

Extraordinary



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A BILL

FOR

AN ACT TO AMEND THE CYBERCRIMES (PROHIBITION, PREVENTION ETC.)
ACT, 2015 TO CRIMINALIZE THE NON-CONSENSUAL CREATION OF NUDE
OR SEXUAL IMAGES AND FOR RELATED MATTERS

Sponsored by Hon. Chike John Okafor

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria-

1 **1.** The Cyber crimes (Prohibition, Prevention Etc.) Act, 2015 in
2 this Bill referred to as ("the Principal Act") is amended as set out in this Bill.

Amendment of
Cybercrimes
(Prohibition,
Prevention etc.)
Act, 2015

3 **2.** The Principal Act is amended by inserting a new Section 2S
4 after the existing Section 24 of the Principal Act as follows:

Insertion of a
new Section 2S

5 25 (1) Any person who intentionally or non-consensually creates
6 nude or sexual images, including but not limited to images that are digitally
7 altered or manipulated to add a person's face or other body parts to a pre-
8 existing nude or sexual image commits an offence under this Act and shall
9 be liable on conviction to a fine of not more than N7,000,000.00 or
10 imprisonment for a term of not more than 3 years or to both such fine and
11 imprisonment.

12 25(2) Any person who incites, aids, abets, counsels or causes
13 another person to commit the offence provided for in subsection 1 of this
14 section commits an offence and is liable on conviction to a fine of not more
15 than N5,000,000.00 or imprisonment for a term of not more than 2 years or
16 to both such fine and imprisonment.

17 **3.** This Bill may be cited as the Cyber crimes (Prohibition,
18 Prevention Etc.) Act (Amendment) Bill, 2022.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Cyber crimes (Prohibition, Prevention Etc.) Act, 2015 to criminalize the non-consensual creation of nude or sexual images and provide for the offence of Image Based Sexual Abuse.

FOR

Sponsored by Hon. Chike John Okafor

[] Commencement

Amendment of the National Directorate of Employment Act

Establishment of National Vocational and Skill Acquisition Centre

18 (4) The Centre shall provide for the establishment and

1 standardization of Skill Acquisition and Artisan for the accreditation,
2 registration, training in all national skills and Artisans, certification of youths
3 for self-employment and national development".

4 (5)The Directorate shall establish the Skill Acquisition and Artisan
5 Centre one in each geo-political zone of the Federal Republic of Nigeria with a
6 state of the art equipment for the training of the youth and the unemployed.

7 '16'. ESTABLISHMENT AND COMPOSITION OF THE BOARD

8 (1) The Centre shall consist of a Chairman and the following
9 members who shall be appointed by the minister that is-

10 (2) a representative not below the rank of a Director from the
11 following ministries-

12 (i) Employment, Labour and Productivity;

13 (ii) Ministry of Works, and;

14 (iii) Ministry of Health and Human Services;

15 (b) a representative of the National Board for Technical Education
16 (NBTE);

17 (c) a representative of Standards Organization of Nigeria, (SON);

18 (d) three representatives of Nigeria Society of Engineers, (NSE);

19 (e) two other persons, being persons who by reason of any requisite
20 ability, experience and special knowledge in Skill Acquisition and Artisans
21 Development that would be useful to the Centre;

22 (f) three successful persons who have distinguished themselves in any
23 of the designated/listed artisans trade or occupation.

Power of the
Board

24 '17' Power of the Board;

25 The Board of the Centre shall have power to-

26 (a) manage and superintend over the affairs of the Centre on behalf of
27 the Directorate;

28 (b) make rules and regulations for the effective running of the Centre;

29 (c) enter into such contract as may be necessary or expedient for the
30 discharge of its functions and ensure the efficient performance of the functions

1 of the Centres nationwide; and

2 (d) receive, disburse and account for all funds made available to the
3 Centres for the purposes of this Act.

4 '18.' Functions of the Centre;

Functions of the
Centre

5 (3) The Centre shall-

6 (a) formulate guidelines and standards for the for the accreditation,
7 registration, training in all national skills and vocations, development and
8 certification of the unemployed in order to enhance national development
9 and self-employment;

10 (b) define occupational standards, basic work tools, work
11 environment and set standards for Nigerian Youth accredited and enrolled
12 into the Centre;

13 (c) determine the course content for the various levels of skill
14 acquisition and vocational certification standard;

15 (d) determine occupations and trades for which an artisan
16 certificate is required;

17 (e) advice the Board of the Directorate accordingly.

18 (4) the Centre shall be constituted into such committees relevant to
19 its functions.

20 '19'. Maintenance of Register;

Maintenance of
Register

21 (1) The Centres shall-

22 (a) maintain a register of persons who have obtained an artisan
23 qualification pursuant to this Act;

24 (b) maintain a register of persons who are already practicing the
25 trade prior to the commencement of this Act;

26 (c) determine the criteria and procedure for the name of any person
27 to be included or removed from the register of artisans;

28 (d) determine the fees payable for registration;

29 (e) any matter necessary for maintaining the register of artisans

30 (2) The Centre may exempt anybody from taking a trade test if such

Provision of
Certificates

1 person has been practicing the trade or occupation for the past 10 years prior to
2 the commencement of this Act and it appears to the Centre that such person has
3 acquired sufficient skill and knowledge to justify such exemption.

4 '20'. Provision of Certificates;

5 (1) Without prejudice to section 19(2) of this Act, no person shall
6 obtain an artisan qualification or certificate unless such person have
7 successfully undergone a trade test administered by an accredited trade test
8 Centre.

9 (2) The Centre shall for the purposes of this Act, accredit and approve
10 trade-test Centres that meet the accreditation standard prescribed by the
11 Centre, provided that the accreditation procedures of the Centre are not
12 cumbersome or stringent; so as to encourage the development and growth of
13 artisan trade and practices in Nigeria.

14 (3) A person shall apply to undergo a trade test in respect of an
15 occupation or trade of which he has satisfied the relevant apprenticeship or any
16 other learning programme, in-house company training, training workshop,
17 job-based or specialized training resulting in an occupational or vocational
18 qualification, inclusive of prescribed work experience.

19 (4) The trade test conducted by the Centre shall focus on the practical
20 and technical assessment of the standard and level of skill acquisition by the
21 artisan and not the academic ability.

22 (5) The Centre shall prescribe the fees chargeable by test centres.

23 (6) In determining any fee payable by applicants, the Centre shall
24 ensure that its fees are not excessive or prohibitive.

25 (7) The Centre shall make regulations on any matter necessary and
26 incidental for the conducting or moderating of trade tests.

Review of
Occupational
Standards

27 '21'. Review of Occupational Standards;

28 (1) The Centre; shall review from time to time, its occupational
29 standards, basic working-tools and machinery, working environment
30 specification and quality of service delivery to reflect current trends and

1 international best practices in order to encourage the development and
2 growth of Nigerian artisan trade and practices to international standards.

3 (2) The Centre shall review from time to time, its occupational
4 standards, basic working tools and machinery, working environment
5 specification and quality of service delivery to reflect current trends and
6 international best practices in order to encourage the development and
7 growth of Nigerian artisan trade and practices to international standards.

8 (3) Upon the coming into force of this Act, the Artisan Council
9 shall set deadlines for artisans to regularize their trade practices to conform
10 to its regulations, made pursuant to the provisions of this Act.

11 '22'. Establishment of State Artisan Trade and Practices;

Establishment
of State Artisan
Trade and Practices

12 (1) There shall be established for the Centre in each State of the
13 Federation, including the Federal Capital Territory Abuja a "State Artisan
14 Trade and Practices Committee" (in this Act referred to as the "Artisan
15 Committee"), which shall:

16 (a) coordinate the activities of the Centre in the States;

17 (b) liaise with the State Governments for the implementation of the
18 programmes of the Centre in the State.

19 (2) The Artisan Committee shall consist of a Chairman who shall
20 be the officer in charge of the State Office of the Directorate and the
21 following members appointed by the Minister upon nomination by the by
22 the Governor of the states.

23 (a) five successful artisans who have distinguished themselves in
24 any of the designated/listed occupations or trade;

25 (b) five other persons, being persons who by reason of any
26 requisite ability, experience and special knowledge, have skills that would
27 be useful to the Artisan Committee and would enable them to make effective
28 contribution to the work of the Centre.

29 '23'. Allowances to State Artisan Committee Members;

Allowances to
State Artisan
Committee Members

30 (1) Any member of the Artisan Council or Artisan Committee not

| | | |
|---------------------------------------|----|---|
| | 1 | being a Public Officer shall be paid a sitting allowance in accordance with the |
| | 2 | allowances duly approved from time to time by the Minister, as provided by the |
| | 3 | Revenue Mobilization Allocation and Fiscal Commission. |
| | 4 | (2) Any member of the Artisan Council or Artisan committee not |
| | 5 | being a public officer shall hold office for four years and shall be eligible for re- |
| | 6 | appointment for a further period of four years. |
| | 7 | (3) Notwithstanding, the provisions of subsection 2 of this section, |
| | 8 | the: |
| Registration of Qualified Artisans | 9 | '24'. Registration of Qualified Artisans; |
| | 10 | (1) No person whether employed or self-employed shall hold himself |
| | 11 | out to be qualified as an artisan in a listed occupation or trade, unless that |
| | 12 | person is registered as an artisan pursuant to this Act. |
| | 13 | (2) Any person who contravenes subsection 1 of this section shall be |
| | 14 | guilty of an offence and upon conviction shall be liable to 6 months |
| | 15 | imprisonment or a fine of N100,000. |
| Funds of the Centre | 16 | '25'. Funds of the Centre; |
| | 17 | (a) annual budgetary allocation from the Federal Government to the |
| | 18 | Centre; |
| | 19 | (b) examination fees, registration fees, and accreditation fees |
| | 20 | accruing to the Centre; |
| Interpretation | 21 | '26'. Interpretation; |
| | 22 | In this Act, unless the context requires- |
| | 23 | "artisans: shall include but not limited to auto technicians, refrigerator |
| | 24 | technicians, barbers, mechanics, electricians, welders, masons, hair dressers, |
| | 25 | plumbers, carpenters, tailors, vulcanizers, refrigerator technicians, vehicle and |
| | 26 | house painters, and such other occupations or trade as may from time to time be |
| | 27 | added to the list by the Directorate; |
| | 28 | "artisan trade" means occupation or trade carried on by artisans and such other |
| | 29 | occupation or trades as may be so designated by the Centre; |
| | 30 | "artisan council" means the National Artisan Trade and Practices Council |

1 established by this act;

2 "First School Leaving Certificate or its equivalent", for the purposes of this

3 Act, shall include the ability to understand and communicate in English

4 language to the satisfaction of the Directorate or any other certificate

5 acceptable to the Centre;

6 **2.** This Bill may be cited as the National Directorate of Citation
7 Employment Act (Amendment) Bill, 2022.

8 SCHEDULE 1

9 LIST OF DESIGNATED TRADES AND OCCUPATION FOR WHICH SKILL
10 ACQUISITION AND VOCATIONAL TRAINING CERTIFICATION IS REQUIRED

1. Auto Mechanics,
2. Refrigerator Repairs,
3. Mechanical, electrical and Electronic repairs,
4. Iron Mongering/Works,
5. Masonry, Tiling, Bricklaying, etc.,
6. Hair Dressing/Hair Cutting,
7. Plumbing,
8. Carpentry,
9. Tailoring/ Fashion Designing,
10. Vulcanizing/Tyre Repairs, wheel Balancing,
11. Vehicle and House painting,
12. Leather works,
13. Photographic Services,
14. Catering/ Bakery/Confectionery,
15. Computer Operation and Website Designing,
16. Interior Design and Decoration,
17. Candle Making,
18. Soap and Detergent Making,
19. Foundry works/ Metal Fabrication,
20. Use Products Recycling,

- 1 21. Restaurants,
- 2 22. Refuse Collection,
- 3 23. Such other occupations and trades as may from time to time be
- 4 added to the list by the Centre.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Directorate of Employment Act to provide for creation of the Skill Acquisition and Vocational Training Centres for the standardization of Skill Acquisition and Artisan Development; provide for the accreditation, registration, training in all national skills and Artisans, certification of youths for self-employment and national development. Among other things establish the Skill Acquisition and Artisan Centre one in each geo-political zone of the Federal Republic of Nigeria.

A BILL

FOR

AN ACT TO AMEND THE FEDERAL CHARACTER COMMISSION ACT, CAP. F7
LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR THE
REPRESENTATION OF EACH OF THE SENATORIAL DISTRICT OF THE
FEDERATION IN ORDER TO ENSURE TOTAL INCLUSIVENESS IN THE
FEDERAL GOVERNMENT RECRUITMENTS; AND FOR RELATED MATTERS

Sponsored by Hon. Chike John Okafor

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

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8
1. Federal Character Commission (est.) Act (hereinafter referred

to as “the Principal Act”) is hereby amended as set out in this Bill.

2. Section 2 of the Principal Act is amended by substituting

existing sub-section 1(c) for new sub-section 1(c) as thus:

“a representative of each of the Senatorial District of the

Federation”

3. This Bill may be cited as the Federal Character Commission

(Amendment) Bill, 2022.
- Amendment of

the Principal Act

Amendment of

Section 2 of the

Principal Act

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Federal Character Commission Act, to provide
for the representation of each of the Senatorial District of the Federation.

A BILL

FOR

AN ACT TO AMEND THE STANDARDS ORGANISATION OF NIGERIA ACT
No.18 LAWS OF THE FEDERATION OF NIGERIA 2004 TO COMPILE AND
PUBLISH QUARTERLY INVENTORIES OF SUBSTANDARD PRODUCTS IN
CIRCULATION AND FOR RELATED MATTERS

Sponsored by Hon. Chike John Okafor

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria-

- | | | |
|---|---|-----------------------------------|
| 1 | 1. The Standards Organisation of Nigeria Act 2015 in this Bill | Amendment of the Principal Act |
| 2 | referred to as ("the Principal Act") is amended as set out in this Bill. | |
| 3 | 2. Section 5(e) of the Principal Act is amended by inserting the | Amendment of Section 5(e) |
| 4 | words "...and publishes quarterly", immediately after the words "To | |
| 5 | compile..." such that the new Section 5(e) reads thus: | |
| 6 | "5 (e) To compile and publish an inventory of products requiring | Citation |
| 7 | standardization and publish in two major National daily newspapers." | |
| 8 | 3. This Bill may be cited as Standards Organisation of Nigeria Act | |
| 9 | (Amendment) Bill, 2022. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Standards Organisation of Nigeria Act to ensure
that the Organisation is given the legal mandate to compile and publish
quarterly inventories of substandard products in circulation.

A BILL

FOR

AN ACT TO ESTABLISH THE INSTITUTE OF DISASTER MANAGEMENT AND
SAFETY SCIENCE TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP
AND TO PROMOTE AND FOSTER THE PRACTICE OF DISASTER
MANAGEMENT IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Ahmed Shehu

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria as follows:

1 PART I - ESTABLISHMENT OF THE INSTITUTE OF DISASTER
2 MANAGEMENT AND SAFETY SCIENCE

3 **1.** There is hereby established a body to be known as the Institute
4 of Disaster Management and Safety Science (in this Act referred to as "the
5 Institute") which:

Establishment
of the Institute of
Disaster Management
and Safety Science

6 (a) Shall be a body corporate with perpetual succession, and a
7 common seal;

8 (b) May sue and be sued in its corporate name; and

9 (c) May, subject to the Land Use Act, acquire, hold, and dispose of
10 any property, moveable or immovable.

11 **2.** The objectives of the Institute shall be to:

Objectives of
the Institute

12 (a) organize and provide professional training in the area of
13 disaster management;

14 (b) in collaboration with relevant agencies, set standards of
15 practice and determine the knowledge and skill to be attained by persons
16 seeking to become registered and practice as disaster managers and to
17 improve on such standards from time to time as circumstances may permit;

18 (c) do all such things as may be necessary to promote the
19 advancement of disaster management profession in both the public and

| | | |
|--------------------------------|----|--|
| | 1 | private sectors of the economy. |
| Functions of the Institute | 2 | 3. The Institute shall: |
| | 3 | (a) conduct professional examinations and award certificates and |
| | 4 | diplomas as well as advise employers on matters relating to qualifications for |
| | 5 | the practice of disaster management in Nigeria; |
| | 6 | (b) conduct research into all aspects of disaster and safety |
| | 7 | management; |
| | 8 | (c) Securing in accordance with the provisions of this Act, the |
| | 9 | establishment and maintenance of a register of members entitled to practice as |
| | 10 | Disaster Management Professionals and a register of institutional members |
| | 11 | and the publication from time to time, of list of those persons; |
| | 12 | (c) Conducting professional examinations leading to the award of |
| | 13 | professional certificates as may be prescribed by the Institute; |
| | 14 | (d) maintaining, in accordance with the provisions of this Act, |
| | 15 | discipline within the profession; |
| | 16 | (e) Encourage, increase, disseminate and promote the education and |
| | 17 | training of members in respect of all questions appertaining thereto or |
| | 18 | therewith, the practice of disaster management; |
| | 19 | (f) Highlight and impart such specialized knowledge and experience |
| | 20 | in disaster management and; |
| | 21 | (g) Do such other things conferred on it by this Act. |
| Membership of the Institute | 22 | 4.-(1) Subject to the provisions of this Act, persons admitted to |
| | 23 | membership of the Institute shall be registered as members in the following |
| | 24 | categories: |
| | 25 | (a) Graduate members; |
| | 26 | (b) Associate members; |
| | 27 | (c) Full Members; and |
| | 28 | (d) Fellows; |
| | 29 | (2) Persons accorded as chartered disaster managers by the council |
| | 30 | shall be entitled to the use of that name and shall be enrolled as: |

- 1 (a) As a Graduate Member if:
- 2 (i) He satisfies the Council that he is eligible to be so registered;
- 3 (ii) He has been a Student Member, and has met the qualifications
- 4 as prescribed by the institute;
- 5 (iii) He has passed the associateship examination but has not met
- 6 other conditions in this act;
- 7 (b) Associate Members, if they are 7 years of age or above and:
- 8 (i) He satisfies the Council that he is eligible to be registered and
- 9 has passed the associateship examination, and
- 10 (ii) He has acquired on the job practical experience in disaster
- 11 management and safety science or related fields for such number of years as
- 12 may be specified by the Council.
- 13 (c) Full Members, if they are 24 years of age or above and:
- 14 (i) Have passed any examination prescribed or accepted by the
- 15 Institute;
- 16 (ii) Have at least six years relevant working experience in the office
- 17 of one or more organizations recognized by the Institute, so however that the
- 18 period of six years may be reduced by up to four years in respect of time
- 19 already spent in full time higher education approved by the Institute.
- 20 (d) Fellows if they are at least 28 years of age and:
- 21 (i) have at least ten years relevant working experience in the office
- 22 of one or more organizations;
- 23 (ii) have, for at least three years in the past ten years held a relevant
- 24 senior appointment in one or more organizations;
- 25 (iii) are holders of the certificate of the final examinations of the
- 26 Institute and approved academic professional qualifications; and
- 27 (iv) at the discretion of the Council to be fit and proper persons to
- 28 be so enrolled;
- 29 The designatory letters of the:
- 30 (a) Fellows of the Chartered Institute of Disaster Management and

1 Safety Science shall be "CFDMSS";

2 (b) Full Members of the Chartered Institute of Disaster Management
3 and Safety Science shall be "CMDMSS";

4 (c) Associate Members of the Chartered Institute of Disaster
5 Management and Safety Science shall be "CADMSS";

6 (d) Graduate Members of the Chartered Institute of Disaster
7 Management and Safety Science, Nigeria shall be "CGDMSS"; which shall be
8 a temporary grade, during which a member may either apply for membership
9 as an associate or a full member of the Institute.

10 PART II - ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE
11 INSTITUTE OF DISASTER MANAGEMENT AND SAFETY SCIENCE

Appointment
of the President
and Vice President
of the Institute

12 **5.-(1)** There shall be a President and a Vice President of the Institute
13 who shall be Fellows of the Institute.

14 (2) (a) The pioneer President of the Institute shall serve as the
15 President of the Institute and Chairman of Council;

16 (b) The Vice-President shall be elected at the Annual General Meeting
17 of the Institute and shall each hold office for such terms and under such
18 conditions as may be determined or prescribed by the council.

19 (3) The President shall be the Chairman of the Governing Council
20 established under this Act and in his absence the Vice President shall be the
21 Chairman of the Governing Council.

22 (4) The President shall preside at meetings of the Institute and in the
23 event of his absence, death, permanent incapacity or disability, the Vice
24 President shall preside.

25 (5) The Vice President shall in the event of the death, permanent
26 incapacity of the President act for the unexpired term of his office as the case
27 may be and reference in the Act to the President shall be construed accordingly.

28 (6) If the President or any of the Vice President ceases to be a member
29 of the Institute he shall ipso facto cease to hold any of the offices designated
30 under this section.

1 PART III - GOVERNING COUNCIL OF THE INSTITUTE, ETC.

2 6.-(1) There is hereby established for the Institute a Governing
3 Council (in this Act referred to as "the Council ") which shall be charged
4 with the responsibility for the administration and general management of
5 the Institute.

Establishment
of the Governing
Council of the
Institute

6 (2) The Council shall consist of the following members:

7 (a) A Chairman who shall be President of the Institute;

8 (b) A Vice Chairman;

9 (c) A Treasurer who shall be elected by the Institute;

10 (d) One representative each of the following:

11 (i) National Emergency Management Agency;

12 (ii) Nigerian Security and Civil Defence Corps;

13 (iii) Federal Ministry of Humanitarian Affairs, Disaster
14 Management and Social Development;

15 (e) Five persons elected by the Institute;

16 (f) The pioneer President of the Institute shall be entitled to serve
17 on the council as the Chairman and President of the Council;

18 (g) two persons to represent institutions of higher learning in
19 Nigeria offering courses leading to approved qualifications, to be appointed
20 by the Federal Ministry of Education on rotation, so, however that the two
21 shall not be from the same institution; and

22 (h) The Registrar of the Institute.

23 (3) The provision of First Schedule to this Act shall have effect with
24 respect to the qualifications and tenure of office of members of the Council
25 and the other matters therein mentioned.

26 (4) The Council shall have power to do anything which in its
27 opinion is calculated to facilitate the carrying on of the activities of the
28 Institute.

29 (5) The Council shall appoint other principal officers as:

30 (a) Director, Education and Consultancy;

- 1 (b) Director, Finance and Administration;
- 2 (c) Director, Research and Development; and
- 3 (d) Any other position that may be deemed necessary.
- 4 (6) The objectives of the Institute are to:
- 5 (a) Organize and conduct professional examinations in disaster
- 6 management and safety leading to the award of Chartered Institute of Institute
- 7 of Disaster Management and Safety Science;
- 8 (b) Regularly organize evening and weekend classes for student
- 9 members preparing for the Institute's examinations;
- 10 (c) Facilitate effective rapport between practicing disaster and safety
- 11 managers;
- 12 (d) Take desirable measures to further the interest of business of
- 13 saving lives in the country;
- 14 (e) Organize lectures, seminars and conferences on disaster
- 15 management and related fields;
- 16 (f) Uphold and ensure observance of professional ethics and tradition
- 17 in the industry;
- 18 (g) Publishing in-house journals and books on disaster management
- 19 and safety;
- 20 (h) Promote general advancement of disaster management and safety
- 21 in the country;
- 22 (i) conduct research into the theory and practice of disaster
- 23 management and safety in Nigeria;
- 24 (j) Disseminate information relating to disaster management and
- 25 safety to the public and to liaise with the Government bodies towards
- 26 promoting disaster and safety management in the country;
- 27 (k) Undertake any project or do anything which is deemed to be in the
- 28 best interest of members; and
- 29 (l) Provide consultancy services in disaster management and in
- 30 related fields.

1 PART IV - FINANCIAL PROVISIONS

2 7.-(1) There shall be established for the Institute, a fund which shall Establishment
3 be managed and controlled by the Council. of fund for the
Institute

4 (2) There shall be paid into the fund established pursuant to
5 subsection (I) of this section:

6 (a) All fees and other monies payable to the Institute in pursuance
7 of this Act; and

8 (b) Such other monies as may be payable to the Institute in the
9 course of its operations or in relation to the exercise of any of its functions
10 under this Act;

11 (c) All the institutional members shall cause to be paid to the fund,
12 an annual subvention as may be determined by the Council from time to
13 time.

14 (3) The Council may invest monies in the fund in any security
15 created or issued by or on behalf of the Government of the Federation or in
16 any other securities or in anything in Nigeria approved by the Council.

17 (4) The Council may, from time to time, borrow money for the
18 purposes of the Institution and any interest payable on monies so borrowed
19 shall be paid out of the fund.

20 (5) The Council shall keep proper accounts on behalf of the
21 Institute in respect of each year and proper records in relation to those
22 accounts; and the Council shall cause the accounts to be audited by an
23 auditor appointed from the list and in accordance with the guidelines
24 supplied by the Auditor General of the Federation.

25 (6) The auditor, appointed for the purpose of this section, shall not
26 be a member of Council.

27 (7) There shall be paid out of the fund of the Institute:

28 (a) The remuneration and allowances of the Registrar and other
29 employees of the Institute;

30 (b) such reasonable traveling and subsistence allowances of

1 members of the Council in respect of the time spent on the business of the
2 Council as the Council may determine; and

3 (c) Any other expenses incurred by the Council in the discharge of its
4 functions under this Act.

5 PART V - THE REGISTRAR AND THE REGISTER

Appointment
of the Registrar
of the Institute

6 **8.-(1)** It shall be the duty of the Council to appoint a fit and proper
7 person who shall be a member of the Institute to be the Registrar for the purpose
8 of this Bill.

9 (2) It shall be the duty of the Registrar to prepare and maintain in
10 accordance with rules made by the Council, a register of names, addresses and
11 approved qualifications and of such other particulars as may be specified in the
12 rules, of all persons who are entitled in accordance with the provisions of this
13 Bill to be enrolled as fellows, senior members, full members, associates or
14 registered graduates or registered students and who, in the manner prescribed
15 by such rules, apply to be registered.

16 (3) The register shall consist of three parts of which one part shall be
17 in respect of fellows and senior members, the second part shall be in respect of
18 full members and associate members and the third part shall be in respect of
19 graduate and student members.

20 (4) Subject to the following provisions of this section the Council
21 shall make rules with respect to the form and keeping of the register and the
22 making of entries therein and in particular:

23 (a) Regulating the making of applications for enrolment and
24 providing for the evidence to be produced in support of applications;

25 (b) Providing for the notification to the Registrar by the person whom
26 any registered particulars relating to him has changed in those particulars;

27 (c) authorizing an enrolled or a registered person to have any
28 qualification in relation to the relevant division of the profession, either an
29 approved qualification for the purposes of this Bill, registered in relation to his
30 name in addition to or, as he may elect, in substitution for any other

1 qualification registered;

2 (d) specifying the fees, including any annual subscription, to be
3 paid to the Institute in respect of the entry of names on register, and
4 authorizing the Registrar to refuse to enter a name on the register until any
5 fee specified for the entry has been paid;

6 (e) Specifying any other thing failing to be specified under the
7 foregoing provisions of this section.

8 (5) Rules made for the purposes of paragraph (d) of subsection 4 of
9 this section shall not come into force until confirmed at a special meeting of
10 the Institute convened for the purpose thereafter, or at the next annual
11 general meeting, as the case maybe.

12 (6) It shall be the duty of the Registrar:

13 (a) to correct, in accordance with the rules of the Council, any entry
14 in the register which the Council directs him to correct as being in the
15 opinion of the Council an entry which was incorrectly made;

16 (b) To make, from time to time, any necessary alterations in the
17 register of members;

18 (c) To record the names of members of the Institute who are in
19 default for more than six months in the payment of annual subscriptions, and
20 to take such action in relation thereto (including removal of the names of
21 defaulters from the register) as the Council may direct or require.

22 (7) If the Registrar:

23 (a) sends by post to any registered person a registered letter
24 addressed to that person at his address on the register enquiring whether the
25 registered particulars relating to him are correct and receives no reply to the
26 letter within the period of six months from the date of posting it; and

27 (b) Upon the expiration of that period sends in the like manner to
28 the person in question a second similar letter and receives no reply to that
29 letter within three months from the date of posting it, then;

30 (c) The Registrar may remove the particulars relating to the person

1 from the register. However the Council may direct the Registrar to restore to
2 the appropriate part of the register any particulars removed there from under
3 this subsection.

Duty of the
Registrar

4 **9.-(1)** It shall be the duty of the Registrar:

5 (a) To cause to be printed, published and put on sale to all members of
6 the public the register not later than two years from the appointed day;

7 (b) in each year after that in which the register is first published under
8 paragraph (a) of this subsection, to cause to be printed, published and put on
9 sale as aforesaid, either a corrected edition of the register or a list of alterations
10 made to the register since it was last printed; and

11 (c) To cause a print of each edition of the register and of each list of
12 corrections to be deposited at the principal office of the Institute, and it shall be
13 the duty of the Council to keep the register and lists so deposited available at all
14 reasonable times for inspection by members of the public.

15 (2) Where in accordance with subsection (1) of this section, a person
16 is in any proceedings shown to have been or not to have been registered at a
17 particular date, he shall, unless the contrary is proved, be taken for the purpose
18 of those proceedings as having at all material times thereafter continued to be
19 or not to be so registered.

Enrollment

20 **10.-(1)** Subject to section 16 of this Act and to rules made under
21 section 9 of this Act, a person shall be entitled to be enrolled or registered as, a
22 chartered disaster manager if either:

23 (a) He passes the qualifying examination for membership conducted
24 by the Council under the Bill and completes the practical training prescribed;

25 (b) He holds a qualification granted outside Nigeria and for the time
26 being accepted by the Institute and satisfies the Council that he has had
27 sufficient practical experience as a disaster manager.

28 (2) An applicant for registration shall, in addition to evidence of
29 qualification, satisfy the Council that:

30 (a) He is of good character and high integrity;

1 (b) He has attained the age of 21 years; and

2 (c) He has not been convicted in Nigeria or elsewhere of an offence
3 involving fraud, dishonesty or gross misconduct.

4 (3) The Council may, in its sole discretion, provisionally accept a
5 qualification produced in respect of an application for registration under this
6 section, or direct that the application be renewed within such period as may
7 be specified in the directives.

8 (4) Any entry directed to be made in the register under this
9 subsection shall show that the registration is provisional and no entry so
10 made shall be full registration without the consent of the Council signified in
11 writing in that regard.

12 (5) The Council shall from time to time publish qualification for
13 the time being acceptable for enrolment or registration by the Institute.

14 **11.-(1)** The Council may approve any qualifications for the
15 purpose of this Act and may for those purposes approve:

16 (a) any course of training in an approved institution which is
17 intended for persons who are seeking to become or are already chartered
18 disaster and safety managers and which the Council considers is designed to
19 confer on completing it sufficient knowledge and skill for admission into the
20 Institute;

21 (b) any qualification which, as a result of an examination taken in
22 conjunction with a course of training approved by the Council under this
23 section, is granted to candidates reaching a standard at the examination
24 indicating in the opinion of the Council that the candidates have sufficient
25 knowledge and skill to practice as a Chartered Disaster Managers.

26 (2) The Council may, if it thinks fit, withdraw any approval given
27 under this section in respect of any course qualification or institution but
28 before withdrawing such an approval the Council shall:

29 (a) give notice that it proposes to do so to each person in Nigeria
30 appearing to the Council to be a person by whom the course is conducted or

1 the qualification granted or the institution is controlled, as the case may be;

2 (b) Afford such person an opportunity of making to the Council
3 representations with regard to the proposal; and

4 (c) Take into consideration any representation made as regards the
5 proposal in pursuance to paragraph (b) of this subsection.

6 (3) As regards any period during which the approval of the Council
7 under this section for a course qualification or institution is withdrawn, the
8 course, qualification or institution shall not be treated as approved under this
9 section but the withdrawal of such an approval shall not prejudice the
10 registration or eligibility for registration of any person who, by virtue of the
11 approval was registered or eligible for registration (either unconditionally or
12 subject to his obtaining a certificate or experience) immediately before the
13 approval was withdrawn.

14 (4) The giving or withdrawal of an approval under this section shall
15 have effect on such date, from either before or after the execution of the
16 instrument and the Council shall:

17 (a) As soon as possible publish a copy of every such instrument.

Duty of the
Council

18 **12.-(I)** It shall be the duty of the Council to keep itself informed of the
19 nature of:

20 (a) The instruction given at approved institution to persons attending
21 approved courses of training; and

22 (b) the examination as a result of which approved qualifications are
23 granted and for the purposes of performing that duty the Council may appoint a
24 committee, either from amongst its own members or otherwise to visit
25 approved institutions or to attend such examination.

26 (2) It shall be the duty of the committee appointed under subsection
27 (I) of this section to report to the Council on:

28 (a) The adequacy of the instruction given to persons attending
29 approved courses of training at institution visited by it;

30 (b) the adequacy of the examinations attended by it; and any matters

1 relating to the institutions or examinations which the Council may, either
2 generally or in a particular case, request it to report;

3 (c) But no member of the committee shall interfere with the giving
4 of any instruction or the holding of any examination.

5 (3) On receipt of a report made in pursuance of this section, the
6 Council may, if it thinks fit and proper shall, if so requiring by the Institute,
7 send a copy of the report to the person appearing to the Council to be in
8 charge of the institution or responsible for the examinations to which the
9 report relates requesting that person to make observations and report to the
10 council within such period as may be specified in the request not being less
11 than one month beginning from the date of the request.

12 **PART VI - MISCELLANEOUS**

13 **13.-(1)** There shall be established a body to be known as the
14 Institute of Disaster Management and Safety Science Disciplinary Tribunal
15 (in this Bill referred as "the Tribunal") which shall be charged with the duty
16 of considering and determining any case referred to it by the panel
17 established under subsection (3) of this section and any other case of which
18 the Tribunal has cognizance under the following provision of this Bill.

Establishment
of the Institute
of Disaster
Management and
Safety Science
Disciplinary
Tribunal

19 (2) The Tribunal shall consist of the Chairman of the Council and
20 six other members of the Council appointed by the Council.

21 (3) There shall be a body, to be known as the Chartered Institute of
22 Institute of Disaster Management and Safety Science Investigating Panel (in
23 this Bill referred to as "the Panel") which shall be Charged with the duty of:

24 (a) conducting a preliminary investigation into any case where it is alleged
25 that a member has misbehaved in his capacity as a chartered communicator
26 and diplomat or should for any other reason be the subject of proceedings
27 before the Tribunal; and

28 (b) Deciding whether the case should be referred to the Tribunal.

29 (4) The panel shall be appointed by the council, and shall consist of
30 two members of the Council and one chartered communicator and diplomat

1 who is not a member of the council.

2 (5) The provisions of the Third Schedule to this Bill in so far as it
3 relates to the Tribunal and Panel respectively shall have effect with respect to
4 those bodies.

5 (6) The council may make rules not inconsistent with this Bill to acts
6 which constitute professional misconduct Penalties for Unprofessional
7 Conduct, etc.

8 **14.-(1)** Where:

9 (a) A person enrolled or registered under this Bill is adjudged by the
10 Tribunal to be guilty of infamous conduct in any professional respect;

11 (b) A person enrolled or registered under this Bill is convicted, by any
12 court in Nigeria or elsewhere having power of competent Jurisdiction, of an
13 offence (whether or not punishable with imprisonment) which in the opinion of
14 the Tribunal is incompatible with the status, of a chartered Communicator and
15 Diplomat;

16 (c) The Tribunal is satisfied that the name of any person has been
17 fraudulently enrolled or registered;

18 (d) The Tribunal may, if it thinks fit, give a direction reprimanding
19 that person or instruct the Registrar to strike his name off the relevant part of the
20 register.

21 (2) The Tribunal may, if it thinks fit, defer or further defer its decision
22 as to the giving of a direction under subsection (1) of this section until a
23 subsequent meeting of the tribunal.

24 (3) No decision of the Tribunal shall be deferred under subsection (2)
25 for periods exceeding one year in the aggregate.

26 (4) In so far as possible, no person shall be a member of the Tribunal
27 for the purposes of reaching a decision which has been deferred or further
28 deferred, unless he was present as a member of the Tribunal when the decision
29 was deferred.

30 (5) For the purposes of subsection (1) of this section, a person shall

1 not be treated as convicted unless the conviction stands at a time when no
2 appeal or further appeal is pending or may (without extension of time) be
3 brought in connection with the conviction,

4 (6) When the Tribunal gives a direction under subsection (I) of this
5 section, the tribunal shall cause notice of the direction to be served on the
6 person to whom it relates.

7 (7) The person to whom a direction given under subsection (I) of
8 this section relates may, at any time within 28 days from the date of service
9 on him of notice of the directive appeal against the direction to the Federal
10 High Court; and the Tribunal may appear as respondent to the appeal and, for
11 the purpose of enabling directions to be given as to the costs of the appeal
12 and of proceedings before the Tribunal, the tribunal shall be deemed to be a
13 party thereto whether or not it appears on the hearing of the appeal.

14 (8) A direction of the Tribunal given under subsection (I) of this
15 section shall take effect where:

16 (a) No appeal under this section is brought against the direction
17 within the time limited for such an appeal, or on the expiration of that time;

18 (b) Such an appeal is brought and is withdrawn or struck out for
19 want of prosecution, on the withdrawal or striking out of the appeal;

20 (c) Such an appeal is brought and is not withdrawn or struck out as
21 aforesaid, if and when the appeal is dismissed,

22 (9) A person whose name is removed from the register in pursuance
23 of a direction of the Tribunal under this section shall not be entitled to be
24 registered again except in pursuance of a direction in that behalf given by the
25 Tribunal on the application of that person,

26 (10) A direction under this section for the removal of a person's
27 name from the register may prohibit an application under subsection (9) of
28 this section by that person until such period from the date of the direction
29 (and where he has duly made an application, from the date of his last
30 application) or as maybe specified in the direction,

1 **15.**-(1) Subject to subsection (2) of this section a person shall be
2 deemed to practice as such if, in consideration of remuneration received or to
3 be received, and whether by himself or in partnership with any other person, he:

4 (a) Engages himself in the practice as a chartered disaster/safety
5 manager or holds himself out to the public as a chartered disaster/safety
6 professional;

7 (b) Renders professional service or assistance in or about matters of
8 principle or details relating to disaster management and safety science.

9 (c) Renders any other service which may by regulations made by the
10 Council, be designated as service constituting practice as chartered
11 communicator and diplomat or any of them.

12 (2) Nothing in this section shall be construed so as to apply to persons
13 who, while in employment of any government or person, are required under the
14 terms or in such employment, to perform the duties of a chartered
15 communicator and diplomat or any of them.

16 (3) A person who is not a member of the Institute or academy
17 established before the commencement of this Act, but is qualified to apply for
18 and obtain membership of the Institute, may apply for membership of the
19 Institute established by this Act, in such a manner as may be prescribed by rules
20 made by the Council and shall be registered in the category of membership
21 appropriate in the current period for holders of the qualification he possesses.

22 **16.**-(1) The Council may make rules for:

23 (a) The training of chartered disaster/safety professionals;

24 (b) The supervision and regulation and or engagement and training of
25 such persons; and

26 (c) The provision of articles.

27 (2) The Council may also make rules:

28 (a) Prescribing the amount and, date for payment of the annual
29 subscription and annual renewal of studentship and for such purpose different
30 amount may be prescribed by the rules accorded to different categories of

1 membership of the Institute;

2 (b) Prescribing the form of license to practice to be issued as the
3 council thinks fit, by endorsement on an existing license;

4 (c) restricting the right to practice as a chartered communicator and
5 diplomat for any default of payment of the amount of the annual
6 subscription which continues for longer than such period as maybe
7 prescribed by the rules;

8 (d) Prescribing the period of practical training for the office of a
9 chartered communicator and diplomat of Nigeria for which if the training is
10 completed a person qualifies for enrolment or a license to practice as a
11 chartered communicator and diplomat of Nigeria.

12 **17.-(1)** The Institution shall:

Functions of the
Institute

13 (a) Provide and maintain a library comprising books and
14 publications for the advancement of knowledge of disaster and safety
15 leadership as well as such other books and publication as the Council may
16 think necessary for the purpose.

17 (b) Encourage research into the art of disaster and safety and allied
18 subjects to the extent that the Council may, from time to time, consider
19 necessary.

20 **18.-(1)** Any regulations, made under this Bill shall be published as
21 soon they are made; and the Council shall as soon they are published make
22 available copies of any such regulations to the President of the Institute.

Regulations

23 (2) Rules made for the purposes of this Bill shall be subjected to
24 confirmation by the institute at its next annual meeting or any special
25 meeting of the institute convened for the purpose, and if then annulled shall
26 ceased to have effect on the day after the date of annulment, but without
27 prejudice to anything done in pursuance or any such rules.

28 **19.-(1)** If any person for the purpose of procuring the enrolment or
29 registration of any name, qualification or other matter.

Offences and
penalties

1 (a) Make a statement which he believes to be false in a material
2 particular, or

3 (b) Recklessly makes a statement which is false in a material
4 particular, is guilty of an offence.

5 (2) If on or after the relevant date, any person who is not a member of
6 the institute practices as a chartered communicator and diplomat for or in
7 expectation of reward or uses any name, title, additional description implying
8 that he is in practice as a chartered communicator and diplomat, is guilty of an
9 offence.

10 (3) If the registrar or any other person employed by or on behalf of the
11 Institute willfully makes any falsification in any matter relating to the register
12 he is guilty of the offence.

13 (4) A person guilty of an offence under this section is liable:

14 (a) On summary conviction, to a fine of an amount not exceeding
15 N100,100; or

16 (b) On conviction or on indictment to a fine of an amount not
17 exceeding N 100,000 or to imprisonment for a term not exceeding two years, or
18 to both such fine and imprisonment.

19 (5) Where an offence under this section which has been committed by
20 a body corporate is proved to have been committed with the consent or
21 connivance of or to be attributable to any neglect on the part of any director;
22 manager, secretary or other similar officer of the body corporate or any person
23 purporting to act in any such capacity, he as well as the body corporate shall be
24 deemed to be guilty of that offence and shall be proceeded against and punished
25 accordingly.

26 **20.-(1)** As from the commencement of this Act:

27 (a) all assets and liabilities held or incurred immediately before the
28 commencement date, by or on behalf of the Incorporated Institute shall, by
29 virtue of this subsection and without further assurance, vest in the Institute and
30 be held by it for the purpose of the Institute;

1 (b) The Incorporated Institute shall cease to exist; and

2 (c) Subject to subsection (2) of this section, any act, matter or thing
3 made or done by the Incorporated Institute shall be deemed to have been
4 done by the Institute.

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

9 **21.** In this act, unless the context otherwise requires: Interpretation

10 "Chartered Disaster and Safety Manager" means a chartered disaster and
11 safety manager enrolled as a full member, associate member, senior
12 member, fellow, or graduate member of the Institute;

13 "Council" means the Council established as the governing body of the
14 Institute under section 4 of this Bill. "enrolled" In relation to a fellow or full
15 or associate member, means registered in the part of the register relating to
16 fellow or full or associate members, as the case maybe;

17 "Fees" includes annual subscription;

18 "Incorporated Institute" means the Institute of Disaster Management and
19 Safety Science;

20 "Institute" means the Chartered Institute of Disaster Management and
21 Safety Science (CIDMSS)

22 "Member" means a member of the Council and includes the President;

23 "Panel" has the meaning assigned thereto under section 13 of this Act;

24 "President" and "Vice-President" mean respectively the office holders under
25 these names in the Institution;

26 "Register" means the register maintained in pursuance of this Act;

27 "Tribunal" has the meaning assigned thereto under section 13 of this Act.

28 **22.** This Bill may be cited as the Institute of Disaster Management Citation
29 and Safety Science (Establishment, etc.) Bill, 2022.

1 FIRST SCHEDULE

2 1.-(1) Subject to the provisions of this paragraph, a member of the
3 Council apart from the president shall hold office for a period of two years
4 beginning with the date of his appointment or election.

5 (2) Any member of the Institute who ceases to be a member thereof
6 shall, if he is also a member of the Council cease to hold office in the Council.

7 (3) Any elected member may by notice in writing under his hand
8 addressed to the President of the Institute resign his office.

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

12 (5) Elections to the Council shall be held in such a manner as may be
13 prescribed by the rules of the Council, and until so prescribed, they shall be
14 decided by a show of hands.

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

17 3.-(1) Subject to the provisions of this Bill the Council may in the
18 name of the Institute make standing orders regulating the proceedings of the
19 Institute, the Council or any of the Institutes committees.

20 (2) The standing orders shall provide for decisions to be taken by a
21 majority of the members, and in the event of equality of votes the President of
22 the Institute or the chairman as the case may be shall have a second or casting
23 vote.

24 (3) The standing orders made for a committee shall provide that the
25 committee reports back to the Council on any matter not within its competence
26 to decide.

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

29 4.-(1) The Council shall convene the annual meeting of the Institute
30 on 30th of June in every year or on such other day as the Council may from time

1 to time appoint so however that if the meeting is not held within one year
2 after the previous annual meeting, not more than fifteen months shall elapse
3 between the respective dates of the two meetings.

4 (2) A special meeting of the Institute may be convened if members
5 of the Institute require it by notice in writing addressed to the Registrar of the
6 Institute setting out the objects of the proposed meeting, the chairman of the
7 Council shall convene a special meeting of the Institute.

8 (3) The quorum of any meeting of the Institute shall be ten
9 members and that of any special meeting of the Institute; shall be fifteen
10 members.

11 5.-(1) Subject to the provisions of any standing orders of the
12 Council, the Council shall meet whenever it is summoned by the chairman
13 and if the chairman is required to do so by notice in writing given to him by
14 not less than seven other members, he shall summon a meeting of Council to
15 be held within seven days from the date on which the notice is given.

16 (2) At any meeting of the Council, the chairman or in his absence
17 the vice chairman shall preside, but if both are absent the members present at
18 the meeting shall appoint one of their number to preside at the meeting.

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

24 (4) Notwithstanding anything in the foregoing provisions, the
25 meetings of the Council may be summoned by the Minister, who may give
26 such direction as he thinks fit as to the procedure which shall be followed at
27 the meeting.

28 6.-(1) The Council may appoint one or more committees to carry
29 out such functions as the Council may determine.

30 (2) A committee appointed under this paragraph shall consist of the

1 number of persons determined by the Council of whom not more than one third
2 shall be members of the Council and shall hold office in the committee in
3 accordance with the terms of the instrument by which he is appointed.

4 7.-(1) The fixing of the seal of the Institute shall be authenticated by
5 the signature of the President of the Institute or of some other members of the
6 Council authorized generally or specially by the Council to act for that purpose.

7 (2) Any contractor instrument which, if made or executed by a person
8 not being a corporate body, would not be required to be under seal, may be
9 made or executed on behalf of the Institute or of the Council as the case may
10 require, by any person generally or specially.

11 8. The validity of any proceedings of the Institute or the Council or of a
12 committee of the Council shall not be adversely affected by any vacancy in
13 membership or by any defect in the appointment of a member of the institute or
14 of the cancelling of a person's name to serve on the committee, or by reason that
15 the person not entitled to do so took part in the proceeding.

16 9. Any member of the Institute or of the Council and any person
17 holding office on a committee of the Council, who has a personal interest in any
18 contract or arrangement entered into or proposed to be considered by the
19 Council on behalf of the Institute or on behalf of the Council or a committee
20 thereof, shall forthwith disclose his interest, to the President of the Institute or
21 the Council, as the case may be, and shall not vote on any question relating to
22 the contract or arrangement.

23 SECOND SCHEDULE

24 TRANSITIONAL PROVISIONS AS TO ASSETS AND LIABILITIES

25 1.-(1) Every agreement to which the Incorporated Institute was a
26 party immediately before the appointed day, whether in writing or not and
27 whether or not of such a nature that the rights, liabilities and obligation
28 thereunder could be assigned by the incorporated Institute, shall, unless its
29 terms or subject matter make it impossible that it should have effect as
30 modified in the manner provided by these subparagraphs, have effect from the

1 appointed by so far as it relates to assets and liabilities transferred by this Bill
2 to the Institute as if:

3 (a) The Institute had been a party to the agreement;

4 (b) For any reference (however worded and whether expressed or
5 implied) to the corporate Institute, there were substitutions as regards
6 anything failing to be done on or after the appointed day.

7 (2) Other documents which refer, whether specifically or
8 generally, to the Incorporated Institute shall be construed in accordance with
9 subparagraph (1) of this paragraph so far as applicable.

10 (3) Without prejudice to the generality of the foregoing provisions
11 of this Schedule, whereby, by the operation of any of the provision of section
12 5 of this bill, any right, liability or obligation vests in the Institute, the
13 Institute and all other persons shall, as from the appointed day, have the
14 same rights, powers and remedies (and in particular, the same rights as to the
15 taking or resisting of legal proceedings or the making or resisting of
16 applications to any authority) for ascertaining, perfecting or enforcing that
17 right, liability or obligation as they would have had at all times been a right,
18 liability or obligation of the Institute.

19 (4) Any legal proceedings or application to any authority pending
20 on the appointed day by or against the Incorporated Institute and relating to
21 assets or liabilities transferred by this Bill to the Institute, may be continued
22 on or after that day by or against the institute.

23 (5) If the law in force at the place where any property transferred by
24 this Act is situate, provides for the registration or transfer of property of the
25 kind in question (whether by reference as to an instrument of transfer or
26 otherwise), the law shall so far as it provides for alterations of a register (but
27 not for avoidance of transfer, the payment of fees or any other matter) apply
28 with the necessary modifications to the transfer of the property aforesaid;
29 and it shall be the duty of the Council to furnish the necessary particulars of
30 the transfer to the proper office of the registration authority, and for that

1 officer to register the transfer accordingly.

2 2.-(1) At its first meeting, the Council of the Institute shall fix a date
3 (not later than seven days after the appointed day) for the annual meeting of the
4 institute.

5 (2) The members of the Council of the Incorporated Institute shall be
6 deemed to be the members of the Council of the Institute until the date
7 determined in pursuance of the foregoing sub- paragraph when the Institute
8 shall have its first annual meeting and they shall cease to hold office at the
9 conclusion of such meeting.

10 (3) Any person who, immediately before the appointed day, held
11 office as the President or Vice President of the Council of the Incorporated
12 Institute by virtue of the articles of the Incorporated Institute shall on that day
13 become the President or, as the case may be, the Vice President of the Institute
14 and shall be deemed to have been so appointed:

15 (a) To that office in pursuance of the provision of this Bill
16 corresponding to the relevant provision in the said articles of the Incorporated
17 Institute; and

18 (b) On the date on which he took office or last took office, in
19 pursuance of the relevant provision of those articles.

20 (4) The members of the Incorporated Institute shall, as from the
21 appointed day be registered as members of the Institute; and without prejudice
22 to the generality of the provisions of the Schedule relating to the transfer of
23 property, any person who, immediately before the appointed day was a
24 member or staff of the Incorporated Institute, shall on that day become the
25 holder of an appointment with the Institute with the status, designation and
26 function which correspond as nearly as to those which appertained to him in his
27 capacity as a member or that staff.

28 (5) Any person being an office holder or member of the Council of the
29 Incorporated Institute immediately before the appointed day and deemed
30 under this paragraph to have been appointed to like position in the Institute or

1 of the Council of the Institute who ceased to hold office otherwise than by
2 reason of his misconduct shall be eligible for the appointment to an office in
3 the Institute or to the membership of the Council as the case may be.

4 (6) All regulations rules and similar instrument made for the
5 purpose of the Incorporated Institute immediately before the appointed day
6 shall, except in so far as they are subsequently revoked or amended by any
7 authority having power in that behalf, have effect, with any necessary
8 modifications, as duly made for the corresponding purposes of the Institute.

9 THIRD SCHEDULE

10 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

11 TRIBUNAL AND INVESTIGATING PANEL OF THE TRIBUNAL

12 I. The quorum of the Tribunal shall be four out of which at least
13 two shall be chartered communicators and diplomats.

14 2.-(1) The Attorney-General of the Federation may make rules as
15 to the selection of members of the Tribunal for the purposes of any
16 proceedings and as to the procedure to be followed and the rules of evidence
17 to be observed in proceedings before the Tribunal.

18 (2) The rules in particular provide:

19 (a) For securing that notice of the proceedings shall be given at
20 such time and in such manner as may be specified by the rules, to the person
21 who is the subject of the proceedings;

22 (b) For determining who in addition to the person aforesaid, shall
23 be party to the proceedings;

24 (c) For securing that any party to the proceedings shall, if he so
25 requires, be entitled to be heard by the Tribunal;

26 (d) For enabling any party to the proceedings to be represented by a
27 legal practitioner;

28 (e) Subject to the provisions of this Act, as to the costs of
29 proceedings before the Tribunal;

30 (f) For requiring in a case where it is alleged that the person who is

1 in any professional respect, that where the Tribunal adjudge that the allegation
2 has not been proven, it shall record a finding that the person is not guilty of such
3 conduct in respect of the matter to which the allegation relates;

4 (g) For publication in the Gazette notice of any direction of the
5 tribunal which has taken effect providing that a person's name shall be struck
6 off a register.

7 3. For the purposes of any proceedings before the Tribunal, any
8 member of the Tribunal may administer oaths and any party to the proceedings
9 may issue out of the registry of the Court of Appeal writs of subpoena as
10 testificandum and duces tecum; but no person appearing before the Tribunal
11 shall be compelled:

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

14 (b) To produce any document under such a writ which he could not be
15 compelled to produce at the trial of an action.

16 4.-(1) For the purpose of advising the Tribunal on questions of law
17 arising in proceedings there shall be an assessor to the Tribunal who shall be
18 appointed by the Council on the nomination of the Attorney-General of the
19 Federation and shall be a legal practitioner of not less than ten years standing.

20 (2) The Attorney-General of the Federation shall make rules as to the
21 functions of assessors, appointed under this paragraph, and in particular such
22 rules shall contain provisions for securing that:

23 (a) where an assessor advises the Tribunal on any question of law as to
24 evidence, procedure or any other matters specified by the rules, he shall do so in
25 the presence of every party or persons representing a party to the proceedings
26 who appears thereat or, if the advise is tendered while the Tribunal is
27 deliberating in private, that every such party or person as aforesaid shall be
28 informed what advise the assessor has tendered;

29 (b) every such party or person as aforesaid shall be informed if in any

1 case the Tribunal does not accept the advice of the assessor on such a
2 question as aforesaid.

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

7 *The Panel*

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

9 6.-(1) The panel may at any meeting of the Panel attended by all the
10 Members of the Panel, make standing orders with respect to the Panel.

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

13 *Miscellaneous*

14 7.-(1) A person ceasing to be a member of the Tribunal or the Panel
15 shall be eligible for reappointment as a member of that body and be a
16 member of both the Tribunal and the Panel but no person who acted as a
17 member of the Panel with respect to any case shall act as a member of the
18 Tribunal with respect to that case.

19 8. The Tribunal or the Panel may act notwithstanding any vacancy
20 in its membership; and the proceedings of either body shall not be
21 invalidated by any irregularity in its composition if not challenged by a party
22 who has the right to do so.

23 9. Any expenses of the Tribunal or the Panel shall be defrayed by
24 the Institute.

EXPLANATORY MEMORANDUM

*(This note does not form part of the above Act but is intended
to explain its purport)*

This Bill seeks to establish the Institute of Disaster Management and Safety Science charged with the responsibility of advancing the study, training and practice of disaster management in Nigeria.

A BILL

FOR

AN ACT TO REGULATE THE TRACKING, MONITORING, INTERCEPTION AND RECORDING OF WIRE, ORAL AND TELECOMMUNICATION IN SUCH A MANNER THAT RESPECTS THE CIVIL RIGHTS AND PRIVILEGES AS WELL AS ENSURE THE SECURITY OF LIVES AND PROPERTY AND FOR RELATED MATTERS

Sponsored by Hon. Babajimi Benson

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 PART I - PROHIBITION ON INTERCEPTION OF WIRE, ORAL OR
2 TELECOMMUNICATIONS

3 1. A person shall not:

4 (a) intercept;

5 (b) authorize or permit another person to intercept; or

6 (c) do any act or thing that will enable him or her or another person
7 to intercept a wire, oral or telecommunication passing over a
8 telecommunications system.

9 2. Section 1 above shall be applicable where:

10 (a) such device is affixed to or otherwise transmits a signal through
11 a wire, cable or other like connections used in wire, oral or
12 telecommunication; or

13 (b) such device transmits wire, oral or communications by radio or
14 interferes with the transmission of such wire, oral or telecommunication; or

15 (c) such person knows or has reason to know, that such device or
16 any component thereof has been sent through the mail or transported within
17 Nigeria or via foreign commerce; or

18 (d) such use or attempt to use:

Wire oral or
Telecommunications
not to be intercepted

Application of
non-interception
of wire, oral or
Telecommunications

Prohibition of
persons, agencies
and Communication
Service Providers
(CSPs) from
disclosing contents
of intercepted wire,
oral or
Telecommunications

1 (i) takes place on the premises of any person, business or other
2 commercial establishment the operations of which affect interstate or foreign
3 transactions; or

4 (ii) obtains or is for the purpose of obtaining information relating to
5 the operations of any person, business or other commercial establishment the
6 operations of which affect interstate or foreign transaction.

7 **3.** Except as otherwise specifically provided in this Bill and other laws
8 of the Federal Republic of Nigeria, no person, agency or Communications
9 Service Provider shall-

10 (a) intentionally disclose or attempt to disclose to any other person the
11 contents of any wire, oral or electronic telecommunication, knowing or having
12 reason to know that the information was obtained through the interception of a
13 wire, oral or telecommunication in violation of this subsection;

14 (b) intentionally use or attempt to use, the contents of any wire, oral or
15 telecommunication, knowing or having reason to know that the information
16 was obtained through the interception of a wire, oral, or telecommunication in
17 violation of this subsection;

18 (c) intentionally disclose, or attempt to disclose, to any other person
19 the contents of any wire, oral or telecommunication, intercepted by means
20 authorized by Part II of this Bill;

21 (d) intentionally disclose, or attempt to disclose, to any other person
22 the contents of any wire, oral or telecommunication, intercepted knowing or
23 having reason to know that the information was obtained through the
24 interception of such a wire, oral or telecommunication in connection with a
25 criminal investigation;

26 (e) intentionally disclose, or attempt to disclose, to any other person
27 the contents of any wire, oral or telecommunication, intercepted having
28 obtained or received the information in connection with a criminal
29 investigation, and with intent to improperly obstruct, impede, or interfere with
30 a duly authorized criminal investigation.

- 1 4. Sections (1), (2) and (3) does not apply to or in relation to:
- 2 (a) an act or thing done by an employee of a Communications
- 3 Service Provider in the course of his or her duties for or in connection with:
- 4 (i) the installation of any line, or the installation of any equipment,
- 5 used or intended for use in connection with a telecommunications service; or
- 6 (ii) the operation or maintenance of a telecommunications system;
- 7 (iii) the identifying or tracing of any person who has contravened,
- 8 or is suspected of having contravened or being likely to contravene, a
- 9 provisions of the Criminal Code; where it is reasonably necessary for the
- 10 employee or Communications Service Provider to do that act or thing in
- 11 order to perform those duties effectively; or
- 12 (b) the interception of a wire, oral or telecommunication by a
- 13 person if:
- 14 (i) the person is authorised, in writing, by a competent person for a
- 15 computer network to engage in network protection duties in relation to the
- 16 network; and
- 17 (ii) it is reasonably necessary for the person to intercept the wire,
- 18 oral or telecommunication in order to perform those duties effectively; or
- 19 (c) the interception of a wire, oral or telecommunication by a
- 20 person lawfully engaged in duties relating to the installation, connection or
- 21 maintenance of equipment used, or to be used, for the interception of wire,
- 22 oral or telecommunications under a Magistrate court warrant; or
- 23 (d) the interception of a wire, oral or telecommunication where the
- 24 interception results from, or is incidental to, action taken by an investigative
- 25 or law enforcement officer, in the lawful performance of his or her duties, for
- 26 the purpose of:
- 27 (ii) discovering whether a listening device is being used at, or in
- 28 relation to, a particular place; or
- 29 (iii) determining the location of a listening device; or
- 30 (e) the interception of a wire, oral or telecommunication under a

Exclusion from
non-interception
of wire, oral or
Telecommunications

- 1 Magistrate court warrant; or
- 2 (f) the interception of a wire, oral or telecommunication for security,
- 3 intelligence and surveillance purposes as provided by the relevant laws; or
- 4 (g) an act or thing done in compliance with an international security
- 5 production order; or
- 6 (h) the interception of a wire, oral or telecommunication under an
- 7 authorisation under Part 4.
- 8 **5.** The provision of Sections (1), (2) and (3) shall not be applicable
- 9 where an act is done by an officer of an agency in relation to a wire, oral or
- 10 telecommunication if the following conditions are satisfied:
- 11 (a) the officer or another officer of the agency is a party to the wire,
- 12 oral or telecommunication; and
- 13 (b) there are reasonable grounds for suspecting that another party to
- 14 the wire, oral or telecommunication has:
- 15 (i) done an act that has resulted, or may result, in loss of life or the
- 16 infliction of serious personal injury; or
- 17 (ii) threatened to kill or seriously injure another person or to cause
- 18 serious damage to property; or
- 19 (iii) threatened to take his or her own life or to do an act that would or
- 20 may endanger his or her own life or create a serious threat to his or her health or
- 21 safety; and
- 22 (c) it is not reasonably practicable for an application for a Magistrate
- 23 court warrant to be made because of the urgency of the need for the act to be
- 24 done;
- 25 (d) an act done by an officer of an agency in relation to a wire, oral or
- 26 telecommunication if the following conditions are satisfied:
- 27 (i) the person to whom the wire, oral or telecommunication is directed
- 28 has consented to the doing of the act; and
- 29 (ii) there are reasonable grounds for believing that person is likely to
- 30 receive a wire, oral or telecommunication from a person who has:

Conditions for
exclusion from
non-interception
of wire, oral or
Telecommunications

1 (iii) done an act that has resulted, or may result, in loss of life or the
2 infliction of serious personal injury; or

3 (iv) threatened to kill or seriously injure another person or to cause
4 serious damage to property; or

5 (v) threatened to take his or her own life or to do an act that would
6 or may endanger his or her own life or create a serious threat to his or her
7 health or safety; and

8 (vi) because of the urgency of the need for the act to be done, it is
9 not reasonably practicable for an application for a Magistrate court warrant
10 to be made.

11 6. As soon as practicable after the doing of an act in relation to a
12 wire, oral or telecommunication under the provisions of subsection (4) or
13 (5), an officer of the agency which is concerned with the wire, oral or
14 telecommunication shall cause an application for a Magistrate court warrant
15 to be made in relation to the matter.

Application for
Court warrant/
order from a
Magistrate Court

16 (a) Subsection (6) does not apply if action has been taken under
17 subsection (4) or (5) to intercept a wire, oral or telecommunication, or cause
18 it to be intercepted, and the action has occurred or ceased to occur before it is
19 practicable for an application for a Magistrate court warrant to be made;

20 (b) Where after considering an application made in relation to a
21 matter arising under subsections (4) or (5) and (6) a Judge of competent
22 jurisdiction does not issue a warrant in relation to the application, the chief
23 officer of the agency concerned shall ensure that no further action is taken by
24 the agency to intercept the wire, oral or telecommunication or to cause it to
25 be intercepted.

26 PART II - AUTHORIZATION FOR INTERCEPTION OF WIRE, ORAL OR
27 TELECOMMUNICATIONS

28 7. The Attorney General and Minister for Justice of Nigeria or any
29 representative authorised by him under relevant laws of the Federal
30 Republic of Nigeria may grant an order authorizing or approving the

Power of Attorney-
General and Minister
for Justice to
authorise interception
of wire, oral or
Telecommunications

1 interception of wire, oral or telecommunications by the National Intelligence
 2 Agency or a Federal agency having responsibility for the investigation of the
 3 offence as to which the application is made, when such interception may
 4 provide or has provided evidence of-

5 (a) any offence punishable by death or by imprisonment for more than
 6 one year;

7 (b) any offence which involves terrorism, embezzlement, felony,
 8 murder, kidnapping, robbery, human trafficking, racketeering, fraud, coercion
 9 or extortion or any other grievous offence that is punishable under the laws of
 10 the Federal Republic of Nigeria.

Attorney-General
and Minister for
Justice to consult
with certain
officials

11 **8.** Before authorising or approving the interception of wire, oral or
 12 telecommunication, the Attorney-General shall consult either one or more than
 13 one of the following:

14 (a) the Minister for Defence;

15 (b) the Minister for Foreign Affairs;

16 (c) the Inspector-General of Police; or

17 (d) the Director-General of Directorate of Security Services.

18 **PART III - CERTAIN RECORDS RETAINED BY ORGANISATION**

19 **TO BE DESTROYED**

Power to destroy
certain intercepted
wire, oral or
Telecommunications
records

20 **9.** Where:

21 (a) a record or copy has been made of a wire, oral or
 22 telecommunication intercepted by virtue of a Part 4;

23 (b) the record or copy is in the possession or custody, or under the
 24 control, of the relevant security agency (ies); and

25 (c) either the Minister of Defence, the Minister of Foreign Affairs, the
 26 Inspector-General of Police or the Director-General of the Directorate of
 27 Security Services is satisfied that the record or copy is not required, and is not
 28 likely to be required, in or in connection with the performance by these
 29 agencies' functions or the exercise of its powers (including the powers
 30 conferred by other laws of the country); the said officials shall cause the record

1 or copy to be destroyed.

2 PART IV - EMERGENCY REQUESTS AUTHORISING OFFICERS TO

3 INTERCEPT A WIRE, ORAL OR TELECOMMUNICATION

4 **10.** Emergency requests:

Conditions for
emergency request

5 (1) Where:

6 (a) a person is a party to a communication passing over a wire or
7 telecommunication system;

8 (b) as a result of information conveyed by another party to the
9 communication (in this section referred to as the caller) and of any other
10 matters, the first-mentioned person forms the honest belief that either of the
11 following emergencies exist:

12 (i) another person (whether or not the caller) is dying, is being
13 seriously injured or has been seriously injured;

14 (ii) another person (whether or not the caller) is likely to die or be
15 seriously injured; and

16 (c) the first-mentioned person does not know the location of the
17 caller; the first-mentioned person may;

18 (d) in a case where the first-mentioned person:

19 (i) is a member of the security agencies; and

20 (ii) is of the opinion that tracing the location of the caller is likely to
21 be of assistance in dealing with the emergency; request, or cause another
22 member of the security service to request, an employee of a carrier to
23 intercept, or to cause other employees of the carrier to intercept, the
24 communication for the purposes of tracing the location of the caller; or

25 (e) in a case where the first-mentioned person is not a member of
26 the security service, inform, or cause another person to inform, a member of
27 a security service, of the matters referred to in (a), (b) and (c).

28 **11.** Where a member of the security service is so informed, the
29 member may, if he or she is of the opinion that tracing the location of the
30 caller is likely to be of assistance in dealing with the emergency, request an

Trading geolocation
of caller by the
security services

1 employee of a carrier to intercept, or to cause other employees of the carrier to
 2 intercept, the communication for the purposes of tracing the location of the
 3 caller.

4 (a) Where, pursuant to a request made, or purporting to be made, by a
 5 member of the security services under subsection (1) or (2), an employee of a
 6 carrier intercepts a communication passing over a telecommunications system
 7 for the purpose of tracing the location of the caller, the employee shall:

8 (i) communicate, or cause another employee of the carrier to
 9 communicate, the location of the caller to the person who made the request or
 10 to any other member of the security services; and

11 (ii) communicate particulars of the interception to the Managing
 12 Director or his/her equivalent of the carrier.

Submission of
 written
 confirmation by
 the security services

13 **12.** As soon as practicable after making to an employee of a carrier a
 14 request under, or purporting to be under, subsection (1) or (2), a member of the
 15 security services shall give, or cause another member of the security service to
 16 give, to the Managing Director or his/her equivalent of the carrier a written
 17 confirmation of the request that sets out the information given by the first-
 18 mentioned member to that employee in connection with the request.

19 PART V - MISCELLANEOUS PROVISIONS

Offences and
 premises

20 **13.** Offences and penalties:

21 (a) Anyone found guilty of intercepting, collecting, using or
 22 disclosing a wire, oral or telecommunication without appropriate authorization
 23 commits an offence and is liable on conviction to a fine of not less than
 24 N200,000 for an individual or to imprisonment for a term not exceeding two
 25 years or to both and in the case of a body corporate, it shall be liable for a fine of
 26 N10,000,000 on conviction.

Citation

27 **14.** This Bill may cited as the Regulation of Wire, Oral and
 28 Telecommunication Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to regulate the Tracking, Monitoring, Interception and Recording of Wire, Oral and Telecommunication in such a manner that respects the Civil Rights and privileges as well as ensure the security of lives and property.

A BILL

FOR

AN ACT TO AMEND THE NIGERIAN CHILDREN'S TRUST FUND TO SET UP A
SUITABLE BOARD OF TRUSTEES FOR THE PROPER ADMINISTRATION AND
DISTRIBUTION OF WELFARE SERVICES AND RELIEF TO NIGERIAN
CHILDREN IN NEED, AND FOR RELATED MATTERS

Sponsored by: Hon. Chike John Okafor

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

- | | |
|--|--------------------------------------|
| <p>1 1. The Nigerian Children's Trust Fund Act (in this Bill referred to</p> <p>2 as "the principal Act") is hereby amended as set out under this Bill.</p> | <p>Amendment of Cap. N93 LFN</p> |
| <p>3 2. Section 1 of the principal Act is amended:</p> <p>4 (1) by substituting for the existing paragraph (b) of subsection (2)</p> <p>5 thereof, the following new paragraph (b) therefor, that is:</p> <p>6 "such sums of money as may be raised, from time to time, by way of</p> <p>7 contributions or donations or grants from individuals (whether corporate or</p> <p>8 unincorporated), agencies and organisations (whether, local or</p> <p>9 international)";</p> <p>10 (2) by substituting in subsection 1 (3) for the word "sixteen"</p> <p>11 appearing thereof, the eighteen" therefor.</p> | <p>Amendment of Section 1</p> |
| <p>12 3. Section 2 of the principal Act is amended:</p> <p>13 (1) by substituting in subsection (I) for the "National Advisory</p> <p>14 Council of the National Commission for Women" appearing thereof, the</p> <p>15 "National Child Rights Implementation Committee" therefor. [Cap. C50]</p> <p>16 (2) by substituting in subsection (2) for the "a period of three years</p> <p>17 only" appearing thereof, the "four years and shall be eligible for</p> <p>18 reappointment for one further period of four years, and no more" therefor.</p> <p>19 (3) by substituting in subsection (9) for the "National Commission</p> | <p>Amendment of Section 2</p> |

Amendment of
Section 3

1 for Women" appearing thereof, the "Ministry responsible for Women Affairs
2 and Youth Development" therefor.

3 4. Section 3 of the principal Act is amended:

4 (1) By substituting for the existing paragraphs (a) to (d) thereof, the
5 following new paragraphs (a) to (f) therefor, that is:

6 "(a) carryon periodical surveyor studies to assess generally, the
7 impact of legal and institutional measures to address violence against children
8 in Nigeria;;

9 (b) carryon a regular survey and assessment of the financial and
10 material requirements of Nigerian children for the purposes of providing relief
11 in respect of children who are in needy circumstances such as:

12 (i) orphaned children whose parents were deceased by terrorists
13 attacks, and those whose parents have died of HIV / AIDS infection, communal
14 conflicts, accidents, riots, natural disaster, etc.,

15 (ii) abandoned, crippled, terminally ill and mentally affected
16 children;

17 (iii) sexually abused, molested, injured, victims of child trafficking
18 and neglected children;

19 (iv) children or pupils whose parents cannot pay their school fees or
20 provide food and shelter for them. .

21 (c) make grants from the Fund set up under this Act to voluntary
22 organisations in the Federation concerned with the upkeep and care of children
23 affected by any of the circumstances described under paragraph (b) of this
24 section;

25 (d) organize and implement programmes and projects for the
26 protection and enhancement of talents and abilities of children, and in this
27 regard establish, as and when practicable, shelter Base Centres for children in
28 each state of the Federation and such other parts of Nigeria as the need may
29 warrant;

30 (e) devise ways and means of organizing charity shows, exhibitions

1 and such other events as the Board may deem fit for the purposes of
2 generating additional funds for implementation of the welfare programmes
3 specified under this Act;

4 (f) programmes and projects for the purposes of this Act to be
5 implemented at sub national levels shall be carried out through the State and
6 Local Government Child Rights Implementation Committees as the case
7 may be".

8 (2) By deleting the existing paragraph (e) thereof.

9 **5.** Section 4 of the principal Act is amended by substituting for the
10 existing section 4 thereof, the following new section 4 therefor, that is:

Amendment of
Section 4

11 "4. Subject to the provisions of this Act, the Minister may give to
12 the Board directions of a general nature with regard to the exercise of the
13 functions of the Board under this Act, and it shall be the duty of the Board to
14 comply with such directions".

15 **6.** Section 5 of the principal Act is amended by substituting for the
16 existing section 5 thereof, the following new section 5 therefor, that is:

Amendment of
Section 5

17 "5.-(1) There shall be appointed for the Board, a Secretary who
18 shall:

19 (a) not be below the rank of a Director in the Civil Service of the
20 Federation;

21 (b) responsible for the day-to-day management and operations of
22 the Fund;

23 (c) be appointed by the Minister on such terms and conditions as
24 may be specified in his/her letter of appointment.

25 (2) The Board may appoint such number of other persons to be
26 employees of the Board for the purposes of this Act, and notwithstanding
27 this foregoing provision of this subsection, employees may be appointed by
28 way of transfer or secondment from any of the public service of the
29 Federation.

1 (3) The Board, in relation to any employee thereof, shall have power:
 2 (a) to exercise disciplinary control (including dismissal) over such
 3 employees; and
 4 (b) with the prior approval of the Federal Civil Service Commission,
 5 to determine the remuneration and allowances (and in appropriate cases,
 6 pensions, gratuities and other terminal benefits) to be paid to such employees
 7 as it may think appropriate".

Amendment of
Section 7

8 7. Section 7 of the principal Act is amended in subsection (1), by
 9 substituting for the "fine of N5,000" appearing thereof, the "fine of N200,000"
 10 therefor.

Amendment of
Section 10

11 8. Section 10 of the principal Act is amended by substituting for the
 12 existing section 10 thereof, the following new section 10 therefor, that is:
 13 "10. The Board shall prepare and submit to the President and the
 14 National Assembly, through the Minister, not later than the last day of June in
 15 each financial year, a report in such form as the Minister may direct on the
 16 activities of the Board during the preceding financial year, and shall include in
 17 such report a copy of the audited accounts of the Fund for that year, and the
 18 auditor's report thereon".

Amendment of
Section 11

19 9. Section 11 of the principal Act is amended by inserting in
 20 alphabetical order the interpretation of the following words and expressions,
 21 that is "Minister" means the Minister of Government of the Federation
 22 responsible for matters relating to youth development and social welfare".

Consequential
Amendment

23 10. The following words and expressions appearing in the principal
 24 Act are hereby consequentially amended, that is:

25 (1) There is substituted for the word "Executive Chairman", the word
 26 "Chairman".

27 (2) Consequently, wherever the words "Executive Chairman" appears
 28 in the principal Act there shall be substituted the word "Chairman".

29 (3) There is substituted for the words "Secretary/Treasurer" the word
 30 "Secretary".

1 (4) Consequently, wherever the words "Secretary/Treasurer"
2 appears in the principal Act there shall be substituted the word "Secretary".

3 **11.** This Bill may be cited as the Nigerian Children's Trust Fund Citation
4 (Amendment) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Children's Fund Act to, among other things, to set up a Board of Trustees more suited in child protection and care for the proper administration and distribution of welfare services and relief to Nigerian children in need, ensure that the benefit of the Fund trickles down to the grassroots.

BUILDERS (REGULATION) BILL, 2022

ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF THE COUNCIL FOR THE REGULATION OF
BUILDING IN NIGERIA

1. Establishment of the Council for the Regulation of Building in Nigeria
2. Membership of the Council
3. Functions of the Council
4. Powers of the Council
5. Fund of the Council
6. Estimates, expenditure and accounts
7. Powers to borrow
8. Power of the Minister to issue directives to the Council

PART II - THE REGISTRAR AND THE REGISTER

9. Registrar and register.
10. Preparation and maintenance of the register
11. Publication of register and lists of corrections

PART III - REGISTRATION

12. Registration as Builders and building personnel
13. Transfer from one register to another
14. Titles to be used by registered persons
15. Skills development and qualifications
16. Approval of courses, qualifications and institutions
17. Supervision of instructions and examinations leading to approved qualifications
18. Certificate of experience
19. Licensing and annual renewal
20. Provisional registration

PART IV - PROFESSIONAL DISCIPLINE

- 21. Professional discipline
- 22. Penalties for unprofessional conduct
- 23. Temporary registration of persons not citizens of Nigeria.
- 24. Offences

PART V - MISCELLANEOUS PROVISIONS

- 25. Miscellaneous provisions
 - 26. Regulations
 - 27. Service of notice
 - 28. Savings and transitional provisions
 - 29. Repeal
 - 30. Interpretation
 - 31. Citation
- Schedules

A BILL

FOR

AN ACT TO REPEAL THE BUILDERS (REGISTRATION, ETC.) ACT, CAP. B13
LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE BUILDERS
(REGULATION) ACT, 2022 TO ESTABLISH A COUNCIL FOR THE REGULATION
OF BUILDING IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Mark Terseer Gbillah

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria:

1 PART I - ESTABLISHMENT OF THE COUNCIL FOR THE REGULATION OF
2 BUILDING IN NIGERIA

3 1.-(1) There is established the Council for the Regulation of
4 Building in Nigeria (in this Bill referred to as "the Council").

Establishment
of the Council
for the Regulation
of Building in
Nigeria

5 (2) The Council:

6 (a) shall be a body corporate with perpetual succession and a
7 common seal;

8 (b) may sue and be sued in its corporate name; and

9 (c) may acquire movable and immovable properties.

10 2.-(1) Subject to the provisions of this Bill the Council shall consist
11 of:

Membership of
the Council

12 (a) a President who shall be a registered Builder;

13 (b) one registered Builder from the appropriate ministry
14 supervising the " function of building profession under this Bill;

15 (c) one registered Builder from the organised private sector;

16 (d) one representative from an institution offering courses in
17 building;

18 (e) two registered Builders from universities;

19 (f) one registered Builder from polytechnics, in rotation;

1 (g) one registered Builder from the consulting arm of the building
2 profession;

3 (h) one registered Builder from the Standards Organisation of Nigeria
4 (SON);

5 (i) one registered Builder from the Nigerian Building and Road
6 Research Institute (NBRRI);

7 (j) six registered Builders to represent States across the geopolitical
8 zones in rotation, provided that no two of these individuals shall come from the
9 same State at any time;

10 (k) six registered Builders from the Nigerian Institute of Building
11 representing the six geo-political zones of the country in the manner specified
12 in its constitution;

13 (l) one person from the register of building technologists In rotation
14 among the geo-political zones;

15 (m) one person from the register of artisans and craftsmen for
16 building trades in rotation among the geo-political zones;

17 (n) one registered Builder from the Real Estate Developers
18 Association of Nigeria (REDAN); and

19 (o) one registered Builder representing the Armed Forces in rotation.

20 (2) The members mentioned in subsection (1) shall be appointed by
21 the President on the recommendation of the Minister.

Functions of
the Council

22 **3.** The Council shall be responsible for:

23 (a) determining who shall be registered as:

24 (i) a Builder,

25 (ii) Construction Manager,

26 (iii) Building Technologist,

27 (iv) Building Technician,

28 (v) Building Artisan and Craftsman,

29 (vi) Building Consultant, and

30 (vii) Building Construction Company;

1 (b) determining what standards of knowledge and skills are to be
 2 attained by a person seeking to be registered under this Bill and reviewing
 3 the standards;

4 (c) the establishment and maintenance of registers of persons
 5 entitled to practice as prescribed under this Bill and the publication of the
 6 lists of such persons;

7 (d) regulating and controlling the practice of the building
 8 profession in all its ramifications;

9 (e) monitoring and enforcing compliance with local content and
 10 expatriate quota in the employment and engagement of Builders,
 11 construction managers and other building personnel;

12 (f) ensuring human capacity development and monitoring of local
 13 content development in the building industry;

14 (g) prosecuting persons or corporate organisations that contravene
 15 the provisions of this Bill; and

16 (h) performing other functions conferred on the Council by this
 17 Bill.

18 4.-(1) The provisions of the First Schedule to this Bill shall have Powers of the
 19 effect with respect to the qualifications and tenure of office of members of Council
 20 the Council, procedure of the Council and other matters mentioned in it. First Schedule

21 (2) Subject to subsection (1) and to any directions of the Minister
 22 under this Bill, the Council shall have powers to do anything which in its
 23 opinion will facilitate the performance of its functions under this Bill.

24 5.-(1) There is establish a fund for the Council (in this Bill referred Fund of the
 25 to as "the Fund") which shall consist of: Council

26 (a) all fees and other money payable to the Council under this Bill;

27 (b) such money payable to the Council for the performance of its
 28 functions;

29 (c) money appropriated for the Council by the National Assembly;

30 (d) all subventions, fees, fines, penalties, charges on services and

- 1 publications made by the Council;
- 2 (e) gifts, endowments, bequests, loans, donations, grants or aids;
- 3 (1) foreign aids and assistance from bilateral and multilateral
- 4 agencies in accordance with approved Federal Government guidelines;
- 5 (g) forfeiture and surcharge from funds forfeited to the Federal
- 6 Government of Nigeria by offenders under this Bill;
- 7 (h) levies from pre-contract Builders approval documents by relevant
- 8 government physical planning, and development control agencies endorsed by
- 9 the Council; and
- 10 (i) other revenue that may accrue to the Council.
- 11 (2) The Council shall apply the Fund for:
- 12 (a) the cost of its administration;
- 13 (b) the payment of salaries, fees, and other remunerations of
- 14 employees, experts or professionals appointed by the Council;
- 15 (c) such reasonable travelling and subsistence allowances of
- 16 members of Council in respect of the time spent on the business of the Council
- 17 in accordance with financial regulations;
- 18 (d) the acquisition and maintenance of assets of the Council;
- 19 (e) the development and periodic revision of regulations, codes,
- 20 standards, practice notes and other relevant publications;
- 21 (f) the monitoring and evaluation of building projects; and
- 22 (g) any other expenses incurred by the Council in the performance of
- 23 its functions under this Bill.
- 24 **6.-(1)** The Council shall prepare and submit to the Minister (not later
- 25 than 30 September of each year) an estimate of its expenditure and income
- 26 during accounts each succeeding year.
- 27 (2) The Council shall keep proper accounts in respect of each year,
- 28 and proper records in relation to those accounts, and shall cause the accounts to
- 29 be audited within six months at the end of the year to which the account relate
- 30 by a firm of auditors to be appointed by the Council from the list and in

1 accordance with the guidelines supplied by the Auditor-General for the
2 Federation.

3 7. The Council shall not have the power to borrow or to dispose of Power to borrow
4 any property except with the prior consent of the Minister, and shall not have
5 power to pay remuneration (including pensions), allowances or expenses to
6 any employees of the Council or any other person except by scales approved
7 by the Minister.

8 8. The Minister may give to Council directives of a general Power of the
9 character or relating generally to particular matters (but not to any individual Minister to issue
10 person or case) with regard to the performance by the Council of its directives to the
11 functions under this Bill and it shall be the duty of Council to comply with Council
12 the directives.

13 PART II - THE REGISTRAR AND THE REGISTER

14 9.-(1) The Council shall appoint a registered Builder of proven Registrar and
15 integrity to be the Registrar for the purpose of this Bill. the register

16 (2) The Registrar shall:

17 (a) be the chief administrative officer of the Council; and

18 (b) hold office for a term of three years in the first instance and may
19 be reappointed for a further term of three years and no more.

20 (3) The Registrar shall, in addition to his other functions under this
21 Bill, be the Secretary to the Council and committees, and shall, on the
22 instructions of the President of the Council or Chairman of any committee,
23 convene meetings of the Council or any committee and keep minutes of the
24 proceedings at all such meetings.

25 (4) The Council may, whenever the Registrar is absent or for any
26 other reason unable to perform the functions of his office, appoint an acting
27 Registrar who shall have the same qualifications as in subsection (1) to
28 perform those functions.

29 (5) Other staff of the Council shall hold office on such terms and
30 conditions as the Council may determine.

Preparation and
maintenance of
the register

- 1 **10.-(1)** The Registrar shall prepare and maintain in accordance with
2 the rules made by the Council under this section, registers of the names,
3 addresses and approved qualifications, and of such other particulars as may be
4 specified by the Council of all persons who are entitled to be registered in
5 accordance with the provisions of this Bill as:
- 6 (a) Builders or Construction Managers;
7 (b) Building Technologists;
8 (c) Building Technicians;
9 (d) Building Artisans and Craftsmen;
10 (e) Building Consultants; and
11 (f) Building Construction Companies.
- 12 (2) The register of Builders shall consist of three parts:
13 (a) one part for fully registered persons;
14 (b) one part for provisionally registered persons; and
15 (c) one part for temporarily registered persons.
- 16 (3) There shall be a register for:
17 (a) Building Technologist;
18 (b) Building Technicians; and
19 (c) Building Artisans and Craftsmen.
- 20 (4) There shall be a register for corporate bodies as:
21 (a) Building Consultants; and
22 (b) Building Construction Companies.
- 23 (5) Subject to this section, the Council shall make rules with respect to
24 the, form and keeping of the registers and the making of entries, and in
25 particular the Council shall make rules:
- 26 (a) regulating the making of applications for registration and
27 providing for the evidence to be produced in support of any such application;
28 (b) providing for the notification to the Registrar by the person to
29 whom any registered particulars relate, of any change in those particulars;
30 (c) authorising a registered person to have any qualification which is,

1 in relation to the profession whether an approved qualification or an
2 accepted qualification for the purpose of section 10(2)(a) of this Bill,
3 registered in relation to his name in addition to, or as he may elect, in
4 substitution for any other qualification so registered;

5 (d) specifying the fees to be paid to the Council in respect of the
6 entry of names on the registers and authorising the Registrar to refuse to
7 enter a name on the register until any fee specified for the entry has been
8 paid; and

9 (e) specifying anything not specified under the provisions of this
10 section.

11 (6) Rules made under this section shall not come into effect until
12 approved by the Minister.

13 (7) The Registrar shall:

14 (a) correct, in accordance with the Council's direction, any entry in
15 the registers which the Council directs him to correct as being in the
16 Council's opinion an entry which was incorrectly made;

17 (b) make any necessary alterations to the registered particulars of
18 registered persons;

19 (c) remove from the registers which relate to provisionally or
20 temporarily registered persons all particulars relating to a person registered
21 in the part of the register for fully registered persons or relating to persons
22 ceasing for any reason to be entitled to be so provisionally or temporarily
23 registered; and

24 (d) remove from the register the name of any registered person who
25 has died, or any corporate entity that is wound up.

26 (8) If the Registrar:

27 (a) sends by post to any registered person a registered letter or
28 electronic mail addressed to him at his address on the register enquiring
29 whether the registered particulars relating to him are correct and receives no
30 reply to the letter within 14 working days from the date of posting it or

| | | |
|--|----|---|
| | 1 | sending the electronic mail, and |
| | 2 | (b) upon the expiration of that period, sends in like manner to the |
| | 3 | person in question a second similar letter or electronic mail and receives no |
| | 4 | reply to that letter within 14 working days from the date of posting or sending |
| | 5 | the email, the Registrar may remove the particulars relating to the person in |
| | 6 | question from the relevant part of the registers, but the Council after due |
| | 7 | consideration may direct the Registrar to restore to the appropriate part of the |
| | 8 | registers any particulars removed under this subsection. |
| Publication of register and lists of corrections | 9 | 11.-(1) The Registrar shall: |
| | 10 | (a) cause the registers to be published, and put on sales to members of |
| | 11 | the public; |
| | 12 | (b) in each year after that in which the registers are published under |
| | 13 | paragraph (a), cause to be printed, published and put on sale as either corrected |
| | 14 | editions of the registers or a list of alterations made to the registers since they |
| | 15 | were last printed; and |
| | 16 | (c) cause a print of each edition of the registers and of each list of |
| | 17 | corrections to be deposited at the principal offices of the Council, and the |
| | 18 | Council shall keep the registers and lists so deposited open at all reasonable |
| | 19 | times for inspection by members of the public. |
| | 20 | (2) A document purporting to be a print of an edition of any register |
| | 21 | published under this section by authority of the Registrar in the current year, or |
| | 22 | documents purporting to be prints of an edition of any register so published in a |
| | 23 | previous year and of a list of corrections to that edition so published in the |
| | 24 | current year, shall (without prejudice to any other mode of proof) be admissible |
| | 25 | in any proceedings as evidence that any person specified in the document or the |
| | 26 | documents read together. as being so registered, and that any person not so |
| | 27 | specified as not so registered. |
| | 28 | PART III - REGISTRATION |
| Registration as Builders and building personnel | 29 | 12.-(1) Subject to section 26 of this Bill and to rules made under |
| | 30 | subsection 8(3), a person shall be entitled to be fully registered as a Builder |

1 under this Bill if:

2 (a) he has attended a course of training approved by the Council
3 under section 15 of this Bill;

4 (b) the course was conducted at an institution so approved or partly
5 at one such institution and partly at another or others;

6 (c) holds a qualification approved;

7 (d) holds a certificate of experience issued under section 17 of this
8 Bill; and

9 (e) is of good character.

10 (2) Subject to section 26 of this Bill and to rules made under
11 subsection 8(3), a person shall be entitled to be fully registered under this
12 Bill if he satisfies the Council that:

13 (a) he holds a qualification granted outside Nigeria and for the time
14 being accepted by the Council for the purposes of this subsection as regards
15 the building profession;

16 (b) in the country in which the qualification was granted he was
17 under no legal disability in the practice of the building profession;

18 (c) that he is of good character; and

19 (d) he has sufficient practical experience in the building
20 profession.

21 (3). The Council shall publish in the Federal Government Gazette
22 particulars of the qualifications accepted by the Council.

23 (4) A person shall be entitled to be provisionally or temporarily
24 registered under this Bill in the cases specified in section 19 or 22 of this Bill
25 respectively.

26 (5) The Council shall determine the requirements and
27 qualifications for, registration as a Builder, Construction Manager, Building
28 Technologist, Building Technician, Building Artisan and Craftsman,
29 Building Consultant, Building Construction Company.

30 (6) Notwithstanding section 10 (1) of this Bill but subject to section

1 26 of this Bill and to rules made under subsection 8(3), a person shall be entitled
2 to be Registered as:

3 (a) Builder and or Construction Manager if:

4 (i) he has, by the date of his application for registration, had relevant
5 academic qualifications, and at least three years practical experience in the
6 building profession,

7 (ii) the level and quality of his practical experience are acceptable to
8 the Council, and

9 (iii) the Council considers that he is a fit and proper person to be
10 registered;

11 (b) Building Technologist if:

12 (i) he has, by the date of his application for registration, had relevant
13 academic qualifications, and at least three years practical experience in the
14 building industry,

15 (ii) the level and quality of his practical experience are acceptable to
16 the Council, and

17 (iii) Council considers that he is a fit and proper person to be
18 registered;

19 (c) Building Technician if:

20 (i) he has, by the date of his application for registration, has been
21 certified under the National Skills Qualification Framework, had at least two
22 years practical experience in the building industry,

23 (ii) the level and quality of his practical experience are acceptable to
24 the Council, and

25 (iii) the Council considers that he is a fit and proper person to be
26 registered;

27 (d) Building Artisan and Craftsman if:

28 (i) he has, by the date of his application for registration, been certified
29 under the National Skills Qualification Framework and at least three years
30 practical experience in the appropriate level of building trade,

1 (ii) the level and quality of his practical experience are acceptable
2 to the Council, and

3 (iii) the Council considers that he is a fit and proper person to be
4 registered;

5 (e) Corporate Organisations if:

6 (i) the organisation is registered by Corporate Affairs Commission
7 (CAC), and

8 (ii) the organization has an object clause in their registration with
9 CAC, a mandate to carry out business in the building industry.

10 (7) No corporate organisation shall provide building consultancy
11 and construction services unless it is registered by the Council.

12 (8) A building construction company or person shall not put itself
13 out, solicit for or offer building construction services to the public unless it is
14 registered under this Bill.

15 (9) A building consultant or building construction company
16 seeking to be registered shall apply to the Council in the prescribed format.

17 (10) The Council may direct the Registrar to issue licence
18 authorising the applicant to carry out building construction and consultancy
19 services after payment of prescribed fees.

20 (11) The business or services provided under this Bill shall be
21 carried out by or under a registered Builder.

22 13.-(1) A building artisan and craftsman may apply to transfer to
23 the register of building technicians if he obtains the national diploma
24 certificate or equivalent competency level under the National Skills
25 Qualification Framework (NSQF) and the required working experience.

Transfer from
one register to
another

26 (2) A building technician may apply to transfer to the register of
27 building technologists if he obtains the higher national diploma certificate
28 or he has successfully completed an equivalent course of study in a
29 polytechnic or college of technology or any other approved institute or has

1 attained all equivalent competency level under the NSQF and the required
2 working experience.

3 (3) A building technologist may apply to transfer to the register of
4 Builders if he:

5 (a) passes the examination accredited by the Council, the academic
6 content of which shall meet the requirement for registration as a Builder;

7 (b) attends a post higher national diploma course approved by the
8 Council and run by a polytechnic or university and passes an examination
9 accredited by the Council;

10 (c) passes a university degree programme or any examination
11 conducted by any other body approved by Council; or

12 (d) subject to the provisions in paragraph (a)-(c) has practical
13 experience of at least three years.

Titles to be used
by registered
persons

14 **14.** A registered building personnel shall use titles in the following
15 categories-

16 (a) a registered Builder shall use the abbreviation "Bldr." before his
17 name;

18 (b) a registered Building Technician shall use the abbreviation "NSQ.
19 Tech." after his name; and

20 (c) a registered Building Artisan and Craftsman shall use his full title
21 with NSQ. Trade name attached to the competency level preceding his trade in
22 bracket under his name.

Skills development
and qualifications

23 **15.** The Council shall:

24 (a) facilitate the development of national occupational standards for
25 the appropriate trades in the building construction sector;

26 (b) establish sector qualifications and strategies to reduce skills gap in
27 the building construction sector;

28 (c) ensure training in building construction trades in accordance with
29 best practices;

30 (d) establish and deploy Labour Market Information System (LMIS)

- 1 for planning, training and skills inventory
- 2 (e) identify skills development needs and categorise the different
- 3 trades;
- 4 (f) develop skill development plan and maintain skills inventory;
- 5 (g) establish the process of coordinating and incorporating
- 6 emerging trends in skills development;
- 7 (h) promote, maintain and develop best standards, build capacity
- 8 for registered members and other built environment professionals in
- 9 emerging innovations, materials, skills, sustainable construction,
- 10 technology, research, and improvements; and
- 11 (i) establish a professional academy to perform the function of
- 12 continuous professional development, trainings, seminars, courses,
- 13 workshops and other similar programmes.
- 14 **16.-(1)** Subject to subsection (2), the Council may approve for the
- 15 purpose of section 10 of this Bill:
- 16 (a) any course of training which is intended for persons who are
- 17 seeking to become or are already members of the building profession, and
- 18 which the Council considers is designed to confer on persons conferring it
- 19 sufficient knowledge and skills for the practice of building profession;
- 20 (b) any course of training which is intended for persons who are
- 21 seeking to become building artisans and craftsmen, and which the Council
- 22 considers is designed to confer on persons sufficient knowledge and skill for
- 23 the practice of the trades;
- 24 (c) any institution either in Nigeria or elsewhere, which the
- 25 Council considers is properly organised and equipped for conducting the
- 26 whole or any part of a course of training, approved by the Council under this
- 27 section; and
- 28 (d) any qualification which, as a result of an examination taken in
- 29 conjunction with the course of training approved by the Council under this
- 30 section, is granted to candidates attaining a standard at the examination

Approval of
courses,
qualifications
and institutions

1 indicating, in the opinion of the Council, that they have sufficient knowledge
2 and skill to practice building as a profession.

3 (2) The Council shall, publish in the Federal Government Gazette a
4 list of qualifications, courses and institutions offering building programmes as
5 well as institutes and training providers offering training in building trades
6 approved and recognized as may be appropriate, and the Council shall not
7 approve, for the purposes of subsection (1), a qualification granted by an
8 institution in Nigeria unless the qualification has been published by the
9 Council.

10 (3) Subject to the provisions of this Bill, the Council shall, set
11 occupational standards as benchmarks for competencies and qualifications in
12 building trades.

13 (4) The Council may, if it deems fit, withdraw any approval given
14 under this section in respect of any course, qualification or institution, but
15 before withdrawing such an approval, the Council shall:

16 (a) give notice that it proposes to do so to persons in Nigeria appearing
17 to the Council to be persons by whom the course is conducted or the
18 qualification is granted or the institution is controlled;

19 (b) afford each such person an opportunity of making to the Council
20 representations with regard to the proposal; and

21 (c) take into consideration any representations made in relation to the
22 proposal under paragraph (b).

23 (5) Where the approval of the Council under this section for a course,
24 institution or qualification is withdrawn, the course, institution or qualification
25 shall not be treated as approved under this section, and the withdrawal of such
26 an approval shall not prejudice the registration or eligibility for registration of
27 any person who by virtue of this approval was registered or was eligible for
28 registration of (either unconditionally or subject to his obtaining a certificate of
29 experience) immediately before the approval is withdrawn.

30 (6) the issuance or withdrawal of an approval under this section shall

1 have effect from such date, after the execution of the instrument signifying
2 the issuance or withdrawal of the approval, as the Council may specify in
3 that instrument, and the Council shall:

- 4 (a) send a copy of the instrument to the Minister for approval; and
5 (b) publish approved copy of every such instrument in the Federal
6 Government Gazette.

7 **17.**-(1) The Council shall keep itself informed of the nature of the:

- 8 (a) instruction given at approved institutions to persons attending
9 approved courses of training; and
10 (b) examinations as a result of which approved qualifications are
11 granted.

Supervision of
instructions and
examinations
leading to approved
qualifications

12 (2) For the purposes of subsection (1), the Council may appoint,
13 either from among its own members or otherwise, persons to visit approved
14 institutions or to attend such examinations.

15 (3) A person appointed under subsection (1) shall report to the
16 Council on:

- 17 (a) the adequacy of the instructions given to persons attending
18 approved courses of training at the institutions visited by him;
19 (b) the adequacy of the examinations attended by him; and
20 (c) any other matter relating to the institutions or examinations on
21 which the Council may, either generally or in a particular case, request him
22 to report.

23 (4) A person appointed under subsection (1) shall not interfere with
24 the giving of any instruction or the holding of any examination.

25 (5) On receiving a report made under this section, the Council
26 shall, forthwith, send a copy of the report to the person appearing to the
27 Council, to be in charge of the institution or responsible for the examinations
28 to which the report relates, requesting that person to make observations on
29 the report to the Council within such period as may be specified in the
30 request, not being less than 30 days beginning with the date of the request.

Certificate of
experience

1 (6) Subject to the provisions of this Bill, the Council shall have the
2 power to, compile and publish list of approved establishments, which have
3 adequate facilities for the training of various categories of building personnel.

4 (7) The Council shall provide support for the monitoring of the post
5 qualification training including the payment of honoraria and expenses to
6 monitors.

7 (8) The Council shall promote and update practitioners of the building
8 profession through continuing professional development.

9 **18.-(1)** A person who, after obtaining an approved qualification,
10 satisfies the conditions specified in subsection (2), shall be entitled to receive
11 free of charge a certificate of experience in the prescribed form from the person
12 in charge of the establishment, undertaking or organisation specified in that
13 subsection.

14 (2) The conditions referred to in subsection (1) are that the:

15 (a) person shall have been employed as a Builder for the prescribed
16 period in Nigeria with a view to obtaining a certificate of experience.

17 (b) person shall have acquired during his employment, practical
18 experience under the personal supervision and guidance of one or more
19 registered Builders for such periods as may be prescribed; and

20 (c) manner in which the person carried out the duties of his
21 employment and his conduct during the period of his employment shall have
22 been satisfactory.

23 (3) Notwithstanding rules made under subsection (2), a company
24 having been incorporated in Nigeria shall not practice as a building consultant,
25 or building construction company in Nigeria unless it is registered under this
26 Bill.

27 (4) The employer (being a registered Builder) supervising the work of
28 a person employed with a view to obtaining a certificate of experience shall
29 ensure that the person is afforded proper opportunities of acquiring the
30 practical experience required for the purposes of subsection (2) (b).

1 (5) Where a person, after having served his prescribed period of
2 time as specified in subsection (2) (a), is refused a certificate of experience,
3 he shall be entitled to:

4 (a) receive from his employer particulars in writing of the grounds
5 of the refusal; and

6 (b) appeal on the refusal to a committee of the Council in
7 accordance with rules made by the Council in that behalf (including rules as
8 to the time within which appeals are to be brought) and on any such appeal
9 the committee shall either dismiss the appeal or itself issue the certificate of
10 experience in question or give such other directions in the matter as it
11 considers appropriate.

12 (6) Regulations may provide for the issuance of certificates of
13 experience in respect of employment and institutions outside Nigeria.

14 **19.-(1)** the Council shall undertake the licensing of Builders for the
15 purposes of:

Licensing and
annual renewal

16 (a) building production management;

17 (b) construction management;

18 (c) building structures;

19 (d) Building Services;

20 (e) construction technology and methodology;

21 (f) false work design and construction;

22 (g) building maintenance and facility management;

23 (h) construction planning and programming;

24 (i) project health and safety management, project quality
25 management;

26 (j) building surveying;

27 (k) deconstruction of buildings;

28 (l) green building and sustainable construction;

29 (m) building technologist

30 (n) building technicians;

- 1 (o) artisans and craftsmen;
2 (p) building consultants; and
3 (q) building construction companies and any such division as the
4 Council may deem fit.

5 PART IV - PROFESSIONAL DISCIPLINE

Provisional
registration

6 **20.**-(1) A person who has obtained an approved qualification and
7 satisfies the Registrar that he is of good character, and he is about to be
8 employed as provided in section 17 (1) (a) of this Bill shall, subject to section
9 21 and to rules made under section 12 of this Bill, be entitled to be provisionally
10 registered as a Builder.

11 (2) A person who is provisionally registered shall, for the purposes of
12 his employment as a Builder with a view to obtaining a certificate of
13 experience, but not for any other purposes, be deemed to be fully registered.

Professional
discipline

14 **21.**-(1) There is established the Registered Builders Disciplinary
15 Tribunal (in this Bill referred to as "the Tribunal") which shall be charged with
16 the responsibility of considering and determining any case referred to it by the
17 Panel established under subsection (3) and any other case of which the Tribunal
18 has cognisance under the provisions of this Bill.

19 (2) The Tribunal shall consist of the President of the Council and six
20 other members of the Council appointed by the Council which shall include at
21 least two members of the Council holding office by virtue of section 2 (1) (i) of
22 this Bill.

23 (3) There is established the Registered Builders Investigating Panel
24 (in this Bill referred to as "the Panel") which shall be charged with the
25 responsibility of:

26 (a) conducting a preliminary investigation into any case where it is
27 alleged that a person fully, provisionally or temporarily registered has
28 misbehaved in his capacity as such, or should for any other reason be the
29 subject of proceedings before the Tribunal;

30 (b) conducting a preliminary investigation into any case where it is

1 alleged that a corporate body registered under this Bill is involved in
2 misconduct; and

3 (c) deciding whether or not the case should be referred to the
4 Tribunal.

5 (4) The Panel shall be appointed by the Council and shall consist of
6 five members of the Council.

7 (5) The provisions of the Second Schedule to this Bill shall, so far
8 as applicable to the Tribunal and the Panel respectively, have effect with
9 respect to those bodies.

10 **22.-(1) Where:**

11 (a) a person fully or provisionally registered under this Bill is
12 convicted by any court of law or tribunal in Nigeria or elsewhere having
13 power to award imprisonment for an offence (whether or not an offence
14 punishable with imprisonment) which in the opinion of the Tribunal is
15 incompatible with the status of a registered Builder,

Penalties for
unprofessional
conduct

16 (b) a person temporarily registered under this Bill is convicted in
17 circumstances such that the Tribunal is satisfied that his name ought to be
18 removed from the register, or

19 (c) the Tribunal is satisfied that the name of any person has been
20 fraudulently registered, the Tribunal may, if it deems fit, give a direction
21 reprimanding that person if fully registered, or whether or not fully
22 registered, ordering the Registrar to strike his name off the relevant part of
23 the register.

24 (2) The Tribunal may, if it deems fit, defer or further defer its
25 decision as to the giving of a direction under subsection (1) until a
26 subsequent meeting of the Tribunal, but:

27 (a) no decision shall be deferred under this subsection for periods
28 exceeding two years in the aggregate; and

29 (b) no person shall be a member of the Tribunal for the purposes of
30 reaching a decision which has been deferred or further deferred, unless he

1 was present as a member of the Tribunal when the decision was deferred.

2 (3) For the purposes of subsection (1), a person shall not be treated as
3 convicted as mentioned in paragraph (a) of that subsection, unless the
4 conviction stands at a time when no appeal or further appeal is pending or may
5 (without extension of time) be brought in connection with the conviction.

6 (4) When the Tribunal gives a direction under subsection (1), the
7 Tribunal shall cause notice of the direction to be served on the person to whom
8 it relates.

9 (5) The person to whom such a direction relates may, at any time
10 within 28 days from the date of service on him of the notice of the direction,
11 appeal against the direction to the Federal High Court, and the Tribunal may
12 appear as respondent to the appeal and, for the purpose of enabling directions to
13 be given as to the costs of the appeal and of proceedings, the Tribunal shall be
14 deemed to be a party to it, whether or not it appears on the hearing of the appeal.

15 (6) A direction of the Tribunal under subsection (1) shall take effect
16 where:

17 (a) no appeal under this section is brought against the direction within
18 the time limit for the appeal, on the expiration of that time;

19 (b) such an appeal is brought and is withdrawn or struck out for want
20 of prosecution, on the withdrawal or striking out of the appeal; or

21 (c) such an appeal is brought and is not withdrawn or struck out, if and
22 when the appeal is dismissed.

23 (7) A person whose name is removed from the register under the
24 directive of the Tribunal under this section shall not be entitled to be registered
25 again except under to the directive in that behalf given by the Tribunal on the
26 application of that person, and a directive under this section for the removal of a
27 person's name from the register may prohibit an application under this
28 subsection by that person until the expiration of such period from the date of the
29 directive (and where he has duly made such an application, from the date of his
30 last application) as may be specified in the directive.

1 (8) A registered person may be suspended for:

2 (a) breach of Council's oath and code of conduct and professional
3 ethics which shall amount to professional misconduct.

4 (9) Any registered person found guilty of professional misconduct
5 shall be suspended for a maximum period of five years.

6 (10) A suspended person shall surrender to the Council practice
7 instruments; stamp, seal, certificate and practice license in his possession
8 within 14 days of notice of suspension to the Council.

9 (11) Any person appealing an order of suspension shall send to the
10 Council notice of appeal within 30 days of the notice of suspension.

11 (12) Upon receipt of notice of appeal the Council shall constitute
12 an appeal panel within 14 days to review the suspension and the appeal shall
13 be heard and determined within 30 days of the constitution of the appeal
14 panel, and the decision of the appeal panel shall be sent to the Council for
15 confirmation.

16 (13) Where a registered person is suspended three times, such a
17 person shall be deregistered.

18 (14) Any person registered under this Bill who is involved in any
19 case of a collapsed building shall be suspended pending the outcome of the
20 investigation by the Panel.

21 **23.-(1)** Where a person satisfies the Council:

22 (a) that he has been provisionally employed for a specified period
23 in a capacity in which a person registered as a Builder under this Bill would
24 normally be employed and such person intends to be in Nigeria temporarily
25 for the purposes of serving for that period in the employment in question,
26 and

27 (b) that he holds or has passed examinations necessary for
28 obtaining some qualifications granted outside Nigeria which is for the time
29 being accepted by the Council for the purposes of this section as respects the
30 capacity in which, if his employment is confirmed, he is to serve, the

Temporary
registration of
persons not citizens
of Nigeria

1 Council may, if it deems fit, give a directive that he be temporarily registered.

2 (2) A foreign company or person to be engaged to render building
3 construction and consultancy services in Nigeria shall secure registration with
4 the Council before working as Builders in Nigeria

5 (3) A foreign company or person not registered by the Council who
6 undertakes building construction and consultancy services commits an offence
7 punishable under this Bill.

8 (4) The temporary registration of a person shall continue only while
9 he is in such employment as is mentioned in subsection (1) (a) and shall cease
10 on the determination and expiration of his employment whichever occurs first.

11 (5) The employer of a foreigner shall notify and seek approval of
12 Council where such foreigner changes employment.

13 (6) A person who is temporarily registered shall, in relation to his
14 employment as mentioned in subsection (1)(a), and to things done or omitted to
15 be done in the course of that employment, be deemed to be registered in that
16 category, but in relation to all other matters he shall be treated as not so
17 registered

18 (7) A temporarily registered Builder shall not be exempted from the
19 payment of prescribed annual or renewal fees to the Council.

20 (8) The Council shall collaborate with the Ministry of Interior, the
21 Nigeria Immigration Services and other relevant ministries, departments and
22 agencies in the realisation of the intent of this Bill as it relates to the registration
23 of foreigners.

Offences

24 **24.-(1)** A person not registered as a Builder, who:

25 (a) for or in expectation of reward, practices, undertake building
26 works or holds himself out to practice as such; or

27 (b) takes or uses any name, title, addition or description implying that
28 he is authorised by law to practice or undertake building works as a registered
29 Builder, commits an offence punishable under this Bill.

30 (2) A person on the temporary register who, otherwise than in

1 accordance with section 18 of this Bill:

2 (a) for or in expectation of reward, practices or holds himself out to
3 practice as such; or

4 (b) takes or uses any name, title, addition or description implying
5 that he is authorised by law to practice as a registered builder, commits an
6 offence punishable under this Bill.

7 (3) A person who for the purpose of procuring the registration of
8 any name, qualification or other matter:

9 (a) makes a statement which is false in a material particular; or

10 (b) makes a written statement which is false in a material particular,
11 commits an offence punishable under this Bill.

12 (4) Where the Registrar or any other person employed by the
13 Council willfully makes any falsification in any matter relating to any of the
14 registers, he commits an offence punishable under this Bill.

15 (5) A person who commits an offence under this Bill is liable:

16 (a) on conviction in a High Court, to a fine not exceeding
17 N2,000,000.00 or imprisonment for a term not exceeding five years, or both;

18 (b) on conviction in any court of lower jurisdiction, to a fine not
19 exceeding N1,000,000.00 or imprisonment for a term not exceeding three
20 years or both.

21 (6) Where an offence under this Bill is committed by a body
22 corporate and is established to be attributable to any officer, director,
23 manager, secretary or other similar officer of the body corporate, or any
24 person purporting to act in any such capacity, he as well as the body
25 corporate, shall be deemed to be liable for that offence and shall be liable to
26 be prosecuted and punished accordingly.

27 (7) A corporate body that commits an offence under this Bill is
28 liable:

29 (a) on conviction in a High Court, to a fine not exceeding
30 N20,000,000.00; or

1 (b) on conviction in any court of lower jurisdiction, to a fine not
2 exceeding N10,000,000.00.

3 (8) An officer of a corporate body that commits an offence under this
4 section shall be punished as provided in subsection (5).

5 PART V - MISCELLANEOUS PROVISIONS

Miscellaneous
provisions

6 **25.**-(1) A person shall not hold any appointment requiring status as a
7 registered Builder in the public service of the Federation or of a State or in the
8 Armed Forces of the Federation, or body corporate unless he is a Builder
9 registered under this Bill.

10 (2) A registered Builder shall, but to the extent only of his particular
11 qualifications and practice license, be entitled to practice as a registered
12 Builder throughout the Federation.

13 (3) A person in charge of a university, college of technology or
14 polytechnic having a faculty or department (howsoever called) of building or
15 building technology as well as approved technical and vocational institution, at
16 which a course of training intended for a person seeking to become a registered
17 Builder under this Bill, shall furnish to the Registrar, not later than 31 March in
18 every year, a list of names and of such other particulars as the Council may by
19 order specify, or all persons who attended any course at the institution in
20 question at any time during the preceding year.

21 (4) A person other than a fully registered Builder, shall not be entitled
22 to recover by process of law, fees or other valuable consideration whatsoever in
23 respect of any act, matter or thing done or omitted to be done by the person in
24 pursuance of any contract while purporting to act as a registered Builder, for the
25 purpose of this Bill.

Regulations

26 **26.** The Minister shall have the power to make regulations, rules and
27 orders which shall include power:

28 (a) to make provision for such incidental and supplementary matters,
29 including gazettes as the authority making the instrument considers expedient
30 for the purpose of this Bill; and

1 (b) to make different provisions for different circumstances.

2 27.-(1) In this Bill:

Interpretation t

3 "approved" means for the time being approved under section 15 of this Bill;

4 "approved building qualification" means a qualification which is approved
5 in respect of the building profession;

6 "Builder" means an expert, academically trained and professionally
7 registered by the Council, to practice as a Builder, building personnel,
8 building technician, building technologist, building artisan and craftsman or
9 body corporate responsible for building production or construction
10 management, building maintenance, building facility management and
11 deconstruction of buildings including the installation of all services and
12 components;

13 "functions or duties of a Builder" include:

14 (a) management and the execution of building works;

15 (b) coordination of building structures and translation of building
16 structural detailings;

17 (c) preparation of the build ability and maintainability reports of
18 building projects;

19 (d) preparation and implementation of the construction
20 methodology;

21 (e) preparation and implementation of building construction
22 project health and safety plan;

23 (f) preparation and implementation of project quality management
24 plan; and

25 (g) preparation and implementation of the construction
26 programme;

27 "construction manager" means a Builder who oversees the construction of
28 residential, commercial, industrial and any other building type in all phases
29 of the project delivery;

30 "building production management" means the technology and management

1 of the construction (maintenance and deconstruction) processes of building
2 works in line with designs and specifications to achieve required quality,
3 safety, timelines and cost effectiveness in the building project delivery;
4 "building production management standards" means stipulations in the
5 construction programme, project quality management plan, project health and
6 safety plan, construction methodology, and any other document the council
7 may from time to time determine, which shall be prepared by a Builder;
8 "construction technology" means the use of knowledge and skills for the
9 design of building structures and building services, the use of materials, labour,
10 equipment, methods, management of resources to efficiently construct
11 buildings or structures, maintain existing buildings or structures and
12 deconstruction of buildings or structures;
13 "building services" means services associated to building including
14 mechanical, electrical, acoustics, fire retardant and communication systems in
15 buildings;
16 "building personnel" means Builders, building technologist, building
17 technicians and building artisans and craftsmen;
18 "building technologist" means a person registered under this Bill working
19 under the supervision of a Builder in the execution of building works;
20 "building technician" means a person in this Bill working under the
21 supervision of a building technologist at the operational level in the execution
22 of building works; "
23 "building consultant" means an individual or organisation licensed by the
24 Council to provide building consultancy services;
25 "building artisan and craftsman" means a person who has attained an
26 acceptable level of competency in a specific building trade and licensed under
27 this Bill, working under the supervision of a building technologist skilled in a
28 specific building trade;
29 "certificate of experience" means a certificate granted under section 17 of this
30 Bill;

- 1 "Council" means the Council for the Regulation of Building in Nigeria
2 established under section 1 (1) of this Bill;
- 3 "Tribunal" means the Registered Builders Disciplinary Tribunal established
4 under section 21 (1) of this Bill;
- 5 "Panel" means the Registered Builders Investigating Panel established
6 under section 21 (3) of this Bill;
- 7 "Minister" means the Minister charged with responsibility for matters
8 relating to building, works and housing in Nigeria, and "Ministry" in this
9 Bill means the government organ in charge of building matters;
- 10 "building personnel" means persons registered under the various categories
11 stated under this Bill;
- 12 "building practice" includes any act of planning , professional service, or
13 creative work requiring the application of special knowledge and principles
14 in form of consultation, invention, discovery, research and teaching in
15 recognised building institutions, planning, operation, maintenance,
16 construction and installation involving investigating, advising, operating,
17 evaluation, measuring, planning, designing, laying and directing,
18 constructing, commissioning, inspection or testing in connection with any
19 public or private building works and structures, processes or project
20 safeguarding the public interest in all sectors of the economy for the benefit
21 of mankind;
- 22 "prescribed" means prescribed by regulations made under this Bill;
- 23 "profession" means the building profession;
- 24 "professional misconduct" refers to when any person licensed under this Bill
25 (a) fails to comply with standards of conduct and practice of the
26 building profession;
- 27 (b) allows another person to practice in his name where the person
28 is not a holder of a license;
- 29 (c) not in partnership with a person in the same firm, takes
30 advantage of a client;

1 (d) exhibits incompetence or contravenes the provisions of the code
2 of professional ethics;

3 (e) submits pre contract documents of, construction methodology,
4 project health and safety plan, project quality management plan, and
5 construction programme on a building project without the approval of the
6 Council;

7 "public service" means public service of the Federation or of a State, as defined
8 by the Constitution of the Federal Republic of Nigeria, 1999;

9 "register" means any register maintained under this Bill, and "registered" shall
10 be construed accordingly; and

11 "Registrar" means the Registrar appointed under section 9 of this Bill;

12 "regulations" means regulations made under the provisions of this Bill;

13 (2) For the purposes of this Bill:

14 (a) a person is a fully registered Builder if his name appears for the
15 time being in the part of the register maintained in respect of fully registered
16 Builders;

17 (b) a person is provisionally registered if his name appears for the
18 time being in the part of the register maintained in respect of provisionally
19 registered persons; and

20 (c) a person is temporarily registered if his name appear for the time
21 being in the part of the register maintained in respect of temporarily registered"
22 persons; and

23 "fully registered", "provisionally registered" and "temporarily registered"
24 shall be construed in accordance with paragraphs (a), (b) and (c).

Service of notice

Second Schedule

25 **28.** Any approval, consent, direction, directive, notice, observation,
26 report, representation or request authorised or required to be given or made by
27 or under this Bill shall be in writing and may, without prejudice to any other
28 method of service but subject to the provisions of rules made under paragraph 2
29 of the Second Schedule to this Bill, be served by post or electronic mail.

| | | |
|----|---|---|
| 1 | 29.-(1) The statutory functions, rights, interests, obligations and | Savings and transitional provisions |
| 2 | liabilities of the Council, existing before the commencement of this Bill | |
| 3 | under any contract or instrument, or in law or in equity shall, by virtue of this | |
| 4 | Bill, be deemed to have been assigned to and vested in the Council | |
| 5 | established by this Bill. | |
| 6 | (2) Any such contract or instrument as is mentioned in subsection | |
| 7 | (1), shall be of the effect against or in favour of the Council established by | |
| 8 | this Bill and shall be enforceable as fully and effectively as if instead of the | |
| 9 | Council existing before the commencement of this Bill, the Council | |
| 10 | established by this Bill has been named in it or had been a party to it. | |
| 11 | (3) The Council established by this Bill shall be subject to all the | |
| 12 | obligations and liabilities to which the Council existing before the | |
| 13 | commencement of this Bill was subject immediately before the | |
| 14 | commencement of this Bill and all other persons shall have the same rights, | |
| 15 | powers and remedies against the Council established by this Bill as they had | |
| 16 | against the Council existing before the commencement of this Bill. | |
| 17 | (4) Any proceeding or cause of action pending or existing | |
| 18 | immediately before the commencement of this Bill, by or against the | |
| 19 | Council existing before the commencement of this Bill in respect of any | |
| 20 | right, interest, obligation or liability or the Council existing before the | |
| 21 | commencement of this Bill may be continued or, as the case may be, | |
| 22 | commenced and any determination of a court of law, tribunal or other | |
| 23 | authority or person may be enforced by or against the Council established by | |
| 24 | this Bill to the same extent that such proceeding or cause of action or | |
| 25 | determination might have been continued, commenced or enforced by or | |
| 26 | against the Council existing before the commencement of this Bill. | |
| 27 | (5) All assets, funds, resources and other movable or immovable | |
| 28 | property which immediately before the commencement of this Bill were | |
| 29 | vested in the Council existing before the commencement of this Bill shall by | |
| 30 | virtue of this Bill, be vested in the Council established by this Bill. | |

| | | |
|----------|----|---|
| | 1 | (6) Any person who immediately before the commencement of this |
| | 2 | Bill is the holder of any office in the Council existing before the |
| | 3 | commencement of this Bill shall, on the commencement of this Bill, continue |
| | 4 | in office and be deemed to have been appointed to his office by the Council |
| | 5 | established by this Bill unless the authority by which the person was appointed |
| | 6 | terminates the appointment. |
| Repeal | 7 | 30. The Builders (Registration Etc.) Act, Cap. B 13 Laws of the |
| | 8 | Federation of Nigeria, 2004 is repealed. |
| Citation | 9 | 31. This Bill may be cited as the Builders (Regulations) Bill, 2022. |
| | 10 | SCHEDULES |
| | 11 | FIRST SCHEDULE |
| | 12 | <i>Section 4 (1)</i> |
| | 13 | SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL |
| | 14 | <i>Qualifications and Tenure of Office of Members</i> |
| | 15 | 1.-(1) A person shall not be a member of the COUNCIL unless he is a |
| | 16 | citizen of Nigeria and is a fully registered Builder or other building personnel |
| | 17 | under this Bill. |
| | 18 | (2) A person who is not a member of the Council by virtue of his |
| | 19 | representation of the Nigerian Institute of Building or his representation of the |
| | 20 | Federation or State shall subject to the following provisions of this paragraph, |
| | 21 | hold office for a term of four years beginning with the date of his appointment. |
| | 22 | (3) A person representing the Nigerian Institute of Building shall hold |
| | 23 | office as a member of the Council for such term, not less in any event than two |
| | 24 | years from the date of appointment, as may be provided by the Constitution of |
| | 25 | the Institute. |
| | 26 | (4) A member of Council may by notice to the Council, resign his |
| | 27 | membership or be withdrawn by the organisation he is representing. |
| | 28 | (5) A person who has ceased to be a member of the Council shall be |
| | 29 | eligible again to become a member of the Council but shall cease to be a |
| | 30 | member after a term of eight years. |

(6) Where a member of the Council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed, elected or nominated shall as soon as may be appointed or elect, nominate a person to fill the vacancy, for the unexpired period of the tenure, the term so however that without prejudice to the powers conferred by section 2(1)(i) of this Bill, the provisions of this subparagraph shall not apply where a person holding office as a member of the Council under that paragraph ceases to hold office at a time when the unexpired period of the tenure does not exceed one year.

Proceedings of the Council

1. Subject to the provisions of this Bill and of section 27 of the Interpretation Act which provides for decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote, the Council may make standing orders regulating the proceedings of the Council or any committee.

2. The quorum of the Council shall be nine members provided that notice of meeting has been sent to all members; and the quorum of any committee of the Council shall be determined by the Council.

3.-(1) The Council shall appoint one of its members to be the Vice-President of the Council for such period as the Council may determine, so however that a Vice-President who ceases to be a member shall also cease to be Vice-President.

4. At any time where the office of President is vacant or the President is in the opinion of the Council permanently or temporarily unable to perform the functions of his office, the Vice-President shall perform those functions and references in this Schedule to the President shall be construed accordingly.

5.-(1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the President, and if the President is required to do so by notice given to him by at least six

1 other members, he shall summon a meeting of the Council to be held within 14
2 days from the date on which the notice is given.

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

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

11 (4) Notwithstanding anything in the provisions of this paragraph; the
12 inauguration of each Council shall be at the instance of the Minister who may
13 give such directions as he deems fit.

14 *Committees*

15 6.-(1) The Council shall constitute committees to perform on behalf
16 of the Council, such of its functions as the Council may determine.

17 (2) A committee constituted under this paragraph shall consist of such
18 number of Builders as may be determined by the Council, and not more than
19 one-third of those Builders may be Builders who are not members of the
20 Council, and a Builder other than a member of the Council shall hold office on
21 the committee in accordance with the terms of the letter of his appointment.

22 (3) A decision of a committee of the Council other than the committee
23 mentioned in section 17 (4) of this Bill shall be of no effect until it is confirmed
24 by the Council.

25 *Miscellaneous*

26 7.-(1) The fixing of the seal of the Council shall be authenticated by
27 the signature of the President and some other member authorised generally or
28 specially by the Council to act for that purpose.

29 (2) Any contract or instrument which, if made or executed by a person
30 not being a body corporate, would not be required to be under seal may be made

1 or executed on behalf of the Council by any person generally or specially
2 authorised to act for that purpose by the Council.

3 SECOND SCHEDULE

4 *Section 21 (5)*

5 SUPPLEMENTARY PROVISIONS TO THE DISCIPLINARY TRIBUNAL
6 AND INVESTIGATING PANEL

7 *The Tribunal*

8 1.-(1) The quorum of the Tribunal shall be three.

9 (2) The Attorney-General of the Federation shall make rules as to
10 the procedure to be followed and the rules of evidence to be observed in
11 proceedings before the Tribunal.

12 (3) The rules shall in particular provide:

13 (a) for securing that notice of the proceedings shall be given, at
14 such time and in such manner as may be specified by the rules, to the person
15 who is the subject of the proceedings;

16 (b) for determining who, in addition to the person, shall be a party
17 to the proceedings;

18 (c) for securing that any party to the proceedings shall, if he so
19 requires, be entitled to be heard by the Tribunal;

20 (d) for enabling any party to the proceedings to be represented by a
21 legal practitioner;

22 (e) subject to the provisions of section 21 (5) of this Bill, as to the
23 costs of proceeding before the Tribunal;

24 (f) for enquiring, a case where it is alleged that the person who is
25 subject of the proceedings is guilty of infamous conduct in any professional
26 respect, that where the Tribunal adjudges that the allegation has not been
27 proved it shall record a finding that the person is not guilty of such conduct in
28 respect of the matter to which the allegation relates; and

29 (g) for publishing in the Federal Government Gazette notice of any
30 direction of the Tribunal which has taken effect providing that a person's

1 name shall be struck off the appropriate register.

2 (4) For the purpose of any proceedings before the Tribunal, any
3 member of the Tribunal may administer oaths and any party of the proceedings
4 may be issued out of the registry of the High Court, as the case may require,
5 writs of subpoena ad testificandum and duces tecum, but no person appearing
6 before the Tribunal shall be compelled:

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

9 (b) to produce any document under such writ which he could not be
10 compelled to produce at a trial of an action.

11 *Assessor*

12 2.-(1) For the purpose of advising the Tribunal on questions arising in
13 proceedings before it, there shall, in all such proceedings be an assessor to the
14 Tribunal who shall be appointed by the Council on the nomination of the
15 Attorney-General of the Federation and shall be a legal practitioner of not less
16 than seven years standing.

17 (2) The Attorney-General of the Federation shall make rules as to the
18 functions of assessor appointed under this paragraph and in particular, such
19 rules shall contain provisions for securing:

20 (a) that where an assessor advises the Tribunal on any question of law
21 as to evidence, procedure or any other matter specified by the rules, he shall do
22 so in the presence of every party or person representing a party to the
23 proceedings who appears or, if the advice is tendered while the Tribunal is
24 deliberating in private, that every such party or person shall be informed as to
25 what advice the assessor has tendered; and

26 (b) that every such party or person as aforesaid shall be informed if
27 any case the Tribunal does not accept the advice of the assessor on such a
28 question.

29 (3) Any assessor may be appointed under this paragraph either
30 generally or specially for any particular proceedings or class of proceedings

1 and shall hold and vacate office in accordance with the terms of the
2 instrument by which he is appointed.

3 *The Investigating Panel*

4 The quorum of the Panel shall be three

5 3.-(1) Levies, fees, charges and surcharges stated in the section 4 of
6 this Bill shall be administered as prescribed in this Schedule.

7 (2) There shall be paid into the Fund of the Council a surcharge of
8 25% deductible from funds forfeited to the Federal Government of Nigeria
9 by offenders under this Bill;

10 (3) The Accountant-General of the Federation shall, after
11 reconciliation with the Council, be responsible for ensuring the accurate
12 deduction and remittance of the forfeiture surcharge into the Fund of the
13 Council.

14 (4) The forfeiture surcharge shall be paid in full into the Fund of the
15 Council by the Accountant-General of the Federation.

16 (5) There shall be paid to the Council a levy of 0.05% deductible
17 from all sums paid on the contract sum of all building projects undertaken by
18 the" Federal Government of Nigeria.

19 *Miscellaneous*

20 4.-(1) The Accountant-General of the Federation is responsible for
21 ensuring the accurate deduction and remittance of the payable building
22 development levy into the Fund of the Council.

23 (2) The levy shall be paid in full into the Fund of the Council by the
24 Accountant-General of the Federation.

25 (3) There shall be Project Evaluation and Monitoring Unit (in this
26 Bill referred to as "PEMU"), which shall be assigned with the duties of
27 monitoring and evaluating building projects at any stage of delivery to
28 ensure compliance with the provisions of this Bill and regulations made
29 under the Bill.

30 (4) The PEMU shall operate through inspection teams consisting

1 of Builders and building personnel;

2 (5) The team shall have access to any building project site,
3 procurement units of public institutions, or any location where building
4 construction is being undertaken.

5 (6) Pursuant to the provisions of this Bill any building consultant,
6 construction company or person or group of persons who obstruct, threaten, or
7 assault any member of PEMU commits an offence and is liable on conviction to
8 a fine of N3,000,000 in case of a company, firm or any other corporate body,
9 and in the case of an individual to a fine of N500,000 or one year imprisonment
10 or both.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Builders (Registration, Etc.) Act, Cap. B13 Laws of the Federation of Nigeria, 2004 and enact the Builders (Regulation) Act, 2022 to establish a Council for the regulation of building in Nigeria.