct direct primaries in the Ward Constituency where only registered members of the Party in that Ward shall be eligible to vote for any member of the Party who, subject to the provisions of the Constitution of the Federal Republic 1999 (as amended) and this Act, presents himself or herself to be voted for as the Candidate of the Party in that Ward; and
 - (b) the Party shall forward the name of the Councillorship aspirant with the highest number of votes at the end of voting in the Ward Constituency under paragraph (a) of this subsection to the Commission (in the case of the FCT, Abuja) or a State Independent Electoral Commission (in the case of a State in the Federation) as the Councillorship candidate of the Party for that Ward Constituency.

Political Appointee Not Eligible as Delegate

- (21) A political appointee at any level of government shall not be a delegate at the primaries, Convention or Congress of a Political Party convened for the purpose of nominating candidates for any election under the indirect primaries system, except where such a political appointee is also a Statutory or Ad-hoc delegate under subsection (9) of this section.

Commission's Endorsement of Result of Primaries as Proof of Result

- (22) The result of a Political Party's primaries or delegates election that is duly endorsed or certified by the Commission shall be prima facie proof of the result of the Party's primaries or delegates election.

Staggered Primaries

- (23) Nothing in this section shall prevent a Political Party from organising staggered primaries.

Jurisdiction of Courts

- (24) Notwithstanding the provisions of this Act or rules of a Political Party, an aspirant who complains that any of the provisions of this Act or rules of a Political Party has not been complied with in the nomination of a candidate of a Political Party for election, may apply to the Federal High Court or the High Court of a State or the FCT for redress.

Court Cannot Stop General Election, etc

- (25) Nothing in this section shall empower the Courts to stop the holding of ad-hoc delegates elections, primaries or general election or the processes thereof under this Act pending the determination of the suit.
- (26) Except the context otherwise warrants, reference to "registered members" of a Political Party in this section or any other part of this Act means persons of voting age whose names and other relevant personal particulars are duly recorded in the Ward Register of that Party.

Committee's Recommendation:

That the provision in Clause 18(10) -(26) be retained (*Senator Abubakar Kyari — Borno North*) — Agreed to.

Question that Clause 18(10) -(26) do stand part of the Bill, put and agreed to.

Clause 19: Amendment of Section 112.

Section 112 of the Principal Act is amended by inserting after subsection (3), a new subsection "(4)", as follows:

"(4) If after the commencement of poll and before the announcement of the final result and declaration of a winner, a nominated candidate dies,

- (a) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days;
- (b) the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 14 days of the death of its candidate and submit a new candidate to the Commission to replace the dead candidate; and
- (c) subject to paragraphs (a) and (b) of this subsection, the Commission shall continue with the election, announce the final result and declare a winner."

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Abubakar Kyari — Borno North*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Section 138 of the Principal Act is amended by —

- (a) inserting after the word "Act" in line 2 of subsection (1)(b), the words "and published manuals, guidelines, regulations and or procedures or directives issued by the Commission for the conduct of the election.";
- (b) inserting after the word "Act" in line 4 of subsection 2, the words "and published manuals, guidelines, regulations and/or procedures issued by the Commission for the conduct of the election."; and
- (c) inserting after subsection (2), a new subsection "(3)", as follows:

"(3) With respect to subsection (1) (a) of this Section, a person shall be deemed to be qualified for an elective office and his election shall not be questioned on grounds of qualification if, with respect to the particular election in question, he meets the applicable requirements of sections 65, 106, 131 or 177 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and he is not, as may be applicable, in breach of sections 66, 107, 137 or 182 of the Constitution of the Federal Republic of Nigeria, 1999."

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Abubakar Kyari — Borno North*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Section 139

Section 139 of the Principal Act is amended by inserting after the word "Act" in line 4 of subsection (1), the words "and published manuals, guidelines, regulations and/or procedures issued by the Commission for the conduct of the election".

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Abubakar Kyari — Borno North*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

- Clause 22: Section 140 of the Principal Act is amended by —**
- (a) adding the small letter "s" to the word "subsection" in line 1 of subsection (1);
 - (b) inserting after the expression "subsection (2)" in line 1 of subsection (1), the expression "and (4)";
 - (c) inserting after the word "election" in line 4 of subsection (1), the words "and shall order the Commission to conduct a fresh election not later than ninety (90) days after the decision if an appeal is not filed against the decision, or not later than ninety (90) days after the nullification of the election by the court having final appellate jurisdiction in respect of the said election.";
 - (d) substituting for subsection (2) a new subsection "(2)", as follows:

"(2) Where an election Tribunal or Court nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, the election Tribunal or Court shall declare as elected the person with the second highest number of valid votes cast at the election and satisfies the requirements of the Constitution and this Act:

PROVIDED that the person with the second highest number of valid votes cast at the election remains a member of the political party on which platform he contested the election; otherwise, the candidate with the next highest number of votes in the election and who satisfies the same conditions herein shall be declared the winner of the election."; and

- (e) inserting after subsection (3), new subsections "(4)" and "(5)", as follows:

"(4) Where an election Tribunal or Court nullifies an election on the ground that the election was marred by substantial irregularities or non-compliance with the provisions of this Act, the election tribunal or court shall not declare the person with the second highest votes as elected.

(5) No election petition filed within the constitutional time shall be defeated or struck out on any technical ground but the Tribunal or Court shall hear and determine the petition on the merits on the basis of evidence led and not otherwise."

Amendment Proposed:

Leave out Clause 22 (Senator Ike Ekweremadu — Enugu West).

Question that the amendment be made, put and agreed to.

Question that Clause 22 as amended do stand part of the Bill, put and agreed to.

Clause 23: Insert after section 142, a new section "142A", as follows:

"Sufficiency of documentary evidence

142A. It shall not be necessary for a party who alleges non-compliance with the provisions of this Act and the published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of elections to call oral evidence if originals or certified true copies of electoral documents or materials used by the Commission to conduct the election in the polling unit(s) where the noncompliance is alleged are listed

in a petition and tendered at the trial of the petition in proof of the non-compliance complained of."

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Abubakar Kyari — Borno North*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Section 151 of the Principal Act is amended by inserting after subsection (2), a new subsection "(3)", as follows:

"(3) Where there is a breach of an order of a court or tribunal directed at the Commission particularly, order to produce, inspect or take copies of electoral materials, such disobedience shall attract court sanctions, which shall include the committal by the Tribunal or Court of the Commission's official to whom the order is directed to summary conviction to imprisonment for at least two (2) years, without an option of fine."

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Abubakar Kyari — Borno North*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: The Principal Act is amended by inserting after section "152", new sections "152A", "152B", "152C" and "152D" as follows:

"152A. Subject to the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the provisions of this Act guaranteeing the conduct of free, fair and credible elections by the Independent National Electoral Commission shall apply with equal force to elections conducted by State Independent Electoral Commissions in the Federation.

152B All elections conducted by a State Independent Electoral Commission to a local government council in the Federation shall be in compliance with the provisions and spirit of this Act, with election procedures stated in this Act.

152C. Any election conducted by a State Independent Electoral Commission to a local government council in the Federation in violation of section 152B or any provision of this Act shall be null, void and of no effect whatsoever.

152D. Any official of a State Independent Electoral Commission who acts in contravention of section 152B or any provision of this Act shall be subject to prosecution as if he were an official of the Independent National Electoral Commission."

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Abubakar Kyari — Borno North*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Paragraph 46(4) of the First Schedule to the Principal Act is amended by inserting after the word "consent" in line 2, the expression "; such documentary evidence shall be deemed demonstrated in open court; the parties in the petition shall be entitled to address and urge argument on the content of the document; and the tribunal or court shall scrutinize or investigate the content of the documents as part of the process of ascribing probative value to the documents or otherwise."

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Abubakar Kyari — Borno North*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Section 156 of the Principal Act is amended by:

- (a) inserting after the definition of the words "Electoral Officer", the definition of the expression "electronic format", as follows:
"electronic format" refers to the electronic version of the Register of Voters or National Electronic Register of Election Results, as the case may be, created, recorded, transmitted or stored in digital form or in other intangible form by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means and which may be converted to or reproduced in a paper document.
- (b) inserting after the definition of the phrase "National Assembly", the definition of the expression "number of voters not accredited", as follows:
"number of unaccredited voters" as used in section 49(4) of this Act means number of intending voters not accredited to vote in a polling unit under section 49(3) of this Act."
- (c) inserting after the definition of the word "President", the definition of the expression "Presiding Officer", as follows:
"Presiding Officer" means a person appointed by the Commission to be in charge of the conduct of election in a polling unit or polling station, and this shall include persons who may be under different titles but who are charged by the Commission with the same responsibilities at a polling unit or polling station as a Presiding Officer."; and
- (d) inserting after the definition of the words "Presiding Officer", the definition of the expression "published manuals, guidelines, regulations procedures, or directives issued by the Commission for the conduct of the election", as follows:
"published manuals, guidelines, regulations procedures, or directives issued by the Commission for the conduct of the election" means any book, booklet or manual published by the Commission -
(a) that is consistent with the provisions of this Act;
(b) for the purpose of guiding the conduct of free, fair and credible elections; and
(c) which is made public by the Commission at least seven (7) days before the date of a general election."
- (e) inserting after the definition of the word "Return", the definition of the expression "Returning Officer", as follows:
"Returning Officer" means a person appointed by the Commission to be in charge of the conduct of an election in a constituency, and this shall include persons who may be under different titles but who are charged by the Commission with the same responsibilities in a constituency as a Returning Officer."

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Abubakar Kyari — Borno North*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Citation:

This Bill may be cited as the Electoral Act No. 6, 2010 (Amendment) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Abubakar Kyari — Borno North*) — *Agreed to.*

Question that Clause 28 do stand part of the Bill, put and agreed to.

Amendment Proposed:

Section 33 of the Principal Act is amended by inserting a proviso as follows:

“Provided that in the case of such withdrawal or death of a candidate, the political party affected shall within 10 days of the occurrence of the event held a fresh primary election to produce and submit a fresh candidates to the Independence National Electoral Commission for the election concerned.” (*Senator Ike Ekweremadu — Enugu West*).

Question that the amendment be made, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Independent National Electoral Commission on the Independent National Electoral Commission Act (Amendment) Bill, 2017 and approved as follows:

Clauses 18(10) - 21	—	As Recommended
Clause 22	—	Deleted
Clauses 23 - 28	—	As Recommended
Section 33(Principal Act)	—	As Amended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

9. Committee on Establishment and Public Services:

Report on the Chartered Institute of Management Accountants Bill, 2017 (SB. 236):

Consideration of Report deferred to another Legislative Day.

10. Committee on Establishment and Public Services:

Report on the Environmental Managers Registration Council of Nigeria (Establishment, etc.) Bill, 2017 (SB. 88):

Consideration of Report deferred to another Legislative Day.

11. Nigerians in Diaspora (Establishment) Commission Bill, 2017 (HB. 160):

Motion made: That a Bill for an Act to establish the Nigerians in Diaspora Commission Bill, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to establish the Nigerians in Diaspora Commission Bill, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NIGERIANS IN DIASPORA COMMISSION, PROVIDE FOR THE ENGAGEMENT OF NIGERIANS IN DIASPORA IN THE POLICIES, PROJECTS AND PARTICIPATION IN THE DEVELOPMENT OF NIGERIA AND FOR THE PURPOSE OF UTILISING THE HUMAN, CAPITAL AND MATERIAL RESOURCES OF NIGERIANS IN DIASPORA TOWARDS THE OVERALL SOCIO-ECONOMIC, CULTURAL AND POLITICAL DEVELOPMENT OF NIGERIA; AND FOR RELATED MATTERS

PART I — ESTABLISHMENT OF THE NIGERIANS IN DIASPORA COMMISSION

Clause 1: Establishment of the Nigerians in Diaspora Commission (NIDCOM).

- (1) There is established for the Federation, the Nigerians in Diaspora Commission (in this Bill referred to as the "Commission") which shall —
 - (a) be under the Federal Ministry of Foreign Affairs; and
 - (b) be constituted in accordance with and have such powers and functions as conferred on it by this Bill.
- (2) The Commission —
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name;
 - (c) and may, for the purposes of its functions, acquire, hold or dispose of property (whether moveable or immovable);
 - (d) is a designated Commission in Nigeria charged with the responsibility of coordinating and providing an organized system of collaborations of Nigerians in Diaspora for their contributions by identifying, preserving and mobilizing the human, capital and material resources and expertise to the general development of Nigeria.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Composition of the Board of the Commission.

- (1) There shall be for the Commission a Governing Board (in this Bill referred to as "the Board") which shall consist of —
 - (a) a chairman who shall —
 - (i) be the chief executive and accounting officer of the Commission,
 - (ii) be a person of high integrity, and
 - (iii) possess not less than 15 years experience in Public Service.
 - (b) a representative each —
 - (i) from the Ministry of Foreign Affairs, and
 - (ii) employed in the Civil Service, not below the rank of a Director;
 - (c) 2 representatives each from Nigerian in Diaspora Organisations in —
 - (i) America,
 - (ii) Europe,
 - (iii) Asia, and 1 in —
 - (iv) Australia,
 - (v) Africa;
 - (d) a legal practitioner of not less than 10 years post-call experience.
- (2) The Chairman and members of the Commission shall be appointed by the President subject to confirmation by the Senate.
- (3) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Board of the Commission and the other matters contained therein.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Functions of the Board.

The Board shall be responsible for the general administration of the Commission and, in particular, shall —

- (a) formulate general policies for the regulation and development of the capital market and the achievement and exercise of the functions of the Commission;
- (b) approve the audited and management accounts of the Commission;
- (c) appoint Auditors for the Commission;
- (d) consider and approve the annual budget of the Commission as may be presented to it by the management
- (e) appoint, promote, terminate and exercise disciplinary control over the staff of the Commission;
- (f) establish zonal offices of the Commission; and
- (g) carry out such other activities as are necessary and expedient for the purpose of achieving the objectives of the Commission.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Head office of the Commission.

The Commission shall have its head office in the Federal Capital Territory and other offices in any part of Nigeria as may be determined by the Board of the Commission.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Tenure of office.

- (1) The Chairman and members of the Commission shall hold office for a period of 4 years and may be re-appointed for a further term of 4 years and no more.
- (2) Notwithstanding the provision of section 2 of this Bill, the appointment under section 2 (1) (c) shall be on recommendations made by the respective continental Nigerians in Diaspora Organisations (NIDO), professional groups and socio-cultural groups.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Cessation of office.

Notwithstanding the provisions of section 3, a member of the Board shall cease to hold office if he —

- (a) becomes of unsound mind;
- (b) becomes bankrupt or makes a compromise with creditors;
- (c) is convicted of a felony or any offence involving dishonesty;
- (d) is guilty of serious misconduct in relation to his duties; or
- (e) is a person who has a professional qualification, and is disqualified or suspended (other than at his own request) from practicing his profession in any part of Nigeria by the order of any competent authority made in respect of him personally.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Vacancy in membership.

Where a vacancy occurs in the membership of the Commission —

- (a) it shall be filled by the appointment of a successor to hold office for the remaining term of office of his predecessor; and
- (b) the successor so appointed shall represent the same geo-political zone or the continent as the case may be, and the interest of his predecessor.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

PART II — FUNCTIONS OF THE COMMISSION**Clause 8: Powers of the Commission.**

The Commission shall have power to—

- (a) manage the funds, with respect to the day-to-day running of the Commission;
- (b) mobilize and execute programmes that will compliment and direct the nation on major areas of accelerated development;
- (c) formulate policies as the Commission may, from time to time, determine;
- (d) co-ordinate and harmonize all continental Nigeria Diaspora Organizations;
- (e) advise the government at all levels on matters related to this Bill;
- (f) carry out various trainings for the staff of the Commission;

- (g) set-up a world-wide council (consisting of continental leaderships, regional and local leaderships);
- (h) reach out to Nigerian communities abroad through their various groups, organizations and professionals bodies;
- (i) articulate its mandate and that of the Government properly and widely;
- (j) strengthen the existing administrative set-up of the Nigerian Diaspora Organization;
- (k) work in concert with Nigeria Diaspora Organization, professional sub-committees, sub-committees on the professional groups and the various socio-cultural groups; and
- (l) design criteria for membership participation.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Departments of the Commission.

- (1) There shall be established such Departments as the Board may deem fit.
- (2) The functions of the Departments shall be determined by the Board.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

PART III — STAFF OF THE COMMISSION

Clause 10: Appointment of the Secretary and other staff of the Commission.

- (1) There is established for the Commission a Secretariat which shall be headed by the Secretary and whose appointment shall be by the President.
- (2) The Secretary shall be:
 - (a) the head of the Secretariat of the Commission;
 - (b) responsible for the administration of the Secretariat and the keeping of the books and records of the Commission;
 - (c) appointed for a term of 4 years in the first instance and may be reappointed for a further term of 4 years subject to satisfactory performance; and
 - (d) subject to the supervision and control of the Chairman and the Commission.

- (3) The Commission may, from time to time, appoint such other staff or second officers from government ministries embassy, mission or such other private or public service as it may deem necessary to assist the Commission in the performance of its functions under this Bill;
- (4) The staff of the Commission appointed under subsection (3) of this section, shall be appointed upon such terms and conditions as the Commission may, after consultation with the Federal Civil Service Commission, determine.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Staff Regulations.

- (1) The Commission may, subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of the employees of the Commission and without prejudice to the generality of the foregoing, the regulations may provide for —
 - (a) the appointment, promotion and discipline of employees of the Commission; and
 - (b) appeals by such employees against disciplinary measures, and until the regulations are made, any instrument relating to the conditions of service of officers in the Civil Service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Commission.
- (2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Commission, and when so approved, the regulations may not be published in the Gazette but the Commission shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Pensions Reform Act, No. 2, 2004.

Service in the Commission shall be public service for the purposes of the Pensions Reforms Act and, accordingly, officers and other persons employed in the Commission shall, in respect of their service in the Commission, be entitled to pension and gratuities.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Training programme.

The Commission shall initiate, develop or improve specific training programme for its officers and other personnel, charged with the responsibility for the implementation of the Commission programmes created by this Bill and such programme shall include:

- (a) methods used in attending to and collecting information about the NIDO members, professional group members and socio-cultural groups for the purpose of registration and storage of their proposals as specified and created under this Bill;
- (b) mobilization framework and parameters that will clearly articulate proposals of the NIDO member or organization, professional groups and socio-cultural organisation;
- (c) mobilization of clearly defined members;
- (d) clear definition of goals;
- (e) qualifying attributes for membership and participation;
- (f) definition of settings for mobilization activities;
- (g) listing of tools needed to employ for effective mobilization;
- (h) funds for mobilization;
- (i) techniques to be used by persons involved in implementing the programmes created under this Bill, including the offences thereto and appropriate counter-measure;
- (j) detection and monitoring of the movement of funds and proceeds and property derived from Governments and endowment fund intended to be used by the Commission;
- (k) methods used for the transfer, concealment or disguise of such proceeds, property or instruments;
- (l) law enforcement techniques;
- (m) custody of records and evidences;
- (n) legal prosecution, representation and defence;
- (o) dissemination of information on the NIDO member or its organization;
- (p) membership recruitment through regional conferences, individual contact, or special meetings with existing groups
- (q) improve administrative facilities at the NIDO Continental Headquarters in Washington DC area (NIDO America), London (NIDO Europe), Singapore (NIDO), Asia and Accra or Johannesburg (NIDO Africa);
- (r) improve administrative facilities at the professional groups and socio-cultural groups headquarters all over the world; and
- (s) creation of awareness through press and other media.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

PART IV — FUNDS AND FINANCIAL PROVISIONS OF THE COMMISSION

Clause 14: Fund of the Commission.

- (1) The Commission shall establish and maintain a fund from which all expenses incurred by the Commission shall be defrayed.
- (2) The Fund shall comprise funds derived from but not limited to the following source —
 - (a) such money as may be appropriated by the National Assembly or granted or Contributed by a State, local government, statutory body, international body, international donor agency, non-governmental organization and membership due;
 - (b) fees charged by the Commission under this Bill;
 - (c) interests on investments made from the operation of the Commission; and
 - (d) all other assets that may from time to time accrue to the Commission.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Investment of Moneys in the Fund.

Subject to section 14 of this Bill, moneys in the Fund which may at any time be surplus to the current needs of the Commission shall be invested in such securities as may be approved by the Board.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Borrowing and Investment Power.

- (1) The Commission may, in accordance with the general guidelines or authority given by the Government of the Federation borrow by way of loan or overdraft from any source, any money required by the Commission to meet its obligations and its functions under this Bill.
- (2) The Commission may, subject to the provisions of this Bill and condition of trust in respect of funds held or any property owned by the Commission, invest any but not all of the funds with the same consent or general authority.

- (3) Without prejudice to the power of the Commission to set aside from the Fund appropriate amounts for replacements, contingencies or other purposes, the Commission may establish and maintain a general reserve.
- (4) The management of the general reserve, the sums to be carried from time to time to the credit of the general reserve, the charges to be made against the general reserve and any other application of the Commission moneys comprised therein, shall be as the Commission may, with the approval of the Minister, determine:

Provided that no part of the moneys comprised in the general reserve shall be applied otherwise than for the purposes of this Bill.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Accounts and audit.

- (1) The Commission shall keep proper records of its accounts and shall prepare in respect of each financial year a statement of accounts of the Division as the Minister may direct.
- (2) The accounts of the Commission shall be audited by auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor-General of the Federation.
- (3) As soon as the accounts of the Commission have been audited, the Directorate shall furnish a copy of the state of accounts to the President and the National Assembly through the Minister, together with a copy of any report made by the auditors on their statement or on the accounts .

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Annual Report.

- (1) The Departments shall prepare and submit to the Minister not later than the last day of May in each financial year a report in such form as the Minister may direct on the activities of the Departments during the last preceding financial year, and shall include in the report a copy of the audited accounts for the last preceding financial year and of the auditor's report of those accounts.
- (2) The Minister shall cause copies of each report made to him under this section to be laid before the President and each of the Houses of the National Assembly, respectively.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Powers to accept gifts.

- (1) The Commission may accept gifts of property (including interests in land) money and other assets upon such terms and conditions (if any) as may be specified by the person or organization making the gift.
- (2) The Commission shall not accept any gift if the conditions attached by the donor are inconsistent with the functions and objectives of the Commission.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

PART V — LEGAL PROCEEDINGS

Clause 20: Limitation of suit against the Commission Cap. P41 LFN, 2004.

- (1) Subject to the proceedings of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any member or officer or employee of the Commission.
- (2) Notwithstanding anything contained in any other law or enactment, no suit against a member of the Board, the Executive Secretary or any other officer or employee of the Board, for any act done in pursuance or execution of this Bill or any other law or enactment, or of any public duties or authority or in respect of any alleged neglect or default in the execution of this Bill or any other law or enactment, duties or authority, shall lie or be instituted in any court unless it is commenced —
 - (a) within 3 months next after the act, neglect or default complained of; or
 - (b) in the case of a continuation of damage or injury, within six months after the ceasing thereof.
- (3) No suit shall be commenced against a member of the Board, the Executive Secretary or any other officer or employee of the Commission before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Commission by the intending plaintiff or his agent.
- (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state:
 - (a) the cause of action;
 - (b) the particulars of the claim;
 - (c) the name and place of abode of the plaintiff;
 - (d) the relief which he claims.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Service of document.

A notice, summons or other document required or authorized to be served on the Commission under the provisions of this Bill or any other law or enactment may be served by delivering it to the Secretary or by sending it by registered post addressed to the Executive Secretary at the principal office of the Commission .

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Restriction on execution against property of the Commission.

(1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission unless not less than 3 months notice of the intention to execute or attach has been given to the Commission.

(2) Any sum of money which by the judgment of any court has been awarded against the Commission shall, subject to any direction given by the court, where no notice of appeal against the judgment has been given, be paid from the Account of the Commission.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

PART VII — MISCELLANEOUS

Clause 23: Directives by the Minister, etc.

The Minister may, give directives in writing to be served on a Director of a Department, requiring the Director to furnish the Minister with all information within his power relating to such matters connected with any activity of the Department as may be specified in the directives and the Director shall comply with the requirements of the directives.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Indemnity of Commission's officials.

Any official or employee of the Commission shall be indemnified out of assets of the Commission against any liability incurred by him in defending any proceeding whether civil or criminal, if the proceeding is brought against him in his capacity as officer or employee of the Commission.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Regulations.

The Board may make regulations, rules or orders to give full effect to the provision of this Bill.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Interpretation.

In this Bill —

"chapter" refers to the umbrella body of the Continental NIDO, Professional group, socio-cultural group or agency or other similar body established and maintained by government for that purpose; coded "NIDCOM" Card means the coded membership card directed to be issued upon registration of a Nigerian in Diaspora, and as provided under section 6 (b) of this Bill.

Question that the meaning of the word "chapter" be as defined in the interpretation to this Bill — Agreed to.

"Division" means the Division in the Commission established by section 24 of this Bill.

Question that the meaning of the word "Division" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with responsibility for matters relating to foreign affairs.

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"NIDO" means Nigerians in Diaspora Organisation.

Question that the meaning of the word "NIDO" be as defined in the interpretation to this Bill — Agreed to.

"Professional and socio-cultural groups" means the professional and socio-cultural groups duly recognized by the Embassies, Consulate or High Commission of that country and Nigeria.

Question that the meaning of the words "Professional and socio-cultural groups" be as defined in the interpretation to this Bill — Agreed to.

"President" means the President of the Federal Republic of Nigeria.

Question that the meaning of the word "President" be as defined in the interpretation to this Bill — Agreed to.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Citation.

This Bill may be cited as the Nigerians in Diaspora (Establishment) Commission Bill, 2017.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

SCHEDULE

Section 2 (3)

PROCEEDINGS OF THE BOARD OF THE COMMISSION

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its Committees.
- (2) At any meeting of the Commission the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at the meeting.
- (3) The quorum for the meeting of the Board of the Commission shall be 5 members.
- (4) Where the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

Committee

2. (1) The Commission may appoint one or more standing or *Ad-hoc* Committees to carry out on its behalf such of its functions as it may determine.
 - (2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Commission) as may be determined by the Commission; and a person other than a member of the Commission shall hold office on the Committee in accordance with the terms of his appointment.
 - (3) A decision of a Committee of the Commission shall be of no effect until it is confirmed by the Board.
 - (4) The quorum of a meeting of the committee of the Commission shall be as determined by the Board.
 - (5) The Chairman shall have casting vote.
3. Any member of the Commission and any person holding office on a committee of the Commission who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or a committee thereof shall forthwith disclose his interest to the Commission and shall not vote on any question relating to the contract or arrangement.

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to establish the Nigerians in Diaspora Commission Bill, 2017 and approved as follows:

Clauses 1- 27	—	As Recommended
Schedule	—	As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. **Chartered Institute of Project Managers of Nigeria (Establishment, etc) Bill, 2017 (HB. 18):**
Motion made: That a Bill for an Act to establish the Chartered Institute of Project Managers of Nigeria (Establishment, etc) Bill, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to establish the Chartered Institute of Project Managers of Nigeria (Establishment, etc) Bill, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF PROJECT MANAGERS OF NIGERIA TO BE CHARGED WITH THE RESPONSIBILITY FOR REGISTRATION AND DISCIPLINING OF ITS MEMBERS; AND FOR OTHER RELATED MATTERS.

PART I — ESTABLISHMENT OF CHARTERED INSTITUTE OF PROJECT MANAGERS
OF NIGERIA, ITS FUNCTION, ETC.

Clause 1: Establishment of the Chartered Institute of Project Managers of Nigeria and its Functions, etc.

(1) There is established a body to be known as the Chartered Institute of Project Managers of Nigeria (in this Bill referred to as "the Institute") which shall be a body corporate under that name and be charged with the general duty of —

(a) determining and reviewing, from time to time, the academic standards, knowledge and skills that shall be attained by persons seeking to qualify as registered members of the Chartered Institute of Project Managers of Nigeria (in this Bill referred to as "the Professional");

- (b) ensuring that its members maintain a reputable and high standard of behavior expected of any professional project management or related management function in Nigeria and other parts of the world;
 - (c) providing for the training, education and examination of persons desiring to become professional project manager or consultant according to the provisions of this Bill whether in Nigeria or abroad;
 - (d) regulating the discipline and professional conduct of its members;
 - (e) promoting and projecting the welfare of its members both in Nigeria and abroad;
 - (f) arranging conference, seminars, symposia and meeting for discussion of supplies and related matters, reading of papers and delivery of lectures, publishing copies of abridgement of papers, books, lectures, records and other memoranda instilling high standard of professional ability and knowledge by means of periodic issue of journals of the Institute and to organize post qualification courses for its members; and
 - (g) performing such functions as are incidental to the objects or as the Council may deem necessary for the attainment of all or any of these objects.
- (2) The Institute shall have perpetual succession and a common seal which shall be kept in such custody as the Council may, from time to time, authorize.
 - (3) The Institute may sue and be sued in its corporate name and may, subject to the Land Use Act, hold, acquire and dispose of any property movable or immovable.
 - (4) The Institute shall, accordance with the provisions of this Bill, ensure the establishment and maintenance of a register of Fellows, Honorary Fellows, Chartered, Graduate, Associate and corporate members of the institute and the publication of their lists from time to time.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Establishment and Composition of the Governing Council of the Institute.

- (1) There is established for the Institute, a governing council (in this Bill referred to as the "the Council") which shall be charged with the responsibility for the administration and general management of the Institute.
- (2) The Council shall consist of the following members, who are Fellows and Chartered Members of the Institute:
 - (a) Chairman of the Governing Council of the Institute;

- (b) a President of the Institute;
 - (c) the two Vice-President of the Institute;
 - (d) a representative each of the Federal Ministry of —
 - (i) Finance;
 - (ii) Works and Housing;
 - (iii) Education;
 - (e) two representatives of the Nigeria Association of Chambers of Commerce, Industry Mine and Agriculture (NACCIMA);
 - (f) a co-ordinator from each of the geopolitical zones of the Federation;
 - (g) immediate past President of the Institute;
 - (h) a Registrar of the Institute, who shall also be the Secretary of the Council.
- (3) The provisions set out in 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.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Appointment of the Chairman of the Governing Board of the Institute.
There shall be for the Institute, a Chairman of the Governing Council who shall be the pioneer President of the institute to be appointed on that sole basis and shall hold office for an unlimited period except otherwise resigned, dead, or permanently incapacitated.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Election of President and Vice-Presidents of the Institute.
There shall be for the Institute a President, and two Vice Presidents, who shall be Chartered Members of Fellows of the Institute, to be elected by the Chartered Members at an annual general meeting and hold Office each for a term of two years from the date of election and shall not be eligible for re-election after two terms of two years each.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Admission to the Institute, Classes of Members and Recognition of National Service.

- (1) Subject to the provisions of this Bill, a person or body admitted to the Institute shall possess adequate knowledge of project management and be registered as a member of the Institute in the category of —
- (a) Fellow;
 - (b) Honorary Fellow;
 - (c) Chartered Member;
 - (d) Graduate Member;
 - (e) Associate Member;
 - (f) Corporate Member; and
 - (g) Student Member.
- (2) A person or body accorded by the Council the status of a member shall be enrolled as —
- (a) a Fellow, if he is a member of high professional or administrative standing who —
 - (i) has served the Institute and had not less than Seven (7) years experience in a senior project management post in a private or public organization at the time of this application or enrolment; or
 - (ii) is not currently engaged in project management but has been employed in senior management position in private or public organization for not less than seven (7) years;
 - (b) Chartered Member if —
 - (i) he has passed all the examinations prescribed by the Council, and has a minimum of three years continuous working experience in project management in any private or public organization; or
 - (ii) he is a chartered member of a foreign project management professional body recognized by the Council and his class of the membership is, in the opinion of the Council equivalent to that of membership of the Institute and he has a minimum of one year working experience in any private or public organization in Nigeria, and shall have passed a stipulated examination before enrolment;
 - (iii) he has updated his professional knowledge at least once in a year through the Institute's mandatory proficiency programme; or
 - (iv) he is eligible for election into any position in the Institute and has paid his fees for four consecutive years immediately preceding the year of election;

- (c) Graduate Member, if he is in possession of requisite academic qualification and has passed all the examinations prescribed by the Council;
 - (d) Associate Member if he is in possession of requisite qualifications from other fields of study as may be determined from time to time by the Council and he shall not be eligible to vote or be voted for at elections of the Institute;
 - (e) Honorary Fellow if he is a person of distinction in the field of project management, law, accounting, politics, economy, management, engineering or any similar discipline, but he shall not be eligible to vote or be voted for at any election of the institute;
 - (f) Corporate Member if it is an employer of labour and meets the criteria set by the Council for registration in that category; and
 - (g) Student Member if he is pursuing a course in project management in any institution approved by the Council but —
 - (i) he shall not be eligible to vote or be voted for at elections of the Institute; and
 - (ii) his name shall not appear in the membership registrar.
- (3) For the purpose of subsection (2) (f) of this section, all corporate members shall cause their staff in project management functions to register with the institute to foster their ethical standards and self-regulation in the project management profession.
- (4) A person who desires to be admitted into the Institute shall make a formal application to the Registrar of the Institute on the appropriate form as shall, from time to time, be prescribed by the Council and shall state under what class of membership he seeks admission.
- (5) A person applying for membership shall, in addition to evidence of qualification satisfy the Council that —
- (a) he is of good character; and
 - (b) he has not been convicted by any court of tribunal in Nigeria or elsewhere of an offence involving fraud or dishonesty, or such other offences as, in the opinion of the Council, would render the applicant unfit to be a member of the Institute.
- (6) The Registrar shall place before the Council all applications for admission stating in each case whether the applicant is qualified for registration in the class under which he seeks admission and if not so qualified, whether he qualifies for admission under other class.
- (7) Where the Council satisfied that the person is qualified for admission —
- (i) under the class for which he applied, the Registrar shall, upon payment of the prescribed fees by the applicant, enroll the person in that class, and issue him a certificate of membership appropriate for that class; and

- (ii) into another class other than for which he applied, the Registrar shall, upon the person's application, amend his application to state the class under which he is qualified and the Registrar shall, after the amendment and upon payment of the prescribed fees by the applicant, register him and issue a certificate of membership appropriate for that class.
- (8) Fellows and Chartered Members of the Institute shall be entitled to use after their names the word "Fellow (or Honorary Fellow) of the Chartered Institute of Project Managers of Nigeria" respectively or the initial "CFPM" and "CMIPM"
- (9) The categories of professional membership of the institute shall include the following and such members are entitled to use after their names the accompanied word as follows: Certified Project Manager Technician (CPMT); Associate (CAPM); Fellow (CFPM); Student Member (CSPM); Certified Business Project Manager (CBPM); Certified Professional Project manager (CPPM).
- (10) At the completion of the Institute's final professional examination and eligible student shall proceed for the National Youth Service in line with the relevant law establishing it.
- (11) A holder of the final professional certificate of the Institute shall be entitled to employment in private and public service on the same rank applicable members of other chartered professional bodies in Nigeria.
- (12) A holder of the final professional certificate of the Institute shall, after 3 years of graduation, be eligible for a practicing certificate as a "Chartered Project Manager" on satisfying the Institute's requirement by attending two consecutive mandatory professional assessment course, at least once in a year and the certificate is subject to renewal every year, on a fee to be determined by the Council.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

PART II — FINANCIAL PROVISION

Clause 6. Funds of the Institute.

- (1) There shall be established for the Institute a fund which shall be managed and controlled by the Council.
- (2) There shall be paid into the fund established pursuant to subsection (1) of this section —
- (a) all fees and other monies payable to the Institute;
- (b) such monies as may be payable to the Institute whether in the course of the discharge of its functions or otherwise; and
- (c) such monies as may be held by the Institute of Project Managers of Nigeria incorporated under the Companies and Allied Matters Act, 1990 (in this Bill referred to as "the Incorporated Institute") on its ceasing to exist as provided in this Bill.

- (3) There shall be paid out of the fund of the Institute —
- (a) all expenditure incurred by the Council in the discharge of its functions under this Bill;
 - (b) the salaries and allowances of the Registrar and other employees of the Institute; and
 - (c) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on official duties of the Council, as the Council may determine.
- (4) Subject to guidelines issue by the Council from time to time, the Institute's funds and assets shall be invested in any bond, bill or other security issued or guaranteed by the Federal Government or the Central Bank of Nigeria.
- (5) The Council may, from time to time, borrow money for the purposes of the Institute and may mortgage or charge the properties and assets of the Institute or any part thereof and may issue debenture and other securities whether outright or as securities for any debt, liability or obligation of the Institute and any interest or charge payable on monies so borrowed shall be paid out of the fund of the Institute.
- (6) The Council shall kept proper accounts on behalf of the Institute in respect of each year and proper records in relation to those accounts to be audited by an auditor and in accordance with the guidelines supplied by the Auditor-General of the Federation.
- (7) The auditor, appointed for the purpose of this section, shall not be a member of the Council.
- (8) The Council shall prepare and submit to the Minister of Commerce not later than twelve months after its establishment and once in each year thereafter, a report of the activities of the Council in the previous year and shall include in the report, a copy of the auditor's report.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Transfer to the Institute of Certain Properties, etc.

- (1) As from the commencement of this Bill —
- (a) all assets and liabilities held or incurred immediately before the commencement date, by or on behalf of the incorporated Institute shall vest in the Institute and be held by it for the purpose of the Institute;
 - (b) the Incorporated Institute shall cease to exist; and
 - (c) subject to subsection (2) of this section, any act, matter or thin made or done by the Incorporated Institute shall be deemed to have been done by the Institute.

- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to the matters arising from their transfer by this section to the Institute of the properties of the Incorporated Institute and with respect to other matters mentioned in that Schedule.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

PART III — APPOINTMENT OF REGISTRAR AND OTHER STAFF AND THEIR DUTIES

Clause 8: Appointment of Registrar and Other Staff and their Duties.

- (1) The Council shall —
- (a) appoint a fit and proper person who shall be a member of the Institute to be the Registrar for the purpose of this Bill; and
 - (b) appoint such other persons as the Council may, from time to time, deem necessary to assist the Registrar in the performance of his functions under this Bill.
- (2) A person shall be qualified to be appointed to the Office of the Registrar of the Institute if he —
- (a) is a citizen of Nigeria;
 - (b) possesses a relevant qualification from a recognized institution of higher learning;
 - (c) has at least 12 years cognate experience; and
 - (d) possesses professional qualification of —
 - (i) Chartered Institute of Project Managers of Nigeria;
 - (ii) Certified Institute of Project Managers, London; or
 - (iii) National Association of Project Managers, USA) and shall have held the position of Deputy Registrar in any recognized Institution.
- (3) The Registrar shall prepare and maintain, in accordance with rules made by the Council, a register of names, address and approved qualifications and of such particulars, as may be specified in the rules, of all persons who are entitled, in accordance with the provision of this Bill, to be registered as member of the profession in the categories of Fellows, Chartered Members, Associate Members or Honorary Members and who in the manner prescribed by such rules, by such rules, apply to be so registered.
- (4) The register shall consist of six parts, one for each class of membership namely —
- (a) Fellows;

- (b) Chartered Members;
 - (c) Graduate Members;
 - (d) Associate Members;
 - (e) Corporate Members; and
 - (f) Honorary Fellows.
- (5) Subject to this section, the Council shall make rules to necessary professional forms and keeping of the register and the making of entries of particulars therein —
- (a) regulating the making of applications for enrolment or registration, as the case may be and providing for the nature of evidence to be produced in support of applications;
 - (b) providing for the notification to the Registrar by the person to whom any registered particulars concern, of any change in those particulars;
 - (c) authorizing a registered member to have any qualification which is in relation to the relevant division of the profession, for the purpose of this Bill;
 - (d) specifying the fees, including annual subscription, to be paid in the Institute; and
 - (e) specifying anything failing to be specified under this section.
- (6) Any rule for the purpose of subsection (5) (d) of this section shall not come into force until they are confirmed at a special meeting of the Institute convened for the purpose at the next annual general meeting, as the case may be.
- (7) The Registrar shall —
- (a) correct, in accordance with the directions of the Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;
 - (b) make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (c) delete from the register the name of any registered member who died, or ceased to be a member or any member convicted of professional misconduct; and
 - (d) record the names of member of the Institute who are in default for more than six months in the payment of annual subscriptions and take such action in relation thereto as the Council may direct or require.

- (8) If the Registrar —
- (a) sends by post, e-mail, telephone or fax to any registered person, a registered letter endorsed to him at his address on the register inquiring whether the registered particulars relating to him are correct and receives no reply to the letter within a period of six months from the date of dispatch; and
 - (b) upon the expiration of that period, sends in like manner to the person in questions a second similar letter and receives no reply to that letter within three months from the date of dispatch, the Registrar may remove the particulars relating to the person in question from the register but the Council may, for a reason which seems to it to be sufficient, direct the Registrar to restore to the appropriate part of the register, any particular deleted therefrom under this subsection.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Publication of Registers of Fellows and Chartered Members.

- (1) The Registrar shall —
- (a) cause the first edition of the register to be printed, published and put on sale to members of the public within one year from the date of commencement of the Act;
 - (b) cause the first and subsequent editions of the register to be distributed to the members of the Institute and members of the public on such terms as the Council may from time to time decide; and
 - (c) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute and the Registrar shall make the register and lists so deposited available at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of the register published under this section by authority of the Register, or 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 documents read together to prove that a member of the Institute was so registered at the date of the edition or the list of corrections, as the case may be, and that any person not so named was not so registered.
- (3) Where in accordance with subsection (2) of this section, a person in any proceeding, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings having at all material times thereafter continued to be or not to be so registered.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Qualification for Appointment and Duties of Deputy Registrar.

- (1) There shall be —
 - (a) a Deputy Registrar (Academic);
 - (b) a Deputy Registrar (Administration);
 - (c) a Deputy Registrar (Planning, Research and Development).
- (2) A person shall be qualified to be appointed to the Office of the Deputy Registrar if he has met the criteria for the post of the Registrar except that the minimum years of experience required shall be 10 years.
- (3) The duties of Deputy Registrar shall be assigned to him by the Council through the Registrar from time to time.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

PART IV — REGISTRATION OF MEMBERS**Clause 11: Registration of Members.**

- (1) Subject to section 5 of this Bill, a person shall be entitled to be registered as a member of the profession if he satisfies the Council that —
 - (a) immediately before the commencement of this Bill, he holds a qualification approved for members of the Institute and has the prescribed post qualification experience;
 - (b) he is by law entitled to practice for all purposes as a project management practitioner in the country in which the qualification was granted; and
 - (c) he holds at least one of the qualifications prescribed for the purpose of registration on the register and has complied with the other requirements prescribed under this Bill.
- (2) A person shall be entitled to be registered under this Bill if he holds such certificate as approved by the Council.
- (3) A person shall be entitled to be accredited as a member of the Institute if he produces sufficient evidence to the Council that prior to the commencement of this Bill he has been in active practice continuously for a period of five years as a project manager; provided that his application is sponsored by two member of the Institute who shall have been members for a minimum of five years and the application is made within the period of prescribed by this Bill.

- (4) An applicant for registration under this Bill shall, in addition to evidence of qualification, satisfy the Council that he —
- (a) is of good character;
 - (b) has attained the age of 18 years; and
 - (c) has not been convicted by any court or tribunal in Nigeria or elsewhere for an offence involving fraud or dishonesty.
-
- (5) The Council may, in its 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.
- (6) Any entry directed to be made in the register under subsection (3) 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.
- (7) The Council shall, from time to time, publish, in the Federal Government Gazette, particulars of qualification for the time being accepted for registration under this Bill.
- (8) The project management professionals from abroad who reside in Nigeria and wish to practice shall, within 12 months after the commencement of this Bill, seek registration with the Institute to become members.
- (9) A person shall not be entitled to be appointed or engaged to head any project management of any organization unless he is duly registered as a member of the Institute qualified by examination or approved award.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Approval of Qualification.

- (1) The Council may approve any qualification for the purposes of this Bill and may for that purpose approve —
- (a) any course of training of any approved institution which is intended for persons who are seeking to become or are already project management professionals and which the Council considers relevant to confer on persons completing it, sufficient knowledge and skill for admission to be 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 reaching a specific standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practice purchasing and supply management.

- (2) The Council may, if it deems fit, withdraw any approval, given under this section in respect of any course, qualification or institution, but before withdrawing such an approval the Council shall —
- (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled as the case may be;
 - (b) afford such persons or institutions an opportunity to make to the Council, representations with regards to the proposal; and
 - (c) take into consideration any representation made in relation to the proposal in pursuance of paragraph (b) of this subsection.
- (3) During a period in which the approval of the Council under this section a course, qualification or institution is withdrawn, the course, qualification or institution shall be treated as having been withdrawn under this section, but the withdrawal of such an approval shall be without prejudice to the registration or eligibility for registration immediately before the approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, as the execution of the instruction 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 so executed in the Federal Government Gazette; and
 - (b) not later than 14 days before its publication, send a copy of every such instrument so executed in the Federal Government Gazette to the Minister for Finance.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Supervision of Instruction and Examinations Leading to Approved Qualifications.

- (1) The Council shall keep itself informed of the nature of —
- (a) the instrument given by an approved institution to persons attending approved course of training; and
 - (b) the examinations as a result of which approved qualifications are obtained, and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions to observe such examination.
- (2) The Institute shall have powers to accredit any institution of higher learning offering courses leading to the award of Degree, Higher National Diploma and Diploma in project management in order to maintain standard.

- (3) A person appointed under subsection (1) of this section shall report to the Council on the adequacy of —
 - (a) the instruction given to persons attending approved course of training at institutions visited by him;
 - (b) the examinations conducted in his presence; and
 - (c) any other matter relating to the institutions or examinations which the Council may, either generally or in a particular case, request him to report, but no such shall be interfere with the giving of any instruction or the holding of any examination.
- (4) On receiving such a report made under this section, the Council may, if it deems fit and if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make observations on the reports 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.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

PART V — PROFESSIONAL DISCIPLINE

Clause 14: Establishment of Disciplinary Tribunal and Investigating Panel.

- (1) There shall be a body to be known as the Chartered Institute of Project Managers Disciplinary Tribunal charged (in this Bill referred to as "the Tribunal") charged with the duty of considering and determining any case referred to it by the Investigating Panel established under subsection (3) of this section, and any other case which the Tribunal takes cognizance under of this Bill.
- (2) The Tribunal shall consist of a Chairman and six other members who shall be appointed by the Council from among members of the Institute who are not members of the Council.
- (3) There shall be a body to be known as the Chartered Institute of Project Managers Investigating Panel (in this Bill referred to "the Panel") charged with the duties of —
 - (a) conducting a preliminary investigation into any case where it is alleged that a member has committed an act of professional misconduct, or should for any other reason be the subject of proceedings before the Tribunal; and
 - (b) deciding whether the case shall be referred to the Tribunal after affording such a member an opportunity of being heard either personally or by a legal practitioner of his own choice in Nigeria.
- (4) The Council shall appoint members of the Panel from members of the Institute who are not members of the Council or the Tribunal.

- (5) A person shall not be appointed as a member of the Tribunal or of the Panel unless such a person is a Chartered Member or Fellow of the Institute.
- (6) The Provisions of Third Schedule to this Bill shall so far as they are applicable to the Tribunal and Panel, respectively have effect with respect to these bodies.
- (7) The Council may, from time to time, make rules consistent with this Bill as to acts, conducts or omissions which constitute professional misconduct.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Penalties for Professional Misconduct.

- (1) Where —
 - (a) a person enrolled or registered under this Bill is adjudged by the Tribunal to be guilty of infamous conduct in any professional respect; or
 - (b) a person enrolled or registered under this Bill is convicted by any court or tribunal in Nigeria or elsewhere having power to impose a term of imprisonment for an offence (whether or not punishable with imprisonment) which is in the opinion of the Tribunal is incompatible with the status of a project management professional; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently enrolled or registered, he shall be guilty of an offence and shall on conviction be liable to a term of imprisonment not exceeding five years.
- (2) The Tribunal may, if it deem fit:
 - (a) give a directive reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register; or
 - (b) defer or further defer its decision as to the giving of such directive under this section until a subsequent meeting of the Tribunal but —
 - (i) no decision shall be deferred under this section for periods exceeding one year in the aggregate, and
 - (ii) no person shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when that decision was deferred.
- (3) For the purpose of subsection (1) (b) 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 no application for extension of time to appeal is brought in connection with the conviction.

- (4) When the Tribunal gives a directive under subsection (2) of this section, the Tribunal shall cause notice of the directive to be served on the person to whom it relates.
- (5) The person to whom a directive under subsection (2) of this section relates may, at any time within 21 days from the date of service on him of notice of the directives, appeal against the directives to the Federal High court and the Tribunal may appear as respondent to the appeal and for the purpose of enabling directives to be given as to the costs of the appeal proceedings before the Federal High Court, the Tribunal shall be deemed to be a party thereto whether or not it appeals on the hearing of the appeal.
- (6) A directive on the Tribunal under this section shall take effect where —
 - (a) no appeal under this section is brought against the directive within the time limited for appeal;
 - (b) such an appeal is brought and is withdrawn or struck out for want prosecution on the withdrawal or striking out of appeal;
 - (c) such appeal is brought and is not withdrawn or struck out, if and when the appeal is dismissed, and shall not take effect except in accordance with foregoing provisions of this subsection.
- (7) A person whose name is struck off the register in pursuance of a directive of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction on that behalf given by the Federal High Court on the application of that person.
- (8) A directive 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 directive (and where he has recently made such an application from the date of his last application) as may be specified in the directive.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

PART VI — MISCELLANEOUS

Clause 16: Offences.

- (1) If a person for the purpose of procuring the registration of any name, qualification or other matter —
 - (a) make a statement which he believes to be false in a material particular; or
 - (b) recklessly make a statement which is false in a material particular, is guilty of an offence.
- (2) If, on or after the commencement date of this Bill, a person who is not a member of the Institute practices or holds himself out as a member in expectation of a reward or takes or uses any name, title, addition or description implying that he is a member, he is guilty of an offence.

- (3) If the Registrar or any other person employed by or on behalf of the Institute willfully make any falsification in any matter relating to the register, he is guilty of an offence.
- (4) A person guilty of an offence under this section is liable —
- (a) on summary conviction to a fine not exceeding ₦50,000;
 - (b) on conviction or indictment to a fine not exceeding ₦20,000 or to imprisonment for a term not exceeding two years, or to both such fines 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 attributable to any neglect on the part of any direct, manager, secretary or other similar officer of the corporate body or any person purporting to act in such capacity, he, as well as the body corporate shall be deemed to have committed the offence and shall be liable to be prosecuted and punished accordingly.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Regulations.

- (1) Any regulation made under this Bill shall be published in the Federal Government Gazette as soon as they are made, and a copy of the regulations shall be forwarded to the Minister for Commerce not less than seven days before they are published.
- (2) The rules proposed for the purposes of this Bill shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for that purposes, and if then annulled shall cease to have effect on the day affect the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rule.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Rules as to Practice, etc.

- (1) The Council may make rules —
- (a) for the training of registered members of the profession or suitable persons in project management methods; and
 - (b) for the supervision, regulation, engagement and training of such persons;
 - (c) prescribing the amount and date for payment of the annual subscriptions, and for such purpose, different amounts may be prescribed by the rules according to whether the member of the Institute is a fellow member, chartered member, graduate member, associate member, corporate member or honorary fellow member;

- (d) prescribing the form of license to practice to be issued annually or if the Council deems fit, by endorsement on an existing license;
 - (e) restricting the right to practice as a chartered member of the profession in default of payment of the amount of the annual subscriptions where the default continues for longer than such period as may be prescribed by the rules;
 - (f) restricting the right to practice as a member of the profession if the qualification granted outside Nigeria does not entitle the holder in practice to be completed before a person qualifies for a license to practice as a member of the profession; and
 - (g) prescribing the period of practical training in the office of a chartered member of the profession in a practice to be completed before a person qualifies for a license to practice as a member of the profession.
- (2) The rules, when made, shall be published in the Federal Government Gazette.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Provision of Library Facilities, etc.

The Institute shall —

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of project management and such other books and publications as the Council may think necessary for the purpose; and
- (b) encourage research into project management, purchasing and supply management methods and such allied subjects to the extent that the Council may, from time to time, consider necessary.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Interpretation.

In this Bill —

"Council" means the Council established as the governing body of the Institute under section 2 (1) of this Bill.

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Enrolled" means in relation to a fellow or a chartered or certified member as the case may be.

Question that the meaning of the word "Enrolled" be as defined in the interpretation to this Bill — Agreed to.

"Fees" includes annual subscription.

Question that the meaning of the word "Fees" be as defined in the interpretation to this Bill — Agreed to.

"Institute" means the Chartered institute of Project Managers of Nigeria established under section 1 (1) of this Bill.

Question that the meaning of the word "Institute" be as defined in the interpretation to this Bill — Agreed to.

"Investigation Panel" means the Chartered Institute of Project Managers Investigating Panel established under section 15 (3) of this Bill.

Question that the meaning of the words "Investigation Panel" be as defined in the interpretation to this Bill — Agreed to.

"Member" means a Chartered Member of the Institute registered in any of the six classes of membership.

Question that the meaning of the word "Member" be as defined in the interpretation to this Bill — Agreed to.

"Chairman" means the overall head of the Council of the Institute.

Question that the meaning of the word "Chairman" be as defined in the interpretation to this Bill — Agreed to.

"President" means the head of the of the Institute administration.

Question that the meaning of the word "President" be as defined in the interpretation to this Bill — Agreed to.

"Project management professional" means any qualified member who is into practice or employed by any organization, Ministry, corporation and engaged in project management.

Question that the meaning of the words "Project management professional" be as defined in the interpretation to this Bill — Agreed to.

"Tribunal" means the Chartered Institute of Project Managers Disciplinary Tribunal established under section 15 (1) of this Bill.

Question that the meaning of the word "Tribunal" be as defined in the interpretation to this Bill — Agreed to.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Citation.

This Bill may be cited as the Chartered Institute of Project Managers of Nigeria (Establishment) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

SCHEDULES**FIRST SCHEDULE**

[Section 2 (3)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL*Qualification and tenure of Office of members*

1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold for a period of two years beginning from the date of his appointment or election.
- (2) Any member of this Institute who ceases to be a member thereof shall if he is also a member of the Council, cease to hold Office on the Council
- (3) Any elected member of the Council may by notice in writing under his hand to dress to the President of the Institute resign his Office.
- (4) If for any reason there is a vacation of Office by a member and —
 - (a) such member was appointed by the Minister, the Minister shall appoint another fit and proper person to replace such member; or
 - (b) if such member was elected, the Council may, if the time between the unexpired portion of the term of Office and the annual general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit and proper persons.

Power of the Council, etc.

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

Orders of the Institution

3. (1) Subject to the provision of this Bill, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute, the Council or any of their committees.
- (2) Standing orders shall provide for decisions to be taken by a majority of the members and in the event of equality of votes, the President of the Institute or the Chairman as the case may be have a second or casting vote.
- (3) Standing orders made for committees shall provide for committees to report back to the Council on any matter referred to it by the Council.

- (4) The quorum of the Council shall be 10 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 an annual general meeting of the Institute on the 30th day of September every year or such other day as the Council may, from time to time, appoint so 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. The President of the Institute shall oversee a special meeting of the Institute.
- (2) A special meeting of the Institute may be convened by the Council at any time, if less than 20 members of the Institute are informed by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meetings, the Chairman of the Council shall oversee a special meeting of the Institute.
- (3) The quorum of any meeting of the Institute shall be 25 members and that of any special meeting of the Institute shall be 20 members.

Meeting of the Council

5. (1) Subject to the provisions of any standing order, 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 seven other members, he shall summon a meeting of the Council to be held within seven days from the day on which the notice is given.
- (2) At any meeting of the Council, the Chairman or in his absence, the Vice-Chairman in their order (first, second) shall preside, but if both are absent, the members present at the meeting shall appoint one of them to preside at the meeting.
- (3) Where the Council desires to obtain the advice of any person on particular matter, the Council may co-opt him as a member for such period as the Council deems fit, but a person who is a member by virtue of this subparagraph, shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Meetings of the Committees

6. (1) The Council may appoint one or more committees to carry out on behalf of the Institute or the Council, such function 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 one-third 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 instrument by which he is 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 common seal of the Institute shall be authenticated by the signature of the President or any other member of the Council authorized generally or specially by the Institute to act for that purpose.
 - (2) Any contract or instrument which, if made or executed by person not being a body corporate, would not be required to be under seal, may be executed on behalf of the Institute or the Council, as the case may require, by any person generally or specially authorized 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 executed.
8. The validity of any proceeding of the Institute or 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 the person is not entitled to do so look part in the proceedings.
 9. Any member of the Institute or 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 or a committee thereof, shall forthwith disclose his interest to the President or Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

Question that the provisions of the First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

[Section 7 (2)]

TRANSITIONAL PROVISIONS AS TO PROPERTIES, ETC.

Transfer of Properties

1. (1) Every agreement to which the incorporated Institute was a part immediately before the commencement of this Bill, whether it is in writing or not an whether or not it is of such nature that the rights, liability and obligations thereunder could be assigned by the incorporated Institute, shall, unless the terms or subject-matter it impossible that it should have effect or been modified in the manner provided by this sub-paragraph have effect from the appointed day so far as it relates to property transferred by this Bill to the Institute as if —
 - (a) the Institute had been a party to the agreement;
 - (b) for any reference (however worded and whether express or implied) to the Incorporated Institute, there were substituted as respects anything falling to be done on or after the commencement of this Bill, a reference to the Institute; and
 - (c) for any reference (however worded and whether express or implies) to a member or members of the Council of the Incorporated Institute were substituted, as respects anything failing to be done on or after the commencement of the Act a reference to a member or members of the Council under this Bill.

- (2) Other documents which refer, whether specifically or generally, to the Incorporated Institute shall be constructed in accordance with subparagraph (1) of this paragraph so far as applicable.
 - (3) Without prejudice to the generality to the foregoing provisions of this Schedule, where, by the operation of section 7 this Bill, any right, liability or obligation shall vest in the Institute and all other persons shall, as from the commencement of this Bill, have the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority for ascertaining, perfecting or enforcing the right, liability or obligation of the Institute.
 - (4) Any legal proceeding or application to any authority pending on the commencement of this Bill or against the Incorporated Institute may be continued on or after that day or against the Institute.
2. On the commencement of this Bill, any person holding any paid appointment in the Incorporated Institute shall hold corresponding appointment in the Institute on the same terms and conditions as to tenure and otherwise but shall not be entitled to receive remuneration both from the Incorporated Institute in respect of the same period of service.
 3. If the law in force at the place where any property transferred by this Bill is situated provides for the registration or transfer of property of the kind in question (whether by reference to instrument of transfer or otherwise), the law shall, so far as it provided for alteration of a register (but not avoidance to transfer the payment of fee or any other matter) apply with the necessary modifications to the transfer of the property and the Institute shall transfer to the officer of the registration authority and the officer shall register the transfer accordingly.

Question that the provisions of the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

[Section 13 (6)]

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATION PANEL

The Tribunal

1. The quorum of the Tribunal shall be four of whom at least two shall be members of the profession.
2. (1) The Council may make rules as to the selection of the Tribunal for the purposes of proceedings and the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
- (2) The rules shall in particular provide —
 - (a) for securing that notice of the proceedings is given at such time and in such manner as may be specified by the rules, 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 Tribunal; and

- (d) for publishing in the Gazette notice of any directive of the Tribunal which has taken effect providing that a person's name shall be struck off a register.
3. For the purpose of any member, the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of subpoena ad testificandum and deuces tecum; but no person appearing before the Tribunal shall be compelled —
- (a) to make any statement before the 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 Tribunal on questions of law arising in proceedings before it, there shall in all proceedings be an Assessor to the Tribunal who shall be appointed by the Council on the recommendation of the Council and shall be a legal practitioner of not less than seven years standing.
- (2) The Council shall make rules as to the functions of an Assessor appointed under this paragraph, and in particular such rules shall contain provisions for securing —
- (a) that where an Assessor advises the Tribunal on any question of law as to evidence, procedures or any other than is specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every party or person shall be informed about the advice the Assessor has tendered; and
- (b) every such party or person shall be informed if in any case the Tribunal does not accept the advice of the Assessor on such a question.
- (3) An Assessor may be appointed under this paragraph either generally or for any particular proceeding or class of proceedings and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

5. The quorum of the Panel shall be three.
6. (1) The Panel may, at any of its meeting attended by all the members of the Panels, make standing orders with respect to the Panel.
- (2) Subject to the provisions of any such standing order, the Panel may regulate its own procedures.

Miscellaneous

7. (1) A person on ceasing to be a member of the Tribunal or the Panel shall not be eligible for appointment as a member of that body.
- (2) A person shall not, if otherwise eligible, be a member of both the Tribunal and the Panel, and a person who acted as a member of the Panel, with respect to any matter shall not act as a member of the Tribunal with respect to that case or any other case.

8. The proceedings of both the Tribunal and the Panel shall not be invalidated by any irregularity in the appointment of any member or vacancy in the membership of the bodies not reason of the fact that any person who was not entitled to do so took part in the proceedings of the body.
9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or the Panel shall be served on the Registrar appointed in pursuance of section 8 of this Bill.
10. Any expenses of the Tribunal or the Panel shall be defrayed by the Institute.

Question that the provisions of the Third Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to establish the Chartered Institute of Project Managers of Nigeria (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 21 — As Recommended

Schedules 1-3 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

13. Chartered Institute of Loan and Risk Management of Nigeria Bill, 2017 (HB.77):

Motion made: That a Bill for an Act to establish the Chartered Institute of Loan and Risk Management of Nigeria Bill, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to establish the Chartered Institute of Loan and Risk Management of Nigeria Bill, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF LOAN AND RISK MANAGEMENT OF NIGERIA TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTE THE PRACTICE OF LOAN AND RISK MANAGEMENT IN NIGERIA; AND FOR OTHER CONNECTED PURPOSES.

PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF
LOAN AND RISK MANAGEMENT OF NIGERIA

Clause 1: Establishment of the Institute.

- (1) There shall be established a body to be known as the Chartered Institute of Loan and Risk Management of Nigeria (in this Bill referred to as "the Institute").
- (2) The Institute —
 - (a) shall be a body corporate with perpetual succession;
 - (b) shall have a common seal which shall be kept in such custody as the Council may, from time to time, authorize; and
 - (c) may sue or be sued in its corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Objectives of the Institute.

The objectives of the Institute shall be to:

- (a) organize and provide professional training in the specialist areas of Loan and Risk Management;
- (b) professionalize Loan and Risk Management with a commitment to raising great leaders in all sectors of the economy;
- (c) promote the art and science in the areas of Loan and Risk Management;
- (d) educate, conduct, and approach to Loan and Risk Management Practice;
- (e) build a bridge between public and private sectors of the economy;
- (f) integrate culture and ethical standard in the specialist areas of Loan and Risk Management practice;
- (g) do all such things that are necessary to promote the advancement of Loan and Risk Management in both the public and private sectors of the economy;
- (h) imbibe professionalism in both the private sector and public sectors of the economy for efficiency and effectiveness in line with global best practices.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Qualifications.

- (1) Subject to the provision of this Bill, persons admitted into the Institute, shall possess knowledge, experience, and qualifications in Loan & Risk Management and other related disciplines determined from time to time by the Council, and may be enrolled in the category of:

- (a) Fellowship;
 - (b) Full Membership;
 - (c) Associate Membership;
 - (d) Graduate Membership;
 - (e) Students.
- (2) Without prejudice to the last foregoing provisions of this Bill, persons registered as members of the Institute, in terms of this Bill, shall be entitled to be enrolled:
- (a) as Fellows, if they satisfy the Council that for the period of not less than five years immediately preceding the date of their application in that behalf that they
 - (i) are fit and proper persons;
 - (ii) are holders of approved academic qualifications;
 - (iii) have satisfied the Council in their dissertations; and
 - (iv) have been continuously active in the practice of professional Loan and Risk Management in either public or private sectors of the economy and as members of the Institute;
 - (b) as Associate members, if for the period of not less than three years immediately preceding the date of their application in that behalf that they have been enrolled as graduate members and are otherwise fit and proper persons, and as may approved in the discretion of the Council;
 - (c) as Graduate members, if they satisfy the Council that they have passed the mandatory examinations conducted by the Institute, hold equivalent qualifications from recognized institutions of higher education and are otherwise however found to be fit and proper persons by the Council.
- (3) The following are other precedence and designated titular abbreviations for:
- (a) a Fellow of the Chartered Institute of Loan and Risk Management who shall have their right to use the designatory letters FCILRM immediately after his names;
 - (b) an Associate members of the Chartered Institute of Loan and Risk Management who shall have the right to use the designatory letters of ACILRM immediately after his names; and
 - (c) a licentiate member of the Chartered Institute of Loan and Risk Management, who shall have the right to use the designatory letters LCILRM immediately after his names

- (4) Graduate and students registered for training shall become professional practicing members only after satisfying specified qualification requirements for membership in any of the foregoing categories as may be prescribed by the Council or by - laws of the Institute.
- (5) In this section, "licentiate member" means any member granted a license by a recognized institution of higher education to practice as a professional Loan and Risk Management, and "licensesure" shall be construed accordingly.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

- Clause 4:**
- (1) The Principal Officers of the Institute shall be:
 - (a) the President;
 - (b) the Vice-President;
 - (c) the National Secretary;
 - (d) the National Treasurer; and
 - (e) the Public Relations officer.
 - (2) The principal officers listed under subsection (1) of this section shall be financial members of the Institute in the grades of Fellows, Associate Members and Licentiate Members and shall be elected to office biennially at the second council meeting after another term of two years, and no more.
 - (3) The President shall be the Chairman of the meetings of the Institute, but in the event of his incapacity, death or inability to perform the duties reposed on him under this subsection, the Vice President shall perform such duties for the unexpired portion of the term of office of that President
 - (4) If any of the officers listed under subsection (1) of this sections shall cease to hold any of the offices designated thereof.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Institute Governing Council.

- (1) There shall be for the Institute, a governing body to known as "the Council" which shall have responsibility for the administration and general management of the Institute.
- (2) The Council established pursuant to subsection (1) of this section shall consist of the following members, that is:
 - (a) the President of the Institute, who shall be the Chairman;

- (b) the Vice-President of the Institute, who shall be the Deputy Chairman;
- (c) the Registrar;
- (d) twelve members nominated by the Institute from the six geopolitical zones of the Federation;
- (e) two persons who shall be members of the Institute, to represent institutions of higher education in Nigeria offering courses leading to an approved qualification, to be appointed in rotation;
- (f) the immediate past President of the Institute;
- (g) one person each not below the rank of a Director to represent the following Federal Ministries, that is:
 - (i) Finance;
 - (ii) Trade and Investment;
 - (iii) Education.

- (3) The provisions of the first schedule to this Bill shall have effect with respect to the supplementary provisions of the Council and the qualifications and tenure of the office or members of the council, and the matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

- Clause 6:**
- (1) There shall be appointed annually a Board of Fellows, to coordinate the activities
 - (2) The Board of Fellows shall consist of persons who have been duly elected as fellows of the Institute, and shall have a Chairman who shall preside over the activities of the Board.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

PART II — FINANCIAL PROVISION

Clause 7: Establishment of Fund and Expenditure.

- (1) The Council shall establish and maintain a fund for the Institute, the management and control of which shall be under the authority of the Council, into which shall be paid:
 - (a) all monies received by the Council in pursuance of this Bill;
 - (b) all subscriptions, fees and council in pursuance of this Bill;

- (c) such monies as may be provided by the Federal, State or Local Government from time to time by way of grants and subventions or loans, and
 - (d) all monies raised for the purposes of the Institute by way of gifts, donations, grants-in aid, testamentary dispositions from individuals, bodies corporation or philanthropic organizations, non-otherwise however.
- (2) The Council shall, from time to time, apply the proceeds of the funds of the Institute to:
- (a) all expenditure incurred by the Institute in the course of the discharge of its function under the Act;
 - (b) the remunerations and allowances of the Registrar and other staff of the Institute to;
 - (c) the maintenance of the premises and property owned and vested in the Institute;
 - (d) the payment of traveling allowance and such stipend for members of the council as may be approved by the Council; and
 - (e) the payment of such other charges as may be reasonably incurred in the performance of the functions of the Institute and the Council.
- (3) For the purposes of the Companies Income Tax, any donation made by any company in Nigeria to the Institute shall be a deductible donation within the meaning of the Act.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Power to Borrow Money.

- (1) The Council, with the general consent of its members or in accordance with the general guidelines or authority given by the government of the federation, borrow, on behalf of the Institute, by way of loan or overdraft from any source, any monies' required by the Council to meet the obligations of the Institute in order to perform its function under this Bill, however, that such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being projected in relation to the Institute in any particular year.
- (2) The Council may, subject to the provisions of the Act and conditions of trust in respect of funds held or any property owned by the Institute, invest any but not all of its funds with the same consent or general authority.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

- Clause 9:**
- (1) The chairman of the Council shall cause to be prepared not later than six months before the end of the year, estimates for the recurrent and capital expenditure (if any) and income of the Institute during the next succeeding financial year which shall be presented to the Annual General Meeting of the Institute by the Council for approval.
 - (2) The Council shall keep proper accounts and records in relation thereto, and of shall prepare in respect of each financial year, a statement of account in such form as the chairman or the council shall direct.
 - (3) The Council shall soon as may be after the end of a financial year, because the accounts of the Institute and those of the council to be audited by qualified auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor-General for the Federation.
 - (4) The auditors appointed pursuant to subsection (3) of this section shall, on completion of the audit of the accounts of the Institute and the Council for each financial year, prepare and submit to the Council two reports, that is to say:
 - (a) a general report setting out the observations and recommendations of the said auditors on the financial affairs of the Institute and the Council for the year, and on any important matters which the auditors may consider necessary to bring the notice of the Council, and
 - (b) a detailed report containing the observations and recommendations of the auditors on all aspect of the operations of the Institute and the Council.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

PART III — THE REGISTRAR

Clause 10: Appointment and Duties of the Registrar.

- (1) The Council shall appoint a fit and proper person to be the Registrar of the Institute.
- (2) The Registrar appointed in terms of subsection (1) of this section shall be the Head of the Administration of the Institute and Secretary to the Council.
- (3) The Registrar shall consist of three parts of which the first part shall be in respect of fellows, the second part shall be in respect of associates and the third part shall be in respect licentiates.
- (4) The Registrar shall consist of three parts.
- (5) Subject to the following provisions of this subsection, the Council may make rules with respect to the form and keeping of the Register and making of entries therein and in particular:

- (a) the making of application for enrolment or registration, as the case may be;
 - (b) providing for notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) authorizing a registered person to have any qualification which is in relation to the relevant discipline of the profession for the purpose of this Bill, registered in relation to this name in addition to, as he may elect, in substitution for other qualifications so registered;
 - (d) specifying from time to time the fees including subscription to be paid to the Institute in respect of the entry of names on the Register for the entry has been paid; and
 - (e) specifying anything failing to be specified under this section, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed as a special meeting of the Institute convened for that purpose, or at the next annual general meeting of the Institute, as the case may be.
- (6) The Registrar shall —
- (a) correct, in accordance with the Council's directives, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
 - (b) remove from the Register the name of any registered person who had died;
 - (c) record the names of the members of the Institute who are in default in the payment of the annual subscription, dues or other charges for more than twelve months, and take such action in relation thereto (including removal of the names of the defaulters from the Registers) as the Council may determine or direct; and
 - (d) make from time to time any necessary alteration in the registered particulars of registered persons.
- (7) The Registrar shall —
- (a) send by post to any registered persons a letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting; and
 - (b) upon the expiration of the period specified in paragraph (a) of this subsection, sends in like manner to the person in question a second similar letter and received no reply to the letter within three months from posting it, then 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.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: (1) The Registrar shall —

- (a) cause the Register to be printed, published and put on sale to members of the public later than two years from the commencement of this Bill.
 - (b) thereafter in each year to cause to be printed, published and put on sale as foresaid, rather a corrected edition of the Registrar since it was last printed; and
 - (c) cause a print of each edition of the Registers and of each list of correction to be deposited at the principal offices of the Institute and the Council shall keep the Register and the list so deposited available at all reasonable times for inspection by members of the Institute.
- (2) A document purporting to be print of an edition of the Register published under the pursuant to this section by authority of the Registrar, or documents purporting to be print of an edition so printed, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of list of correction, as the case may be, and that any person not so specified was not registered.
- (3) Where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so registered.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: (1) Subject to the rules made by the Council pursuant to section 10(4) of this Bill, a person whether or not a member of a professional Loan & Risk Management body recognized by an Act of National Assembly shall be entitled to be enrolled or registered as a Member of Chartered Institute of Loan and Risk Management if:

- (a) he passes he qualifying examination of membership conducted by the Council under this Bill and completes the practical training prescribed; or
- (b) he holds as qualification granted outside Nigeria and for time being accepted by the Institute and, if the Council so requires, satisfies the Council that he had sufficient practical experience as a Loan and Risk Manager.

- (2) Subject to the rules made by the Council pursuant to section 10 (4) of this Bill, a person shall be entitled to be registered as a public manager, if he satisfies the Council that immediately before the appointed day he had not less than five years experience as an inspector and internal auditor of the affairs of a company as defined under the provision
- (3) An application for registration shall, in addition to revenue of evidence of qualification, satisfy the Council—
 - (a) that he is of good character;
 - (b) that he has attained the age of twenty-one; and
 - (c) that he has not been convicted of a criminal offence involving fraud or dishonesty in Nigeria or elsewhere.
- (4) The Council may in its discretion provisionally accept a qualification presented in respect of an application for registration under this section, and direct that the application be renewed within such period as may be specified in the direction.
- (5) Any entry directed to be made in the Register in terms of subsection (4) of this section shall indicate that the registration is provisional, and no entry made in consequence thereof shall be converted to, construed as, full registration without explicit consent of the Council made in writing in that behalf.
- (6) The Council shall from time to time publish in the Federal Government Gazette particulars of qualifications for the time being accepted as aforesaid.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Approval of Qualification, etc.

- (1) The Council may approve an institute for the purposes of this Bill and may for those purposes approve —
 - (a) any course of training at any institution which for persons who are seeking to become or are already management consultants, and which the Council consider as necessary to confer on persons completing the course, sufficient knowledge and skill for admission to the institute;
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practice as Loan and Risk Manager.
- (2) The Council may, if it thinks it fit withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such as approval, the Council shall —

- (a) give notice that it proposes to do so to person in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled as the case may be;
 - (b) afford each such an opportunity of making representations to the Council with regard to the proposal; and
 - (c) take into consideration any representation made as respects the proposal in pursuance of paragraph (b) of this subsection.
- (3) Where the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section, but the withdrawal of any such approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument, and the Council shall —
- (a) publish as soon as possible a copy of every such instrument in the Federal Government Gazette; and
 - (b) not later than seven days before its publication, send a copy of the instrument to the Minister.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

- Clause 14:**
- (1) It shall be the duty of the members of the Council of the Institute to keep themselves informed of the nature of —
 - (a) the instructions given at approved institutions to persons attending approving training; and
 - (b) the examination as a result of which approved qualification are granted, and for the purpose of performing that duty the Council of the Institute may appoint, either from among its own members or otherwise, person to visit approved institutions, or to attend such examination.
 - (2) It shall be the duty of the visitor appointed in term of the foregoing subsection of this section to report to the Council on —
 - (a) the sufficiency of the instructions giving to persons attending approved courses of training at institutions visited by him;
 - (b) the conduct and adequacy of the examination observed by him; and

- (c) any other matters relating to the instruction or examinations on which the Council may, either generally or in particular case, request him to report, but no visitor shall interfere with the given of any instruction or the conduct of any examination.
- (3) On receiving a report made in pursuance of this section, the Council may, if it fit, and shall if so required by the Institution, send a copy of the report to the person appearing before the Council to be in charge of the institution or which the Disciplinary Tribunal has cognizance under the following provisions of the Act responsible for the examination of which the report relates requesting that person to make an observation on the report 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.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

PART IV — PROFESSIONAL DISCIPLINE

Clause 15: Establishment, Composition, etc. of the Disciplinary Committee and Investigating Panel.

- (1) There shall be a tribunal to be known as the Chartered Institute of Loan and Risk Management Disciplinary Committee (in this Bill, referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the investigating panel established pursuant to subsection (3) of this section, and any other case of panel, which the Disciplinary Committee has cognizance under the following provisions of this Bill.
- (2) The Disciplinary Committee shall consist of the Chairman of the Council and six other members of the Council.
- (3) There shall be a body known as Chartered Institute of Loan and Risk Management Investigation Panel (in this Bill, referred to as "the Investigating Panel") which shall be charged the duty of —
- (a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a Loan and Risk Manager or should for any other reason be the subject of proceeding before the Disciplinary Committee; and
- (b) deciding whether the case should be referred to the Disciplinary Committee.
- (4) Council and shall consist of four members of the Council and one person who is not member of the Council.

Third Schedule.

- (5) The provisions of the Second Schedule to this Bill shall, so far as applicable to the third Disciplinary Committee and Investigating Panel respectively, have effect with respect to the bodies.

- (6) The Council may not inconsistent with this Bill as to acts which constitute professional misconduct.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Penalties For Unprofessional Conduct.

- (1) Where —
- (a) a member is judged by the Disciplinary 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 or (whether or not punishable with imprisonment which in the opinion of the Disciplinary Tribunal is incompatible with the status of a professional management accountants; or
 - (c) the Disciplinary Tribunal is satisfied that the name of any person has been fraudulently registered; the Disciplinary 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 Disciplinary Tribunal may, if thinks fit, defer its decisions as to the giving subsection (1) of this section until a subsequent meeting of the Disciplinary Tribunal but —
- (a) no decision shall be referred under this subsection for period exceeding two years on the aggregate; and
 - (b) no person shall be a member of the Disciplinary Tribunal for purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Disciplinary Tribunal when the decision was deferred.
- (3) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension or time) be brought in connection with the conviction.
- (4) When the Disciplinary Tribunal gives a direction under subsection (1) of this section, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to who it relates.
- (5) A person whose name is struck off the Register in pursuance of a direction of the Disciplinary Tribunal under this section, shall not be entitled to be entitled to be enrolled or registered again expect in pursuance of a direction in that behalf given the Disciplinary Tribunal on the application of the person, and a direction under this section for the removal of a person's name from the Register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

PART V — MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

- Clause 17:** (1) The Council may make rules for —
- (a) the training of suitable persons in Loan and Risk Management methods and practice; and
 - (b) the supervision and regulation of the engagement, training and transfer of such persons.
- (2) The Council may also make rules —
- (a) prescribing the amount and the due for payment of annual subscription, and for such purpose different amount may be prescribed by the rules according to whether the person is enrolled as a fellow, associate member, a graduate member, licentiate member of student;
 - (b) prescribing the form of licentiate to practice to be issued annually or, if the Council thinks it fit, by endorsement on any existing license; and
 - (c) restricting the right to practice in default of payment of the amount of annual subscription where the default continues for longer than such period as may be prescribed by the rules.
- (3) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the Federal Government Gazette.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Provision of Library Facilities.

The Institute shall —

- (a) provide and maintain a Library, comprising books and publications for the advancement of knowledge of Loan and Risk Management, and such other books and publications as the Council may think necessary for that purpose;
- (b) encourage research into public management methods and allied subjects to the extent that the Council may from time to time consider necessary.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Offences.

- (1) If any person, for the purpose of procuring the registration of any name, qualification or other matter —
 - (a) make a statement which he believes is false in a material particular, or
 - (b) recklessly make a statement which is false in a material particular, he shall be guilty of an offence.
- (2) If, on or after the relevant date, any person not a member of the Institute practices or holds himself out to practice public management for or in expectation of reward or takes or uses any name, title, addition or description implying that he is in practice management, he shall be guilty of an offence, provided that, in the case of a person failing within section 17 of this Bill —
 - (a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
 - (b) if within that period he duly applies for membership of the Institute, then, unless within that period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or is notified as aforesaid.
- (3) If the Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the Register, he shall be guilty of an offence.
- (4) A person guilty of an offence under this section be liable —
 - (a) on summary conviction, to a fine of an amount not exceeding ₦50,000;
 - (b) on conviction on indictment, to a fine of an amount not exceeding ₦100,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.
- (5) Where an offence under this section which has been committed by a body corporate is proven to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.
- (6) In this section, "the relevant date" means the third anniversary of the appointed day or such earlier date as may be prescribed for the purpose of this section by order of the Ministry published in the Federal Government Gazette.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

- Clause 20:**
- (1) Any regulation made under this Bill shall be published in the Federal Government Gazette as soon as may be after they are made and a copy of any such regulations shall be sent to the Ministry later than seven days before they are so published.
 - (2) Rules made for the purposes of this Bill shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for that purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but with prejudice to anything done in pursuance or intended pursuance of any such rules.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

- Clause 21:**
- (1) The body known as the Institute of Loan and Risk Management of Nigeria is hereby dissolved.
 - (2) Accordingly, all the property held by or on behalf of the former Institute shall by virtue of this section and without further assurance vest in the Institute and held by it for the purposes of the Institute.
 - (3) 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 property of the former Institute, and with respect to the other matter mentioned in that schedule.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Interpretation.

In this Bill, unless the context otherwise requires, the following words and expressions have the meanings respectively assigned to them, that is —

"Institute" means Chartered Institute of Loan and Risk Management established under section 1 of this Bill.

Question that the meaning of the word "Institute" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Council established as the governing body of the Institute under section 5 of this Bill.

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Disciplinary Tribunal" means the Chartered Institute of Loan and Risk Management Discipline Tribunal under section 15 (1) of this Bill.

Question that the meaning of the words "Disciplinary Tribunal" be as defined in the interpretation to this Bill — Agreed to.

"Enrolled" in relation to a fellow, an associate member, a graduate member, a licentiate member, as the case may be.

Question that the meaning of the words "Enrolled" be as defined in the interpretation to this Bill — Agreed to.

"Fees" includes annual subscription.

Question that the meaning of the word "Fees" be as defined in the interpretation to this Bill — Agreed to.

"Investigation Panel" means an enrolled fellow, associate member or a licentiate member of the Institute; and "membership of the Institute" shall be construed accordingly.

Question that the meaning of the word "Institute" be as defined in the interpretation to this Bill — Agreed to.

"Ministry" means the Ministry charged with the responsibility for matters relating to finance.

Question that the meaning of the word "Ministry" be as defined in the interpretation to this Bill — Agreed to.

"President and Vice President" means respectively the officer holder, under those names in the Institute.

Question that the meaning of the words "President and Vice President" be as defined in the interpretation to this Bill — Agreed to.

"Profession" means the profession of Loan and Risk Management; and

Question that the meaning of the word "Profession" be as defined in the interpretation to this Bill — Agreed to.

"Register" means the register maintained in pursuance of section 10 (2) of this Bill.

Question that the meaning of the word "Register" be as defined in the interpretation to this Bill — Agreed to.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Short Title.

This Bill may be cited as the Chartered Institute of Loan and Risk Management of Nigeria Bill, 2017.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

SCHEDULES

FIRST SCHEDULE

Section 5 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and tenure of members

1. (1) Subject to the provisions of this paragraph, a member of the Council hold office for a period of two years beginning with the date of his appointment of election.
- (2) Any member of the Institute who cease to be a member therefore shall, if he is also a member of the Council, cease to hold office on the Council.
- (3) Any elected member may by notice in writing under his hand addressed to the President resign his office, and any appointed member may, likewise resign his appointment.
- (4) A person who retires from or otherwise cease 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 reappointed.
- (5) Members of the Council shall at a meeting next before the annual general meeting of the Institute arrange for five members of the Council appointed or elected, and longest in office to retire at that annual general meeting.
- (6) Elections to the Institute shall be held in such manners as may be prescribed by rules made by the Council and until so prescribed they shall be decided in a secret balloting process.
- (7) If for any reason there is a vacation of office by a member and —
 - (a) such member was appointed by the Minister or any other body corporate, the Minister or any such body corporate shall appoint another fit person to occupy the office in which the vacancy occurs; or
 - (b) such member was elected, the Council may, if the period between the unexpired portion of the tenure of office and the next general meeting of the Institute appears to warrant the prompt filling of the vacancy, co-opt some fit person for such period as aforesaid.

Powers of Council

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

Proceedings of the Council

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

- (2) Standing orders shall be provided for decision to be taken by a majority of the members, and in the event of equality of votes, for the President or the Chairman, as the case may be, to have a second or casting vote.
- (3) Standing orders make for a committee shall provide the committee report back to the Council on any matter not within its competence to be decided upon.
- (4) The quorum of the Council shall be nine, and the quorum of a committee of the Council shall be as fixed by the Council.

(a) Meetings of the Institute

5. (1) The Council shall convene the annual general of the Institute on a day as the Council may from time to time appoint any particular year, so however that if the meeting is not held within one year, so however that if the meeting is not held within one year after the previous annual general meeting, not more than fifteen months shall elapse between the respective dates of the two meetings.
- (2) A special meeting of the institute may be convened by the Council at any time, and if not less than thirty members of the Institute require it by notice in writing addressed to the General Secretary of the Institute setting out the objects of the proposed meeting, the Chairman of the Council shall convene special meeting of the Institute.
- (3) The quorum of any general meeting of the Institute shall be fifteen members, and that of any special meeting of the Institute shall be twenty-five members.

(b) Meetings of the Council

6. (1) Subject to the provision 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 seven other members, he shall summon a meeting of the Council to held within seven days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman or in his absence the Deputy Chairman shall preside; but if both are absent the members present at the meeting shall appoint one of their numbers to preside at the meeting.
- (3) Where the Council desires to obtain advise 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 the provisions of this subparagraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

7. (1) The Council may appoint one or more committee 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, and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
- (3) Any recommendations of a committee of the Council shall be of no effect until it is approved by the Council.

Miscellaneous

8. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the National President or of some other member of the Council authorized generally by the Institute to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person 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, by any person generally or specially authorized to act for the purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall unless the contrary is proved be deemed to be so executed.
- (4) The validity of any proceedings of the Institute or Council of a committee of the Council shall not be affected by any vacancy in membership; or of any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the committee, or by reason that a person not entitled to do took part in the proceedings.
- (5) Any member of the Institute or the Council, and any person holding office on a committee of the Council, who has a personal interest by the Council or a committee 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 arrangement.
- (6) A person shall not be reason only of his membership of the Institute be required to disclose any interest any interest relating solely to the audit to the accounts of the Institute.

Question that the provisions of the First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

Section 15 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the Tribunal shall be three of whom at least two shall be professional commercial practitioners.
2. The Chief Justice of Nigeria shall make rules as to the selection of members of the Tribunal for the purposes of any proceedings and as to the procedures to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

- (a) for securing that notice of the proceedings shall be given at such time and at such manner as may be specified by the rules to the person who is the subject of the proceeding;
 - (b) for determining who in addition to the 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 Tribunal;
 - (d) for enabling any party to be proceedings to be presented by a legal practitioner;
 - (e) subject to the provisions of Section 16(5) of this Bill, as to the costs of proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved it shall record a findings 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 media notice of any direction of the 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 Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may sue through the Supreme Court writs of *subpoena ad testandum* and *dues talem*, but no person appearing before the Tribunal shall be compelled —
- (a) to make any statement before the Tribunal tending to incriminate himself;
 - (b) to produce any document under such a writ which he could be compelled to produce at the trial of an action.
4. (1) For the purposes of advising the Tribunal on question of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.
- (2) The Chief Justice of Nigeria shall make rules as to the function of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing —
- (a) that where an assessor advises the Tribunal on any question of law as the evident, procedure or any matters specified in the rules, he shall do so in the presence of every party or person presenting a party to the proceedings who appears thereat or, if the advises is tendered while the Tribunal is deliberating in private, that every such party or persons are aforesaid.
 - (b) that every such party or person as aforesaid shall be informed if in any case the 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 instrument by which he is appointed.

The Panel

5. The quorum of the panel shall be two.
6. (1) The panel may, at any sitting of the panel attended by all members of the panel, make standing orders with respect to the panel.
(2) Subject to the provisions of any such standing orders, the panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the Tribunal or the panel shall be eligible for reappointment as a member of that body.
(2) A person may, if otherwise eligible, be a member of both the Tribunal and the panel, but no person who acted as a member of the panel with respect to any case shall act as a member of the Tribunal with respect to the body.
8. The Tribunal or the panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that, or (subject to paragraph 7(2) of this schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of the body.
9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or the panel shall be served on the Registrar appointed in pursuance of section 10 of this Bill.
10. Any expenses of the Tribunal or the panel shall be defrayed by the Institute.

Question that the provisions of the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

Section 23 (3)

TRANSITIONAL PROVISION AS RELATING TO PROPERTY, ETC.

1. (1) Every agreement to which the former Institute was a party immediately before the appointment day, whether in writing or not and whether or not of such a nature that the right, liabilities and obligations there under could be assigned by the former Institute shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day, so far as it relates to property transferred by this Bill to the Institute, as if —
 - (a) the Institute had been a party to the agreement;
 - (b) for any reference (however worded and whether expressed or implied) to the former Institute they were substituted, as respects anything falling to be done or after the appointed day, a reference to the Institute; and

- (c) for any reference (however worded and whether expressed or implied) to a member or members of the Council of the former Institute or an officer of the former Institute they were substituted, as respects anything falling to be done on or after the appointed day, a reference members of the Council under this Bill or the officers of the former Institute who corresponds as nearly as may be to the member or officer in questions of the Institute.
- (2) There documents which refer, whether especially or generally, to the former Institute shall be construed in accordance with subparagraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality of the foregoing provisions of this schedule, where, by the operation of any of them or of section 23 of this Bill, any right, liability or obligation vests in the Institute and all other persons shall, as from the appointed day, have the same rights as to the making or resisting of legal proceedings or the making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had at all times been a right, liability or obligations of the Institute.
- (4) Any legal proceedings or application to any authority pending on the appointed by or against the former Institute and relating to property transferred by this Bill to Institute may be continued on or after that day by or against the Institute.
- (5) If the law in force at the place where any, property transferred by this Bill is situated (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provided for alterations of a Registered (but not for avoidance of transfer, the payment of fees or any matter) apply with the necessary modifications to the transfer of the property aforesaid, and it shall be the duty of the Council to furnish the necessary particulars of the transfer to the proper office of the registration authority, and of that officer to register the transfer accordingly.

Transfer of functions, etc.

2. (1) At its first meeting, the Council of the Institute shall fix a date (not later than six months after the appointed day) for the annual general meeting of the Institute.
- (2) The members of the Council of the former Institute shall be deemed to be members of the Council of the Institute until the date determined in pursuance of the foregoing subparagraph when the Institute shall have its first annual general meeting, and they shall cease to hold office at the conclusion of such meeting.
- (3) Any person who, immediately before the appointed day, held offices as the President or Vice President of the Council of the former Institute shall on that day become the President or, as the case may be, the Vice-President of the Institute and shall be deemed —
- (a) to have been appointed to that office in pursuance of the provision of this Bill corresponding to the relevant provision in the said articles of Institute; and
- (b) to have been appointed on the date on which who took office, or last took office, in pursuance of the relevance of the relevant provision of those articles.

- (4) The members of the former Institute shall, as from the appointed day, be registered 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 appointed day, was a member of the staff of the former Institute shall on that day become the holder of an appointment with the Institute with the status, designation and functions which corresponds as nearly as may be to those which appertained to him in his capacity as a member of that staff.
- (5) Any person being an office-holder on, or member of the Council of the Institute immediately before the appointed day 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 otherwise than by reason of this misconduct, shall be eligible for appointment in the Institute or to membership of the Council as the case may be.
- (6) All allegations, rules and similar instrument made for the purposes of the Institute, and in force immediately before they are subsequently revoked or amended by any authority have power in that behalf have effect, with any necessary modifications, as if duly made for the corresponding purposes of the Institute.

Question that the provisions of the Third Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to establish the Chartered Institute of Loan and Risk Management of Nigeria Bill, 2017 and approved as follows:

Clauses 1- 23	—	As Recommended
Schedules 1-3	—	As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

- 14. Chartered Institute of Local Government and Public Administration Bill, 2017 (HB. 108):**
Motion made: That a Bill for an Act to establish the Chartered Institute of Local Government and Public Administration Bill, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to establish the Chartered Institute of Local Government and Public Administration Bill, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

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

PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF LOCAL GOVERNMENT AND PUBLIC ADMINISTRATION OF NIGERIA

Clause 1: Establishment of the Chartered Institute.

- (1) There is established a chartered Institute of Local Government and public administration of Nigeria (hereinafter in this Bill referred to as "the Institute").
- (2) The Institute —
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may acquire, hold and dispose of real and personal property; and
 - (c) may sue or be used in its corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Functions of the Institute.

The functions of the Institute are to —

- (a) determine the standards of knowledge and skills attained by persons seeking to become members of the Institute and improve those standards from time to time;
- (b) secure a register of members of the Institute and establishment of the Chartered Institute;
- (c) promote research and development of curricula of training of local government and public administrators;
- (d) provide consultancy services in appropriate cases;
- (e) carry-out such functions that are intended to facilitate the achievement of the objects contained in this Bill; and
- (f) arranging conferences, seminars, symposia and meetings.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Powers of the Institute.

The Institute has power to do all things necessary and convenient to be done in connection with the performance of its functions and in particular, may —

- (a) enter into contracts;
- (b) charge fees for its services;
- (c) make regulations for the conferment of charter;
- (d) make penal regulations; and
- (e) the Institute shall have the power to award honorary membership of the Institute to persons it deems worthy of such honour on terms and conditions prescribed by the Council and approved by the Institute in a general meeting.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Establishment of Governing Council and Management.

- (1) There is hereby established for the Institute a Governing Council charged with the administration and management of the Institute, whose membership shall consist of the followings:
 - (a) the President, elected by Council members amongst themselves;
 - (b) the Vice-President, elected by Council members amongst themselves;
 - (c) two persons appointed by the minister;
 - (d) six persons elected by the Institute; and
 - (e) an immediate past president of the Institute who entitled to serve for a further maximum period of three years from the expiration of his tenure as President.
- (2) The President and the Vice shall hold office for a term of two (2) from the date of their elections.
- (3) The President shall preside at meetings of the Council, and in his absence, the Vice-President shall preside.

Schedule.

- (4) The provisions set out in the Schedule to this Bill shall have effect, with respect to operation, qualification, tenure of office of members of the Council and other matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

PART II — APPOINTMENT OF REGISTRAR, AND PREPARATION OF REGISTER, ETC.

Clause 5: Appointment of Registrar, and Preparation of Register.

- (1) The Council shall appoint the Registrar who shall be the Chief Executive Officer of the Institute.
- (2) A person appointed as the Registrar shall have served the Institute for a period not less than (2) two years preceding the date of his appointment.
- (3) The Registrar shall prepare and maintain in accordance with the rules and regulations made by the Council, a Register of —
 - (a) names;
 - (b) addresses;
 - (c) approved qualifications; and
 - (d) other particulars,

of all persons who are entitled to be enrolled as fellows, members, associates or registered students and who, in the manner prescribed by such rules apply to be so registered.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Functions of the Registrar.

- (1) The Registrar shall be the Secretary to the Council and shall keep minutes of proceedings at all meetings of the Council.
- (2) The Registrar shall —
 - (a) in accordance with the directions of the Council, correct any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;
 - (b) from time to time, make any necessary alterations to the particulars of registered members;
 - (c) record the names of the registered members who are in default for more than six months in the payment of annual subscriptions; and
 - (d) remove the names of defaulters from the registers as the Council may direct or require.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Other Staff.

- (1) The Council may, on the recommendation of the Registrar appoint such other staff as it may consider necessary to assist the Registrar in the discharge of his duties.
- (2) The employment of the Registrar and other staff shall be pensionable, in accordance with the terms and conditions of service in the Federal Government of Nigeria.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Content of the Register.

The Register shall be in four parts namely —

- (a) fellows,
- (b) members,
- (c) associates, and
- (d) registered students.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Regulation.

The Council may by regulations provide for the —

- (a) manner of making entries in the Register;
- (b) manner of application for enrolment or registration in the Register;
- (c) Fees, including annual subscriptions payable to the Institute.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Publication of the Register and List of Correction, etc.

The Registrar shall —

- (a) cause the register to be printed and published not later than two years from the coming into force of this Bill;
- (b) thereafter in each year after the register is first published under paragraph;
- (c) cause to be printed, published and put on sale a corrected edition of the register;

- (d) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute; and
- (e) make the register and lists so deposited available at all reasonable times for inspection by members of the public.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Evidence of Registration of Chartered Local Government and Public Administrators.

A print of an edition of the register published under this section by the Registrar (without prejudice to any other mode of proof) shall be admissible in any proceeding as evidence that any person specified in the register was so registered at the date of the edition, and that any person not so specified was not so registered.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

PART III — REGISTRATION OF MEMBERSHIP

Clause 12: Qualification for Membership.

- (1) A person shall be entitled to be registered as a member of the Institute if:
 - (a) he passes the qualifying professional examination conducted by the Council and completes the practical training prescribed; or
 - (b) he holds a qualification accepted by the Council as sufficient practical experience in Local Government and Public Administration; or
 - (c) he holds a qualification granted outside Nigeria which recognised by the Council and he is by law entitled to practice the profession for all purpose in the country in which the qualification was granted.
- (2) An applicant for registration shall in addition to evidence or qualification, satisfy the Council that —
 - (a) he is good character;
 - (b) he had attained the age of eighteen years; and
 - (c) he has not been convicted in Nigeria or elsewhere of an offence involving dishonesty.
- (3) The Council may, provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the Application be renewed within such period as may be specified in the direction.

- (4) An entry made under subsection (3), shall show that the registration is provisional and such entry may only be converted to full registration with the Consent of the Council, signified in writing.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Publication in the Gazette.

The Council shall, periodically publish in the Gazette particulars of qualifications acceptable for registration.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Designation of Members.

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

- (ii) have at least eight years relevant work experience in a public Organisation.
- (c) Associates, if they are twenty-one years of age or above and —
 - (i) have passed the professional qualifying examination of the Institute or any equivalent examination recognised by the Institute; or
 - (ii) have at least five years relevant work experience in a Public Organization.
- (d) registered students, if they are eighteen years of age or above and have passed with Credits, West African School Certificate or General Certificate Examination O/Level or Senior Secondary certificate Examination in five papers at no more than two sittings.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Designatory Letters.

The designatory letters of the —

- (a) fellows of the Institute shall be "FCPA";
- (b) Members of the Institute shall be "MCPA";
- (c) Associates of the Institute shall be "ACPA"

Question that Clause 15 stand part of the Bill — Agreed to.

Clause 16: Approval for Qualification, etc.

The Council may approve any course of training at any approved Institute which is intended for person seeking to become or are already engaged in Local Government and Public Administration and which the Council considers as being designed to confer on persons completing it sufficient knowledge and skill for admission into the Institute.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Supervision of Instructions.

(1) It shall be the duty of the Council to keep itself informed of the nature of

—
(a) instructions given at approved institutions to persons attending approved courses of training, and

(b) examination, the result of which qualifications are granted; and for the purpose of performing that duty, the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions to observe such instructions or examinations.

- (2) It shall be the duty of persons appointed under subsection (1) to report to the Council on the sufficiency or otherwise of the instructions given to persons attending approved courses of training at institutions visited by them.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Signatory to Certificates.

The President and Registrar shall be the joint signatory to certificates awarded by the Institute.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

PART IV — FUND FOR THE INSTITUTE

Clause 19: Funds for the Institute.

- (1) The Council shall establish and maintain a fund, to be applied towards function of the Institute.
- (2) The Institute shall not later than 1st October in each financial year or soon thereafter submit to the Council for approval, its estimate of revenue and expenditure in respect of the following year.
- (3) The Council may invest moneys in the fund in any security created or issued or on behalf of the Government of the Federal Republic of Nigeria or in any other securities in Nigeria approved by the Council —
- (i) the Council may from time to time, reasonably borrow money for purposes of the Institute;
- (ii) all fees, and other monies payable to the Institute;
- (iii) all grants, aids and solicited funds received for the Institute;
- (iv) proceeds from programme and activities.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Expenditure.

There shall be defrayed from the fund the following:

- (a) the remuneration and allowances of the Registrar and, other employees of the Institute;
- (b) such reasonable travelling allowance (as determined by the Council and its Committees) incurred in the business or official functions of the Institute;

- (c) any expense incurred by the Council in the discharge of its duties.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Auditing of Accounts.

- (1) The Council shall keep proper records of the annual accounts of the Institute in each financial year.
- (2) The accounts of the Institute shall be audited within six months after the end of each financial year by auditors appointed by the Council. The fees of the auditors and the expenses of audit shall be paid from the fund of the Institute.
- (3) The audited annual accounts and report shall be submitted by the Council to the Members of the Institute at the AGM.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Regulations.

Any regulations made under this Bill shall be published in the gazette as soon as they are made and the Minister shall lay a copy of any such regulation before the National Assembly for consideration into law.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

PART V — PROFESSIONAL DISCIPLINE

Clause 23: Investigating Panel.

There shall be an Investigating panel, consisting of three members and two non members of the Council all to be appointed by the Council charged with duty of —

- (a) conducting preliminary investigation into allegations that a registered member has misconducted himself in his capacity as a registered member; and
- (b) deciding whether the allegations should be referred to the disciplinary committee or not.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Disciplinary Committee.

There shall be a Disciplinary Committee consisting of seven (7) members one of whom shall be the Chairman appointed by the Council, charged with the duty of investigating and determining any case referred to it by the Investigating Panel established under section 26 (1) (b).

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Penalties for Unprofessional Conduct.

- (1) Where —
 - (a) a registered person is, adjudged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect; or
 - (b) a registered person is convicted, in Nigeria or elsewhere by any court of competent jurisdiction; or
 - (c) the Disciplinary Committee determines that the name of any person has been fraudulently registered.
- (2) The Disciplinary Committee, may, give a direction reprimanding that person or ordering the Registrar to strike the person's name out of the relevant Part of the Register.
- (3) Disciplinary Committee may, defer or further defer its decision as to the giving of a direction under subsection two (2) until a subsequent meeting of the Disciplinary Committee.
- (4) The Disciplinary Committee may not defer its decision under subsection (3) for periods exceeding one year.
- (5) When the Disciplinary Committee gives a direction under subsection (2), the Disciplinary Committee shall cause notice of the direction to be served on the Person to whom it relates.
- (6) The person to whom a direction under subsection (2) relates may, at any time within twenty-eight days from the date of service on him, appeal against the direction to the Federal High Court.
- (7) A person whose name is removed from the register pursuant to a direction of the Disciplinary Committee, may not be registered again except pursuant to a direction in that respect given by the Disciplinary Committee on the application of that person.
- (8) A direction for the removal of a person's name from the register, may prohibit an application under subsection by that person until the expiration of such period from the date of the direction.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

PART VI — OFFENCES AND PENALTIES**Clause 26: Offences and Penalties.**

- (1) A person commits an offence, who —

- (a) holds himself out as a Chartered Local Government and Public Administrator; or
 - (b) willfully makes falsification in any matter relating to the register.
- (2) A person who is found guilty of an offence under this section is liable on —
- (a) summary conviction, to a fine of an amount not exceeding ₦1,000 or (6) conviction on indictment to a fine of an amount not exceeding ₦5,000 to imprisonment for a term not exceeding two years, or both.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Limitation of Suits Against the Council and its Staff.

- (1) Notwithstanding anything to the contrary contained in any other enactment, no suit against the Institute, a member or any employee of the Institute for any act done in pursuance or execution of any enactment or law, or of any public duty or authority, or in respect of an alleged negligence or default in the execution of such enactment or law, duty or authority, shall lie or be instituted in any court unless it is commenced within 12 months next after the act or neglect complained of or in the case of a continuing damage or injury, within 12 months next after the ceasing thereof.
- (2) No suit shall be commenced against the Institute before the expiration of a period of one month notice of intention to commence the suit shall have been served upon the Institute by the intending plaintiff or his authorized agent and the notice shall clearly and explicitly state:
 - (a) the cause of action;
 - (b) the particulars of the claim;
 - (c) the name and place of abode of the intending plaintiff; and
 - (d) the relief which he claims.
- (3) The notice referred to in subsections (1) and (2) of this section and any summons, notice or other document required or authorized to be served upon the Institute under the provisions of this Bill or any other enactment or law may be served by delivering the same to the President, Chairman, Governing Council or the Registrar of the Institute and by sending it by registered post to the principal office of the Institute.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Interpretation.

In this Bill unless the context otherwise requires —

"Registered" means enrolled.

Question that the meaning of the word "Registered" be as defined in the interpretation to this Bill — Agreed to.

"Incorporated Institute" means the Institute of Chartered Local Government and Public Administration incorporated under the Companies and Allied Matters Act, 2004.

Question that the meaning of the words "Incorporated Institute" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with the responsibility form matters relating to education.

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: Citation.

This Bill may be cited as the Chartered Institute of Local Government and Public Administration Bill, 2017.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 29 do stand part of the Bill, put and agreed to.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL PROCEEDING OF THE COUNCIL

Section 4 (4)

1. Subject to this Bill and section 27 of the interpretation Act (which provides for decision of a statutory body to be taken by a majority of its members, and for the President to have a second or casting votes) the council may make standing orders regulating the proceedings of the Council and any Committee thereof:-
2. If at any time, the office of the President is vacant or the President is in the opinion of the Council permanently or temporarily unable to perform the function of his office, the Council may approve one of its Members to perform such functions and reference in the schedule to the President shall be construed accordingly.
3. Every meeting of the Council shall be presided over by the President and if he is unable to attend a particular meeting the Vice President shall presides and in the event where both the President and Vice President are absent, the Member present at the meeting shall elect one of their Members to preside at the meeting.

4. The Quorum at a meeting of the Council shall consist of the President /or in the appropriate case, the person presiding at the meeting and six other members.
5. Where upon any special occasion, the Council desire to obtain the advice of any person may co-opt that person to be member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum .

Committee

6. (1) Subject to its standing orders, the Council may appoint such number of standing or Ad-Hoc Committees as it thinks fit to consider and report on any matter with which the Council is concerned.
 - (2) Every Committee appointed under the provision of subparagraph (1) of this paragraph, shall be presided over by a member of the council and shall be made up of a number of persons, not necessarily members of the council as the council may determine in each case.
7. The decision of the Committee shall have no effect until it is confirmed by the Council.

Miscellaneous

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

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to establish the Chartered Institute of Local Government and Public Administration Bill, 2017 and approved as follows:

Clauses 1- 29 — As Recommended

Schedule — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

15. Chartered Institute of Human Capital Development of Nigeria Bill, 2017 (HB. 28):

Motion made: That a Bill for an Act to establish the Chartered Institute of Human Capital Development of Nigeria Bill, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to establish the Chartered Institute of Human Capital Development of Nigeria Bill, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF HUMAN CAPITAL DEVELOPMENT OF NIGERIA CHARGED, AMONG OTHER THINGS, WITH THE RESPONSIBILITY OF ENTRENCHING PROFESSIONAL EXCELLENCE AND SETTING THE STANDARDS FOR BEST PRACTICES IN LEARNING AND PERFORMANCE AMONG HUMAN CAPITAL DEVELOPMENT PRACTITIONERS IN NIGERIA; AND FOR OTHER MATTERS CONNECTED THEREWITH.

PART I — ESTABLISHMENT, ETC., OF CHARTERED INSTITUTE OF HUMAN CAPITAL DEVELOPMENT OF NIGERIA

Clause 1: Establishment of Chartered Institute of Human Capital Development of Nigeria, etc.

(1) There is hereby established a body to be known as the Chartered Institute of Human Capital Development of Nigeria (in this Bill referred to as "the Institute") which shall be a body corporate under that name and be charged with the general duty of:

(a) advancement of human capital through its development for the attainment of individual and corporate goals;

- (b) encouraging workplace learning, development and skills acquisition thereby increasing productivity through capacity utilization of the human element in the workplace;
 - (c) encouraging and supporting research and its application in the area of human capital development;
 - (d) providing training and education for practitioners, organizations, government and other stakeholders in the area of human capital development;
 - (e) promoting uniformity by providing a standardized and harmonized platform for the regulation of human capital development practice in Nigeria;
 - (f) collaborating with other professional bodies in ensuring sanity and strict professionalism in the area of human capital development in Nigeria;
 - (g) entrenching professional excellence and setting the standards for best practices in learning and performance among human capital development practitioners in Nigeria;
 - (h) creating a platform that enables members, both individual and corporate, to constantly acquire and share knowledge, sharpen their skills, broaden their horizon and enhance their performance towards greater value added services to their organizations
 - (i) advocacy visits and sensitization workshops aimed at advancing the course of human capital development since it is the key to the attainment of set goals and objectives;
 - (j) determining the standards of knowledge and skill to be attained by persons seeking to become members of the Institute and reviewing those standards, from time to time as circumstances may require;
 - (k) maintenance of a register of members of the profession and its publications from time to time; and
 - (l) to perform, through the Council other duties and functions as may foster the growth and well being of members, the Institute and society.
- (2) The Institute shall have perpetual successful and a common seal which shall be kept in such custody as the Council established under section 3 of this Bill may from time to time authorize.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Membership of the Institute.

- (1) Subject to the provision of this Bill, a person admitted to membership of the Institute shall be registered as a member and shall be entitled to use the appropriate abbreviation (A.CIHCD/M.CIHCD/F.CIHCD) after his name.

A person shall not be qualified to become a member of Institute unless:

- (a) He has obtained an approved Degree or a Higher National Diploma or
- (b) He has passed the professional examination at the Academy of Human Capital Development which shall be established and administered by the Institute or
- (c) He has undergone a two-year supervised practical experience training programme
- (d) The Council shall, from time to time, publish the list of Tertiary Institutions whose award of Degrees are approved for admission into the Academy of Human Capital Development; however, a Degree obtained from any of the Nigerian Universities and Polytechnics shall be deemed an accepted qualification for membership of the Institute.
- (2) The Council may approve a Degree from any overseas Universities, if it deems it fit and is satisfied that the course of study and the standard of examination are comparable and equivalent to those of Nigerian Universities; however, final certificates of other professional bodies may be acceptable as qualification for membership of the Institute.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Council of the Institute.

- (1) There shall be as the Governing body of the Institute, a Council which shall be charged with the administration and general management of the Institute.
- (2) The Council shall consist of:
- (a) a President:
- (b) a Vice- President:
- (c) ten persons nominated by the Institute:
- (d) immediate past president of the Institute, including the registered Institute:
- (e) three persons to represent the Federal, State and Local Governments in rotation:

- (f) two persons who shall be members of the Institute to represent institutions of higher learning in Nigeria offering courses considered relevant by the Institute, in rotation, so however that the two shall not come' from the same Institution,
- (3) The President and the Vice-President shall be nominated from the Council by members of the Institute,
- (4) The President and Vice-President shall each hold office for a term or two years from the date of their nomination, and the President shall be the Chairman of the meetings of the Institute, so however that in the event of the death, incapacity or inability for any reason of the President, the Vice-President shall act as President for the unexpired portion of the term of office and as Chairman, as the case may be and references in this Bill to the President shall be construed accordingly.
- (5) The President or the Vice-President shall respectively be Chairman and Vice-Chairman of the Council of the Institute under this Bill.
- (6) If the President or the Vice-President ceases to be a member of the Institute, he shall cease to hold any of the offices designated under this section.
- (7) 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.
- (8) In accordance with the provisions of section 3 of the Bill, the membership of the Council shall be eighteen and the members shall from among themselves appoint the following officers for the purpose of executing the Council decisions and policies:
- (a) the President;
- (b) the Vice-President;
- (c) the 2nd Vice President;
- (d) the Treasurer; and
- (e) the Membership Secretary.
- (9) The incoming President, who shall have held office for a period of twelve months in that capacity, shall be appointed to understudy and succeed the president at the expiration of his tenure of office. Provided that, the ascension to the post of President by the incoming President shall be subject to the approval of the Council, not later than six months after the nomination; accordingly if the Council shall decide to change the incoming President to another member of the Council, such replacement shall only be eligible to complete the remaining period of the tenure of office of the President. New members of the Council shall be presented annually at a general meeting of the Institute.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

PART II — FINANCIAL PROVISIONS

Clause 4: Fund of the Institute.

- (1) The Institute shall establish and maintain a fund.
- (2) There shall be paid into the fund of the Institute:
 - (a) all fees and of 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 pursuant to subsection (1) of this section:
 - (a) The remuneration and allowances of the Registrar and other employees of the Council:
 - (b) Such reasonable traveling and subsistence allowance of members of Council in respect of the time spent on the business or the council as the Council may approve;
 - (c) Any other expenses approved by the Council in the discharge of its functions under this Bill.
- (4) The Council may invest moneys in the fund in any security created or issued by or on behalf of the Federal Government or in any other securities in Nigeria approved by the Council.
- (5) The Council may, from time to time borrow money for the purposes of the Institute and any interest payable on moneys so borrowed shall be paid out of the fund.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Bank Accounts.

- (1) All monies, bills and notes belonging to the Institute shall be deposited with the Institute's bankers and account to be kept in the name of the Institute.
- (2) All cheques of the Institute's bankers shall be signed by the President, Registrar and such others authorized so to do.
- (3) The Institute's bank accounts shall be kept with such banker or bankers as the Council may, from time to time, determine.

Accounts to be kept.

- (4) The Council shall cause true and correct account to be kept-
 - (a) of the assets and liabilities of the Institute:

- (b) of all monies received and expended by the Institute and the matters in respect of which such receipts and expenditure were made: and
 - (c) of the sales and purchases of goods by the Institute.
- (5) The books of account of the Institute shall be kept at the office, or at such other place or places as the Council may deem fit, and shall be open to inspection by members of the institute
- (6) The Institute at a general meeting may, from time to time, make responsible conditions and regulations as to the time and manner for the inspection of the accounts and books of the Institute or any of them by members of the Institute or of the Council and subject to such conditions and regulations, the accounts and books of the Institute shall be open for inspection by members at all reasonable times during business hours.

Annual Accounts and Reports.

- (7) Once, at least in every year, the Council shall cause to be prepared and laid before the Institute at a general meeting an income and expenditure account for the previous year made up to a date not more than six months before such meeting.
- (8) A balance sheet in respect of the accounts of the Institute shall be made out in every year at the same date, and laid before the members at a general meeting and every balance sheet shall be accompanied by a report of the Council as to the affairs of the Institute generally and a report of the auditors, and a printed copy of such account, balance sheets, and reports shall not less than twenty clear days before the meeting be served on the members who are entitled to receive notice to receive notices from the Institute in the manner in which notices are hereinafter directed to be served.
- (9) At least once in every year the accounts of the Institute shall be examined and the correctness of the income and expenditure of the account and balance sheet shall be ascertained by one or more auditors.

Accounts and Auditing of Accounts.

- (10) The Council shall keep proper accounts on behalf of the Institute in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited as soon as may be possible after the end of the year to which the accounts relate by a firm of auditors approved by the Institute and, when audited, the accounts shall be submitted to the members of the Institute for approval by them at the meeting of the Institute.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

PART III — APPOINTMENT OF REGISTRAR, ETC., AND PREPARATION OF THE REGISTER

Clause 6: Register of Members.

The Council shall keep a register of members in states of the federation and the Federal Capital Territory, Abuja and the register shall specify the name address of every member for the time being resident in that State, the class in which such member is for the time being placed by the Council and the register shall be open to inspection by members of the public at all reasonable times:

- (a) sends by post or electronic means to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply, to the letter within a period of six months from the date of positing it: and
- (b) upon the expiration of that period, sends in 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:

Provided that, the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed there from under this subsection.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Publication of Register and List of Corrections.

- (1) It shall be the duty of the Registrar:
 - (a) to cause the register to be printed, published and put on sale to members of the public not later than 12 months from the commencement of this Bill; and
 - (b) 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 or corrections made to the register, since it was last printed: and
 - (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Institute: and
 - (d) to keep the register and lists so deposited to be made available to members of the public at all reasonable times for inspection
- (2) 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 means of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of the list corrections, as the case may be and that any person not so specified was not so registered.

- (3) Where in accordance with subsection (2) of this section, a person is, in any proceeding shown to have been or have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes or those proceedings as having at all material times thereafter continued to be, or not to be so registered.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

PART IV — REGISTRATION

Clause 8: Registration of Members.

- (1) Subject to section 9 of this Bill and the Rules made under section 6 (3) of this Bill, a person shall be entitled to be registered as a member of the profession if he satisfies the Council that:
- (a) immediately before the commencement of this Bill, he holds a qualification approved for membership of any of the professional bodies mentioned in the Fourth Schedule to the Act or any other professional body approved in Nigeria on the recommendation of the Council.
 - (b) before the 1st January 2011, he was a graduate of any Nigeria or foreign tertiary institution with two years' post-graduation experience;
 - (c) he is a citizen of Nigeria and was immediately before the commencement of this Bill, a Director or its equivalent in the public service of the Federation or of a State or Local Government or any other organization or agency or private sector with equivalent rank provided he possesses a Bachelor's Degree or its equivalent and has been involved in human capital development, supervising between 5 - 20 employees or more.
 - (d) he has obtained an approved Degree or its equivalent from any recognized Tertiary institution in Nigeria and passed the professional module conducted by the Academy for Human Capital Development.
- (2) Subject as aforesaid, a person shall be entitled to be registered under the Act if he holds such certificate as may be recognized by the Council from time to time.
- (3) An application for registration under this Bill 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.

- (4) 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.
- (5) 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 be converted to full registration without the consent of the Council signified in writing in that behalf.
- (6) The Council shall, from time to time, publish in the Gazette particulars of qualifications for the time being accepted for registration under this Bill.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Approval of Qualification, etc.

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 members of the profession and which in the opinion of the Council is designed to confer on persons completing it sufficient knowledge and skill for the practice of the profession;
- (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the Council, that the candidates have sufficient knowledge and skill for the practice of the profession.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Supervision of Instructions and Examinations Leading to Approved Qualifications.

- (1) 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 approval the Council shall:
 - (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) afford such person an opportunity of making to the Council representations with regard to the proposal; and

- (c) take into consideration any representation made as respects the proposal in pursuance of paragraph (b) of this subsection.
- (2) A course, qualification or institution shall not be treated as approved during any period the approval is withdrawn under subsection (1) of this section.
- (3) Notwithstanding the provision of subsection (2) of this section, the withdrawal as of an approval under subsection (1) of this section shall not prejudice the registration of 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.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

PART V — PROFESSIONAL DISCIPLINE

Clause 11: Establishment of Disciplinary Committee and Investigating Panel.

- (1) There shall be a Committee to be known as the Chartered Institute of Human Capital Development of Nigeria Disciplinary Committee (in this Bill referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel established by the following provisions of this section and any other case of which the Disciplinary Committee has cognizance under the following provisions of this Bill.
- (2) The Disciplinary Committee shall consist of the Chairman of the Council and four other members of the Council appointed by the Council.
- (3) There shall be a body to be known as the Chartered Institute of Human Capital Development of Nigeria Investigating Panel (in this Bill referred to as "the Panel") which shall be charged with the duty of:
- (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a member or should for any other reason be the subject of proceedings before the Disciplinary Committee; and
- (b) deciding whether the case should be referred to the Disciplinary Committee.
- (4) The Panel shall be appointed by the Council and shall consist of three members, one of whom shall not be a member of the Council.
- (5) The provisions of the Second Schedule to this Bill shall, so far as applicable to the Disciplinary Committee and panel respectively, have effect with respect of those bodies.

- (6) The Council may make rules not inconsistent with this Bill as to acts which constitute professional misconduct.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Penalties for Unprofessional Conduct, etc.

- (1) Where —
- (a) a person registered under this Bill is judged by the Committees to be guilty of infamous conduct in any professional respect; or
 - (b) a person is convicted, by 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 Disciplinary Committee is incompatible with the Status of a member of the Institute; or
 - (c) the Disciplinary Committee is satisfied that the name of the person has been fraudulently registered, the Committee may, if it thinks fit give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) The Disciplinary Committee may, if thinks fit, defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Disciplinary Committee; 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 Disciplinary Committee for the purposes of reaching decision which has been deferred or further deferred, unless he was present a member of the Disciplinary Committee when the decision was deferred.
- (3) For the purpose of subsection (1) (b) 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 Disciplinary Committee gives a direction under subsection (1) of this section, the Disciplinary Committee shall cause notice of the direction to be served on the person to whom it relates.
- (5) A person to whom a direction relates may, at any time within 28 days from the date of service on the him of 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 purpose enabling directions to be given as to the costs of the appeal and of proceedings before Court of Appeal the Disciplinary Committee shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

- (6) A direction of the Disciplinary Committee under subsection (1) of this section, shall take effect where:
- (a) no appeal under this section brought against the direction within the time limited for the appeal, on the expiration of that time;
 - (b) an appeal is brought and is withdrawn or struck out for want of prosecution, the withdrawal or striking out of the appeal;
 - (c) an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and shall not take effect except in accordance with the foregoing provisions of this sub-section.
- (7) A person whose name is struck off the register in pursuance of a direction of the Disciplinary Committee under this section, shall be entitled to be registered again except in pursuance of a direction in that behalf and a direction under this section for the striking off of a persons' 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.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

PART VI — APPLICATION OF THIS BILL TO UNREGISTERED PERSONS

Clause 13: Application of this Bill to Unregistered Persons.

Any person not a member of the Chartered Institute of Human Capital Development of Nigeria registered under the laws of Nigeria (in this Bill referred to as "the Registered Institute") who but for this Bill, would have been qualified to apply for and obtain membership of the Registered 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, he shall be registered according to his qualification.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: When a person is deemed to practice as a Member.

- (1) Subject to subsection (2) of this section, a person shall be deemed to practice as a member of the profession 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 human capital development or holds himself out to the public as a member of the Institute: or

- (b) he renders professional service or assistance in or about matters of principle or detail relating to human capital development: or
 - (c) he renders any other service which may by regulations made by the Council, be designed as service constituting human capital development practice: or
 - (d) describes himself as a human capital development practitioner.
- (2) Nothing in this section shall be construed so as to apply to persons who, while in the employment of any Government, or engaged in commerce and industry perform the duties or any of the duties of a human capital developer.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Rules as to Practice, etc.

- (1) The Council may make rules —
 - (a) For the training of suitable persons in human capital development practice: and
 - (b) For the supervision and regulation of the engagement training and transfer of such persons.
- (2) The Council may also make rules
 - (a) Prescribing the amount and due date for repayment of the annual subscription;
 - (b) Prescribing the form of license to practice to be issued annually or, if the Council thinks fit by endorsement on an existing license; and
 - (c) restricting the right to practice in default payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules
- (3) Rules when made under this section shall, if the chairman of the Council so directs, be published in Gazette.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Provision of Library Facilities, etc.

The Institute shall:

- (a) Provide and maintain a library comprising of book and publications for the advancement of Science and Art of human capital development, and cognate subjects as applied to all or any of the professional services provided by human capital development practitioners, engaged in public practice, industry and commerce or the civil service and such other books and publications as the Council may think necessary;

- (b) Encourage research into human capital development and management and such subject as may be relevant to human capital development to the extent that the Council may, from time to time consider necessary.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Offences.

- (1) If any person, for the purpose of procuring the registration of any name, qualification or other matter:
- (a) makes a statement which he believes to be false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.
- (2) If, on or after the relevant date, any person who is not a member of the Institute practices or holds himself out to practice for or expectation of reward or takes to uses any name, title addition or description implying that he is a member of the Institute shall be guilty of an offence:

Provided that, in the case of a person falling within section 13 of this Bill:

- (a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in the section; and
- (b) if within that period he duly applies for membership of the Institute then, unless within that period he is notified that his application has not been approved, 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 registered or is notified as aforesaid.
- (3) If the Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the register, he shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine of an amount not exceeding ₦100,000
- (b) on conviction on indictment, to a fine of an amount not exceeding ₦100,000 or to imprisonment for a term not exceeding two years, or both such fine and imprisonment.
- (5) Where an offence under this section has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager or other similar officer of the body corporate or any person purporting to act in any such capacity he as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.

- (6) In this section, "the relevant date" means the third anniversary of the coming into force of this Bill or such earlier date as may be prescribed for the purposes of this section published in the Gazette.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Regulations and Rules.

- (1) Any regulations made under this Bill, shall be published in the Gazette as soon as may be applicable after they are made.
- (2) Rules made for the purposes of this Bill, shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for that purpose, and if annulled, shall cease to have effect on the day.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Transfer to the Institute of Certain Assets and Liabilities.

- (1) On the commencement of this Bill:
- (a) all assets and liabilities held or incurred immediately before that day by or on behalf of the registered Institute shall, by virtue of this Bill and without further assurance, vest in the Institute and be held by it for the purposes of the Institute;
- (b) the registered Institute shall cease to exist; and
- (c) subject to subsection (2) of this section, any act or thing made or done by the Registered Institute shall be deemed to have been made or done by the Institute.
- (2) The provision 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.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Interpretation.

In this Bill, unless the context otherwise requires —

"Human Capital Development Trainee" means a graduate of the Academy for Human Capital Development undergoing the prescribed practical experience programme.

Question that the meaning of the words "Human Capital Development Trainee" be as defined in the interpretation to this Bill — Agreed to.

"Institute" means the Chartered Institute of Human Capital Development of Nigeria established by Section 1 of this Bill.

Question that the meaning of the word "Institute" be as defined in the interpretation to this Bill — Agreed to.

"Council" Means the Council established as the governing body of the Institute under Section 3 of this Bill.

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Disciplinary Committee" means the Chartered Institute of Human Capital Development of Nigeria Disciplinary Committee established under Section 11 of this Bill.

Question that the meaning of the words "Disciplinary Committee" be as defined in the interpretation to this Bill — Agreed to.

"Fees" includes annual subscriptions.

Question that the meaning of the word "Fees" be as defined in the interpretation to this Bill — Agreed to.

"Registered Institute" means the Chartered Institute of Human Capital Development of Nigeria registered in accordance with existing laws.

Question that the meaning of the words "Registered Institute" be as defined in the interpretation to this Bill — Agreed to.

"Investigation Panel" means the Chartered Institute of Human Capital Development of Nigeria investigating panel established under section 11 of this Bill.

Question that the meaning of the words "Investigation Panel" be as defined in the interpretation to this Bill — Agreed to.

"Member of the Institute" means a registered member of the Institute.

Question that the meaning of the words "Member of the Institute" be as defined in the interpretation to this Bill — Agreed to.

"The Academy of Human Capital Development" means the institution established as the training arm of the Institute.

Question that the meaning of the words "The Academy of Human Capital Development" be as defined in the interpretation to this Bill — Agreed to.

"A.CIHCD" means Associate Member, Chartered Institute of Human Capital Development of Nigeria.

Question that the meaning of the abbreviation "A.CIHCD" be as defined in the interpretation to this Bill — Agreed to.

"M.CIHCD" means Full member, Chartered Institute of Human Capital Development of Nigeria.

Question that the meaning of the abbreviation "M.CIHCD" be as defined in the interpretation to this Bill — Agreed to.

"F.CHICD" means Fellow, Chartered Institute of Human Capital Development of Nigeria.

Question that the meaning of the abbreviation "F.CHICD" be as defined in the interpretation to this Bill — Agreed to.

"President and Vice-President" means respectively the office-holders under those names in the Institute.

Question that the meaning of the words "President and Vice-President" be as defined in the interpretation to this Bill — Agreed to.

"Profession" means the profession of Human Capital Development.

Question that the meaning of the word "Profession" be as defined in the interpretation to this Bill — Agreed to.

"Human Capital Development Practitioner" means a member of the Institute licensed to practice as a human capital development consultant.

Question that the meaning of the words "Human Capital Development Practitioner" be as defined in the interpretation to this Bill — Agreed to.

"Register" means the register maintained in pursuance of section 6 of this Bill.

Question that the meaning of the word "Register" be as defined in the interpretation to this Bill — Agreed to.

"Board of Trustees" means the body responsible for the stewardship of the Institute.

Question that the meaning of the words "Board of Trustees" be as defined in the interpretation to this Bill — Agreed to.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21. Short Title.

This Bill may be cited as the Chartered Institute of Human Capital Development of Nigeria Bill, 2017.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

SCHEDULES**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 nomination.
- (2) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office on the Council.
- (3) Any nominated member of the Council may, by notice in writing under his hand addressed to the President, resign his office and any appointed members may with the consent of the Minister or Appointing Authority in the same manner resign his office,
- (4) A person who retires from or otherwise ceases to be a nominated member of the Council shall be eligible again to become a member of the Council, and any appointed member may be re-appointed.
- (5) Nominations to the Council shall be held in such manner as may be prescribed by rules made by the Council.
- (6) If for any reason, a member of Council vacates office and:
 - (a) such member was nominated any other body, the Minister or that body may appoint another fit person to fill that vacancy: or
 - (b) such member was nominated, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Association appears to warrants the tilling of the vacancy, co-opt a 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 Association make standing orders regulating the proceedings of the Institute or of any committee thereof.
- (2) The standing orders made under sub-paragraph (1) of this paragraph 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) Standing orders made for a committee shall be for the committee to report back to the Council on any matter referred to it by the Council.
- (4) The quorum of the Council shall be five and the quorum of a committee of the Council shall be determined by the Council.

Meeting of the Institute

3. (1) The Council shall convene the meeting of the Institute on 3rd November 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 meetings.
- (2) A special meeting of the Institute may be convened by the Council at any time and if not less than twenty members of the Institute require, by notice in writing addressed to the Registrar of the Council setting out the object of the proposed meeting, and the Chairman of the Council shall convene a special meeting of the Institute.
- (3) The quorum of any meeting of the Institute shall be fifteen members and that of any special meeting of the Institute shall be thirty-five members.

Meeting of the Council

4. (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 five 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 - President, 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 sub-paragraph, shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

Committees

5. (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 one third may be persons who are not members of the Council.
- (3) 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.
- (4) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Question that the provisions of the First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
COMMITTEE AND INVESTIGATING PANEL

1. The quorum of the Disciplinary Committee shall be four of whom at least two shall be registered members.
2. (1) The Attorney-General of the Federation may make rules as to the selection of members of the Disciplinary Committee for the purpose of any proceeding, and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee.
(2) The rules shall in particular provide —
 - (a) for securing that notice or the proceedings shall be given at such time and in such manner as may be specified by the rule 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 Committee:
 - (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 Committee
 - (f) for requiring, in 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 Committee adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates and
 - (g) for publishing in the Gazette notice of any direction of the Disciplinary Committee 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 Committee any member of the Disciplinary Committee may administer oaths and any party to the proceedings may file before the registry of the High Court writs of *subpoena ad testificandum* and *duces tecum* but no person appearing before the Disciplinary Committee shall be compelled:
 - (a) to make any statement before the Disciplinary Committee 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 purposes of advising the Disciplinary Committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven year's standing.
- (2) The Attorney-General of the Federation shall 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 Committee 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 appears thereat or, if the advice is rendered while the Disciplinary Committee is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered; and
 - (b) that every such party or person as aforesaid shall be informed if in any case the Disciplinary Committee does not accept the advice of the assessor on such a question as aforesaid.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

The Investigating Panel

1. The quorum of the Investigating Panel shall be three.
2. (1) The Investigating panel may at any of its meetings attended by all the members of the Investigating Panel, make standing orders with respect to the Investigating Panel.
- (2) Subject to the provisions of any such standing orders, the Investigating Panel may regulate its own procedure.

Miscellaneous

1. A person ceasing to be a member of the Disciplinary Committee or the Investigating Panel shall be eligible for appointment as a member of the Disciplinary Committee or Investigating Panel, as the case may be
2. A person may, if otherwise eligible, be a member of both the Disciplinary Committee and the Investigating Panel: but no person who acted as a member of Investigating Panel with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.
3. The Disciplinary Committee or the Investigating panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (2) of this Schedule, by the reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

4. Any document authorized are required by virtue of this Bill to be served on the Disciplinary Committee or the Investigating Panel shall be served on the Registrar.
5. Any expenses of the Disciplinary Committee or the Investigating Panel shall be defrayed by the Institute.
6.
 - (1) The fixing of the seal of the Institute shall be authenticated by the signature of the chairman or of some other members of the Council authorized 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 of the Council as the case may require, by any person generally or specially authorized 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.
7. The validity of any proceedings of the Institute or the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership or by defect in the appointment of a member of the Institute or of the Council or a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.
8. 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 arrangement.
9. 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.

Question that the provisions of the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

Transfer of Assets and Liabilities

1.
 - (1) Every agreement to which the Registered Institute was a party immediately before the commencement of this Bill, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations there under could be assigned by the Incorporated Institute, shall, unless its terms subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect from the commencement of this Bill, so far as it related to assets and liabilities transferred by this Bill to the Institute, as if:
 - (a) the Institute had been a party to the agreement:
 - (b) for any reference (however worded and whether express or implied) to the Registered Institute, there were substituted, as respect anything falling to be done or after the commencement of this Bill, a reference to the Institute and

- (c) for any reference (however worded and whether expressed or implied) to a member or members of the Council or the Registered Institute or an officer of the Registered Institute, there were substituted, as respect anything falling to be done on or after the commencement of this Bill. a reference to a member or members of the Council under this Bill or the officer of the Registered Institute who correspond- as nearly as may be to the member or officer in question of the Registered Institute.
2. Other documents which refer, whether specially or generally, to the Registered Institute, shall be considered in accordance with sub-paragraph (1) of this paragraph so far as applicable.
 3. Without prejudice to the generality or the foregoing provisions of this Schedule. Where, by the operation of this Bill, any right liability or obligation vests in the Institute the Institute and all other persons shall, as from the commencement of this Bill, have the same rights, power and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of application to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Institute.
 4. Any legal proceedings or application an; authority pending on the appointed day by or against the Incorporated Institute and relating to assets or liabilities transferred by this Bill to the Institute may be continued on or after that day or against the Institute.
 5. If the law in force at the place where any property transferred by this Bill is situate provides for the registration or transfers of property, the law Shall, so far it provides for alterations of a register (but not for avoidance or transfers. The payment of fees or any other matters) 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 officer of the registration authority, and for that officer to register the transfer accordingly.

Transfer of Function, etc.

6. The members of the Council of the Registered Institute shall be deemed to be the members of the Council of the Institute until the date determined in pursuance of the foregoing subparagraph when the Institute shall have its first annual general meeting and they shall cease to hold office at the conclusion of such meeting,
7. Any person who immediately before the appointed day, held office as the President or Vice-President of the Council of the registered Institute by virtue of the articles of the registered Institute shall on that day become the President or, as the case may be the Vice-President of the Institute, and shall be deemed to have been appointed:
 - (a) to that office in pursuance of the provision or this Bill corresponding to the relevant provision in the said articles of the Incorporated Institute and
 - (b) on the date on which he took office, or last took office, in pursuance of the relevant provision of those articles,
8. The members of the registered Institute shall, as from the appointed day, be registered 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 appointed day, was a member of the staff of the registered Institute shall on that day become the holder of an appointment with the Institute with the status, designation and functions which correspond as nearly as may be to those which appertained to him in his capacity as a member of the staff.

9. Any person being an office-holder on or member of the Council of the registered Institute immediately before the appointed day 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 ceasing 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,
10. All regulations, rules and similar instruments made for the purposes of the registered Institute and in force immediately before the appointed day 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.

CHARTERED INSTITUTE OF HUMAN CAPITAL DEVELOPMENT OF NIGERIA REGULATIONS

SUPPLEMENTARY PROVISIONS ON MEMBERSHIP

1. **Number of members.**
The Institute shall consist of an unlimited number of members.
2. **Membership.**
The Institute shall constitute the present members and such other persons as be admitted to membership upon the terms and conditions contained in these Regulations.
3. **Class of members**
There shall be three classes of members of the Institute
4. **Qualifications for membership**
No person shall be eligible for admission as a member of the Institute unless—
 - (a) he is a graduate of any recognized tertiary institution or such other approved overseas tertiary institution, or
 - (b) as at the date of application he is self-employed or employed as a practicing human capital management personnel and is a fit and proper person to be a member; or
 - (c) he is a citizen of Nigeria
 - (d) he has passed the professional examination module of the Academy of Human Capital Development.

Practicing Certificates

5. **Issue of practicing certificates**
A member of the Institute shall not practice the profession of human capital development unless he possesses a valid certificate issued by the Institute authorizing him to practice.
6. **Entrance fees and Subscriptions**
The fees and subscriptions payable by the members of the Institute shall be determined by the rule made by the Institute amended from time to time, and the annual subscriptions shall be liable to be paid in advance.

Admission of Members

7. **Application for membership**

All applications for admission to membership of the Institute shall be made to the Council on the appropriate form, accompanied by such other information as the Council may, from time to time determine and the Council shall have full discretion (subject only to these Regulations and to the Rules made there under) to determine the admission of an applicant, and no applicant shall be admitted as a member unless he has first satisfied the Council as to his competence.
8. **Compliance with regulations, etc.**

A person shall, upon applying for admission, sign an undertaking that he shall, if admitted, and for as long as he is a member, observe the Regulations and Rules of the Institute for the time being in force, and he shall not use the professional designations or such other designatory letters denoting membership except while as a member of the Institute.
9. **Cessation of membership on death**

Any person ceasing by death or otherwise to be a member of the Institute, shall not, nor shall his representative have any claim upon or interest in the funds of the Institute and the provisions of these Regulations shall be without prejudice to the rights of the Institute, at the time of his ceasing to be a member.

Cessation of membership

10. **Resignation of membership**
 - (1) A member of the Institute may resign his membership on giving notice to the Council, but shall remain liable to pay any subscription due from him as at the date of receipt of such notice
 - (2) A member of the Institute shall ipso facto cease to be a member of the Institute in the event of his annual subscription or such other contribution to the Institute becoming payable, but shall nevertheless be liable to pay the amount of the annual subscriptions and such other arrears or subscription or other sums due by him to the Institute and shall remain liable for the payment of the arrears for the period that his membership continued until the date when all such subscriptions, arrears, and other sums were fully paid.
 - (3) The Council shall have power, in special cases, to suspend the operation of the provisions of sub-paragraph (2) or this regulation in the case of a person who has ceased to be a member under this regulation and the Council may at its discretion, re-admit the person to membership upon such conditions as it may deem fit in each circumstance.
11. **Bankruptcy**

If a member of the Institute shall become bankrupt, or shall either individually or in partnership with a firm make or to agree make an assignment for the benefit of his creditors, or shall make any arrangement or composition with his creditors or shall take or attempt to take the benefit of any statutory provision for arrangement with his creditors, he shall cease to be a member, but at the discretion of the Council he may be re-instated with or without the Payment of an entrance fee or membership subscription and the Council shall have the right to publish, in the gazette or such newspaper or journal as it may elect an announcement of the termination of his membership.

General Meeting

12. **Annual General Meeting**
An Annual General Meeting of the Institute shall be held subject to the provision or the Act
13. **Extraordinary and general meetings**
The Council may convene an extraordinary general meeting and extraordinary general meetings may also be convened on such requisition by members of the Institute as may be provided by the Act.
14. **Omission to give notice**
An omission to give notice of a meeting to or the non-receipt of such notice by any member of the Institute shall not invalidate any resolution passed or any proceedings of such meeting.

Proceeding at General Meetings

15. **Special business**
All businesses of the Institute which is transacted at an extraordinary general meeting and all that is transacted at an annual general meeting shall also be deemed special with the exception of the consideration of the accounts and balance sheets and the reports of the Council and of the Auditors, the nomination of members of the Council and of the officers retiring by rotation and fixing of the remuneration of the Auditor.
16. **Quorum**
No business of the Institute shall be transacted at any general meeting unless a quorum of fifteen members is present at the time when the meeting proceeds to business. The quorum at any extraordinary general meeting of the Institute shall be thirty-five.
17. **Adjournment or dissolution**
If within half-hour from the time appointed for the meeting, a quorum is not formed, the meeting if convened on the requisition of members shall be dissolved and in any other case it shall stand adjourned to the same day in the next week, at the same place or such other place as the President shall appoint, and if at such adjourned meeting a quorum is not present within half-hour from the time appointed for the meeting, the members present shall for purposes of that meeting form a quorum.
18. **Unfinished business to be discussed**
(1) The president may, with the consent of the members of any meeting at which a quorum is present (and shall, if so directed by the meeting,) adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
(2) When a meeting is adjourned pursuant to sub-paragraph (1) of this regulation for ten days or more, notice of the adjourned meeting shall be given as in the case of an original meeting, save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.
19. **President of the Council to preside at meetings of the Council**
The President of the Council shall preside at every general meeting of the Institute and if there be no such Chairman, or if at any meeting he shall not be present within fifteen minutes after the time appointed for holding the meeting, or shall be unwilling to preside, the Vice-President of the Council shall preside and in his absence a member of 'the Council evaluated by the members present shall preside.

20. How resolutions are decided
At all general meetings of the Institute, a resolution put to the vote of the meeting shall be decided by a show of hands by a majority of the members present and voting, unless before or upon the declaration of the result of the show of hands a poll be demanded in writing by the President or by elected five members present in person and entitled to vote and unless a poll be so demanded a declaration by the President of the meeting that a resolution has been earned by a particular majority, shall be conclusive and an entry made to that effect in the minute book of the Institute, shall be conclusive evidence therefore, without proof of the number or proportion of the votes recorded in favor of or against such resolution.
21. How Poll is to be taken
If poll is demanded, it shall be taken at such time and place and in such manner as the President of the Council shall direct and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded
22. No poll in certain cases
No poll shall be demanded on the election of a President of a meeting or on any question or adjustment.
23. Equality of votes
In the case of an equality of votes, whether on a show of hands or on a poll, the Chairman of the meeting at which the show of hands takes place or at which the poll is demanded shall be entitled to a second or casting vote.
24. Consequence of a demand for a poll
The demand of a poll shall not prevent the continuance of a meeting for the transaction of any business other than the question on which a poll has been demanded.
25. Votes of members
Every member of the Institute whose subscription shall have been paid for the current year shall be entitled to one vote every meeting of the Institute
26. Members in arrears
Save as herein expressly provided, no person shall, at a general meeting of the Institute other than a member duly registered and who has paid every subscription and such other sum (if any) which shall be due and payable to the institute in respect of his membership, be entitled to be present or to vote on any question either personally or by proxy or as proxy for any other members.
27. Proxies
On a poll, votes may be given either personally or by proxy and member of the Institute entitled to be present and eligible to vote.
28. Instrument
 - (1) The instrument appointing proxy as provided in the Schedule to these Regulations shall be in writing under the hand of the appointer or his attorney duly authorized in writing
 - (2) The instrument appointing a proxy and the power of attorney (if any) under which it is signed or a certified copy thereof shall be deposited at the registered office of the Institute at least seventy-two hours before the time appointed for holding the meeting At which the person's name in such instrument proposes to vote, otherwise the person so named shall not be entitled to vote in respect thereof and the instrument appointing him shall be valid only for purposes of that meeting or its adjournment thereof.

29. **Effect of vote by proxy**
A vote given in accordance with terms of an instrument of proxy shall be valid notwithstanding the previous death of the appointer or revocation of the proxy, provided that, no intimation in writing of the death or revocation shall have been received during office hours at least before the time fixed for holding that meeting.
30. **Composition of the Council**
(1) The Council shall be deemed for all purposes to be the governing body of the Institute.
(2) The Council shall consist of the number of members specified in the Act and shall be elected by the institute at an annual general meeting on the recommendation of the Trustees
31. **Power to appoint addition members of Council**
The Council may, from time to time, and at any time, appoint any member of the Institute as a member of the Council, to fill a vacancy in the Council, provided that the prescribed maximum shall not be exceeded and member so appointed shall retain his office only until the next annual general meeting and shall be eligible for renomination.
32. **Age limit for Council membership**
No person shall be eligible to hold office as a member of the Council, unless he is 35 years old and not more than 65 years of age.
34. **Restriction of vote in Council**
No member of the Council shall be disqualified from acting as such only by reason of his being so interested, but he shall not be eligible to vote at the meeting of the Council on any matter relating to any operation, undertaking, or business in which he is interested, either individually or as a member partnership or as a director or officer of a body corporate or corporation, and if he shall so vote, his vote shall not be counted.

Powers of the Council

35. **Power of the Council**
(1) The business of the institute shall be managed by the Council which may exercise all the powers of the institute and do on behalf of the Institute all such acts as may be exercised and done by the Institute and as are not by virtue of this Bill or these Regulations required to be so exercised: provided that, it shall be done by the Institute at a general meeting.
(2) No regulation made by the Institute at a general meeting shall invalidate any prior act of the Council, which would have been valid, if such regulation has not been made.
36. **Continuing members of the Council may act to fill vacancies or summon meetings**
Notwithstanding any vacancy in the Council, the continuing membership on the Council may at any time be reduced in number to less than the maximum number prescribed by or in accordance with these Regulations and it shall be lawful for such members to continue to act at a general meeting of the members, but not for any other purpose.

Common Seal

37. **Affixing of common seal**
(1) The Institute shall have a common seal which shall be kept in the custody of the Registrar who shall produce it when it is required for use by the Institute.

- (2) All legal matters required to be executed by the Institute shall be signed by the President and the Registrar and sealed with the common seal of the Institute.
 - (3) The common seal of the Institute shall not be affixed to any instrument except by authority of a resolution of the Council, and in the presence of at least two members of the Council and the Registrar, and the members and Registrar shall sign instrument to which the common seal shall be affixed in their presence and in favor of any purchaser on person bona fide dealing with the Institute and such signatures shall be conclusive of the fact that the common seal was properly affixed.
38. How rules may be made or varied and the matters to which they may relate
- (1) The Council may, from time to time, make rules for carrying on the business of the Institute and may at any time at an annual general meeting vary any rules so made, and all rules so made and for the time being in force shall be binding on the members of the Institute and shall have full effect accordingly.
 - (2) The subject of the rules referred to in sub-paragraph (1) of this regulation shall among other things, include the matters set out hereunder, that is:
 - (a) the annual or other subscriptions or payment to be payable by members of the Institute
 - (b) the rights and privileges which shall be accorded to the members of the Institute
 - (c) the qualifications restrictions and conditions which will be in accordance with the provision of section 8 of the Act;
 - (d) the qualifying initials and designation to be used by members of the Institute
 - (e) committees connected with the management of the Institute, the Registrar and all the officers of the Institute (other than the auditors) and the appointment, removal, qualifications, disqualifications, duties, functions, powers and privileges of the Registrar and all other officers, of the Institute (other than auditors) and members of the committees,
 - (f) branches or district centers committees:
 - (g) creation and maintenance of the fund of the Institute
 - (h) arrangements with other associations or institutes for reciprocal concession:
 - (i) the year-book of the Institute, journals publication of papers or books or such other papers as may be conducive to the welfare and advancement or the objectives of the Institute
 - (j) the postal ballot for the purpose of nominating members of the Council and the procedure in connection therewith:

Provided that no rules shall be made pursuant to this regulation which would amount to such an addition or an alteration of those Regulations which may only lawfully be made at a special resolution of the Institute.

Disqualification of Members of the Council

39. Vacation of office
The office of a member of the Council shall become vacant if:
- (a) a receiving order is made against him; or
 - (b) he makes any arrangement with his creditors:
 - (c) he becomes a lunatic or is of unsound mind:
 - (d) he ceases to be a member of the Institute
 - (e) by notice in writing to the Institute he resigns his office: or
40. One third of members of Council to retire
- (1) At an annual general meeting of the Institute one third of the members of the Council for the time being or if their number is not a multiple of three, then the number nearest to but not exceeding one third, shall retire from office,
 - (2) A retiring member of the Council shall retain his office until the dissolution or adjournment of the meeting at which his successor shall be nominated or it is determined not to fill his place.
41. Retirement by rotation
- (1) The members of the Council retiring shall be those who have served longest in office since their last nomination or appointment and as between members of equal seniority, the members to retire shall, in the absence of an agreement, be selected from among them by ballot.
 - (2) The length of time a member has been in office shall be computed from his last nomination or appointment.
 - (3) A retiring member of the Council may be eligibly for re-nomination.
42. Renomination of retiring member
A retiring member of the Council eligible for re-nomination shall, unless he shall have signified his desire not to offer him self for re-nomination, be deemed to be nominated.
43. Vacancies to be filled
The Institute may, at the meeting at which any member of the Council retires in any manner whatsoever, till the vacant office of the member by nominating another member thereto unless at such meeting it shall be determined to reduce the number of members of the Council.
44. Notice to be given for re-nomination
- (1) No person, except as a member of the Council, retiring at the meeting or seeking re-nomination, and on the recommendation of the Council. shall be eligible for nomination to the Council except if notice in writing shall be given to the Registrar not less than one month before the day appointed for the meeting and the notice shall be required to be signed by ten members duly qualified to vote on such nomination, and also the notice in writing signed by the person nominated of his willingness to be nominated.

- (2) No nomination shall be valid if the person nominated, or any of his nominators, is under any pecuniary liability to the Institute
45. Removal of members
- (1) In the event of any member of the Council failing to attend six consecutive meetings of the Council, of which he had been duly notified. The Council may, unless his absence was caused by illness (or other circumstances which in the opinion of the Council may cause his absence) resolve that he shall cease to be a member of the Council and the Institute may nominate another member to till the vacancy thus created.
- (2) The Institute may, by an ordinary resolution of which special notice shall have been given, remove any member of the Council before the expiration of his tenure of office, and may by an ordinary resolution appoint another member in his stead provided that any person so appointed shall retain his office for only such period as the member in whose place he was appointed would have held the same if he had not been removed.

Proceedings of the Council

46. Meetings of Council and quorum and casting vote of President
- (1) The Council may meet together for the dispatch of its business, adjourn and otherwise regulate its meetings as it may think fit. And determine the quorum necessary for the transaction of its business and, unless otherwise determined by the Council, the quorum at every meeting of the Council shall be five.
- (2) Questions arising at any meeting of the Council shall be decided by a majority of votes and in the case of an equality of votes, the President shall have a second or casting vote.
47. Fourteen days' notice of meeting of Council Required
- (1) Council meetings shall be called by the Registrar at any time at the request of the president or the members of the Council giving fourteen clear days' notice to the members of the Council.
- (2) A member of the Council who IS absent from Nigeria shall not be entitled to notice of meeting.
48. Nomination of President and Vice-President
- (1) The Council shall, from time to time nominate one of their number to act as President and another as Vice-President, both of whom shall hold office for two consecutive years after the annual general meeting.
- (2) The President, or in his absence the Vice-President, shall preside at all meetings of the Council and in their absence within thirty minutes after the time appointed for holding the meeting. The members of the Council present shall appoint one of their numbers to be the President for purposes of that meeting.
49. Quorum competent to exercise all the powers of Council
- A meeting of the members of the Council for the time being at which a quorum is present shall be competent to exercise all the authority, powers and discretions by or under the regulations of the Institute for the time being vested in the Council.

50. Committees of the Council
- (1) The Council may appoint committees in accordance with the rules for the time being in force, and subject to any rules, the Council may delegate any of its functions to committees consisting of such number of members of the Council or of the Institute, as it thinks fit, and any committees so formed shall conform to any regulations imposed on it by the Council.
 - (2) The meetings and proceedings of any such committee shall be governed by the provisions of these regulations for regulating its meetings.
51. All acts done by Council or committees to be valid
- All acts bona fide done at any meeting of the Council for any person acting as a member of the Council, or of any committee, notwithstanding that there was any defect in the appointment on the Council or committee or the appointment of any person or member of the Council or committee acting as aforesaid, or that they or any of them were not qualified at the time of their appointment, or have become disqualified shall be as valid as if such Council or committee were appointed without any defect.
52. Minutes of proceedings
- The Council shall cause proper minutes to be kept of the proceedings of the meetings of the Institute, Council or committees and all businesses transacted at such meetings or any such minutes of any meeting if purporting to be signed by the chairman of the meeting, or by the chairman of all succeeding meetings, shall be conclusive evidence of the proceedings therein without any further proof of the fact therein stated.

Notice

53. Notices to members
- (1) A notice may be served by the Institute Upon any member either personally or by sending it through the post in a prepaid letter, addressed to the member at his last known registered address as appearing in the register of members.
 - (2) Any member described in the register of members by an address not within Nigeria, shall, from time to time, give the Institute an address within Nigeria at which notices may be served upon him at such address, but save as aforesaid, only those members who are described in the register of members by an address within Nigeria shall be entitled to receive any notice from the Institute
 - (3) Any summons, notice, order or such other documents required to be sent to or served upon the Institute or upon any officer of the Institute, may be sent or served by leaving the same, or sending it through the post in a pre-paid letter addressed to the Institute or to such officers at the office,
 - (4) Any notice, if served by post, shall be deemed to have been served on the day following that on which the letter containing the same is put into the post, and in providing such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a pre-paid letter.

Rules for regulating Proceeding

54. Rules for regulating procedure
- It shall be lawful for the Council, from time to time, to make rules regulating proceedings, rescind or alter rules regulations, and standing orders for regulating its proceedings, and the procedure of the Institute and the management of the members thereof of the calling of notices. of procedure at meetings, nominations the services of documents and for all other matters affecting the Institute:

Provided always that no rule regulation or standing order shall have any validity or effect which is contrary to the provisions of these Regulation as can only lawfully be made by a special resolution of the Institute accordingly a rule, regulation or standing order of the Institute shall not be made except by a resolution of the Council passed by a majority of two thirds of the members present and voting 'It a meeting of the Council.

Registered Office

55. Registered office

The registered office of the Institute shall be in Nigeria at such places as the Council may, from time to time, determine and where any change in the place of the registered office of the Institute shall occur it shall be notified in writing to all members of the Institute within seven days of the change being made.

56. Income and Property

The income and property of the Institute whensoever derived shall, be applied solely towards the promotion of the objectives of the Association as provided in the Act and such other subsidiary legislation made thereunder and no portion thereof shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise.

57. Remuneration

(1) Nothing in these regulations shall prevent the payment, in good faith, of reasonable and proper Remuneration to any officer or servant of the Institute or to any member of the Institute in return for any service actually rendered to the Institute, provided that no member of the Council shall be appointed to any salaries office of the Institute and no Remuneration or other benefit in money or money's worth shall be given by the Institute to any member of the Council except repayment of out-of-pocket expenses or reasonable and proper rent for premises demised, or let to the Institute

(2) The provisions of sub-paragraph (1) of this regulation shall not apply to any payment to any body corporate or to a member of the Institute made by a body corporate in which the member shall hold not more than one hundredth part of the share capital, and the member shall not be bound to account for any share of profits he may receive in respect of any such payment.

[Regulation 28]

Chartered Institute of Human Capital Development of Nigeria.....of
 being a member of the
 Chartered Institute of Human Capital Development of Nigeria hereby appoint
 of a member of the
 Chartered Institute of Human Capital Development of Nigeria and failing him
 of another member
 of the Chartered Institute of Human Capital Development of Nigeria, as my proxy to vote on my
 behalf at the annual general meeting of the Chartered Institute of Human Capital Development of
 Nigeria to be held on the..... day of 20..... or
 at any adjournment date.

As witness my hand this day of, 20.....

1. Financial Year

The Institute's financial year shall commence on the first day of January in each year and the Institute's subscription year shall commence on the first day of January in each year.

Annual Subscription

2. Annual Subscription

- (1) Non-practicing members of the Institute shall, for the time being, pay an annual subscription as may be published annually by the Council.
- (2) Any member of the Institute who fails to pay the annual subscription by the following 1st of April, shall cease to be a member of the Institute, and his name shall be removed from the Institute's register without any formal notice.
- (3) The Council may in its discretion and on the application of a member reduce the subscription payable for any particular year if the member has attained the age of 65 years and has retired from practice and all other business activities or from employment.
- (4) A full year's subscription shall be payable on application for membership.
- (5) All subscriptions, other than subscriptions payable on admission, shall be payable in advance on the first day of January in each year.

Committees of the Council

3. Committees

- (1) The Council at its first meeting shall proceed to appoint the following committees, that is:
 - (a) Finance and General Purposes
 - (b) Programmes and Professional Development
 - (c) Education, Training and Examination
 - (d) Strategic Partnership
 - (e) Disciplinary Committee
 - (f) Investigation Panel
 - (g) Affiliate Development and Support
 - (h) Membership Growth and Retention
 - (i) Branches and Districts and Benevolence
 - (j) Research and Strategy
 - (k) Such other committees as may be determined by the Council from time to time.

- (2) Each committee shall consist of five members, or such other number of members as the Council may deem necessary, unless otherwise determined by the Council; three members shall form a quorum of each of the committees and shall meet as and when required for the transaction of its business.
- (3) At the first meeting of each committee, the members thereof shall appoint one of their members to act as chairman; so however that a Council member shall not be qualified to be the Chairman of a branch or district committee.
- (4) The Council shall have the power to fill any vacancies on any committee of the Council and to suspend or remove any member for misconduct.
- (5) The President and Vice-President of the Council, for the time being shall be ex-officio members of all committees of the Council.
- (6) Each committee of the Council shall exercise such powers and perform such duties as are specified by the Council, or as may be vested in or assigned to it by the Council from time to time, and all matters dealt with shall be submitted to the Council at the next succeeding meeting of the Council.

Power and Duties of Committees

4. Powers and Duties of Committees

The powers and duties of the committees shall be as follows:

- (a) the finance and General Purposes Committee shall deal with matters relating to:
 - (i) the accounts and financial affairs of the Institute;
 - (ii) the sanctioning of items of expenditure, and drawing and signing of cheques thereof; and
 - (iii) the investment of the funds of the Institute;
- (b) the Membership Growth and Retention Committee shall deal with matters relating to:
 - (i) the consideration of applications for admission to membership of the Institute;
 - (ii) the welfare of members; and
 - (iii) students and accountant-in-training registration;
- (c) the Affiliate Development and Support Committee shall deal with all matters relating to:
 - (i) scrutinizing all applications for practicing certificates and interviewing of members who wish to set up public practice and make recommendations to the Council;
 - (ii) setting, from time to time, auditing standards and formulating accounting standards to be adhered to by members of the association whether as practitioners or non-practitioners; and

- (iii) promoting interaction between the Institute's practitioners;
- (d) the Education, Training and Examination Committee shall advise and report to the Council on all matters relating to the professional examinations, practical experience training, including regulations for the conduct of professional examinations and supervising the Academy of Human Capital Development of Nigeria;
- (e) the Disciplinary Committee shall deal with the investigation of all matters referred to it by the Council in accordance with section 11 (3) of the Act;
- (f) the Disciplinary Committee, in pursuance of the provisions of section 11 of the Act, shall deal with all reports of the Investigating Panel on matters relating to:
 - (i) unprofessional conduct of members; and
 - (ii) the conduct of members deemed to be derogatory to the Institute;
- (g) the Continuing Professional Education Committee shall deal with matters relating to continuing professional education of members of the Institute by organizing and arranging short courses from time to time;
- (h) the Branches and Districts Benevolence Committee shall deal with matters relating to:
 - (i) organizing the branches, and districts of the Institute in the States of the Federation and the Federal Capital Territory, Abuja; and
 - (ii) setting guidelines, supervising and controlling the branches and district;
- (i) the Benevolent Fund Committee shall manage the fund contributed by members of the Institute for the benefit of members in financial difficulty and families of deceased members who require financial assistance;
- (j) the Research and Strategy Committee shall sponsor and make provision, for the research on technical matters and areas of interest.
- (k) the Strategic Partnership Committee shall formulate policies from time to time, of the Institute's relationship with Nigerian and overseas bodies and associations and government agencies both locally and internationally.
- (l) the Examinations Committee shall be responsible for obtaining, and rating, and assessing the question-papers for the professional examinations of the Institute for the Academy of Human Capital Development, and marking the examination scripts;

Branches and Districts

- (1) When in the opinion of the Council, the members residing in an area are sufficient in number to warrant the formation of a Branch or District Centre of the Institute, the Council may take such steps as it considered necessary to form such a Branch or District Centre.
- (2) No Branch or District Centre shall be formed without the consent of the Council of the Institute

- (7) On the formation of a Branch or District Centre and at all times during its existence, the Branch or District Centre shall conduct its affairs in accordance with the regulations made by the Council from time to time.
 - (4) The Council shall have the right to dissolve a Branch or District Centre for any of the following reasons:
 - (a) non-compliance with the Rules specified by the Council; or
 - (b) the membership of the Branch or District Centre, in the opinion of the Council warrants dissolution; or
 - (c) for any other reason which the Council deems it desirable in the interest of the Association generally.
 - (5) All expenses of the Branches or District Centers shall be defrayed by the Branch or District Centre, but the Council may make grants from the funds of the Institute towards the formation and maintenance of the Branch or District Centre or deduct such amounts as in its opinion are reasonable having regard to the activities of the Branch or District Centre in connection with the furtherance of the objects of the Institute.
- (5). Practicing certificate
- (1) The condition for the issue of a practicing certificate shall be that the member shows to the satisfaction of the Council that he has acquired experience in public practice as a human capital manager in that capacity as a practitioner assistance in the office of a member of the Institute who is in public practice or any other approved practitioner's office.
 - (2) Members of the Institute in public practice shall be known and called Human Capital Development Practitioners and the practice shall only be full-time, therefore a member in any other gainful employment, whether in industry, government or commerce, shall not be eligible to practice as a Human Capital Development Consultant
 - (3) A member practices as a Human Capital Development Consultant if he holds himself out whether expressly or by implications to be practicing accountancy as a professional qualified accountant or as an expert in accounting, auditing, taxation or management matters.
 - (4) A member practices human capital development consultancy if for reward he prepares workshops and seminars and training sessions.
 - (5) A member does not practice human capital development consultancy as aforesaid by reason only that he does so in the course of his duties as an employee of any other person.
 - (6) Only members of the Institute holding valid practicing certificates of the Institute shall be known as and called human capital development consultant
 - (7) The practicing certificate shall be renewable annually at the discretion of the Council and a member wishing to practice shall be required to make an application for the practicing certificate.

- (8) Any member who contravenes the provisions of this rule shall be guilty of an offence and liable to disciplinary action, which may include
- (a) the name of such member being struck off the register; or
 - (b) the suspension of the member for any period not exceeding one year; or
 - (c) the reprimand of such member; or
 - (d) an order that the member shall pay to the Association such sum as the Council thinks fit in respect of the cost and expenses of and incidental to the enquiry.
- (9) In every case where the Council has exercised any of its disciplinary powers in respect of any member, the Council shall notify that member in writing accordingly and shall inform him of his right of appeal.
- (10) In any case where the Council causes the name of a member of the Institute to be removed from the register, the Council may, as part of its decision, fix a time before which the member whose name is so removed shall be disqualified from applying to the Institute for re-admission.
- (11) Only an auditor's report or other statement fixed with the authorized seal issued by the Institute shall be deemed to have been prepared and signed by a human capital development consultant.

- (6) Non refundable fee
Members of the Institute making application for practicing certificates shall, for time being, pay a non-refundable application fee as may be prescribed by the Council as at the time of the receipt of the application.

Subversive Activity

- (7) Subversive activity
When it is established that a person is involved in any subversive activity against the Institute that person, if a member of the Institute, shall be expelled for life from the Institute if however, the person is an applicant for membership of the Institute, his action shall be sufficient reason to reject the application for membership.

Overseas Bodies

- (8) Relationship with overseas bodies
- (1) Members of the Council or of any committee of the Council shall not act or represent the interests of any overseas body of human capital development experts in any capacity whatever, except with express approval to do so.
 - (2) Members of the Council or of any committee of the Council who so acts shall cease to be a member of the Council or of any committee of the Council.
 - (3) Furthermore, the case of the member referred to in sub-paragraph (2) of this rule may be referred to the Investigation Panel for necessary action.

- 21: Interpretation.

In these Rules, unless the context otherwise requires - "Act" means the Chartered Institute of Human Capital Development of Nigeria Act.

(Rule 2)

A graduate from any Nigerian university or other approved overseas university who obtained his bachelor's degree or High National Diploma not later than 1st January 2011, and has been continuously engaged in a senior managerial position.

Question that the provisions of the Third Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to establish the Chartered Institute of Human Capital Development of Nigeria Bill, 2017 and approved as follows:

Clauses 1- 21 — As Recommended

Schedules 1-3 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

16. Chartered Institute of Public Management of Nigeria Bill, 2017 (HB. 78):

Motion made: That a Bill for an Act to establish the Chartered Institute of Public Management of Nigeria Bill, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to establish the Chartered Institute of Public Management of Nigeria Bill, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF PUBLIC MANAGEMENT OF NIGERIA TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTE THE PRACTICE OF PUBLIC MANAGEMENT IN NIGERIA AND FOR OTHER PURPOSES CONNECTED THEREWITH

PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF
PUBLIC MANAGEMENT OF NIGERIA

Clause 1: Establishment of the Chartered Institute of Public Management of Nigeria.

- (1) There shall be established a body to be known as the Chartered Institute of Public Management of Nigeria (in this Bill referred to as "the Institute").
- (2) The Institute —
 - (a) shall be a body corporate with perpetual succession;
 - (b) shall have a common seal which shall be kept in such custody as the Council may, from time to time, authorize; and
 - (c) may sue or be sued in its corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Functions of the Institute.

The objectives of the Institute shall be to:

- (a) organize and provide professional training in the areas of Leadership and Public Management.
- (b) to professionalize Public Management with a commitment to raising great leaders in all sectors of the economy.
- (c) building capacity for leadership and a desire to make to make a difference in organizations and the nation at large;
- (d) promote the art and philosophy of managing people;
- (e) educate and promote public etiquette, conduct and approach to public issues;
- (f) build a bridge between public, private and organized sectors of the economy;
- (g) seek internal and external relationship between states and other arms of governance;
- (h) integrate culture with modernization;
- (i) promote business, government ethics and inter-governmental relations;
- (j) do all such things that are necessary to promote the advancement Public Management in both the public and private sectors of the economy;
- (k) import managerialism from the private sector to the public sector for efficiency and effectiveness in line with global practices.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Membership of the Institute.

- (1) Subject to the provision of this Bill, persons admitted into the Institute, shall possess knowledge, experience, and qualifications in Public Management and other related disciplines determined from time to time by the Council, and may be enrolled in the category of:
 - (a) Fellows;
 - (b) Associate Membership;
 - (c) Graduate Membership;
 - (d) Licentiate Members; and
 - (e) Students.
- (2) Without prejudice to the last foregoing provisions of this Bill, persons registered as members of the Institute, in terms of this Bill, shall be entitled to be enrolled:
 - (a) as Fellows, if they satisfy the Council that for the period of not less than five years immediately preceding the date of their application in that behalf that they:
 - (i) are fit and proper persons;
 - (ii) are holders of approved academic qualifications; and
 - (iii) have satisfied the Council in their dissertations; and
 - (iv) have been continuously active in the practice of professional Loan & Risk Management in either public or private sectors of the economy and as members of the Institute.
 - (b) as Associate members, if for the period of not less than three years immediately preceding the date of their application in that behalf that they have been enrolled as graduate members and are otherwise fit and proper persons, and as may approved in the discretion of the Council;
 - (c) as Graduate members, if they satisfy the Council that they have passed the mandatory examinations conducted by the Institute, hold equivalent qualifications from recognized institutions of higher education and are otherwise however found to be fit and proper persons by the Council.
- (3) The following are other precedence and designated titular abbreviations for:
 - (a) a Fellow of the Chartered Institute of Public Management who shall have their right to use the designatory letters FCPM immediately after his names;

- (b) an Associate members of the Chartered Institute of Public Management who shall have the right to use the designatory letters of ACPM immediately after his names; and
 - (c) a licentiate member of the Chartered Institute of Public Management, who shall have the right to use the designatory letters LCPM immediately after his names.
- (4) Graduate and students registered for training shall become professional practicing members only after satisfying specified qualification requirements for membership in any of the foregoing categories as may be prescribed by the Council or by-laws of the Institute.
- (5) In this section, "licentiate member" means any member granted a license by a recognized institution of higher education to practice as a professional Loan and Risk Management, and "licensure" shall be construed accordingly.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Election of Principal Officers of the Institute.

- (1) The Principal officers of the Institute shall be:
- (a) the President;
 - (b) the Vice-President;
 - (c) the National Secretary;
 - (d) the Assistant National Secretary;
 - (e) the National Treasurer; and
 - (f) the Public Relations officer.
- (2) The principal officers listed under subsection (1) of this section shall be financial members of the Institute in the grades of Fellows, Associate members and Licentiate members and shall be elected to office biennially at the second council meeting after another term of two years, and no more.
- (3) The President shall be the Chairman of the meetings of the Institute, but in the event of his incapacity, death or inability to perform the duties reposed on him under this subsection, the Vice President shall perform such duties for the unexpired portion of the term of office of that President.
- (4) If any of the officers listed under subsection (1) of this sections shall cease to hold any of the offices designated thereof.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Establishment and Composition of the Governing Council.

- (1) There shall be for the Institute, a governing body to known as "the Council" which shall have responsibility for the administration and general management of the Institute.
- (2) The Council established pursuant to subsection (1) of this section shall consist of the following members, that is:
 - (a) the President of the Institute, who shall be the Chairman
 - (b) the Vice-President of the Institute, who shall be the Deputy Chairman;
 - (c) the Registrar;
 - (d) twelve members nominated by the Institute from the six geopolitical zones of the Federation;
 - (e) two persons who shall be members of the Institute, to represent institutions of higher education in Nigeria offering courses leading to an approved qualification, to be appointed in rotation;
 - (f) the immediate past President of the Institute;
 - (g) one person each not below the rank of a Director to represent the following Federal Ministries, that is:
 - (i) Finance;
 - (ii) Trade and Investment;
 - (iii) Education.
- (3) The provisions of the first schedule to this Bill shall have effect with respect to the supplementary provisions of the Council and the qualifications and tenure of the office or members of the council, and the matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Appointment of the Board of Fellows.

- (1) There shall be appointed annually a Board of Fellows, to coordinate the activities of Fellows of the institute and to recommended to the Council on yearly basis admission of members of the fellows.
- (2) The Board of Fellows shall consist of persons who have been duly elected as fellows of the Institute, and shall have a Chairman who shall preside over the activities of the Board.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

PART II — FINANCIAL PROVISIONS

Clause 7: Establishment of Fund and Expenditure.

- (1) The Council shall establish and maintain a fund for the Institute, the management and control of which shall be under the authority of the Council, into which shall be paid:
 - (a) all monies received by the Council in pursuance of this Bill;
 - (b) all subscriptions, fees and Council in pursuance of this Bill;
 - (c) such monies as may be provided by the Federal, State or Local Government from time to time by way of grants and subventions or loans, and
 - (d) all monies raised for the purposes of the Institute by way of gifts, donations, grants-in aid, testamentary dispositions from individuals, bodies corporation or philanthropic organizations, non-otherwise however.

Cap. C21 LFN.

- (2) The Council shall, from time to time, apply the proceeds of the funds of the Institute to:
 - (a) all expenditure incurred by the Institute in the course of the discharge of its function under the Act;
 - (b) the remunerations and allowances of the Registrar and other staff of the Institute to;
 - (c) the maintenance of the premises and property owned and vested in the Institute;
 - (d) the payment of travelling allowance and such stipend for members of the council as may be approved by the Council; and
 - (e) the payment of such other charges as may be reasonably incurred in the performance of the functions of the Institute and the Council.
- (3) For the purposes of the Companies Income Tax, any donation made by any company in Nigeria to the Institute shall be a deductible donation within the meaning of the Act.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Power to Borrow Money.

- (1) The Council, with the general consent of its members or in accordance with the general guidelines or authority given by the Government of the Federation, borrow, on behalf of the Institute, by way of loan or overdraft from any source, any monies' required by the Council to meet the obligations of the Institute in order to perform its function under this Bill, however, that such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being projected in relation to the Institute in any particular year.

- (2) The Council may, subject to the provisions of the Act and conditions of trust in respect of funds held or any property owned by the Institute, invest any but not all of its funds with the same consent or general authority.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Annual Estimates, Account and Audit.

- (1) The chairman of the Council shall cause to be prepared not later than six months before the end of the year, estimates for the recurrent and capital expenditure (if any) and income of the Institute during the next succeeding financial year which shall be presented to the Annual General Meeting of the Institute by the Council for approval.
- (2) The Council shall keep proper accounts and records in relation thereto, and of shall prepare in respect of each financial year, a statement of account in such form as the chairman or the council shall direct.
- (3) The Council shall soon as may be after the end of a financial year, because the accounts of the Institute and those of the council to be audited by qualified auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor-General for the Federation.
- (4) The auditors appointed pursuant to subsection (3) of this section shall, on completion of the audit of the accounts of the Institute and the Council for each financial year, prepare and submit to the Council two reports, that is to say:
 - (a) a general report setting out the observations and recommendations of the said auditors on the financial affairs of the Institute and the Council for the year, and on any important matters which the auditors may consider necessary to bring the notice of the Council, and
 - (b) a detailed report containing the observations and recommendations of the auditors on all aspect of the operations of the Institute and the Council.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

PART III — THE REGISTRAR

Clause 10: Appointment and duties of the Registrar, etc.

- (1) The Council shall appoint a fit and proper person to be the Registrar of the Institute.
- (2) The Registrar appointed in terms of subsection (1) of this section shall be the Head of the Administration of the Institute and Secretary to the Council.

- (3) The Registrar shall consist of three parts of which the first part shall be in respect of fellows, the second part shall be in respect of associates and the third part shall be in respect licentiates.
- (4) The Registrar shall consist of three parts. of which the first part shall be in respect of fellows, the second part shall be in respect of associates and the third part shall be in respect licentiates
- (5) Subject to the following provisions of this subsection, the Council may make rules with respect to the form and keeping of the Register and making of entries therein and in particular:
 - (a) the making of application for enrolment or registration, as the case may be;
 - (b) providing for notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) authorizing a registered person to have any qualification which is in relation to the relevant discipline of the profession for the purpose of this Bill, registered in relation to this name in addition to, as he may elect, in substitution for other qualifications so registered;
 - (d) specifying from time to time the fees including subscription to be paid to the Institute in respect of the entry of names on the Register for the entry has been paid; and
 - (e) specifying anything failing to be specified under this section, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed as a special meeting of the Institute convened for that purpose, or at the next annual general meeting of the Institute, as the case may be.
- (6) The Registrar shall —
 - (a) correct, in accordance with the Council's directives, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
 - (b) remove from the Register the name of any registered person who had died;
 - (c) record the names of the members of the Institute who are in default in the payment of the annual subscription, dues or other charges for more than twelve months, and take such action in relation thereto (including removal of the names of the defaulters from the Registers) as the Council may determine or direct; and
 - (d) make from time to time any necessary alteration in the registered particulars of registered persons.
- (7) The Registrar shall —

- (a) send by post to any registered persons a letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting; and
- (b) upon the expiration of the period specified in paragraph (a) of this subsection, sends in like manner to the person in question a second similar letter and received no reply to the letter within three months from posting it, then 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.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Publication of Registers and List for Corrections.

- (1) The Registrar shall —
 - (a) cause the Register to be printed, published and put on sale to members of the public later than two years from the commencement of this Bill.
 - (b) thereafter in each year to cause to be printed, published and put on sale as foresaid, rather a corrected edition of the Registrar since it was last printed; and
 - (c) cause a print of each edition of the Registers and of each list of correction to be deposited at the principal offices of the Institute and the Council shall keep the Register and the list so deposited available at all reasonable times for inspection by members of the Institute.
- (2) A document purporting to be print of an edition of the Register published under the pursuant to this section by authority of the Registrar, or documents purporting to be print of an edition so printed, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of list of correction, as the case may be, and that any person not so specified was not registered.
- (3) Where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so registered.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Registration.

- (1) Subject to the rules made by the Council pursuant to section 10 (4) of this Bill, a person whether or not a member of a professional Public Management body recognized by an Act of National Assembly shall be entitled to be enrolled or registered as a Member of Chartered Institute of Public Management if:
 - (a) he passes the qualifying examination of membership conducted by the Council under this Bill and completes the practical training prescribed; or
 - (b) he holds a qualification granted outside Nigeria and for time being accepted by the Institute and, if the Council so requires, satisfies the Council that he had sufficient practical experience as a management accountant.
- (2) Subject to the rules made by the Council pursuant to section 10 (5) of this Bill, a person shall be entitled to be registered as a public manager, if he satisfies the Council that immediately before the appointed day he had not less than five years experience as an inspector and internal auditor of the affairs of a company as defined under the provision Companies and Allied Matters Act.
- (3) An application for registration shall, in addition to evidence of qualification, satisfy the Council —
 - (a) that he is of good character;
 - (b) that he has attained the age of twenty-one; and
 - (c) that he has not been convicted of a criminal offence involving fraud or dishonesty in Nigeria or elsewhere.
- (4) The Council may in its discretion provisionally accept a qualification presented in respect of an application for registration under this section, and direct that the application be renewed within such period as may be specified in the direction.
- (5) Any entry directed to be made in the Register in terms of subsection (4) of this section shall indicate that the registration is provisional, and no entry made in consequence thereof shall be converted to, construed as, full registration without explicit consent of the Council made in writing in that behalf.
- (6) The Council shall from time to time publish in the Federal Government Gazette particulars of qualifications for the time being accepted as aforesaid.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Approval of Qualification, etc.

- (1) The Council may approve an institute for the purposes of this Bill and may for those purposes approve —
- (a) any course of training at any institution which for persons who are seeking to become or are already management consultants, and which the Council consider as necessary to confer on persons completing the course, sufficient knowledge and skill for admission to the institute;
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practice as management accounts.
- (2) The Council may, if it thinks it fit withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such as approval, the Council shall —
- (a) give notice that it proposes to do so to person in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled as the case may be;
 - (b) afford each such an opportunity of making representations to the Council with regard to the proposal; and
 - (c) take into consideration any representation made as respects the proposal in pursuance of paragraph (b) of this subsection.
- (3) Where the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section, but the withdrawal of any such approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument, and the Council shall —
- (a) publish as soon as possible a copy of every such instrument in the Federal Government Gazette; and
 - (b) not later than seven days before its publication, send a copy of the instrument to the Minister.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Supervision of Instruction, etc. Leading to Approved Qualifications:

- (1) It shall be the duty of the members of the Council of the Institute to keep themselves informed of the nature of —
 - (a) the instructions given at approved institutions to persons attending approving training; and
 - (b) the examination as a result of which approved qualification are granted, and for the purpose of performing that duty the Council of the Institute may appoint, either from among its own members or otherwise, person to visit approved institutions, or to attend such examination.
- (2) It shall be the duty of the visitor appointed in term of the foregoing subsection of this section to report to the Council on —
 - (a) the sufficiency of the instructions giving to persons attending approved courses of training at institutions visited by him;
 - (b) the conduct and adequacy of the examination observed by him; and
 - (c) any other matters relating to the instruction or examinations on which the Council may, either generally or in particular case, request him to report, but no visitor shall interfere with the given of any instruction or the conduct of any examination.
- (3) On receiving a report made in pursuance of this section, the Council may, if it fit, and shall if so required by the Institution, send a copy of the report to the person appearing before the Council to be in charge of the institution or which the Disciplinary Tribunal has cognizance under the following provisions of the Act responsible for the examination of which the report relates requesting that person to make an observation on the report 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 .

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

PART IV — PROFESSIONAL DISCIPLINE**Clause 15: Establishment, Composition, etc. of the Disciplinary Committee and of the Investigating Panel.**

- (1) There shall be a tribunal to be known as the Chartered Institute of Public Management Disciplinary Committee (in this Bill, referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the investigating panel established pursuant to subsection (3) of this section, and any other case of panel, which the Disciplinary Committee has cognizance under the following provisions of this Bill.
- (2) The Disciplinary Committee shall consist of the Chairman of the Council and six other members of the Council.

- (3) There shall be a body known as Chartered Institute of Public Management Investigation Panel (In this Bill, referred to as "the Investigating Panel") which shall be charged the duty of —
- (a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a Public Manager or should for any other reason be the subject of proceeding before the Disciplinary Committee; and
- (b) deciding whether the case should be referred to the Disciplinary Committee.
- (4) Council and shall consist of four members of the Council and one person who is not member of the Council.

Third Schedule.

- (5) The provisions of the Second Schedule to this Bill shall, so far as applicable to the third Disciplinary Committee and Investigating Panel respectively, have effect with respect to the bodies.
- (6) The Council may not inconsistent with this Bill as to acts which constitute professional misconduct.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Penalties for Unprofessional Conduct.

- (1) Where —
- (a) a member is judged by the Disciplinary 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 or (whether or not punishable with imprisonment which in the opinion of the Disciplinary Tribunal is incompatible with the status of a professional management accountants; or
- (c) the Disciplinary Tribunal is satisfied that the name of any person has been fraudulently registered; the Disciplinary 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 Disciplinary Tribunal may, if thinks fit, defer its decisions as to the giving subsection (1) of this section until a subsequent meeting of the Disciplinary Tribunal but —
- (a) no decision shall be referred under this subsection for period exceeding two years on the aggregate; and
- (b) no person shall be a member of the Disciplinary Tribunal for purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Disciplinary Tribunal when the decision was deferred.

- (3) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension or time) be brought in connection with the conviction.
- (4) When the Disciplinary Tribunal gives a direction under subsection (1) of this section, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (5) A person whose name is struck off the Register in pursuance of a direction of the Disciplinary Tribunal under this section, shall not be entitled to be entitled to be enrolled or registered again except in pursuance of a direction in that behalf given the Disciplinary Tribunal on the application of the person, and a direction under this section for the removal of a person's name from the Register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

PART V — MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Clause 17: Rules as to Professional Practice and Fees:

- (1) The Council may make rules for —
 - (a) the training of suitable persons in Public Management methods and practice; and
 - (b) the supervision and regulation of the engagement, training and transfer of such persons.
- (2) The Council may also make rules —
 - (a) prescribing the amount and the due for payment of annual subscription, and for such purpose different amount may be prescribed by the rules according to whether the person is enrolled as a fellow, associate member, a graduate member, licentiate member of student;
 - (b) prescribing the form of licentiate to practice to be issued annually or, if the Council thinks it fit, by endorsement on any existing license; and
 - (c) restricting the right to practice in default of payment of the amount of annual subscription where the default continues for longer than such period as may be prescribed by the rules.
- (3) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the Federal Government Gazette.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Provision of Library Facilities, etc.
The Institute shall —

- (a) provide and maintain a Library, comprising books and publications for the advancement of knowledge of Loan & Risk Management, and such other books and publications as the Council may think necessary for that purpose;
- (b) encourage research into public management methods and allied subjects to the extent that the Council may from time to time consider necessary .

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Offences.

- (1) If any person, for the purpose of procuring the registration of any name, qualification or other matter —
 - (a) make a statement which he believes is false in a material particular, or
 - (b) recklessly make a statement which is false in a material particular, he shall be guilty of an offence.
- (2) If, on or after the relevant date, any person not a member of the Institute practices or holds himself out to practice public management for or in expectation of reward or takes or uses any name, title, addition or description implying that he is in practice management, he shall be guilty of an offence, provided that, in the case of a person failing within section 17 of this Bill —
 - (a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
 - (b) if within that period he duly applies for membership of the Institute, then, unless within that period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or is notified as aforesaid.
- (3) If the Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the Register, he shall be guilty of an offence.
- (4) A person guilty of an offence under this section be liable —
 - (a) on summary conviction, to a fine of an amount not exceeding ₦50,000;
 - (b) on conviction on indictment, to a fine of an amount not exceeding ₦100,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

- (5) Where an offence under this section which has been committed by a body corporate is proven to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.
- (6) In this section, "the relevant date" means the third anniversary of the appointed day or such earlier date as may be prescribed for the purpose of this section by order of the Ministry published in the Federal Government Gazette.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Regulations and Rules.

- (1) Any regulation made under this Bill shall be published in the Federal Government Gazette as soon as may be after they are made and a copy of any such regulations shall be sent to the Ministry later than seven days before they are so published.
- (2) Rules made for the purposes of this Bill shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for that purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but with prejudice to anything done in pursuance or intended pursuance of any such rules.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Dissolution of the Former Institute of Public Management.

- (1) The body known as the Institute of Public Management of Nigeria is hereby dissolved.
- (2) Accordingly, all the property held by or on behalf of the former Institute shall by virtue of this section and without further assurance vest in the Institute and held by it for the purposes of the Institute.
- (3) 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 property of the former Institute, and with respect to the other matter mentioned in that schedule.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Interpretation.

In this Bill, unless the context otherwise requires, the following words and expressions have the meanings respectively assigned to them, that is —

"Institute" means Chartered Institute of Public Management established under section 1 of this Bill.

Question that the meaning of the word "Institute" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Council established as the governing body of the Institute under section 5 of this Bill.

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Disciplinary Tribunal" means the Chartered Institute of Public Management Discipline Tribunal under section 15 (1) of this Bill.

Question that the meaning of the words "Disciplinary Tribunal" be as defined in the interpretation to this Bill — Agreed to.

"Enrolled" in relation to a fellow, an associate member, a graduate member, a licentiate member, as the case may be.

Question that the meaning of the word "Enrolled" be as defined in the interpretation to this Bill — Agreed to.

"Fees" includes annual subscription.

Question that the meaning of the word "Fees" be as defined in the interpretation to this Bill — Agreed to.

"Investigation Panel" means an enrolled fellow, associate member or a licentiate member of the Institute; and "membership of the Institute" shall be construed accordingly.

Question that the meaning of the words "Investigation Panel" be as defined in the interpretation to this Bill — Agreed to.

"Ministry" means the Ministry charged with the responsibility for matters relating to finance.

Question that the meaning of the word "Ministry" be as defined in the interpretation to this Bill — Agreed to.

"President and Vice President" means respectively the officer holder, under those names in the Institute.

Question that the meaning of the words "Presidential and Vice President" be as defined in the interpretation to this Bill — Agreed to.

"Profession" means the profession of Public Management; and

Question that the meaning of the word "Profession" be as defined in the interpretation to this Bill — Agreed to.

"Register" means the register maintained in pursuance of section 10 (2) of this Bill.

Question that the meaning of the word "Register" be as defined in the interpretation to this Bill — Agreed to.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Short Title.

This Bill may be cited as the Chartered Institute of Public Management of Nigeria Bill, 2017.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

SCHEDULES

FIRST SCHEDULE

Section 5 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and tenure of members.

1. (1) Subject to the provisions of this paragraph, a member of the Council hold office for a period of two years beginning with the date of his appointment of election.
- (2) Any member of the Institute who cease to be a member therefore shall, if he is also a member of the Council, cease to hold office on the Council.
- (3) Any elected member may by notice in writing under his hand addressed to the President resign his office, and any appointed member may, likewise resign his appointment.
- (4) A person who retires from or otherwise cease 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 reappointed.
- (5) Members of the Council shall at a meeting next before the annual general meeting of the Institute arrange for five members of the Council appointed or elected, and longest in office to retire at that annual general meeting.
- (6) Elections to the Institute shall be held in such manners as may be prescribed by rules made by the Council and until so prescribed they shall be decided in a secret balloting process.
- (7) If for any reason there is a vacation of office by a member and —
 - (a) such member was appointed by the Minister or any other body corporate, the Minister or any such body corporate shall appoint another fit person to occupy the office in which the vacancy occurs; or
 - (b) such member was elected, the Council may, if the period between the unexpired portion of the tenure of office and the next general meeting of the Institute appears to warrant the prompt filling of the vacancy, co-opt some fit person for such period as aforesaid.

Powers of Council

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

Proceedings of the Council

3. (1) Subject to the provision of this Bill, the Council may in the name of the Institute make standing orders regulating the proceedings of the institute of the Institute or of the Council, and in the exercise of its powers under this Bill, may setup committees in the general interest of the Institute, and make standing orders therefore.
- (2) Standing orders shall be provided for decision to be taken by a majority of the members, and in the event of equality of votes, for the President or the Chairman, as the case may be, to have a second or casting vote.
- (3) Standing orders make for a committee shall provide the committee report back to the Council on any matter not within its competence to be decided upon.
4. The quorum of the Council shall be nine, and the quorum of a committee of the Council shall be as fixed by the Council.

Meetings:

(a) of the Institute

5. (1) The Council shall convene the annual general of the Institute on a day as the Council may from time to time appoint any particular year, so however that if the meeting is not held within one year, so however that if the meeting is not held within one year after the previous annual general meeting, not more than fifteen months shall elapse between the respective dates of the two meetings.
- (2) A special meeting of the institute may be convened by the Council at any time, and if not less than thirty members of the Institute require it by notice in writing addressed to the General Secretary of the Institute setting out the objects of the proposed meeting, the Chairman of the Council shall convene special meeting of the Institute.
- (3) The quorum of any general meeting of the Institute shall be fifteen members, and that of any special meeting of the Institute shall be twenty-five members.

(b) of the Council

6. (1) Subject to the provision 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 seven other members, he shall summon a meeting of the Council to held within seven days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman or in his absence the Deputy Chairman shall preside; but if both are absent the members present at the meeting shall appoint one of their numbers to preside at the meeting.

- (3) Where the Council desires to obtain advise 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 the provisions of this subparagraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

7. (1) The Council may appoint one or more committee 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, and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
- (3) Any recommendations of a committee of the Council shall be of no effect until it is approved by the Council.

Miscellaneous

8. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the National President or of some other member of the Council authorized generally by the Institute to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person 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, by any person generally or specially authorized to act for the purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall unless the contrary is proved be deemed to be so executed.
- (4) The validity of any proceedings of the Institute or Council of a committee of the Council shall not be affected by any vacancy in membership, or of any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the committee, or by reason that a person not entitled to do took part in the proceedings.
- (5) Any member of the Institute or the Council, and any person holding office on a committee of the Council, who has a personal interest by the Council or a committee 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 arrangement.
- (6) A person shall not be reason only of his membership of the Institute be required to disclose any interest any interest relating solely to the audit to the accounts of the Institute.

Question that the provisions of the First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

Section 15 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the Tribunal shall be three of whom at least two shall be professional commercial practitioners.
2. (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Tribunal for the purposes of any proceedings and as to the procedures to be followed and the rules of evidence to be observed in proceedings before the Tribunal:
 - (a) for securing that notice of the proceedings shall be given at such time and at such manner as may be specified by the rules to the person who is the subject of the proceeding;
 - (b) for determining who in addition to the 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 Tribunal;
 - (d) for enabling any party to be proceedings to be presented by a legal practitioner;
 - (e) subject to the provisions of Section 16 (5) of this Bill, as to the costs of proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved it shall record a findings 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 media notice of any direction of the 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 Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may sue through the Supreme Court writs of subpoena ad testandum and dues talem, but no person appearing before the Tribunal shall be compelled —
 - (a) to make any statement before the Tribunal tending to incriminate himself;
 - (b) to produce any document under such a writ which he could be compelled to produce at the trial of an action.

4. (1) For the purposes of advising the Tribunal on question of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.
- (2) The Chief Justice of Nigeria shall make rules as to the function of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing —
 - (a) that where an assessor advises the Tribunal on any question of law as the evident, procedure or any matters specified in the rules, he shall do so in the presence of every party or person presenting a party to the proceedings who appears thereat or, if the advises is tendered while the Tribunal is deliberating in private, that every such party or persons are aforesaid.
 - (b) that every such party or person as aforesaid shall be informed if in any case the 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 instrument by which he is appointed.

The Panel

5. The quorum of the panel shall be two.
6. (1) The panel may, at any sitting of the panel attended by all members of the panel, make standing orders with respect to the panel.
- (2) Subject to the provisions of any such standing orders, the panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the Tribunal or the panel shall be eligible for reappointment as a member of that body.
- (2) A person may, if otherwise eligible, be a member of both the Tribunal and the panel, but no person who acted as a member of the panel with respect to any case shall act as a member of the Tribunal with respect to that case.
8. The Tribunal or the panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that, or (subject to paragraph 7(2) of this schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of the body.
9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or the panel shall be served on the Registrar appointed in pursuance of section 10 of this Bill.
10. Any expenses of the Tribunal or the panel shall be defrayed by the Institute.

Question that the provisions of the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

Section 23 (3)

TRANSITIONAL PROVISION AS RELATING TO PROPERTY, ETC.

1. (1) Every agreement to which the former Institute was a party immediately before the appointment day, whether in writing or not and whether or not of such a nature that the right, liabilities and obligations there under could be assigned by the former Institute shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day, so far as it relates to property transferred by this Bill to the Institute, as if —
 - (a) the Institute had been a party to the agreement;
 - (b) for any reference (however worded and whether expressed or implied) to the former Institute they were substituted, as respects anything falling to be done or after the appointed day, a reference to the Institute; and
 - (c) for any reference (however worded and whether expressed or implied) to a member or members of the Council of the former Institute or an officer of the former Institute they were substituted, as respects anything falling to be done on or after the appointed day, a reference members of the Council under this Bill or the officers of the former Institute who corresponds as nearly as may be to the member or officer in questions of the former Institute.
- (2) Other documents which refer, whether especially or generally, to the former Institute shall be construed in accordance with subparagraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality of the foregoing provisions of this schedule, where, by the operation of any of them or of section 23 of this Bill, any right, liability or obligation vests in the Institute and all other persons shall, as from the appointed day, have the same rights as to the making or resisting of legal proceedings or the making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had at all times been a right, liability or obligations of the Institute.
- (4) Any legal proceedings or application to any authority pending on the appointed by or against the former Institute and relating to property transferred by this Bill to Institute may be continued on or after that day by or against the Institute.
- (5) If the law in force at the place where any, property transferred by this Bill is situated (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provided for alterations of a Registered (but not for avoidance of transfer, the payment of fees or any matter) apply with the necessary modifications to the transfer of the property aforesaid, and it shall be the duty of the Council to furnish the necessary particulars of the transfer to the proper office of the registration authority, and of that officer to register the transfer accordingly.

Transfer of functions, etc.

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

- (2) The members of the Council of the former Institute shall be deemed to be members of the Council of the Institute until the date determined in pursuance of the foregoing subparagraph when the Institute shall have its first annual general meeting, and they shall cease to hold office at the conclusion of such meeting.
- (3) Any person who, immediately before the appointed day, held offices as the President or Vice President of the Council of the former Institute shall on that day become the President or, as the case may be, the Vice-President of the Institute and shall be deemed —
- (a) to have been appointed to that office in pursuance of the provision of this Bill corresponding to the relevant provision in the said articles of Institute; and
- (b) to have been appointed on the date on which who took office, or last took office, in pursuance of the relevance of the relevant provision of those articles.
- (4) The members of the former Institute shall, as from the appointed day, be registered 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 appointed day, was a member of the staff of the former Institute shall on that day become the holder of an appointment with the Institute with the status, designation and functions which corresponds as nearly as may be to those which appertained to him in his capacity as a member of that staff.
- (5) Any person being an office-holder on, or member of the Council of the Institute immediately before the appointed day 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 otherwise than by reason of this misconduct, shall be eligible for appointment in the Institute or to membership of the Council as the case may be.
- (6) All allegations, rules and similar instrument made for the purposes of the Institute, and in force immediately before they are subsequently revoked or amended by any authority have power in that behalf have effect, with any necessary modifications, as if duly made for the corresponding purposes of the Institute.

Question that the provisions of the Third Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to establish the Chartered Institute of Public Management of Nigeria Bill, 2017 and approved as follows:

Clauses 1- 23	—	As Recommended
Schedules 1 - 3	—	As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

17. Nigerian Council for Social Work (Establishment, etc) Bill, 2017 (HB. 161):

Motion made: That a Bill for an Act to Establish the Nigerian Institute for Social Work and Regulate the Practice of Professional Social work in Nigeria; and for Other Related Matters 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to establish the Nigerian Council for Social Work (Establishment, etc) Bill, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

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

PART I — ESTABLISHMENT, GOVERNING COUNCIL, ETC OF THE
NIGERIAN COUNCIL FOR SOCIAL WORK

Clause 1: Establishment of the Nigerian Council for Social Work and its Functions.

- (1) There is established the Nigerian Council for Social Work (in this Bill referred to as "the Council") which:
 - (a) shall be a body corporate with perpetual succession and a common seal, and
 - (b) may sue and be sued in its corporate name
- (2) The Council shall:
 - (a) promote professional practice and uphold social work ethics and values;
 - (b) determine what standards of knowledge and skills are to be attained by persons seeking to become member of the profession of social work (in this Bill referred 'the profession') and reviewing those standards from time to time as circumstances may require;
 - (c) promote research and ensure high standard and quality of training of social workers;
 - (d) regulate and control the practice of the profession in all ramifications.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Establishment of the Governing Council and its Membership.

- (1) There is established for the Profession, a Governing Council (in this Bill referred to as "the Council") charged with the administration and general management of the Social Work Profession
- (2) The Council shall consist of:
 - (a) a Chairman;
 - (b) two Social Workers to represent the Nigeria Association of Social Workers (NASOW);
 - (c) one Social Worker each to represent affiliates of social work umbrella Organisation (AMSWON, NASWE and ISOWN)
 - (d) one Social Worker to represent Indigenous Non-Governmental Organizations;
 - (e) one Social Worker to represent institution offering Social Work on rotation;
 - (f) one person to represent Public Interest;
 - (g) one Social Worker to represent social development component departments at Federal Ministries, Departments and Agencies on rotation;
 - (h) one Social Worker to represent social development component departments at States' Ministries, Departments and Agencies on rotation;
 - (i) one social worker to represent Federal Ministry responsible for Social Development matter in Nigeria.
 - (j) one person to represent the United Nations Agencies in Nigeria responsible for Child Protection; and
 - (k) the Registrar, who shall be the Secretary of the Council.
- (3) The Chairman of Council shall be appointed by the Minister on the recommendation of Nigeria Association of Social Workers, and other members of the Council shall:
 - (a) be appointed based on the recommendations of the various Agencies they represent ; and
 - (b) hold office for a term of three years and may be eligible for re-appointment for another three years.
- (4) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the council and other matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Powers of the Minister.

- (1) The Minister may give to the Council directions of a general nature or relating generally to particular matters (but not to any individual person or case with regard to the exercise by the Council of its functions.
- (2) The Council will be self-funding.
- (3) The Minister will play supervisory role over the Council.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Qualifications of the Chairman and Other Members of the Council.

- (1) A person shall be qualified for appointment into the office of the Chairman and member of the Council, if the person;
 - (a) is a citizen of Nigeria;
 - (b) has attained the age of 35 years;
 - (c) possess the qualification stated in section 10 (1) (c);
 - (d) is a duly registered member of Nigeria Association of Social Workers (NASOW) (apart from persons representing United Nations Agencies and Public Interest);
 - (e) has not been adjudged to be mentally derailed
 - (f) has not been declared bankrupt.
- (2) The Chairman shall preside at the meetings of the Council, but in the event of death, resignation, incapacity or inability to perform the functions of his office for any reason, the Council shall elect a fit and proper member of the Council to act in his stead for the unexpired portion of the term of office.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

PART II — FINANCIAL PROVISIONS

Clause 5: Financial Provisions, etc.

- (1) The Council shall establish and maintain a fund, the management and control of which shall be vested in the Council and into which shall be paid:
 - (a) all monies received by the Council in pursuance of this Bill;

- (b) all fees and other monies payable to the Council by licensed social workers, individuals and corporate bodies; and
 - (c) such monies as the Minister may, out of money provided by the Federal Government, individuals or corporate bodies, national or international to the Council by way of grant, subvention, loan or otherwise.
- (2) There shall be paid out of the Fund of the Council:
- (a) all expenditure incurred by the Council in the discharge of its functions under this bill;
 - (b) the remunerations and allowances of the Registrar and other staff of the Council; and
 - (c) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on the duties of the Council as the Council may determine.
- (3) Subject to guidelines issued by the Council from time to time, the Council's funds and assets shall be invested in any bond, bill or other security issued or guaranteed by the Federal Government or the Central Bank of Nigeria.
- (4) The Council may, from time to time, borrow money for the purposes of the Council and any interest payable on monies so borrowed shall be paid out of the Fund.
- (5) The Council shall prepare and inform the Minister not later than 31st October of the year in which this Bill comes into force (so however that for that year the Minister may, if he considers it necessary, extend the period) and in each subsequent year an estimate of its expenditure and income during the next succeeding financial year.
- (6) The Council shall keep proper accounts in respect of each financial year and proper records in relation to those accounts, and shall cause the accounts to be audited as soon as may be after the end of each financial year to which the accounts relate by a firm of auditors appointed, as respects that year, from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.
- (7) The Council shall prepare and inform the Minister not later than twelve months after its establishment and once in each year thereafter a report on the activities of the Council during the last preceding financial year and shall include in the report a copy of the audited accounts of the Council for that year and of the auditors' report on the accounts.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

PART III — REGISTRAR AND THE REGISTER

Clause 6: Appointment of the Registrar, etc.

- (1) The Council shall appoint a fit and competent social worker to be the Registrar for the purpose of this Bill, and such other persons as the Council may from time to time, deem necessary to assist the Registrar in the performance of his functions under this Bill.
- (2) The Registrar shall in addition to his/her other functions under this Bill, be the Secretary to the Council and shall keep minutes of the proceedings of all meetings of the Council and committees thereof.
- (3) The Registrar appointed under Sub Section (1) of this section shall report to the Council.
- (4) The Registrar shall keep the records and conduct the correspondence of the Council and perform such other functions as the Council may from time to time direct.
- (5) The Council may appoint two fit and proper Deputy Registrars to assist the Registrar on —
 - (i) Finance and Administration and
 - (ii) Professional Matters and other persons to be employees of the Council as the Council may determine.
- (6) The Council shall have the power to advance, confirm, promote, transfer, discipline and terminate appointments of employees of the Council.

The Registers and Registration of Members.

- (7) Subject to the provisions of this Bill, the Council shall make rules with respect to the form and keeping of registers and the making of entries thereon, and in particular;
 - (a) regulate the making of applications for enrolment or registration, as the case may be and providing for the evidence to be produced in support of the applications;
 - (b) provide for the notification to the Registrar by the person to whom any registered particular relates or any change in those particulars;
 - (c) authorize an enrolled or registered person to have any qualification which is in relation to the relevant of the profession, either an approved qualification or an accepted qualification, for the purposes of this Bill, registered in relation to his name in addition to or as he may elect, in substitution for any other qualifications so registered;
 - (d) specify the fees, including any annual subscription, to be paid to the Council in respect of the entry of names on the Register and authorizing the Registrar to refuse to enter a name on the Register until such fees specified for the entry has been paid;

- (e) specify the standards of conduct required of a member of the Council and actions or omissions that amount to a misconduct; and
 - (f) specify anything failing to be specified under the foregoing provisions of this section; but rules made for the purpose of paragraph (d) of this sub-section shall not come into force until they are confirmed by the Council.
- (8) The Registrar shall;
- (a) correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
 - (b) make, from time to time, any necessary alterations in the registered particulars of registered persons;
 - (c) remove from the register, the name of a deceased person or persons whose names he is directed to strike off as a result of disciplinary action; and
 - (d) record the names of registered persons of the Council who are in the default for more than one year in the payment of license renewal, and to take such action in relation thereto (including removal of the names of defaulters from the register) a person whose name is removed from the register for being in default of payment of any year may be re-registered subject to payment of outstanding fees as may be approved by the Council. All actions is subject to Council approval.
- (9) The rules made pursuant to sub-section (5) of this section shall provide for a procedure for updating registered persons particulars in the register, and conditions under which the registrar may remove the name of the member from the list for failing to update his particulars and the manner to cause a restoration of such a person in the list.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Publication of Register and List of Corrections, etc.

The Registrar shall:

- (a) cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Bill;
- (b) thereafter in each year, cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or list of corrections made to the register, since it was last printed;
- (c) cause a print of each edition of the register and of each list of the corrections to be deposited at the principal office of the Council; and

- (d) keep the register and list so deposited and make the register and such lists available at all reasonable times for inspection by members of the public, physically and through an internet portal.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

PART IV— REGISTRATION OF SOCIAL WORKERS

Clause 8: Approval of Qualification.

- (1) The Council will approve:
- (a) Social Work course of training at an approved institution which is intended for persons who are seeking to become or are already professional social workers and which the Council considers relevant to be registered and certified as professional ; and
- (b) Social Work qualification which as a result of examinations taken in conjunction with a course of training approved by the Council under this section is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practice the profession.
- (2) The Council may, if it thinks fit, withdraw any approval given under this Section in respect of any social work course or qualification but before withdrawing such approval, the Council shall —
- (a) give notice that it proposes to withdraw such approval to such person in Nigeria appearing to the Council to be a person or institution by whom the course is conducted or its qualification is granted or the institution is controlled, as the case may be;
- (b) give such a person an opportunity of making to the Council representation with regard to the proposal; and
- (c) take into consideration any representation made in respect of the proposal.
- (3) The giving or withdrawal of an approval under this Section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval as the Council may specify in that instrument, and the Council shall —
- (a) publish as soon as possible a copy of every such instrument in its website and the print media; and
- (b) not later than seven (7) days before its publication, send a copy of the instrument to the Minister and copy the Federal and State Ministries responsible for social development component, Agencies and Departments.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Supervision of Instructions and Examinations Leading to the Approved Qualifications.

- (1) The Council shall keep itself informed of the nature of —
 - (a) the instructions given at approved institutions to persons attending approved courses of training; and
 - (b) the examinations as a result of which approved qualifications are granted, and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions, or to attend such examinations.
- (2) On receiving a report made in pursuance of this Section, the Council may, if it thinks fit and if so required by the Institute, send a copy of the report to the person appearing to the council to be in charge of the Institution or responsible for the examination to which the report relates requesting that person to make observation on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Registration as Social Worker.

- (1) A person shall be entitled to be registered under this Bill and being so registered to receive a registration certificate if —
 - (a) he has attended a course of training approved by the Council under section of this Bill;
 - (b) the course was conducted at an institution so approved, or partly at one of such institutions and partly at another;
 - (c) he holds a minimum Certificate in Social Work awarded by any institution recognized by the Council.
 - (d) he holds a certificate of experience issued on completion of one year internship in an approved institution or agency.
 - (e) he is of good character; and
 - (f) he thereafter pays all prescribed fees.
- (2) The Council shall determine the nomenclature for the different levels of licensure applicable to the qualifications.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Special Provisions as to Social Workers Trained Outside Nigeria.

- (1) Where any person has, outside Nigeria, completed a course of training as a social worker not acceptable to the Council, without further proof of competency, the Council may require that person to undergo additional training in a social work in approved institution or under any scheme of training in Nigeria approved by the Council and upon completion of the prescribed further training to the satisfaction of the Council such person may apply for registration for licensing examination in the prescribed level be registered accordingly in the appropriate register.
- (2) Where a person who is a non-Nigeria or an expatriate satisfies the Council —
 - (a) that he has been selected for employment for period not less than six months in a capacity in which a registered person under this Bill would normally be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question;
 - (b) that he holds or has passed examinations necessary for obtaining some qualifications granted outside Nigeria which is for the time being accepted by the Council for the purpose of this Bill as respects the capacity in which, if employed he is to serve; and
 - (c) he pays any fees prescribed for registration, the Council may, if it thinks fit, give a direction that he shall be temporarily registered and subject to annual renewal, maintain a license for the period of the employment.
- (3) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) of this section and shall cease —
 - (a) on the termination of the period of employment specified to the Council under that subsection; or
 - (b) on the termination of the said employment before the end of that period, whichever first occurs.
- (4) Nothing in subsection (2) of this section shall preclude the Council from giving a further direction under subsection (1) of this section in respect of a specific period, the commencement of which coincides with the termination of another such period.

Prohibition of Practice by Non-Registered Person.

- (5) (a) No person shall be allowed to practice or to continue in practice or carry out an activity construed to mean social work practice on commencement of this Bill without due registration and license.

- (b) Subject to the provisions of this Bill, no person, not being registered as a socialworker, shall be entitled to hold any appointment or practice in the civil service of the Federation or of a State or in any public or private establishment including NGOs, body or institution, if the holding of such appointment involves the performance by him in Nigeria of any act pertaining to the profession.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

PART V — PROFESSIONAL DISCIPLINE

Clause 12: Establishment of Disciplinary Committee and Investigating Panel.

- (1) There shall be established a Committee to be known as the Nigerian Institute of Social Works Disciplinary Committee (in this Bill referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel constituted under subsection (3) of this section.
- (2) The Disciplinary Committee shall be appointed by the Council and shall consist of two members of the Council, one of whom shall be the Chairman, and three other members of the Institute who are not members of the Council.
- (3) There shall be constituted a body to be known as the Nigerian Institute of Social Workers Investigating Panel (in this Bill referred to as "the Investigating Panel") which shall —
- (a) conduct a preliminary investigation into any case where it is alleged that a member of the Institute is involved in misconduct in his capacity as a member or should for any other reason be the subject of proceedings before the Disciplinary Committee; and
- (b) decide whether the case should be referred to the Disciplinary Committee or not.
- (4) The Investigating Panel shall be appointed by the Council and shall consist of five members as follows —
- (a) two members of the Council, one of whom shall be Chairman of the Committee; and
- (b) three members of the Institute who are not members of the Council.
- (5) The tenure of any member of the Investigating Committee shall be two years renewable for a further period of two years.
- (6) The Council may make rules not inconsistent with this Bill as regard acts, which constitute professional misconduct.

- (7) The Investigating Committee shall act independently in receiving and investigating allegations under paragraph (a) of subsection (3) of this section and shall have power to receive complaints directly from any individual or organization.
- (8) The provisions of Second Schedule to this Bill shall, so far as applicable to the Investigating Panel and Disciplinary Committee respectively, have effect with respect to those bodies.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Establishment of Disciplinary Tribunal and Investigating Panel.

- (1) There shall be established a Tribunal to be known as the Nigerian Council for Social Work Disciplinary Tribunal (in this Bill referred to as "the Disciplinary Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigation Panel constituted under sub-section (3) of this section.
- (2) The Disciplinary Tribunal shall be appointed by the Council when the need arises and shall consist of three members who are not members of the Council,
- (3) There shall be constituted a body to be known as the Nigerian Council for Social Work Investigation Panel (in this Bill referred to as the "Investigating Panel") which shall:
 - (a) conduct a preliminary investigation into any case where it is alleged that a Registered social worker is involved in a misconduct in his capacity as a certified social worker or should for any other reason be the subject of proceedings before the Disciplinary Tribunal; and
 - (b) decide whether the case shall be referred to the Disciplinary Tribunal or not.
- (4) The Investigating Panel shall be appointed by the Council and shall consist of three members.
- (5) The tenure of any member of the Investigating Panel shall be two years renewable for a further period of two years.
- (6) The Council may make rules not inconsistent with this Bill as regards acts, which constitute professional misconduct.
- (7) The Investigating Panel shall act independently in receiving and investigating allegations under paragraph (a) of subsection (3) of this Section and shall have power to receive complaints directly from any individual, client or organization.
- (8) The provisions of Second Schedule to this Bill shall so far as applicable to the Investigating Panel and Disciplinary Tribunal respectively, have effect with respect to those bodies.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Penalties for Professional Misconduct.

(1) Where:

- (a) a member is adjudged by the Disciplinary Tribunal to be guilty of professional misconduct in any professional respect;
- (b) a member is convicted by any Court of law having power to award imprisonment for an offence (whether or not punishable with imprisonment) which in the opinion of the Disciplinary Tribunal is incompatible with the conduct required of a Certified social worker, or
- (c) the Disciplinary Tribunal is satisfied that the name of any person has been fraudulently registered; the Disciplinary Tribunal shall order the Registrar to strike his name off the relevant part of the Register.

(2) For the purpose of subsection (1) of this section, a person shall not be treated as guilty, unless the guilty stands at a time when no appeal or further appeal is pending or may, (without by extension of time) be brought in connection with the direction.

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

(4) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the notice of direction, appeal against the direction to a competent court.

(5) A direction of the Disciplinary Tribunal under subsection (1) of this section shall take effect where —

- (a) no appeal under this section is brought against the direction within the time limit for such an appeal or on the expiration of that time;
- (b) such an appeal is brought it is withdrawn or struck out for want of prosecution or dismissed for lack of merit.
- (c) such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and shall take no effect in accordance with the provisions of this subsection.

(6) A person whose name is struck off the Register in pursuance of a direction of the Disciplinary Tribunal under this section, shall not be entitled to be enrolled or registered again, except in pursuance of a direction in that behalf and a direction under this section for striking off of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the directive (and where he has duly made such an application, from the date of his last application), as may be specified in the direction.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

PART VI — MISCELLANEOUS

Clause 15: Application of this Bill to Unregistered Persons.

A person who is not a member of the Incorporated Association of Social Workers established before the commencement of this Bill, but is qualified to apply for and obtain membership of the Institute, may apply for membership of the Nigerian Institute of Social Works established by this Bill, in such a manner as may be prescribed by rules made by the Council and shall be registered in the category of membership appropriate in the current period for holders of the qualification he possesses.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Rules as to Practice, etc.

- (1) The Council may make rules to guide training in social works.
- (2) The Council may also make rules —
 - (a) prescribing the amount and due date for the payment of the annual subscription and for such purposes, different amounts may be prescribed by rules according to the category of membership;
 - (b) prescribing the form of license to practice to be issued annually, or if the Council thinks fit, by endorsement on an existing license;
 - (c) restricting the right to practice as a member of the Institute in default of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;
 - (d) restricting the right to practice as a member of the profession if the qualification granted outside Nigeria does not entitle the holder to practice as a member of the profession; and
 - (e) prescribing the period of practical training in the office of a member of the profession in practice to be completed before a person qualifies for a license to practice as a member of the profession.
- (3) Rules made under this section shall, be published in the official news letter, website and magazine of the Institute.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Provision of Library Facilities, etc.

The Institute shall —

- (a) provide and maintain a library comprising of books and publications for the advancement of the knowledge of social works and such other books, publications and internet communication technology media as may be considered necessary;
- (b) encourage research into social works and allied subjects, to the extent that the Council may, from time to time, consider necessary.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Regulations.

- (1) Any regulations, made pursuant to this Bill shall be published in the Institute's Journal.
- (2) Rules made for the purpose of this Bill shall be subject to confirmation by the Institute at its next general meeting, and shall not have effect until so confirmed.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Offences and Penalties.

- (1) A person who, for the purpose of procuring the registration of any name, qualification or other matter —
 - (a) makes a statement which he believes to be false in any material particular; or
 - (b) recklessly makes a statement which is false in any material particular, commits an offence.
- (2) If on or after the coming into force of this Bill, a person who is not member of the Institute practices or holds himself out as a member of the Institute for, or in expectation of reward or takes or uses any name, title, addition or description, implying that he is in practice as a member of the Institute, commits an offence.
- (3) In the case of a person failing within section 14 of this Bill —
 - (a) the provision of subsection (2) of this section shall not apply in respect of anything done by him during the period of three months; and
 - (b) if within that period he duly applies for membership of the Institute then unless within that period he is notified that his application has not been approved, the provision of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled, or registered or notified as aforesaid.

- (4) The Registrar or any other person employed by or on behalf of the Institute who wilfully makes any falsification in any matter relating to the register, commits an offence.
- (5) A person who commits an offence under this section shall be liable -on conviction to a minimum fine of One Hundred thousand naira (₦100,000.00); or imprisonment for a maximum term of two years, or to both such fine and imprisonment.
- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate shall be deemed to have committed the offence and shall be liable on conviction by court of competent jurisdiction in the case of an individual to the punishment prescribed in subsection 5 of this section and in the case of a body corporate, to a fine of not less than ₦500,000 (five hundred thousand naira) and or a ban on practice of share registration for a specific period of time not less than one year.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Training and Continuous Capacity Development.

The Council may empower affiliate Institutes and other incorporated social work training organizations to offer training, re-training and continuous capacity development activities and professional manpower development for social work practice in Nigeria.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: National and International Relations.

The Council may synergize with the social work umbrella organisation and her affiliates to strengthen collaboration with the world global social work regulatory bodies.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Interpretation.

In this Bill, unless the context otherwise requires —

"affiliates" means Association of Medical Social Workers of Nigeria (AMSWON), Nigerian Association of Social Work Educators (NASWE), Institute of Social Work of Nigeria (ISOWN) and any other that may be incorporated thereafter.

Question that the meaning of the word "affiliates" be as defined in the interpretation to this Bill — Agreed to.

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

Question that the meaning of the word "client" be as defined in the interpretation to this Bill — Agreed to.

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

Question that the meaning of the word "components" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the governing council established under section 2 (1) of this Bill.
Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"fees" include registration fees, costs of registration for :- examination, inspection, accreditation, indenting and licensing.

Question that the meaning of the word "fees" be as defined in the interpretation to this Bill — Agreed to.

"fine" includes amount prescribed for payment in default of the provisions of this Bill and rules of the Council.

Question that the meaning of the word "fine" be as defined in the interpretation to this Bill — Agreed to.

"first registrant" means registration done immediately on commencement of this Bill.

Question that the meaning of the words "first registrant" be as defined in the interpretation to this Bill — Agreed to.

"government" means government of the Federal Republic of Nigeria.

Question that the meaning of the word "government" be as defined in the interpretation to this Bill — Agreed to.

"Member" means Council members.

Question that the meaning of the word "Member" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means a Minister of the Cabinet of the Federal Republic of Nigeria responsible for Social Development.

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"NASOW" means the Nigeria Association of Social Workers, an umbrella social work organization in Nigeria.

Question that the meaning of the abbreviation "NASOW" be as defined in the interpretation to this Bill — Agreed to.

"person" means qualified social worker seeking for license to practice.

Question that the meaning of the word "person" be as defined in the interpretation to this Bill — Agreed to.

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

Question that the meaning of the words "social development" be as defined in the interpretation to this Bill — Agreed to.

"social worker" means a registered person who is licensed by the Council to practice the profession of social work in Nigeria.

Question that the meaning of the words "social worker" be as defined in the interpretation to this Bill — Agreed to.

"the list" means the list of recommended auditors to be approved by the Council.

Question that the meaning of the words "the list" be as defined in the interpretation to this Bill — Agreed to.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — Agreed to.

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Citation.

This Bill may be cited as the Nigerian Institute of Social Work (Establishment, etc.) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — Agreed to.

Question that Clause 23 do stand part of the Bill, put and agreed to.

SCHEDULES

FIRST SCHEDULE

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Tenure of Office, etc. of Members of the Council

1. (1) Subject to the provision of this Bill, a member of the council shall hold office for a period of three years, beginning with the date of his appointment

- (2) Appointments to the Council shall have effect subject to the provisions of this Section.
- (3) Persons who are appointed, shall continue to be members of the Council while they are employed in any of the public services of Nigeria, the universities, polytechnics or monotechnics or in the service of the armed forces, as the case may be;
- (4) A nominated person appointed pursuant to section 2(1) of this Bill may resign his membership by notice in writing to the Council, and any person whether or not so appointed who ceases to be a member of the Council shall, in a proper case, be eligible again to become a member of the Council for one further term.
- (5) It shall not be necessary to fill any vacancy on the Council where the unexpired residue of the term of office of a member (other than by efflux ion of time) does not exceed one Year and the member has not been appointed on rotation.
- (6) Notwithstanding that his term of office may not have expired, a nominated member may vacate his office if he gives notice in writing of his resignation addressed to the Council; and any such nominated member shall vacate his office if —
 - (a) the Council is satisfied that by reason of mental or physical infirmity he is incapable of discharging the duties of his office; or
 - (b) he absents himself for two consecutive ordinary meetings of the Council without the leave of the Council.
- (7) A person who is a member by virtue of occupation of a particular office shall cease to be a member if he ceases to occupy the particular office outside the Council.

Proceedings of the Council

2. (1) Subject to the provisions of this Bill, the Council may in the name of the Council make Standing Orders, regulating its proceedings or proceedings of its Committee or of any Committees thereof.
- (2) The Standing Orders shall provide for decision to be taken by a majority of the members and in the event of equality of votes, the Chairman shall have a second or casting vote.
- (3) The Standing Orders made for a Committee of the Council shall provide for the Committee to report to the Council on any matter referred to it by the Council.
- (4) The quorum of any meeting of the Council shall be $\frac{2}{3}$ and the quorum of the Committee shall be determined by the Council.

Meeting of the Council

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

- (2) At any meeting of the Council the Chairman shall preside, but if the Chairman is absent and the quorum is formed, the members present shall elect a member to preside.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council may think fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council, and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister.

Committee

4. (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council not more than one-third may be persons who are not members of the Council and a person other than a member shall hold on the committee in accordance with the terms of his letter of appointment.
- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Meeting of Members with respective Constituencies

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

Miscellaneous

6. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or some other members of the Council authorized generally or specifically by the Council to act for that purpose.
- (2) A contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Council or of the Council, as the case require, by any person generally or specifically authorized to act for the purpose of the Council.

Proceedings

7. The validity of any proceeding of the Council or of a Committee thereof shall not be affected by any vacancy in the membership of the Council or Committee, or by any defect in the appointment of a member of the Council or a person to serve or by reason that a person not entitled to do so took part in the proceedings.

Disclosure of interest

8. A member of the Council, and any person holding office on a Committee of the Council, who has a personal interest in any contract or arrangement entered into, or on behalf of the Council or a Committee thereof, shall disclose his interest to the Chairman or to the Council, as the case may be, and shall not vote on any question to that contract or arrangement.

Question that the provisions of the First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

Section 11(8)

QUORUM OF THE DISCIPLINARY TRIBUNAL

1. The quorum of the Disciplinary Tribunal shall be three members.
2. (1) The Council shall make rules as to the selection of members of the Disciplinary Tribunal for the purposes of any proceeding, the procedure to be followed and the rules of evidence to be observed in the proceedings before the Disciplinary Tribunal.
 - (2) The rules shall in particular provide for $\frac{2}{3}$
 - (a) securing that any party to the proceedings shall be entitled to be heard and given fair opportunity to defend the allegations against him or her by the Disciplinary Tribunal;
 - (b) determining who, in addition to the person aforesaid, shall be party to the proceedings;
 - (c) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Tribunal;
 - (d) securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) subject to the provision of Section 12 (1) of this Bill, the costs of proceedings before the Disciplinary Tribunal;
 - (f) requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of misconduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegation has been proved, it shall record a finding that the person is guilty of such misconduct in respect of the matters to which the allegation relates; and
 - (g) publishing in the website, newsletter and magazine a notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be struck off the register.

Administering Oaths, etc.

3. For the purposes of any proceeding before the Disciplinary Tribunal, a member of the Disciplinary Tribunal may administer oaths and any party to the proceedings may sue out of the Registry of the Federal High court by writs of subpoena ad testificandum and dues tecum but no person appearing before the Disciplinary Tribunal shall be compelled to:
 - (a) make any statement before the Disciplinary Tribunal tending to incriminate himself; or
 - (b) produce any document under which a writ which he could not be compelled to produce at the trial of an action.

PROCEEDINGS OF THE DISCIPLINARY TRIBUNAL

4. (1) On any question of law, arising in the proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal and who shall be:
- (a) appointed by the Council; and
 - (b) a legal practitioner of not less than seven years standing
- (2) The Council shall make rules as to the functions of the assessors appointed under this paragraph and in particular such rules shall contain provisions for securing that:
- (a) where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or a person representing a party to the proceedings, who appears to be a threat or, if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed of what advice the assessor has tendered; and
 - (b) every such party or person shall be informed if in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceeding or class of proceedings, and shall hold and vacate office in accordance with the terms of the letters by which he is appointed.
- (4) The quorum of the Panel shall be three.

The Investigating Panel

5. (1) The quorum of the Investigating Panel shall be three.
- (2) The Council may, at any of its meetings attended by all members, make Standing Orders with respect to the Investigation Panel.
- (3) Subject to the provision of any Standing Order, the Investigation Panel may regulate its own proceedings.

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

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

Non-Validation on the Basis of Vacancy

7. The Disciplinary Tribunal or the Investigation Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 6 (2) of this Schedule by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

Service of a Document

8. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigation Panel shall be served on the Registrar.

Question that the provisions of the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

Section 13 (2)

TRANSITIONAL PROVISIONS AS RELATING TO PROPERTIES, ETC.

Transfer of Properties

1. Every agreement to which the Incorporated Institute was a part immediately before the commencement of this Bill, whether it be in writing or not and whether or not of such nature that the rights, liabilities and obligations thereunder could be assigned by the Incorporated Institute, shall have effect from the appointed day so far as it relates to property transferred by this Bill to the Institute as if $\frac{2}{3}$
 - (a) the Institute had been a party to the agreement;
 - (b) for any reference (however worded and whether express or implied) to the Incorporated Institute, there were substituted as respects anything failing to be done on or after the commencement of this Bill, a reference to the Institute; and
 - (c) for any reference (however worded and whether express or implied) to a member or members of the Council of the Incorporated Institute there were substituted, as respects anything failing to be done on or after the commencement of the Act, a reference to a member or members of the Council under this Bill.
2. Other documents referring, whether specifically or generally to the Incorporated Institute shall be constructed in accordance with sub-paragraph (1) of this paragraph so far as applicable.
3. Any legal proceedings or application to any authority pending on the commencement of this Bill by or against the Incorporated Institute may be continued on or after that day by or against the Institute.
4. On the commencement of this Bill, any person holding any paid appointment in the Incorporated Institute shall hold corresponding appointment in the Institute on the same terms and conditions as already exist.
5. All regulations, rules and similar instruments made for the purpose of the Incorporated Institute and in force immediately before the coming into force of this Bill shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect with any necessary modifications as if daily made for the corresponding purpose of the Institute.

Question that the provisions of the Third Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Nigerian Institute for Social Work and Regulate the Practice of Professional Social work in Nigeria; and for Other Related Matters 2017 and approved as follows:

Clauses 1- 23 — As Recommended

Schedules 1 - 3 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

18. Chartered Institute of Export and Commodity Brokers of Nigeria Bill, 2017 (HB. 85):

Motion made: That a Bill for an Act to establish the Chartered Institute of Export and Commodity Brokers of Nigeria Bill, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to establish the Chartered Institute of Export and Commodity Brokers of Nigeria Bill, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR ACT TO ESTABLISH THE CHARTERED INSTITUTE OF EXPORT AND COMMODITY BROKERS OF NIGERIA AND FOR RELATED MATTERS

Clause 1: Establishment of Chartered Institute of Export and Commodity Brokers of Nigeria.

- (a) There is hereby established a body to be known as Chartered Institute of Export and Commodity Brokers of Nigeria (in this Bill referred to as "the Chartered Institute").
- (b) The Institute shall be a body Corporate with perpetual succession and a common seal and shall be able to sue and be sued in its Corporate name;
- (c) The Institute shall hold, acquire and dispose of any property, movable or immovable subject to the Land use Act, 1978;

- (d) The Institute shall exercise such functions and achieve such objectives as may be conferred upon it by this Bill:
- (i) the Institute shall research and locate all Exportable products from Agriculture Minerals Resources and Manufactured goods that are available in Nigeria for Export;
 - (ii) to Partner relevant agencies and Companies in creating an Interchange point between the Commodity Producers, Nigerian Distributors and Export merchants for the storage, of their products and to quicken product inspection for Export;
 - (iii) to Liaise with Federal, State and Private Sector, Local Governments and relevant agencies in Nigeria on how to make all Export Processing Zones In Nigeria to be functioning, viable and to see that more of such are establish for the Promotion and exportation of made in Nigeria goods;
 - (iv) to establish Professional Standard in training, commodity grading, Packaging, Pricing, quality control, commodity brokerage services etc, to benefit Nigerians who wish to go into practical Export and earn income from commodity wealth in Nigeria in collaboration with appropriate Agencies and Association;
 - (v) to define and follow-up the execution of the Processes of refining the crude products or Commodity in a civilized manner to meet International standard in the world market;
 - (vi) determining the standards of knowledge and skill to be attained by persons seeking to become registered members of the Profession and reviewing those standards, from time to time as circumstance may demand;
 - (vii) securing in accordance with the provisions of the Act, the establishment and maintenance of Registers of Members of the Profession and the publication, from time to time of lists of those persons;
 - (viii) regulating the practice, discipline, Professional conduct and Promoting the highest standard of competence among the members of the Profession.
 - (ix) to certify all Export Practitioners and License all Commodity Brokers Operating in Nigeria who qualified as Associate, Full Member and Fellow to Practice as a member of the Profession in relationship with the appropriate Association
 - (x) promoting the highest standard of competence, practice and conduct among the Members of the Profession;
 - (xi) making provision for Education, Training, conduct of Examinations award of qualifications to deserving and qualified Members of the Profession wishing to become Commodity Brokers, Shipping Agent, Export Merchant, Products Packaging Consultant and Practicing Managers on International Trade in Nigeria;

- (xii) to advance Public Education as to Commerce and Industry, particularly the need for Raw Materials Import, finished goods Export, Commodity research and grading, in addition educate those who are or may become involved or interested in Export and Commodity trade as a Profession in this Bill referred to as "the Profession";
- (xiii) to associate with Government Programmes meant for the development and Promotion of Export and Commodity Trade in Nigeria and also to associate with foreign and local Institution having similar objectives on Export and Commodity trading for the purpose of attaining excellence in International Trade as a business in Nigeria;
- (xiv) to examine, research and analyze problems connected with Export and Commodity Trade in Nigeria and to publish the results of such work together with recommendation and advice, make the same available to all persons firms or companies engaged in Export and Commodity Trade whether or not members of the Institute;
- (xv) arranging conferences, seminars, symposia and meeting for the discussion of Export and Commodity Trade Profession by means of periodical issues of a journal of the Institute and to organize post-qualification courses for its members;
- (xvi) doing such things as may advance and promote the advancement of Export and Commodity trade and business in both the public, the private sector of the economy; and
- (xvii) performing through the Council all functions established under this Bill as Conferred on it by this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: **Membership of the Institute.**

Subject to the provisions of this Bill, a person admitted to membership of the Institute shall be registered as Fellows, Members, Associates, Graduates, Licentiate, Students and Corporate Members and shall be entitled to practice the business of Export and Commodity Trade Profession and the list of such people shall be published from time to time, and authorized to use FECB, MECB, AMECB after their names.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: **Practicing Fellow Members.**

Practicing Fellow Members with years of experience will be elected Chartered Member of Chartered Institute of Export and Commodity Brokers of Nigeria and authorize to use initial CMECB after their names.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Honourary Members.

Honourary Members elected as Fellow or Members and Licentiate as a result of their contributions to Export and Commodity trade profession are authorized to use initial FECB (Hon) MECB (Hon) LECB (Hon) after their names.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 5: Council of the Institute.

- (i) There shall be, as the governing body of the Institute, a Council which shall be charged with the administration and general management of the Institute;
- (ii) The Council shall consist of the following:
 - (a) President;
 - (b) Deputy President;
 - (c) National Treasurer;
 - (d) six (6) persons nominated from the Institute;
 - (e) the President, Deputy President and National Treasurer shall be elected by members at (AGM) Annual General Meeting;
 - (f) four (4) Chairmen representing Export Services and Commodity Trade groups as elected by each groups before the Annual General Meeting;
 - (g) past Presidents and Registrars of the Institute;
 - (h) one (1) persons to represent the Federal Ministry of Industry-Trade and Investment,
 - (i) two persons who shall be Members of the Institute to represent Institutions of higher learning in Nigeria offering courses leading to an approved qualification in rotation, so however that the two shall not come from the same Institutions.
- (iii) The current Registrar of the Institute shall be a member of the Council (as one of the Institute nominee) and shall be the Secretary of the Council and take minutes at the Council Meeting.
- (iv) The President and Deputy President shall be elected at the First Council meeting by Council Members and later at the Annual General Meeting every four (4) years.

- Term of Office.
- (v) All the Council members shall be in Office for a term of four years and no member shall serve more than two terms.
- Power of the Council.
- (vi) (a) The Council shall have power at any time and from time to time to co-opt any member to fill any casual vacancy among members of the Council but any person so co-opted shall be subjected to serve only until the unexpired period of the term of office.
- (b) The Council shall have power at any time and from time to time to co-opt suitable persons to any of its Committee.
- Council Meetings.
- (vii) (a) The President shall be the Chairman at Meetings of the Institute, however in the event of death, incapacity or inability for any reason of the President, the Deputy President shall act as Chairman for the unexpired period of the term of office as Chairman as the case may be and reference in this Bill to the President shall be construed accordingly.
- (b) The President and the Deputy President shall respectively be Chairman and Vice Chairman of the Council of the Institute under this Bill but if the President or the Deputy President ceases to be a member of the Institution, he/she shall cease to hold any of the offices designated under this section.
- (c) The provisions of schedule one 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.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Financial Provision.

- (1) (i) The Council shall establish and maintain a fund for the purpose of this Bill which shall be realized from the fees payable to the Institute, i.e Membership, Examinations, Mandatory courses, Certification, Licenses, Annual dues, etc. and donation from Individual and Corporate bodies.
- (ii) The management and control of which shall be in the hand of the Council.
- (2) There shall be paid into the Fund of the Council:
- (a) all the 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) These shall be paid out of the Fund of the Council established pursuant to subsection (1) of this section:
- (a) the remunerations of the Registrar and Management:

- (b) such reasonable traveling 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 by the Council in the discharge of its functions under this Bill.
- (4) The Council may invest moneys in the Fund in any security created or issued by or on behalf of the Federal Government or in any other securities in Nigeria approved by the Council.
- (5) The Council may from time to time source for funds for the purpose of the Institute and any interest payable on such funds borrowed shall be paid out of the fund.

Audited Account.

- (6) The Council shall keep proper account and other records relating thereto and shall cause to be prepared not later than 30th December each year. Such accounts must be audited by a firm of auditors approved by the Council and when audited, the accounts shall be submitted to the members of the Council as approved by them at the Meeting of the Institute.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Appointment of Registrar etc and Preparation of the Register.

- (1) (a) The Council shall appoint a competent person to be the Registrar for the purpose of this Bill and such other persons and firm as the Council may from time to time think necessary to assist the Registrar in the performance of his function under this Bill.
- (b) The Registrar shall be the Chief Executive Officer of the Institute and in addition perform the following functions:
 - (i) enforcement of the observance of the Constitution, rules and regulations of the Institute.
 - (ii) control the income, capital, funds and property of the Institute and Endorse all accounts for payment.
 - (iii) control the staff and officers of the Institute to ensure discipline in and the accomplishment of the objects of the Institute.
 - (iv) perform such other duties as by usage and custom pertain to his office and as the Council may from time to time direct.
 - (v) to keep necessary statistical records of all Nigeria Export and Commodity in conjunction with the appropriate agencies

- (2) It shall be the duty of the Registrar to prepare and maintain in accordance with rules made by the council, a register of the names, addresses, approved qualifications and of such other qualifications who are entitled in accordance with the provisions of the Act to be registered as members of the Institute and who in the manner prescribed by the such rules apply to be so registered.
- (3) 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 as the Council may approve.
- (4)
 - (a) Regulating the making of application for or registration as the case may be and providing for the evidence to be produced in support of such applications.
 - (b) Providing for the notification of the Registrar by the person to whom any registered particulars relates to any change in those particulars.
 - (c) Authorizing a registered person to have any qualification, which is in relation to the relevant division of the Profession. Whether an approved qualification or accepted qualification for the purposes of this Bill registered in relation to the 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 name into 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 the section. But rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed at a meeting of the Institute.

Duty of the Registrar.

- (5) It shall be the duty of the Registrar:
 - (a) to 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 is or as incorrectly made.
 - (b) to make from time to time, any necessary alteration to the registered particulars of registered persons.
 - (c) to remove from the register the name of any registered persons who has died, and

- (d) to record the names of members of the Institute who are in default for more than three years in the payment of Annual subscriptions, and to take such action in relation thereto (including removal of the name of defaulters from the register) as the Council may direct to require.
- (6) If the Registrar:
- (a) sends by post to any registered person, a registered letter addressed to him/her at his/her address on the register enquiring whether the registered particulars relating to him/her are correct and receives no reply to the letter within a period of six months from the date of posting it and
- (b) upon the expiration of that period, send in like manner to the person in question a similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar shall remove the particulars relating to the person in question from the register, provided that the council may direct the Registrar to restore to the appropriate part of the register any particular removed there from under this subsection.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Publication of Registers and List of Correction.

- (1) It shall be the duty of the Registrar to cause the register:
- (a) to be printed, published and put on sale to members of the public not later than two years from the commencement of the Act;
- (b) thereafter in each year to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register, since it was last printed;
- (c) to cause a print of each edition of the register and of each list or correction to be deposited at the principal office of the Institute; and
- (d) to keep the register and list so deposited to be made available to members of the public at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of register published under this section by authority of the Registrar or documents purporting to be prints of an edition of a registers so published and of the list of corrections to that so published, shall (without prejudice to any other mode proof) be admissible in any proceedings as evidence that any person specified in the documents, or the documents read together, as being registered was so registered at the date of the edition or of the list corrections, as the case may be and that any person not so specified was not so registered.

- (3) Where in accordance with subsection (2) of this section, a person is in any proceeding shown to have been or not to have been registered at a particular date, unless the contrary is proved, be taken for the purpose of those proceedings as having all material times thereafter continued to be or not to be so registered.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Registration of Members.

- (1) A person shall be eligible to be registered as a member of the Institute if he/she satisfies the Council that:
- (a) immediately before the Commencement of this Bill, he/she holds a qualification from other professional bodies considered by the Council as relevant and equivalent to that of the Chartered Institute of Export and Commodity Brokers of Nigeria; or
 - (b) before the commencement of this Bill all graduate of the Institute of Export Programme or a graduate of Export, Shipping and Petroleum Management or International Trade Management from a recognized higher Institute; or
 - (c) have passed the foundation level for the qualifying Examination of the Institute; or
 - (d) holds five credits in West African School Certificate Examination or General Certificate of Education or Senior School Certificate Examinations or National Examination Council (NECO) and National Business and Technical Examination Board (NABTEB) in the following subjects: viz: English, Mathematics, Economics, Geography, Business Management, Commerce, Accounting and other related subjects; or
 - (e) matured candidates with minimum age of 30 years and in practice of Export and Commodity trade.
- (2) He/she is a citizen of Nigeria and was immediately before the commencement of this Bill holding a Managerial Post or Chief Executive of an Export or Commodity trade firm.
- (3) Subjects as aforesaid, a person shall also be entitled to be registered under the Act if he/she holds such Certificate as may be recognized by the Council from time to time.
- (4) An application for registration under the Act shall be in addition to evidence of qualification, satisfy the Council that:
- (a) he/she is of good character;
 - (b) he/she has attained the age of twenty-one years; and
 - (c) he/she has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty

- (5) The council may in its sole discretion provisionally accept a qualification produced in respect of an application for registration under this section or that the application be renewed within such period as may be specified in this section
- (6) Any entry directed to be made in this register, under subsection (5) of this section shall be converted to full registration without the consent of the Council signified in writing in that behalf.
- (7) The Council shall from time to time publish in the Federal Gazette particulars of qualifications for the time being accepted as aforesaid.
- (8) The Council shall make regulations generally for its purposes under this Bill, and without prejudice to the generality of the foregoing regulation made may provided for:
 - (a) the persons or category of persons who may enter for Examinations held or conducted by this Institute.
 - (b) the conduct entrants during such examinations.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Category of Membership.

- (a) Membership by Examination:

Fellow Members

- (i) The Council shall register member as a Fellow Member of the Institute provided:
 - (a) he/she satisfied subsection 9 above
 - (b) that member has published an acceptable thesis or dissertation on appropriate subjects or
 - (c) that member has been a Full Member for a period of at least 5 years and must have contributed to the growth of the Institute and Export and Commodity Trade Persons admitted to Fellow Membership grade shall be entitled to use the letter FECB after his/her names.

Full Members

- (ii) The Council shall register any member as a Full member of the Institute provided:
 - (a) he/she satisfied subsection (9) above
 - (b) that member is engaged in any work relating to or connected with International Trade or Commodity Trade for almost fifteen years, and

- (c) that Member has been an Associate Member for a minimum of five years. Persons admitted to Full Membership grade shall be entitled to use the letter MECB after their names.

Associate Members

- (iii) (a) Subject to the provisions of this Bill, the Council shall cause to be registered as an Associate Member of the Institute any person who has passed the Professional Examinations prescribed by the Institute or claim exemptions for having similar qualifications. Person admitted to Associate Membership grade shall be entitled to use the letters AMECB after his/her names.

Graduate members

- (iv) Graduate Members shall be registered by the Council on completion of the Final Diploma Programme in Export Practice and Management or Advanced Diploma in International Trade, Shipping and Foreign Exchange Administration He/She would become Associate Member after a minimum of two years Practice in related field. He/she uses designatory letter GECB after their names.

- (b) Membership by Admission or Election:
Persons not registered under subsection (9) (a) of this Bill shall be entitled to be registered as:

Fellow Members

- (i) (a) If he/she satisfy the Council for the period of at least twenty-five years immediately proceeding the date of application in that behalf, he/she has been engaged in business relating to Export, Import, Shipping Petroleum and Commodity trade activities and have attained top management level in the Industry or have contributed meaningfully to Economic and Industrial growth of the nation, shall be registered as Fellow Member of the Institute.
- (b) Person admitted to Fellow Membership (Honourary) grade shall also be entitled to use the letters FECB (Hon.) after his/her names.

Full Members

- (ii) The Council shall register people as Full Members of the Institute:
- (a) if he/she satisfies the Council that he/she has alternative equivalent qualifications together with adequate managerial experience.
- (b) if he/she is 40 years of age at the time of application and have put in a minimum of fifteen years in the practice of import/Export business or any business with International character

- (c) a per person admitted to Full Membership grade shall be entitled to use the letter MECB (Hon) after his/her names.

Licentiate Members

- (d) These are for Senior Citizens who could not read or write or fairly educated but could be honoured for their contributions to Export and Commodity Trade in Nigeria. He/she uses the initiate LECB (Hon) after the names.

Student Members

- (e) Those people who are of minimum of 21 years old and satisfy subsection 8 (1) (d) of this Bill shall be registered as a Student Member of the Institute

Certificate of Membership

All registered members shall be entitled to receive from the Council, Certificate of registration for membership to the grade with whom he/she was registered

Corporate Membership

- (e) (i) The Council shall confer Corporate Membership of the Institute on any Company, Firm or Corporation, which it consider fit for the honour.
- (ii) A corporate member of the Institute shall be a company registered with the Corporate Affairs Commission and has at least two Professional members of the Chartered Institute of Export and Commodity Brokers as directors or Management staff heading Export and or Commodity trade departments.
- (iii) The Four Trade Groups shall be known as Export Services Trade Group, Agro-Allied Trade Group Natural Mineral Resources Trade Group and Manufactured Goods Trade Group
- (iv) The Professional Syndicates would form from each Trade Group representing each products identify and approved for export or its Services.
- (v) Each Group and Professional Syndicates shall have their own Committee Executives comprising the Chairman, Secretary and Treasurer for the Committee Management.

The Professional Syndicate shall be responsible to the Trade Group and the Trade Group to the Council.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — Agreed to.

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Accreditation of Institute.

- (1) The Council may approve any Institution for the purpose of this Bill and for those purposes approve:
 - (a) any course of training at any approved Institution which is intended for persons seeking to become or are already members of the Export and Commodity Trade Profession and which in the opinion of the Council is designed to confer:
 - (b) any qualification which as a result of an Examination taken in conjunction with a course of training approved by the Council under this section is granted to candidates reaching a standard at the Examination indicating in the opinion of the Council that the candidates have sufficient knowledge and skill for the practice of the profession.
- (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 as approval, the Council shall:
 - (a) give notice that it proposes to do so to person in Nigeria appearing to the Council to be persons by whom the Course is conducted or the qualification is granted or the Institution is controlled as the case may be.
 - (b) afford such person an opportunity of making to the Council representation with regard to the proposal; and
 - (c) take into consideration any representation made in respect of this proposal in pursuance of paragraph (b) of this subsection (20) of this section,
- (3) A course, qualification or Institution shall not be treated as approved during any period the approval is withdraw 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 virtue of the approval was registered or was eligibility for registration (either unconditionally or subject to his obtaining a Certificate of experience immediately before the approval was drawn.
- (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 instrument signifying the giving or withdrawal of the approval as the Council may specify in the instrument and the Council shall:
 - (a) as soon as may be published a copy of every such instrument in the Gazette, and
 - (b) not later than seven days before its publication as aforesaid, send a copy of the Instrument to the Minister.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Supervision of Instructions and Examinations Leading to Approve Qualifications.

- (1) It shall be the duty of the Council to keep itself informed of the nature of:
 - (a) the instruction given at approved Institutions to persons attending course of training; and
 - (b) the Examinations as a result of which approved qualification are granted. Any of the purposes of performing that duty, the Council may appoint either from among its members or otherwise, person to visit, approve Institution or to observe such Examinations.
- (2) It shall be the duty of a person appointed under this section to report to the Council on:
 - (a) the adequacy of the instruction given to persons attending approved course of training at Institutions visited by him;
 - (b) the adequacy of the examination attended by him; and
 - (c) any other matters relating to the Institutions of Examinations on which The Council may either generally or in a particular case, requests him to report but no such person shall interfere with the giving of any instruction or the holding of any examination.
- (3) On receiving a report made in pursuance of this section, the Council may, if it is 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, requiring that Institution or responsible for the examination to which the report relates, requesting that any person to make an observation on the report to the Council within such time as be specified in the request, not being less than a month beginning with the date of the report.
- (4) The Minister of Education shall from time to time supervise and if necessary issue directives to the Institute Governing Council to ensure compliance with higher educational standard.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Professional discipline.

- (1) There shall be tribunal to be known as the Chartered Institute of Export and Commodity Brokers of Nigeria Disciplinary Tribunal 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 provisions of this section and any other case of which the tribunal has cognizance under the provision of this Bill.
- (2) The tribunal shall consist of the Chairman of the Council and eight other members of the Council appointed by the Council.
- (3) There shall be a body to be known as the Chartered Institute of Export and Commodity Brokers of Nigeria investigating panel (in this Bill referred to as "the Panel") which shall be charged with the duty of:

- (a) conducting a preliminary investigating into any case where it is alleged that a person registered has misbehaved in his capacity as member 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 appointed by the Council and shall consist of three members, two of whom shall not be members of the Council.
 - (5) The provisions of Schedule 2 to this Bill shall, so for application to the tribunal and panel respectively have effect with respect of those bodies.
 - (6) The Council may make rules not inconsistent with this Bill to acts which constitute Professional misconduct.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Penalties for Unprofessional Conduct.

- (1) Where:
 - (a) a person registered under this Bill is judged by the tribunal to be guilty of infamous misconduct in any professional respect; or
 - (b) a person is convicted by any Court or tribunal in Nigeria or elsewhere having Power to award imprisonment or an offence (whether or not punishable with imprisonment) which is the opinion of the tribunal incompatible with the status of a member of the profession; or
 - (c) the tribunal is satisfied that the name of any person has been fraudulently registered;

The tribunal may, if it thinks fit, give a direction reprimanding that person 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:
 - (a) no decision shall be delivered under this subsection for period exceeding two years in the aggregate; and
 - (b) no person shall be a member of the tribunal for the purpose of reaching a decision which has been deferred or further deferred, unless he/she was present as a member of the tribunal when the decision was deferred.
- (3) For the purposes of subsection (1) (b) of this section a person shall not be treated as convicted, unless the conviction stands as at the 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 served on the person to whom it is meant.
- (5) A person to whom a direction relates may at any time within twenty-eight days from the date of service on him of 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 purpose of enabling direction given as to the he/she costs of the appeal and of proceeding before Court of Appeal, the tribunal shall be deemed to be a part 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 make effect where:
- (a) no appeal under this section is brought against the direction within the time limited for the appeal on the expiration of that time;
 - (b) an appeal is brought and is withdraw or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) an appeal is brought and is not withdrawn or struck out as aforesaid, if when the appeal is dismissed;
- and shall not take effect except in accordance with the foregoing provisions of this subsection.
- (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 registered again except in pursuance of a direction in that behalf and a direction under this section for the striking off a person's name from the register, may prohibit an application under this subsection by the 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.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Miscellaneous.

Any person not a member of the Institute of Export of Nigeria incorporated under Company and Allied Matter Act Part C (in this Bill referred to as "the Incorporated Institute") who but this Bill would have been qualified to apply for and obtain membership of the Incorporated Institute may within the period of Six 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 he/she shall be registered according to his/her qualification.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Professional Practice.

- (1) Subject to subsection (2) of this section a person shall be deemed to practice as a member of the Profession, if in consideration of remuneration received or to be received and whether himself/herself or in partnership with any other person:
 - (a) he/she engages himself/herself in the Practice of Export and Commodity trade or holds himself/herself out to the public as a member of the Institute: or
 - (b) he/she renders professional services, which may by regulations made by the Council, with the approval of the Minister, be designed as Service constituting Export and Commodity Brokers Practice or He/she may render any other Service, which may by regulations made by the Council, with the approval of Minister, be designed as Service constituting Export and Commodity Brokers Practice or
 - (c) describe himself/herself as a Chartered Commodity Broker (CCB) of Chartered Institute of Export and Commodity Brokers of Nigeria.
- (2) Nothing in this section shall be construed so as to apply to persons who, while in the employment of any Government or engaged in Commerce and Industry perform the duties of Export and Commodity Brokers.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Rules as to Practice etc.

- (1) The Council may make rules:
 - (a) for the Training of suitable persons in Export and Commodity trade;
 - (b) for the Supervision and regulation of the management, training and transfer of such persons.
- (2) The Council may also make rules:
 - (a) prescribing the amount and the date for repayment of the annual subscription;
 - (b) prescribing the form of license to practice to be issued annually or if fit, by endorsement on an existing license, 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.
- (3) Rules when made under this section shall if the Chairman of the Council so direct, be published in the Gazette.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Provision of Library Facilities.

The Institute shall:

- (a) provide and maintain a Library comprising books and publication for the advancement of knowledge on Import, Export, Shipping, Foreign Trade, Commodity Trade, World Trade etc and cognate subject as applied to all or any of the Professions Services Provided by Export and Commodity Brokers engage in Public Practice, Industry and Commerce or the Civil Service and such other books and Publications as the Council may think necessary for the purpose of Export and Commodity trade advancement;
- (b) encourage Research into Export and Commodity trade to the extent that Council may from time to time consider it necessary to give award to the best researchers.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Offence.

- (1) If any person for the purpose of procuring the registration of any name, qualification or other names:
 - (a) makes a statement, which he believes to be false in a material, particular he shall be guilty of an offence;
 - (b) recklessly makes a statement, which is false in a material particular, he shall be guilty of an offence.
- (2) If on or after the relevant date, any person who is not a member of the Institute practice or holds himself out to practice for or in expectation of reward or takes or uses any name, title, addition or description implying that he is a member of the Institute, he shall be guilty of an offence, provided that in the case of a person falling under section 15 of this Bill.
- (3) If the Registrar or any other person employed by on behalf of the Institute willfully makes any falsification in any matter relating to the Register he shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable to:
 - (a) on summary conviction to a fine of an amount not exceeding twenty thousand naira only;
 - (b) on conviction or indictment, to a fine of an amount not exceeding One hundred thousand Naira only or to imprisonment for a term not exceeding two year or both;

- (c) 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 director, Manager, Secretary or other similar Officer of the body Corporate any person purporting to act in any such capacity, he as well as the body Corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Regulations and Rules.

- (1) Any regulation made under this Bill, shall be published in the Gazette as soon as may be after they are made and a copy of any such regulation shall be forwarded to the Minister not later than 7 days before they are published.
- (2) Rules made for the purposes of this Bill shall be subject to confirmation by the Institute at its meeting convened for the purpose, but if annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Transfer to Institute Certain Assets and Facilities.

- (1) On the Commencement on this Bill:
- (a) all assets and liabilities held or incurred immediately before that day by or on behalf of the Incorporated Institute shall, by virtue of this Bill and without further assurance, vest in the Institute and be held by it for the purpose of the Institute.
- (b) the Incorporated Institute shall cease to exist, and
- (c) subject to subsection (2) of the section, any act or thing made or done by the Incorporated Institute shall be deemed to have been made or done by the Institute.
- (2) The provision of schedule 3 to this Bill shall have effect with the respect of 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.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Interpretation.

In the Act unless the context otherwise requires:

"Institute" means the Chartered Institute of Export and Commodity Broker of Nigeria established by Section 1 of the Act.

Question that the meaning of the word "Institute" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Council established as the governing body of the Institute under Section 4 of this Bill.

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Disciplinary Tribunal" means the Chartered Institute of Export and Commodity Brokers of Nigeria Disciplinary Tribunal establish under Section 13 of this Bill.

Question that the meaning of the words "Disciplinary Tribunal" be as defined in the interpretation to this Bill — Agreed to.

"Fees" means all payment including subscriptions

Question that the meaning of the word "Fees" be as defined in the interpretation to this Bill — Agreed to.

"Incorporated Institute" means the Institute of Export of Nigeria Incorporated under the Companies and Allied Matters Decree 1 of 1990 Part C. Registration number R/307, Certificate number 6690 of 4th May, 1992.

Question that the meaning of the words "Incorporated Institute" be as defined in the interpretation to this Bill — Agreed to.

"Members of the Institute" means a registered member of the Institute.

Question that the meaning of the words "Members of the Institute" be as defined in the interpretation to this Bill — Agreed to.

"Investigating Panel" means the Chartered Institute of Export and Commodity Brokers of Nigeria investigating panel established under section 13, subsection (3) of this Bill.

Question that the meaning of the words "Investigating Panel" be as defined in the interpretation to this Bill — Agreed to.

"Profession" means the Practitioners Practicing the Export and Commodity trade in Nigeria as Business.

Question that the meaning of the word "Profession" be as defined in the interpretation to this Bill — Agreed to.

"Export Manager" means qualified person to Practice Export Business in Nigeria.

Question that the meaning of the words "Export Manager" be as defined in the interpretation to this Bill — Agreed to.

"Export Consultant" means person holding himself out to advise on Import and Export in Nigeria.

Question that the meaning of the words "Export Consultant" be as defined in the interpretation to this Bill — Agreed to.

"Chartered Practitioner" means a Corporate Member of the Institute licensed to Practice Export and Commodity trade in Nigeria by the Institute.

Question that the meaning of the words "Chartered Practitioner" be as defined in the interpretation to this Bill — Agreed to.

"The Appointed day" means the day appointed under section 22 (2) of this Bill.

Question that the meaning of the words "The Appointed day" be as defined in the interpretation to this Bill — Agreed to.

"Register" means the book maintained in pursuance of section 7, subsection 2 of this Bill.

Question that the meaning of the word "Register" be as defined in the interpretation to this Bill — Agreed to.

"Registrar" means the Office holder under this name in the Institute.

Question that the meaning of the word "Registrar" be as defined in the interpretation to this Bill — Agreed to.

"President and Deputy President" means respectively the Office holder under these name in the Institute.

Question that the meaning of the words "President and Deputy President" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister of the Government of the Federation Charged with the responsibility for Export Promotion and Commodity development.

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Citation.

The Bill may be cited as the Chartered Institute of Export and Commodity Brokers of Nigeria Bill, 2017

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

SCHEDULES

SCHEDULE 1

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 four years beginning with the date of his/her appointment or election.
- (2) Any member of the Institute who ceases to be a member thereof shall, if he/she is also a member of the Council cease to hold Office of the Council.
- (3) Any nominated member of the Council may, by notice in writing under his hand, addressed to the President, resign his office and any appointed members 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 a nominated member of the Council shall be eligible again to become a member of the Council, and any appointed member may be re-appointed.
- (5) (a) Nominations to the Council shall be held in such manner as may be prescribe by rules made by the Council.
- (b) Retirement of elected Council members shall be prescribed by rules made by the Council.
- (c) The past Presidents and Registrars of the institute seized to be members of the Council on attaining the age of seventy-five (75) years.
- (6) If for any reason, a Member of the Council vacates office and:
 - (a) such member was appointed by the Minister or any other body, the Minister or that body may appoint another fit person to fill that vacancy or
 - (b) such member was nominated by the Institute, the Council may, if the time between the unexpected portion of the term of Office and the next general meeting or the Institute appears to accept the filling of the vacancy co-opted a fit person for such time as aforesaid.
- (7) Election to the Council shall be held in such manner as may be prescribed by the rules made by the Council and until so prescribed they shall be decided by a show of hands.
- (8) The six person nominated by the Institute shall be from the six Geopolitical zones of Nigeria.

Power and Proceedings of the Councils

2. (1) The Council shall have power to do anything, which in its option is calculated to facilitate the objects of the Institute

- (2) Subjects to the provisions to this Bill the Council may in the name of the Institute make standing order regulating the proceedings of the Institute or to the Council, and o in the exercise of its powers under this Bill may set up Committees in the general interest of the Institute and make standing orders thereof.
- (3) Standing orders shall provide for decisions taken by a majority of the members, and in the event of equality of votes, the President or the Chairman, shall have a second or casting vote.
- (4) Standing orders made for a Committee shall provide that the Committee is to report back to the Council on any matter not within its competence to decide.
- (5) The quorum of the Council shall be fifteen, and the quorum of a Committee of the Council shall be fixed by the Council.

Meeting of the Institute.

3. (1) The Council shall convene the Anniversary meeting of the Institute on the 29th day of May, 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 two years after the previous meetings, the Council shall look into the purpose why the meeting could not hold and resolve it.
- (2) A special meeting of the Institute may be convened by the Council at any time and not less than twenty five members of the Institute so require by notice in writing addressed by the Registrar who is the Secretary of the Council of the Institute setting out the objective of the proposed meeting, and the Chairman of the Council shall preside-over a special meeting of the Institute.
- (3) The quorum of any meeting of the Institute shall be fifteen members and that of any general meeting of the Institute shall be Forty-Five.

Meeting of the Council

4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is required to do so, by notice in writing given to the Secretary by not less than five other members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.
- (2) At any meeting of the Council, the President or in his absence, the Deputy President shall preside, but if both are absent, the members present at the meeting shall appoint one of their members to preside in 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 sub-paragraph, shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph the first meeting of the Council shall be convened after consultation with the Minister, who may give such directions as he thinks fit to the procedure which shall be followed at the meeting.

Committee

5. (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 determines.
- (2) A Committee appointed under this paragraph shall consist of the number of persons determines by the Council of whom not more than one third may be persons who are not members of the Council.
- (3) A person other than a member of the Council shall hold on the Committee In accordance with the terms of the letter by which he was appointed.
- (4) A decision of a Committee of the Council shall be no effect until it is confirmed by the Council.

Miscellaneous

6. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or of some other member the Council authorized 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 to execute on behalf of the Institute or of the Council as the case may require, by any person generally or specially authorized 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 executed.
- (4) The validity of any proceedings of the Institute or 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.
- (5) Any member of the Institute or of the Council and any person hold Office on a Committee of the Council, who has personal interest in any contract or arrangement entered into proposed to be considered by the Council on behalf of the Institute, or on behalf of the Council, or a Committee thereof, shall forthwith disclose his/her 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 arrangement.
- (6) A person shall not by reason of his/her membership of the Institute be require to disclose any interest relating solely to the audit of the accounts of the Institute.

Question that the provisions of Schedule 1 stand part of the Bill — Agreed to.

SCHEDULE 2

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND INVESTIGATION PANEL*The Disciplinary Tribunal*

1. The quorum of the Disciplinary Tribunal shall be Five of whom at least two shall be registered members
2. (1) The Attorney-General of the Federation may make rules as to the selection of members of the Disciplinary Tribunal for the purpose of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
 - (2) The rules shall in particular provide:
 - (a) for securing that notice of the proceeding shall be given at such time and in such manner as may be specified by the rule 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 part to the proceedings shall, if he so required, 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 19 (4) (a) and (b) of this Bill as the cost 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 misconduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegations has not been proved, it shall record a finding that the person is not only of such conduct in respect of the matters to which the allegation relates, and
 - (g) for publishing in the Gazette of any direction of the disciplinary Tribunal, which has, taken effect providing that a person's name shall be struck off in a register.
3. For the purposes of any proceedings before the Disciplinary Tribunal any member of Disciplinary Tribunal may administer Oaths and any party to the proceedings may sue out of the registry of the High Court Writs of subpoena and testificandum and daces rectum, but no person appearing before the Disciplinary Tribunal shall be compelled:
 - (a) to make any statement before Disciplinary Tribunal tending to incriminate himself for:
 - (b) to produce any document under such 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 proceeding before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney General of the Federation and shall be a legal practitioner of not less than seven years standing.
 - (2) The Attorney-General of the Federation shall 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 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, and
- (b) that every such party or person as aforesaid shall be informed if any case 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 accordance with the terms of the letter by which he/she is appointed.

The Investigation Panel

5. The quorum of the investigating panel shall be three.
6. (1) Investigating Panel may at any of its meeting attended by all the investigating panel make standing orders with respect to the investigating panel.
- (2) Subject to the provisions of any such standing orders, the investigating may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the Disciplinary Tribunal or the investigating panel shall be eligible for appointment as a member of the Disciplinary Tribunal or investigating Panel as the case may be.
- (2) A person may if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigating 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. (1) The Disciplinary Tribunal or the investigating Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall be not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (2) or this schedule by reason of the fact that any person who was not entitled to so took part in the proceedings of that body.
- (2) Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.
9. (1) Any expenses of the disciplinary tribunal or the Investigating Panel shall be defrayed by the Institution.
- (2) Subject to the provisions of any such standing orders, the investigating Panel may regulate its own procedure.

Question that the provisions of Schedule 2 stand part of the Bill — Agreed to.

SCHEDULE 3

TRANSITIONAL PROVISIONS AS RELATING TO PROPERTY

1. (1) Every agreement to which the Incorporated Institute was a party not and whether or not of such a nature that the rights, liabilities and obligations there under could be assigned by the Incorporated Institute shall unless its terms or subject matter make it impossible that it should have effect from the commencement of this Bill, so far as it relates to assets and liabilities transferred by this Bill to the Institute, as if:
 - (a) the Institute had been a party to the agreement.
 - (b) for any reference (however worded whether express or implied) to the Incorporated Institute, there was substituted as respects anything failing to be done or after the commencement of this Bill reference to the Institute, and
 - (c) for any reference (however worded whether express or implied) to a members of the Council of the Incorporate Institute or an officer of the Incorporated Institute, there were substituted as respects failing to be done on or after the Council under this Bill a reference to a member or member of the Council under this Bill to the officer of the Incorporated Institute who corresponds as neatly as may be to the member or officer in question of the Incorporated Institute.
- (2) Other documents, which refer, whether specially or generally, to be Incorporated Institute shall be consider in accordance with subparagraph (1) of this paragraph as far as applicable.
- (3) Without prejudice to the generality of the foregoing provisions of this schedule, whereby the operation of this Bill any right, liability or obligation vests in the Institute, the Institute and all other persons shall as from the commencement of this Bill day, have the same right, power and
- (4) Remedies (and in particular, the same rights as to taking or residing of legal proceedings or the making of resisting of applications to any authority) for ascertaining, performing or enforcing that right liability or obligation of the Institute.
- (5) Any legal proceedings or application to any authority pending on the appointed day by or against the Incorporate Institute and relating to assets or liability transferred by this Bill to the Institute may be continued on or after that day or against the Institute.
- (6) If the law in force at the place where any property transferred by this Bill is situate provides for the registration of transfer or property (but not for avoidance of transfer, 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 officer of the registration authority, and for that officer to register the transfer accordingly.

Transfer of Functions

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

- (2) The members of the Council of the Incorporated Institute shall be deemed to be the member of the Council of the Institute until the date determined in pursuance of the foregoing subparagraph when the Institute shall have its first annual meeting and they shall cease to hold office at the conclusion of such meeting.
- (3) Any person or who, immediately before the appointed day, held office in the President or Deputy President of the Council Incorporated Institute by virtue of the articles of the Incorporated Institute shall on that day become the President or as the case may be, the Deputy President of the Institute, and shall be deemed to have been appointed:
 - (a) to that office in pursuance of provision of this Bill, corresponding to the relevant provisions in the said articles of the Incorporated Institute, and on the date on which he took office, in pursuance of the relevant provision of those articles.
- (4) The members of the Incorporated Institute shall as from this day, be registered as members of the Institute and without prejudice to generality of the provisions of this schedule relating to the transfer of property, any person who immediately before the appointed day was a member of the Staff of the Incorporated Institute shall on that day become the holder of an appointment with the Institute with the status designation and functions which correspond as nearly as may be those which appertained to him in his capacity as a member of the staff.
- (5) Any person being an office holder on or member of the Council of the Incorporated Institute immediately before the appointed day 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 ceasing 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.
- (6) All regulations, rules and similar instruments made for the purpose of the Incorporated Institute and in force immediately before the appointed day, shall except in that behalf, have office with any necessary modifications, as if duty made for the corresponding purposes of the Institute.

Question that the provisions of Schedule 3 stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to establish the Chartered Institute of Export and Commodity Brokers of Nigeria Bill, 2017 and approved as follows:

Clauses 1- 23 — As Recommended

Schedules 1 - 3 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

19. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 4th April, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:36 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.