

Extraordinary



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A BILL

FOR

AN ACT TO PROVIDE FOR THE REPEAL AND RE-ENACTMENT OF THE
NIGERIAN IRON AND STEEL DEVELOPMENT ACT, 2019 AND FOR RELATED
MATTERS

Sponsored by Hon. Olawuyi Raheem Tunji

[] Commencement

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

PART I

1.-(1) There is hereby established a body to be known as the
Nigerian Iron and Steel Development Agency (in this Act referred to as the
"Agency") which shall have the functions assigned to it under this Act.

Establishment of
the Nigerian Iron
and Steel
Development
Agency and its
Governing Board

(2) The Agency shall be a body corporate with perpetual
succession and a common seal and may:

- (a) sue and be sued in its corporate name;
- (b) acquire, hold and dispose of property, both movable and
immovable; and
- (c) enter into contracts.

PART II

2.-(1) There is hereby established for the management of the
Agency a governing board (in this Act referred to as "the Board").

Establishment
and Membership
of the Governing
Board of the
Agency

(2). The Board shall consist of:

(a) a Chairman to be appointed by the President on the
recommendation of the Minister;

(b) The Director-General of the Agency who shall act as the
Secretary to the Board;

(c) One representative each of the following Federal Ministries:

- (i) Power and Steel;

	1	(ii) Industry; and
	2	(iii) Finance.
	3	Not below the rank of Director;
	4	(d) One representative each of the Federal Government Steel
	5	Companies.
Tenure	6	3. Subject to the provisions of section 4 of this Act, a member of the
	7	Board, other than ex-officio members, shall hold office:
	8	(a) For a term of four years in the first instance and may be
	9	reappointed for a further term of four years and no more; and
	10	(b) On such terms and conditions as may be specified in his letter of
	11	appointment.
	12	(3) The supplementary provisions contained in the schedule to this
	13	Act shall have effect with respect to the tenure of the office:
	14	PART III
The Chief Executive and other members of staff	15	4.-(1) There shall be appointed by the President, a Director-General
	16	for the Agency, who shall be the Chief Executive Officer of the Agency and
	17	shall be responsible for the day to day running of the affairs of the Agency.
	18	(2) He shall also be the Chief Accounting Officer of the Agency.
	19	(3) The Director-General shall hold office on such terms and
	20	conditions as are specified in his letter of appointment.
Appointment of other staff of the Agency	21	5.-(1) The Board shall appoint for the Agency such number of
	22	employees as may in its opinion be expedient and necessary for the proper and
	23	efficient performance of the functions of the Agency.
	24	(2) The terms and conditions of service (including remuneration,
	25	allowances, benefits and pensions) shall be determined by the Board after
	26	consultation with the Federal Civil Service Commission.
Responsibilities and Functions of the Authority	27	6.-(1) Subject to and in accordance with the provisions of this Act, the
	28	Authority shall be charged with the responsibility for:
	29	(a) The construction, operation and maintenance of a national iron
	30	and steel plant in such a place or such places in Nigeria as the Federal

- 1 Government may require;
- 2 (b) The procurement of materials for the construction, operation
- 3 and maintenance of the plant or plants in question; and
- 4 (c) The development of the application and use of iron and steel
- 5 generally.
- 6 (2) In connection with the discharge of its responsibilities under
- 7 subsection (1) of this section, the functions of the Authority shall be to:
- 8 (a) Examine from the technical and economic points of view in all
- 9 its aspects the feasibility of establishing in Nigeria a national iron and steel
- 10 plant or national iron and steel plants on the basis of locally available raw
- 11 materials, imported raw materials or both, to consider suitable processes,
- 12 possible sites and other factors relating to the establishment of the said plant
- 13 or plants and to make recommendations as to the viable economic
- 14 conditions for the establishment thereof;
- 15 (b) Conduct, manage and co-ordinate (in collaboration with the
- 16 Federal Ministry of Steel Development and its departments) surveys,
- 17 mining operations and other necessary activities for obtaining in Nigeria
- 18 materials of the kind needed for iron and steel production;
- 19 (c) Establish facilities and conduct tests and operations for
- 20 ascertaining and improving the qualities and performance of the materials
- 21 and processes for iron and steel production, and of iron and steel products;
- 22 (d) Design, erect and construct in Nigeria a National Iron and Steel
- 23 Plant or National Iron and Steel Plants and provide and carry out incidental
- 24 services and works;
- 25 (e) To train managerial and technical staff for the running of the
- 26 said plant or plants and for the carrying on of the various surveys, services
- 27 and other activities incidental or related to the plant or plants and its or their
- 28 establishment;
- 29 (f) Conduct research and development in the technology and other

1 aspects of iron and steel production and in the application of iron and steel
2 products;

3 (g) Operate and manage the said plant or plants and incidental
4 services and sell iron and steel products;

5 (h) Utilise the by-products of the said plant or plants;

6 (i) Develop and manufacture iron and steel products and equipment to
7 be used for the purposes of and in relation to basis engineering;

8 (j) Collect information on the supply, demand and prices of iron and
9 steel products in Nigeria and elsewhere in order to determine how the
10 development of industries in Nigeria is affected;

11 (k) Effect the standardisation of iron and steel products for economic
12 production and utilisation and for the purpose of facilitating the co-ordination
13 of specifications;

14 (l) Make recommendations to the Minister on the formulation of
15 policies relating to the development of the iron and steel industry and related
16 industries in Nigeria; and

17 (m) Carry on all such other activities as are necessary or expedient for
18 the discharge of its responsibilities under subsection (1) of this section.

Allowances of
Members

19 7. There shall be paid to every member of the Board such allowances
20 and expenses as the Federal Government may from time to time determine.

Cessation of
Membership

21 8.-(1) Notwithstanding the provisions of section 3 of this Act, a
22 person shall cease to hold office as a member of the Board if:

23 (a) he becomes bankrupt, suspends payment or compounds with his
24 creditors;

25 (b) he is convicted of a felony or any offence involving dishonesty or
26 fraud;

27 (c) becomes of unsound mind, or incapable of carrying out his duties;

28 (d) he is guilty of a serious misconduct in relation to his duties;

29 (e) in the case of a person possessed of professional qualifications, he
30 is disqualified or suspended, other than at his own request, from practising his

1 profession in any part of the world by an order of a competent authority
2 made in respect of that member; or

3 (f) he resigns his appointment by a letter addressed to the President.

4 (2) if a member of the Board ceases to hold office, for any reason
5 whatsoever, before the expiration of the term for which he is appointed,
6 another person representing the same interest as that member shall be
7 appointed to the Council for the unexpired term.

8 (3) A member of the Board may be removed by the President if he is
9 satisfied that it is not in the interest of the Agency or the interest of the public
10 that the member continues in office.

11 9.-(1) Service in the Agency shall be approved service for the
12 purposes of the Pensions Act.

Application of
Pension Reform
Act of 2004

13 (2) The officers and other persons employed in the Agency shall be
14 entitled to pensions, gratuities and other retirement benefits as are enjoyed
15 by persons holding equivalent grades in the Civil Service of the Federation.

16 (3) Nothing in subsections (1) and (2) of this section shall prevent
17 the appointment of a person to any office on terms which preclude the grant
18 of pension and gratuity in respect of that office.

19 (4) for the purpose of the application of the provisions of the
20 Pensions Act, any power exercisable thereunder by the Minister or other
21 authority of the Government of the Federation, other than the power to make
22 regulations under section 23 thereof, is hereby vested in and shall be
23 exercisable by the Board, and not by any other person or authority.

24 PART IV - FINANCIAL PROVISIONS

25 10.-(1) The Board shall establish a fund which shall consist of:

Fund of the
Agency

26 (a) such sums as may be provided for it by the Government of the
27 Federation for running the affairs of the Agency;

28 (b) such sums as may be collected or received by the Agency for
29 services rendered by the Agency;

30 (c) such sums as may, from time to time, be borrowed by the

1 Agency under this Act; and

2 (d) such other sums as may be received by the Agency from any other
3 legitimate source.

4 (2) The other resources of the Agency shall consist of all other assets
5 which may, from time to time, be vested in or accrue to the Agency in the course
6 of discharging its functions under or pursuant to this Act.

7 (3) The Agency may, from time to time, apply the proceeds of the
8 funds established in pursuance of subsection (1) of this section for the
9 following purposes, that is to say:

10 (a) to the cost of administration of the Agency and any iron, steel and
11 similar mineral components exploration and research work thereof carried on
12 by or on behalf of the Agency;

13 (b) to the provision of such training for employees of the Agency as
14 the Board may deem necessary;

15 (c) to reimburse members of the Board and the committees of the
16 Agency for such expenses as may be expressly authorised by the Board; and

17 (d) in connection with all or any of its functions under this Act or
18 under any other enactment.

General Reserve

19 **11.-(1)** Without prejudice to the power of the Agency to set aside from
20 its revenue appropriate amounts for replacement, contingencies or other
21 purposes, the Agency may establish and maintain a general reserve.

22 (2) The management of the general reserve, the sum to be carried,
23 from time to time, to the credit of the general reserve, the charges to be made
24 against the general reserve and any other application of the moneys comprised
25 therein shall be as the Board may, with the approval of the Minister, determine.

26 (3) No part of the money comprised in the general reserve shall be
27 applied otherwise than for the purpose of the Agency.

Power to borrow
and invest

28 **12.-(1)** The Agency may, with the consent of or in accordance with
29 any general authority given by the Minister, borrow by way of loan from the
30 Federal Government or by way of temporary overdraft approved by the

1 Minister, sums required by the Agency for meeting its obligations and
2 discharging its functions under this Act.

3 (2) The Agency may invest all or any of its funds in such manner as
4 may be approved by the Minister.

5 (3) Subject to section 6 of this Act, the Minister may with the
6 approval of the President issue to the Agency directions as to the disposal of
7 surplus funds.

8 **13.**-(1) The Board shall prepare and submit to the Minister not later
9 than 30th September of the year in which this subsection comes into force,
10 (so however that the Minister may, if he considers it necessary, extend the
11 period) and of each subsequent year, an estimate of its income and
12 expenditure during the next succeeding year.

Annual estimates,
accounts and audit

13 (2) The Board shall keep proper accounts in respect of each year
14 and proper records in relation to those accounts and shall cause its account to
15 be audited within six months after the end of each year to which the accounts
16 relate by auditors appointed from the list and in accordance with the
17 guidelines supplied by the Auditor-General for the Federation.

18 **14.**-(1) The Agency shall prepare and submit to the Minister not
19 later than eighteen clear months after its establishment, and once every year
20 thereafter, a report in such form as the Minister may direct on the activities of
21 the Agency during the last preceding year, and shall include in the report a
22 copy of the audited accounts of the Agency for the year and of the auditor's
23 report on the accounts.

Annual reports

24 (2) The Minister shall cause a copy of each report made to him
25 under this section to be laid before the President so soon after the receipt
26 thereof as may be convenient.

27 (3) For the purposes of the Agency's first report under this section,
28 the last preceding year shall be deemed to include so much of any period
29 before the beginning of the year as begins with the date of the first meeting of
30 the Board.

	1	PART V - MISCELLANEOUS
Prospecting right, etc., under the Minerals and Mining Act	2	15. For the avoidance of doubt and notwithstanding the provisions of
	3	this Act, the Minister may grant any of the rights, licences and leases under the
	4	Minerals and Mining Act to any person, other than the Agency, for the
	5	prospecting and mining of the steel raw materials referred to in this Act.
Limitation of suits against the Agency, etc.	6	16.-(1) Subject to the provisions of this Act, the Public Officers
	7	Protection Act shall apply in relation to any suit instituted against any officer or
	8	employee of the Agency.
	9	(2) Notwithstanding anything in any other enactment, no suit against
	10	a member of the Board, the Director or any other officer or employee of the
	11	Agency for any act done in pursuance or in execution of this Act or any other
	12	enactment or law, or of any public duty or authority or in respect of any alleged
	13	neglect or default in the execution of this Act or such enactment or law, duty or
	14	authority, shall lie or be instituted in any court unless:
	15	(a) It is commenced within six months next after the act, neglect or
	16	default complained of; or
	17	(b) In the case of a continuation of damage or injury, within six
	18	months next after the ceasing thereof.
	19	(3) No suit shall be commenced against a member of the Board, the
	20	Director, officer or employee of the Agency before the expiration of a period of
	21	one month after written notice of intention to commence the suit shall have
	22	been served upon the Agency by the intending plaintiff or his agent.
	23	(4) The Notice referred to in subsection (3) of this section shall clearly
	24	and explicitly state the cause of action, the particulars of the claim, the name
	25	and place of abode of the intending plaintiff and the relief which he claims.
Service of documents	26	17. A notice, summons or other documents required or authorised to
	27	be served upon the Agency under the provisions of this Act or any other
	28	enactment or law may be served by delivering it to the chairman or the director
	29	or by sending it by registered post and addressed to the Director at the principal
	30	office of the Agency.

1	18.-(1) In any action or suit against the Agency, no execution or	Restriction on execution against property of the Agency
2	attachment of process in the nature thereof shall be issued against the	
3	Agency.	
4	(2) Any sums of moneys, which may by the judgment of the court	
5	be awarded against the Agency shall, subject to any directions given by	
6	Court where notice of appeal of the said judgement has been given, be paid	
7	by the Agency from the general reserve fund of the Agency.	
8	19. A member of the Board, the Director, any officer or employee	Indemnity of officers
9	of the Agency shall be indemnified out of the assets of the Agency against	
10	any liability incurred by him in defending any proceeding, whether civil or	
11	criminal, in which judgment is given in his favour, or in which he is	
12	acquitted, if any such proceeding is brought against him in his capacity as a	
13	member, Director, officer or employee of the Agency.	
14	20. The Agency may make regulations generally for carrying into	Regulations
15	effect the provisions of the Act.	
16	21. In this Act, unless the context otherwise requires:	Interpretation
17	"Agency" means the Nigerian Iron and Steel Raw Materials Exploration	
18	Agency established under section 1 of this Act;	
19	"Chairman" means the chairman of the Board;	
20	"Director" means the Director of the Agency appointed under section 8 of	
21	this Act;	
22	"member" means a member of the Board and includes the chairman;	
23	"minerals" means any steel raw materials 'required for the iron and steel	
24	industry, excluding petroleum;	
25	"Minister" means the Minister charged with responsibility for steel;	
26	"Steel raw materials" includes iron ore, manganese, tungsten, nickel,	
27	molybdenum, cobalt, chromium ores, dolomite, limestone, alumina-silicate	
28	clays, bauxitix clays, bentonitic clays, magnesite, quartzite, kyanite, zircon	
29	and silica sands, fluorspar, graphite, cooking coal, and any other mineral	

	1	used as an alloying agent, a fluxing agent, a refractory material or a foundry
	2	material.
Repeal of No. 19 of 1971, No. 60 of 1979 and No. 49 of 1992	3	22. -(1). the following Acts (the "repealed Acts") are hereby repealed;
	4	(a). Nigeria Steel Development Authority Act No. 19 of 1971;
	5	(b). National Steel Council Act No. 60 of 1979; and
	6	(c) National Steel Raw Materials Exploration Agency Act No. 49 of
	7	1992
Short title	8	23. This Bill may be cited as the Nigerian Iron and Steel Development
	9	Bill, 2019.

SCHEDULE

Tenure of office of members of the Board

1. Subject to paragraph 3 of this schedule, a member who is not a public officer shall hold office on first appointment for a period of four years beginning with the date of his appointment and at the expiration of that period, for a further period of four years.

2. A member of the Board who is a public officer shall cease to be such a member upon his ceasing to hold the office entitling him to be appointed as a member of the Board.

3. Any member of the Board may at any time be removed from his office for inability to discharge the functions of his office or for misconduct or on his conviction for criminal offence involving dishonesty, fraud or moral turpitude.

4. A member of the Board shall be paid such reasonable allowance as may be determined by the Board with the approval of the Minister.

Proceedings of the Board

5. Subject to the provisions of this schedule, and section 27 of the Interpretation Act, the Board may make standing orders for regulating its proceedings or the proceedings of any of its committees.

6. The quorum at any meeting of the Board shall be the chairman or one ex-officio member and three other members and the quorum of any

1 committees set up by the Board shall be as determined by the Board.

2 7. The chairman shall preside at every meeting at which he is
3 present and, in his absence, the members may elect one of their number
4 present at the meeting to preside at the meeting.

5 8.-(1) The Board shall meet not less than once in every six months
6 and subject to the provisions of any standing orders of the Board, it shall
7 meet at such times as it may be summoned by the Chairman.

8 (2.) if the chairman is required to do so by notice in writing given to
9 him by not less than three members, he shall summon a meeting of the Board
10 to be held within fourteen days from the date on which the notice is given.

11 9. Where the Board desires to obtain the advice or services of any
12 person on any particular matter, it may co-opt that person as a member for
13 such period as it thinks fit, provided that a person so co-opted shall not be
14 entitled to vote and shall not count towards a quorum.

15 10. The first meeting of the Board shall, notwithstanding the other
16 provisions of this Schedule, be summoned by the Minister and subject as
17 hereinbefore provided, any other meeting shall be convened by the
18 chairman.

19 *Committees*

20 11.-(1) The Board may appoint such number of committees,
21 whether standing or ad-hoc to perform such of its functions as the Board
22 may direct.

23 (2) No decision of any committee of the Board shall take effect
24 until it is confirmed by the Board.

25 (3) Every committee appointed by the Board under the foregoing
26 provisions of this paragraph shall be presided over by a member of the Board
27 and shall be made up of such number of persons, not necessarily all members
28 of the Board, as the Board may determine in each case.

29 *Miscellaneous*

30 12. The fixing of the seal of the Agency shall be authenticated by

1 the signature of the chairman (or of some other member authorised either
2 generally or specially by the Board to act in that behalf) and of the Director.

3 13. Any contract or instrument which, if made or executed by a
4 person not being required to be under seal, may be made or executed on behalf
5 of the Agency by any person generally or specially authorised by the Board to
6 act for the purpose.

7 14. Any document purporting to be a document executed under the
8 seal of the Agency and authenticated as aforesaid shall be received in evidence
9 and shall unless the contrary is proved, be presumed to be so executed.

10 15. Any member of the Board who has a personal interest in any
11 contract or arrangement entered into or proposed to be considered by the Board
12 shall forthwith disclose his interest to the Board and shall not vote on any
13 question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the repeal and re-enactment of the Nigerian Iron and Steel Development Act and to repeal the scattered pieces of legislations relating to Iron and Steel and enact an all-encompassing law to make comprehensive provisions for the exploration, exploitation, development and management of Iron and Steel sector in Nigeria.

FOR

AN ACT TO ESTABLISH FEDERAL COLLEGE OF EDUCATION OMU ARAN, TO PROVIDE FULL-TIME COURSES, TEACHING, INSTRUCTION AND TRAINING IN TECHNOLOGY, APPLIED SCIENCE, ARTS, SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT; AND TO PROVIDE FOR THE APPOINTMENT OF THE PROVOST AND OTHER OFFICERS OF THE COLLEGE TO CARRY OUT THE ADMINISTRATION AND THE DISCIPLINE OF STUDENTS OF THE COLLEGE AND FOR RELATED MATTERS

Sponsored by Hon. Olawuyi, Raheem Tunji

[] Commencement

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

1	1.-(1) There is established the Federal College of Education Omu	Establishment of the Federal College of Education Omu Aran
2	Aran (Hereinafter referred to as “the college”).	
3	(2) The College shall be a body corporate with perpetual	
4	succession and common seal and shall have power to acquire and dispose of	
5	interest in movable and immovable properties.	
6	(3) The College may sue and be sued in its corporate name.	
7	2.-(1) The governance and direction of the college affairs shall rest	Governing Council of the College
8	in the governing council of the college (in the Bill referred to as "the	
9	Council").	
10	(2) The Council shall have the responsibility to consider and	
11	approve:	
12	(a) The Programme of studies to be undertaken in the college;	
13	(b) The annual estimates of the college; and	
14	(c) The investment plan of the college.	
15	(3) The Provision of the schedule to this Bill shall have effect with	
16	respect to the council as mentioned herewith.	

Membership of
the Council in
the College

- 1 **3.-(1)** The council of the college shall consist of:
- 2 (a) A chairman and other members to be appointed by the President;
- 3 (b) A representative of the Federal Ministry of Education;
- 4 (c) A representative of the University of which the College is
- 5 affiliated to for the purpose of moderation;
- 6 (d) Two representatives of the academic board of the College;
- 7 (e) A representative of the National Commission for the College of
- 8 Education; and
- 9 (f) The Provost of the College.

Tenure of
Members of
the College

- 10 **4.-(1)** A member of the council (other than the ex-officio members)
- 11 shall hold office for a term of four years and subject to the provision of
- 12 subsection (2) of this section shall be eligible for re-appointment for a further
- 13 period of four years and also move.
- 14 **(2)** The office of a member appointed under section 3 of this Bill shall
- 15 become vacant if:
- 16 (a) The member resigns from office by notice in writing under his
- 17 hand addressed to the Minister; or
- 18 (b) The Minister is satisfied that it is not in the interest of the college
- 19 for the person appointed to continue in office and notifies the member in
- 20 writing to that effect.

Functions of
the College

- 21 **5.** The functions of the college shall be:
- 22 (a) To provide full-time courses in teaching instruction and training:
- 23 (i) In technology, applied sciences, arts, social science, humanities
- 24 and management; and
- 25 (ii) In such other fields of applied learning relevant to the needs of
- 26 development of Nigeria.
- 27 (b) To conduct Courses in Education for qualified teachers;
- 28 (c) To arrange conference, seminars and workshops relative to the
- 29 functions of the college; and
- 30 (d) To perform such other functions as in the opinion of the council

1 may serve to promote the objective of the college.

2 **6.** The council of the college shall have power to:

Powers of the
Council

3 (a) Hold examinations and grant NCE, Diplomas, Professional
4 Council Certificates and other distinctions to persons who have pursued
5 course of study approved and accredited by the National Commission for
6 Colleges of Education;

7 (b) Hold examinations in Education for qualified teachers;

8 (c) Recruit staff and determine structure of such staff;

9 (d) Demand and receive from any student or any other person
10 attending the college, for the purpose of construction, such fees as the
11 council may with the prior approval of the Minister, from time to time
12 determine;

13 (e) Hold public lectures and undertake printing, publishing and
14 bookselling;

15 (f) Award fellowship, medals, prizes and other titles;

16 (g) Establish and maintain such schools and other teaching units
17 with the college or extra moral departments as the councils may from time to
18 time determine;

19 (h) Erect, provide, equip and maintain such educational
20 recreational and residential facilities as the college may require;

21 (i) Create lectureships and other academic post and offices and to
22 make appointment thereof Receive and make gifts;

23 (j) Enter into such contracts as may be necessary or expedient for
24 carrying into effect the objective of the college;

25 (k) Provide amenities for and make such other provisions for the
26 welfare of the staff and students of the college;

27 (l) Encourage and make provision for research in the college;

28 (m) Do such acts and things whether or not incidental to the
29 foregoing. Jlg~gJnas may advance the objects of the College.

The Visitor	1	7.-(1) The minister responsible for education shall be the visitor of the
	2	college.
	3	(2) The visitor shall, not less than once in every five years, conduct a
	4	visitation to the college or appoint a visitation panel to consist of not less than
	5	five experts to conduct the visitation:
	6	(a) For the purpose of evaluating the academic and administrative
	7	performance of the college; or
	8	(b) For such other purpose as the visitor may deem fit.
The Academic Board and its functions	9	8.-(1) There shall be established for the college a board to be known as
	10	the Academic Board which shall consist of the following members:
	11	(a) The Provost of the college as the chairman;
	12	(b) All heads of departments;
	13	(c) The college bursar;
	14	(d) The college Librarian; and
	15	(e) Not more than three members of the Academic staff other than the
	16	heads of departments to be appointed by the council.
	17	(2) The Academic Board shall be responsible for:
	18	(a) The direction and management of academic matters of the college
	19	including the regulation of admission of students, the award of certificates,
	20	scholarships, prizes and other academic distinction;
	21	(b) Discharging any other functions which the council may from time
	22	to time delegate to it.
Power of Minister	23	9. The minister may give to the council directions of general
	24	character or relating generally to matters with regard to the exercise by the
	25	council of its functions and it shall be the duty of the council to comply with
	26	such directions.
The Provost of the College	27	10.-(1) There shall be a Provost for the college (hereinafter referred to
	28	as "the Provost") who shall be appointed by the president on the
	29	recommendation of the minister.

1 (2) Where a vacancy occurs in the post of the provost, the council
2 shall:

3 (a) Advertise the vacancy in reputable widely read newspaper in
4 Nigeria specifying:

5 (i) The qualities of the person who may apply for the post;

6 (ii) The terms and condition of service applicable to the post and
7 thereafter draw up a short list of suitable candidates for consideration of the
8 minister.

9 (3) The President shall appoint as provost one of the candidates
10 recommended by the minister.

11 (4) Subject to the general control of the council the provost shall be
12 the chief executive of the college and shall be charged with general
13 responsibility for matters relating to the day-to-day management and
14 operations of the college.

15 (5) The Provost shall hold office for a period of five years only and
16 on such terms and conditions as may be specified in his letter of
17 appointment.

18 **11.-(1)** There shall be for the college two deputy provosts namely: Deputy Provost
19 Deputy Provost (Academic) and the Deputy Provost (Administration).

20 (2) The council shall appoint the deputy provosts from among the
21 chief lecturers in the college in any of the following ways, that is:

22 (a) From a list of five candidates in order of preference, submitted
23 by the provost;

24 (b) On the recommendation of a selection Board constituted for
25 that purpose; or

26 (c) On the nomination of the provost;

27 (3) The selection Board referred to in Sub section2 (b) of this
28 section shall:

29 (a) Consist of:

30 (i) The Chairman of the council;

- 1 (i) The Provost of the college;
 2 (iii) Two members of the Academic board; and
 3 (iv) Two members of the council not being members of the Academic
 4 Board.

5 (4) (a) The Deputy Provost (Academic) shall:

- 6 (i) Assist the provost in the performance of his function in Academic
 7 matters of the College;
 8 (ii) Act as the provost when the post of the provost is vacant or if the
 9 provost is for any reason, absent or unable to perform his function.

10 (b) The Deputy Provost (Administration) shall:

- 11 (i) Assist the provost in administrative matters of the college; and
 12 (ii) Perform such other functions as the provost or the council may
 13 from time to time assign to him.

14 (5) Each of the deputy provosts shall hold office for a period of two
 15 years and no more.

The Registrar
and other Staff
of the College

16 **12.**-(1) There shall be a registrar for the college to be appointed by the
 17 council.

18 (2) The registrar shall keep the records and conduct the
 19 correspondence of the Council;

20 (3) The registrar shall be the secretary to:

- 21 (a) The Council;
 22 (b) The Academic Board; and
 23 (c) Any Committee of the council.

24 (4) The registrar may perform any duty as may be assigned to him by
 25 the councillor or the Provost.

26 (5) The Registrar shall hold office for a period of five years and no
 27 more.

Other Principal
Officers of the
College

28 **13.**-(1) There shall be for the college in addition to the registrar:

- 29 (a) The Bursar; and
 30 (b) The College Librarian who shall be appointed by the council.

1 (2) The Bursar shall be the chief financial officer of the College and
 2 be responsible to the Provost for the day -to- day administration and control
 3 of the financial affairs of the college.

4 (3) The college Librarian shall be responsible to the provost for the
 5 administration of the college library and the coordination of the library
 6 services in the teaching units of the college.

7 (4) The Bursar and the college librarian shall each hold office for a
 8 period of five years and no more.

9 **14.** A principal officer of the college may resign his appointment:

Resignation of
 appointment of
 Principal Officer

10 (a) In case of the provost by notice to the visitor; and

11 (b) In any other case by notice to the council.

12 **15.-(1)** The council may appoint other persons to be employees of
 13 the college as the council may deem fit to assist the Provost and the Principal
 14 Officers in the performance of their functions.

Other employees
 of the College

15 (2) The remuneration, tenure of office and condition of service of
 16 the employees of the college shall be determined by the council in
 17 consultation with the Federal Civil Service Commission.

18 **16.** Service in the college shall be approved service for the purpose
 19 of the Pension Reform Act and accordingly, officers and other persons
 20 employed in the college shall be entitled to pensions, gratitude and other
 21 retirement benefit as may be prescribed in their respective letters of
 22 appointment.

Pension

23 **17.-(1)** There shall be a Selection Board for:

Selection Board
 for other Principal
 Officers

24 The college which shall consist of:

25 (a) The Chairman of the council;

26 (b) The Provost;

27 (c) Four members of the council not being members of the
 28 Academics Board; and

29 (d) Two members of the Academic Board.

30 (2) The functions, procedure and other matters relating to the

	1	selection Board constituted under subsection (1) of this section shall be
	2	determined from time to time by the council.
Fund of the College	3	18. -(1) The college shall establish and maintain a fund which shall be
	4	applied towards the promotion of the objective of this Bill.
	5	(2) There shall be paid and credited to the fund established under
	6	subsection(1) of this section:
	7	(a) Such sums as may from time to time be granted by the Federal
	8	Government through the National Commission for Colleges of Education;
	9	(b) All monies raised by the council by way of gifts, grants in aid or
	10	monetary disposition; and
	11	(c) All subscription, fees and charges for services rendered by the
	12	council and all other sums that may accrue to the council from any Source.
	13	(3) The council shall submit to the minister, through the National
	14	Commission for Colleges of Education not later than three months before the
	15	end of each financial year or at such other time as he may direct an estimate of
	16	its revenue and expenditure for the next succeeding financial year.
Power to accept gifts	17	19. -(1) The College may accept gifts of loan, money or of other
	18	property upon such terms and conditions, if any as may be specified by the
	19	person making the gifts.
	20	(2) The College shall not accept any gift if the conditions attached to
	21	the Account and gifts are inconsistent with the functions of the college.
Account and Audit	22	20. The college shall keep proper accounts of its receipt, payments,
	23	assets and liabilities and shall in respect of each year cause the account to be
	24	audited.
Annual Reports	25	21. The council shall as soon as may be-after the expiration of-each
	26	financial year, prepare and submit to the minister a report of its activities during
	27	the immediate proceeding financial year and shall include in the report a copy if
	28	the audited accounts of the college for that year and of the auditor's report of the
	29	accounts.

1 **22. In this Bill:** Interpretation

2 "Chairman" means the chairman of the council;

3 "College" means the Federal College of Education Omu Aran established

4 under section(1) of this Bill;

5 "Council" means the Governing Council of the college established under

6 section 2 of this Bill;

7 "Function" includes power and duties;

8 "Minister" means the minister charged with responsibility of education;

9 "Member" means a member of the council including the chairman;

10 "Provost" means the provost of the college established under section 10 of

11 this Bill.

12 **23.** This Bill may be cited as the Federal College of Education, Citation
13 OmuAran (Establishment) Bill, 2019.

14 SCHEDULE

15 [Section 2(3).]

16 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC.

17 *Terms of service*

18 1. There may be paid to the members of the council or any
19 committee, other than ex officio members, such remuneration and
20 allowances as may from time to time be determined by the President.

21 2. Where a vacancy occurs in respect of the membership specified
22 in section 3, it shall be filled by the appointment of a successor to hold office
23 for the remainder of the term of office of his predecessor in office and such
24 successor shall represent the same interest as his predecessor.

25 3. The council may act notwithstanding any vacancy in its
26 membership or any defect in the appointment of a member or the absence of
27 a member.

28 4.-(1) The Council shall meet for the conduct of business at such Proceedings
29 times, places and on such days as the chairman may appoint but shall meet
30 not less than once every four months.

1 (3) The chairman may at any time and shall at the request in writing of
2 not Less than six members, convene a meeting of the council.

3 (4) Where the council desires to obtain the advice of any person on
4 any particular matter, the council may co-opt persons who are not members of
5 the council but persons co-opted shall not be entitled to vote at a meeting of the
6 council.

7 (5) The Quorum of the Council shall be one half of the total members
8 of the Council, at least one of whom shall be a member appointed by the
9 President.

10 (6) Decisions of the Council shall be made on approval by a simple
11 majority of members.

12 *Miscellaneous*

13 5.-(1) The fixing of the seal of the college shall be authenticated by the
14 signature of the chairman, Provost and of some other members of the Council
15 authorized generally or specially by the Council to act for that purpose.

16 (2) Any contract or instrument which, if made or executed by a person
17 other than a body corporate would not be required to be under seal may be made
18 executed on behalf of the college by any person generally or specially
19 authorized to act for that purpose by the council.

20 (3) Any document purporting to be duly executed under the seal of the
21 College shall be received in evidence and shall, unless the contrary is proved,
22 be presumed to be so executed.

EXPLANATION NOTE

This Bill seeks to establish the Federal College of Education, Omu Aran as
institute to offer full-time courses leading to the awards of National
Certificates of Education, Diplomas etc.

NIGERIAN AUTHORS TRUST FUND BILL, 2019

ARRANGEMENT OF SECTIONS

Sections:

PART I - ESTABLISHMENT AND MANAGEMENT OF THE NIGERIAN

AUTHORS TRUST FUND

1. Establishment of the Nigerian Authors Trust Fund
2. Purpose of the Fund
3. Establishment of the Authors Trust Fund Management Board
4. Membership of the Board
5. Tenure of Office of the Members of the Board
6. Resignation by a Member
7. Cessation of Membership
8. Removal from Office of a Member
9. Function of the Board
10. Application of the Fund

PART II - STAFF OF THE FUND

12. Appointment of Executive Secretary
13. Functions of the Executive Secretary
14. Removal from Office of the Executive Secretary
15. Other Staff of the Fund

PART III - FINANCIAL PROVISIONS

15. Funding
16. Records, Accounts and Audit
17. Subscription to the Fund
18. Exemption from Tax
19. Offences and Punishment
20. Interpretation
21. Citation
22. The Schedule
23. Explanatory Note

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN
AUTHORS TRUST FUND AND FOR RELATED MATTERS

Sponsored by Hon. Abdulrazak Ndamas

[] Commencement

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

PART 1 - ESTABLISHMENT AND MANAGEMENT OF THE NIGERIAN

AUTHORS TRUST FUND

- 1 **1.** There is established a Fund to be known as the Nigerian Authors
2 Trust Fund (in this Bill referred to as "the Fund") into which shall be paid all
3 contributions and other monies as may be paid under this Bill and which
4 shall be operated and managed as provided in this Bill.
- 5 **2.** The Fund shall:
- 6 (a) Be a body corporate with a common seal; and
- 7 (b) May sue or be sued in its corporate name;
- 8 **3.** The monies accruing to the Fund or from investments made by
9 the Fund shall be used for the following purposes:
- 10 (a) To provide funding assistance to Nigerian Authors who desire
11 to get their works published, having met the eligibility criteria as stipulated
12 by the Board;
- 13 (b) The Fund shall also cover the following categories of Authors
14 who meet the Board's eligibility criteria:
- 15 (i) Student Authors;
- 16 (ii) Authors and aspiring authors who are members of the National
17 Youth Service Scheme;
- 18 (iii) Civil servants who are authors or are aspiring to be authors;
- 19 (iv) Disabled authors and aspiring authors;

Establishment
of the Nigerian
Authors Trust
Fund

Purpose of the
Fund

	1	(c) To encourage reading habit, development of vocabularies,
	2	spelling and pronunciation among Nigerians especially students;
	3	(d) The Fund is aimed at talent-hunt for children writers - just to catch
	4	them young, and also to encourage children's literature generally;
	5	(e) To encourage research in literature and culture;
	6	(f) To encourage research into indigenous languages and songs;
	7	(g) To encourage the "Bring back the book project in Nigeria".
Establishment of the Nigerian Authors Trust Fund Management Board	8	4.-(1) there is established for the purpose of administering the Trust
	9	Fund, a body to be known as the Nigerian Authors Trust Fund Management
	10	Board (in this Bill referred to as "the Board") which shall be under the
	11	supervision of the Federal Ministry of Education;
	12	(2) the provisions of the schedule to this Bill shall have effect with
	13	respect to the subscription to the fund and selection of beneficiaries to the fund
	14	and the other matters contained therein;
Membership of the Board	15	5. The Board shall comprise the following members:
	16	(a) the Chairman of the Board, who shall be the Minister of
	17	Education;
	18	(b) the President Association of Nigerian Authors;
	19	(c) the President Guild of Editors;
	20	(d) A representative each of the following Ministries, not below the
	21	rank of a Director:
	22	(i) Ministry of Education;
	23	(ii) Ministry of Women Affairs and Youth development;
	24	(iii) Ministry of Finance;
	25	(iv) Ministry of Information and National Orientation;
	26	(e) A Professor or Doctorate Degree holder in creative writing from
	27	any Tertiary Institution in Nigeria;
Tenure of office of members of the Board	28	6.-(1) a member of the Board other than ex-officio, shall hold office
	29	for a term of four years and no more.
	30	(2) Members of the Board shall be paid allowances as may be

1	determined by the Board consultation with the National Salaries, Wages and	
2	Income Commission.	
3	7. A member may resign his appointment by a notice in writing,	Resignation by
4	addressed to the President.	a Member of the Board
5	8. A member ceases to hold office if he:	Cessation of
6	(a) Becomes of unsound mind;	Membership
7	(b) Is withdrawn by the body he represent on the Board;	
8	(c) Is convicted of felony or any offence involving dishonesty;	
9	(d) Is guilty of misconduct in relation to his duties.	
10	9. Notwithstanding the provision of section 6 of this Bill, the	Removal from
11	President may remove a member from the Board if any circumstances arise	office of a
12	which would require the removal of the Member from the Board.	Member
13	10.-(1) The Board shall be responsible for:	Functions of the
14	(a) Receiving monies accruing to the Fund;	Board
15	(b) Setting out guidelines and criteria for the selection of Authors to	
16	benefit from the Fund;	
17	(c) Disbursing monies from the Fund to attain the objectives of the	
18	Fund;	
19	(d) Scrutinizing and approving request from Authors or aspiring	
20	Authors seeking to benefit from the Fund;	
21	(e) Exercising control over the management of the Fund with a	
22	view to ensuring accountability and proper utilization of the Fund for the	
23	purposes set out in this Bill;	
24	(f) Educating and promoting awareness among Nigerians on the	
25	activities, functions and achievements of the Board/Fund;	
26	(g) (f) Perform any other function for the purpose of realizing the	
27	objectives of the Fund.	
28	11.-(a) At the commencement of any financial year, and for the	Application of
29	purpose of applying the fund, the Board acting through the various state	the Fund
30	chapters of Association of Nigerian Authors shall verify and compile the list	

Functions of
the Executive
Secretary

1 of the names of eligible Authors who shall be registered members of the
2 Association or any other similar association recognized by government;

3 (b) In compiling the list, preference must be given to new authors,
4 student authors and disabled authors;

5 (c) The Board reserves the right to nullify the eligibility of an author to
6 benefit from the fund; hence the Board must ensure that the qualities of books
7 being published by eligible authors are of great value to the education sector
8 and to social development;

9 **12.** The Board shall thereafter deliver the head copy of the list to the
10 Secretary to the government of the Federation, for the attention of the
11 President, and copies shall be delivered to:

12 (a) The Accountant General of the Federation;

13 (b) The Minister of Education;

14 (c) The Commissioners of Education! Finance in all states of
15 Federation;

16 (d) The President, Association of Nigerian Authors;

17 **13.** The Accountant General of the Federation, the Minister of
18 Education and the Finance Minister shall certify the list for statutory
19 appropriation for the fiscal year;

20 **14.** Though the Board determines the number of beneficiaries in a
21 given year, yet any Author who is qualified and enlisted but does not benefit in
22 that year of qualification and enlistment as a result of lack of sufficient fund
23 may be given a preference in the subsequent years;

24 **PART II - STAFF OF THE FUND**

Appointment
of the Executive
Secretary

25 **15.-(1)** the Executive Secretary of the Trust Fund shall be appointed
26 by the President on the recommendation of the Board;

27 (2) There shall be appointed for the Board, an Executive Secretary;
28 who shall be a person of unquestionable integrity with background in literary
29 studies or creative writing;

30 (3) other conditions for the appointment of the Executive Secretary

1 shall be as prescribed by the Board from time to time;

2 (4) the Executive Secretary shall hold office for a term of four years
3 in the first instance and may be eligible for another term of four years.

4 **16.** The Executive Secretary shall:

Functions of the
Executive
Secretary

5 (i) be the Chief Executive Officer of the Trust Fund;

6 (ii) be responsible for the day to day administration of the Fund;

7 (iii) be the Secretary to the Board;

8 (iv) Keep proper records of the proceedings of the Board; and

9 (v) Carry out such duties as may be assigned to him by the Board;

10 **17.**-(1) notwithstanding the provision of section 15 of this Bill, the
11 Executive Secretary may be removed from office by the President if he
12 deems it necessary for the attainment of the objectives of the Fund;

Removal from
office of the
Executive
Secretary

13 (2) a person appointed as the Executive Secretary after such
14 removal in subsection (1) shall serve the unexpired period of the term of his
15 predecessor-in-office;

16 **18.**-(1) The Board may from time to time appoint such other, staff,
17 as it may deem necessary to assist the Secretary in the performance of the
18 function of the Board;

Appointment of
other Staff

19 (2) The Terms and Conditions of service (including remuneration,
20 allowances, benefits and pensions) of officers and employees shall be
21 determined by the Board on the recommendation of the Federal Civil
22 Service Commission;

23 (3) The staff of the Board shall be:

24 (a) Public servants as defined in the 1999 Constitution of the
25 Federal Republic of Nigeria as amended; and governed according to the
26 Civil Service rules.

27 **PART III - FINANCIAL PROVISIONS**

28 **19.**-(1) there shall be credited to the Trust Fund established by the
29 provisions of PART I section (1):

30 (a) Such monies and payments as may be made to it by the Federal

1 government through its Ministry of Education's Annual Budget (perhaps from
2 part of funds set aside for books/stationeries);

3 (b) Contributions from the Tertiary Education Trust Fund (Tetfund);

4 (c) Contributions from Petroleum Technology Development Fund
5 (PTDF);

6 (d) Annual contributions from Private Universities operating in
7 Nigeria;

8 (e) Annual contribution from Authors whose books are recommended
9 in Tertiary institutions and Secondary Schools in Nigeria;

10 (f) 0.05% of profit after tax of the Print Media (Newspaper
11 Houses/Magazines), Private Electronic Media Houses, and foreign Publishing
12 Companies;

13 (f) Gifts and donations; and all other assets accruing, from time to
14 time, to the Board;

15 (g) Internally Generated Revenue (IGR);

16 (2) The Board shall apply the proceeds of the Trust Fund to:

17 (a) Defray the cost of administration of the Board;

18 (b) Pay members of the Board or of any Committee set up by the
19 Board or such expenses as may be expressly authorized by the Board;

20 (c) Publicize and promote the activities of the Board;

21 (d) Undertake all activities connected with its functions under this
22 Bill;

23 (e) Maintain any property vested in the Board.

24 (3) the Board may accept gifts of land, monies or other on such terms
25 and conditions, if any, as may be specified.

26 (4) The Board shall not accept any gift if the intention for the gift are
27 inconsistent with the functions of the Board under this Bill.

Records, Accounts
and Audit

28 **20.-(1)** the Board shall prepare and submit to the presidency, not later
29 than 30th September of each year, an estimate of the Board for the following
30 year.

1 (2) The Board shall keep proper account of the Funds created under
2 this Bill in respect of each year and proper account record in relation thereto
3 and shall cause the accounts to be audited not later than 6 months after the
4 end of each year by auditors appointed by the Board in accordance with the
5 guidelines approved by the Auditor-General for the federation;

6 (3) The Board shall prepare and submit to the presidency, not later
7 than 30th June in each year, a report on the activities and administration of
8 funds during the preceding year and shall include in the report a copy of
9 audited accounts of the Funds for the year and the auditor's report thereof.

10 (4) the Board may, subject to the provisions of this Bill and the
11 conditions of any trust created in any securities as may, from time to time, be
12 approved by the Board, creates, enters, or undertake any security, trust,
13 mortgage; debenture, stock, trade, contract, equities and investment.

14 **21.** This Bill shall apply to all organizations or establishments
15 listed in part J, section 19. Subscription to
the Fund

16 **22.** Subject to the aforesaid, all eligible organizations or
17 establishment (as contained in section 19 shall subscribe 0.05% of their
18 profit after tax as contribution to the fund.

19 **23.**-(1) any organization or establishment engaged in a non-profit
20 making business undertaking, shall submit an application to the Board in the
21 prescribed form for exemption, seeking to be exempted from contributing to
22 the Trust Fund;

23 (2) An application shall be accompanied by detailed statements of
24 the business and activities of the organization with other particulars as may
25 be required by the Board;

26 (3) Upon the receipt of the application, the Board shall verify and
27 investigate the fact and shall upon its satisfaction and approval issue a
28 certificate of exemption from the Trust Fund to such establishment;

29 (4) The certificate of exemption shall be handed over to the

1 organization by the chairman of the Board with the signature of the chairman
2 thereon;

3 (5) Except in cases of organizations or institutions seeking
4 registration in first instance, any transaction, registration, rendition, business,
5 application, notification, returns, notice or reports by any organization or
6 establishment with the corporate affairs commission, the commission shall
7 demand from the organizations or establishments concerned, (not being an
8 exempted organization within the meaning of this Bill) evidence of latest
9 subscriptions to the trust fund shall seek clearance thereon from the Board.

Exemption from
Tax

10 **24.**-(1) The Board shall be exempted from the payment of income tax
11 or any income derived by it under this Bill or accruing to it from any
12 investments.

13 (2) The provision of any enactment relating to the Taxation of Trust
14 shall not apply to the Board.

Offences and
Punishment

15 **25.**-(1) Except a statutory Corporation or government parastatal or
16 Institution, any establishment or person who fails to comply with or
17 contravenes or abet the contravention of any provision of this Bill in relation to
18 section 19 shall be guilty of an offence and shall be liable upon conviction to
19 redeem the default with a fine of N200,000 or imprisonment for 3 years or to
20 both such fine and imprisonment:

21 (i) Provided that in the case of statutory corporation where the offence
22 is committed with the consent or connivance of or to be attributable to, any
23 neglect on the part of any Director, Manager, Secretary or other official of the
24 Institution or organization, such Director, Manager, Secretary or other official
25 shall be guilty and liable under this section.

26 (2) any person or group of persons that indulges in dishonest acts to
27 benefit from the provisions of this Bill; shall be liable upon conviction to a
28 prison term of 1 year and six months, or a fine of N100,000 or to both such fine
29 and imprisonment;

30 (3) In the case of connivance between an official of the Board and an

1 applicant, the applicant is liable to the punishment as prescribed under
2 subsection (2) of section 25. While the official shall be liable on conviction
3 to a prison term of 2 years and sack thereafter.

4 **26.-(1)** In this Bill, unless the context otherwise requires: Interpretation

5 "Board" means the Nigerian Authors Trust Fund Board;

6 "Author" means any person with a published work which must be of value to
7 the educational sector;

8 "Eligible organization" means companies or establishments that satisfy the
9 provisions of section 6 of this Bill;

10 **27.** This Bill may be cited as the Nigerian Authors Trust Fund Bill, Citation
11 2019.

12 THE SCHEDULE

13 PART A

14 RULES AND REGULATIONS OF THE BOARD

15 (1) The Board is to maintain a register of all privately owned
16 universities and publishing companies in Nigeria;

17 (2) The Board is to transmit the Bill (when passed as an Act) to all
18 the related companies and Institutions;

19 (3) The Board shall issue subscription form to companies and
20 Institutions that subscribe to it;

21 (4) The subscription form is to contain the account number of the
22 Trust Fund;

23 (5) The companies and institutions are to pay directly to the credit
24 of the Account of the Board;

25 (6) The Board is to document all subscription forms for
26 verification;

27 (7) The Bank is to transmit a copy of the teller to the Board;

28 (8) The Board is to maintain a book of payment to the Trust Fund;

29 (9) The Board shall publish the names of companies and
30 Institutions that subscribe to the Trust Fund in three national dailies;

1 (10) The Board is to send one week demand notice to any defaulting
2 companies and Institutions;

3 (11) The companies in default, are to redeem the default within one
4 week of demand;

5 (12) The Board is to compile the list of subsequent defaulters and
6 transmit same to the Attorney -General of the Federation;

7 (13) The office of the Attorney - General of the Federation is to
8 prosecute defaulters;

9 (14) The office of the Attorney-General is to compile the record of
10 proceedings at the end of every case and transmit same to the Board.

11 PART B

12 SELECTION OF BENEFICIARIES

13 (1) The Board shall set guidelines and criteria for selection of would
14 be Authors to be covered under the Bill;

15 (2) During the selection of Authors to be covered under the Bill, the
16 provisions of section 3, subsection (a) shall apply;

17 (3) Applicants are to apply through the Chairman of the Board;

18 (4) Where the Author's status does not match the criteria set for
19 beneficiaries of the fund by the Board, the Board's decision thereon is final;

20 (5) The successful applicant is to provide a recommendation letter
21 along with a certificate of Origin signed by the local government chairman or
22 from a guarantor who shall recommend and guarantee the applicant as being a
23 citizen of Nigeria;

24 (6) A guarantor shall be either of the following:

25 (a) A Traditional ruler from the applicant's locality;

26 (b) A senior Civil Servant not below the rank of a Director who is from
27 the Applicant's state;

28 (c) A military or police officer not below the rank of a lieutenant
29 Colonel or Assistant Police Commissioner;

- 1 (d) A known or respectable member of the society where the
2 applicant resides;
3 (e) The Board is to supervise the Trust Account;
4 (f) Notwithstanding any Bank Practices or regulations, the Board
5 shall have right and access to the Trust Account;
6 (g) The decision of the Board on the trust Account shall be final.

EXPLANATORY NOTE

This Bill seeks for the establishment of a Nigerian Authors' Trust Fund to provide financial aid to authors and aspiring authors in Nigeria.

A BILL

FOR

AN ACT TO ESTABLISH THE SUSTAINABLE DEVELOPMENT FUND CHARGED WITH THE RESPONSIBILITY FOR IMPOSING, OPERATING AND MANAGING THE FUND FOR THE ATTAINMENT OF SUSTAINABLE DEVELOPMENT GOALS IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Abdulrazak Sa 'ad Namdas

[] Commencement

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

1 PART I - ESTABLISHMENT AND COMPOSITION, ETC. OF THE
2 SUSTAINABLE DEVELOPMENT FUND AND MANAGEMENT BOARD ETC.

3 1.-(1) There is hereby established a fund to be known as the
4 Sustainable Development Fund (in this Act referred to as "the Fund") for .he
5 attainment of sustainable development initiatives to (ad hunger, poverty,
6 gender inequality, provide clean water and sanitation, quality education,
7 good health and well-being, clean and affordable energy, climate
8 remediation, decent work and economic growth and the rehabilitation,
9 reconstruction, modification, expansion and or provision of critical
10 infrastructure and national asset in Nigeria.

Establishment
of the Sustainable
Development Fund

11 (2) The Fund shall:
12 (a) be a body corporate with tenor of fifteen years from
13 commencement date of this Act; and
14 (b) may sue and be sued in its corporate name.

15 (3) The Fund shall be located in the Presidency and shall be subject
16 to the direction, control and supervision of the President in the performance
17 of its functions under this Act.

18 (4) Notwithstanding the provisions of subsection (1) of this
19 section, the President may extend the tenor of the Fund when he deem fit in

Imposition of
Sustainable
Development
Levy

1 the circumstance with resolution of the National Assembly of the Federal
2 Republic of Nigeria.

3 **2.-(1)** There shall be paid and credited into the Fund established under
4 section 1 (1) of this Act a sustainable development levy (in this Act referred to
5 as "the Levy") as follows:

6 (a) A levy at the rate of _ percent of the total gross revenue of federal
7 self-funded and revenue generating agencies enumerated in the First Schedule
8 to this Act;

9 (b) A levy at the rate of percent of factory or facility price for each
10 consumer good, service or product enumerated in the Second Schedule to this
11 Act; and which Fund shall be operated and managed as provided in this Act.

12 (2) Notwithstanding the provisions of subsection (1) of this section,
13 the President may vary, add, delete, amend or substitute self-funded and
14 revenue generating agencies, consumer goods, services or products and
15 approved rates for the levy as and when he may deem fit in the circumstance
16 with the resolution of the National assembly of the Federal Republic of
17 Nigeria.

Assessment
and Collection
of Levy

18 **3.-(1)** The Federal Inland Revenue Service (FIRS) (hereinafter
19 referred to as "the Service") shall assess and collect from assigned or
20 designated agency or company the levy imposed under (2) (a) & (b) of this Act.

21 (2) The Service shall pay the levy collected into the Fund and shall,
22 when doing so, submit to the Fund, in an approved return form showing:

23 (i) the name of the agency or company making the payment;

24 (ii) the amount collected;

25 (iii) the assessable turnover of the agency or company for the
26 accounting period; and

27 (iv) such other information as may be required by the Fund for the
28 proper administration of the levy.

29 (3) The levy shall be due and payable within 60 days after the Service
30 has served notice to the assessment on the agency or company in such form as

1 the Service may, from time to time, determine.

2 (4) Where a levy is not paid within the time specified in that
3 section, the Service shall serve on the agency or company, a demand note for
4 the unpaid levy plus a sum which is equal to 2 percent of the levy.

5 (5) Any agency or company that fails within two month after a
6 demand note, to pay the levy imposed commits a offence and is liable on
7 conviction to a fine of not less than NI000,000.00 and the Chief Executive
8 Officer c the agency or company shall be liable to be prosecute and punished
9 for the offence in like manner as if he had himself committed the offence,
10 unless he proves that the act or omission constituting the offence took place
11 without his knowledge, consent or connivance.

12 (6) The institution of proceeding or imposition of a penal, from
13 liability to pay the Service such levy that may become due under this Act.

14 4. There is hereby established for the management of the Fund, a
15 body to be known as the Sustainable Development Fund Management
16 Board (in this Act referred to as "the Board") which shall, subject to this Act,
17 have general control of the Fund.

Establishment
of the Sustainable
Development
Fund Management
Board

18 5.-(1) The Board shall be responsible for:

Functions of the
Board

19 (a) receiving monies accruing to the Fund;

20 (b) identifying, scrutinizing and approving programmes and
21 projects (including Public Private Partnership and Counterpart Funding
22 projects) in the following sectors:

23 (i) Food Security;

24 (ii) Education;

25 (iii) Health;

26 (iv) Water Supply and Sanitation;

27 (v) Gender Equality and Empowerment;

28 (vi) Security, Peace and Justice;

29 (vii) Land Transportation and Waterways;

30 (viii) Clean Energy and Climate Action; and

- 1 (ix) Sustainable Cities, Innovation and Industry.
- 2 (c) exercising control over the management of the Fund with a view to
- 3 ensuring accountability and proper utilization of the Fund for the purposes set
- 4 out in this Act;
- 5 (d) liaising with Ministries, Extra-Ministerial Departments, the State
- 6 and Local Government in identifying, funding and executing programmes and
- 7 projects in the various sectors set out in paragraph (b) of this subsection;
- 8 (e) entering into contractual agreements for the purpose of executing
- 9 approved programmes and projects (including Public Private Partnership and
- 10 Counterpart Funding projects); and
- 11 (f) entering supervisory authority over the Fund Project
- 12 Implementation Task Force established by section 10 of this Act.
- 13 (2) The Board shall also have power to carry out such activities as may
- 14 appear to the Board to be incidental or conducive to the attainment of its objects
- 15 under this Act.
- 16 (3) The supplementary provision set out in the Schedule to this Act
- 17 shall have effect with respect to the proceedings of the Board and the other
- 18 matters contained therein.
- 19 **6.** The Board shall, subject to the approval of the President have
- 20 power to allocate a percentage of monies accruing to the Fund to each of the
- 21 sectors specified in paragraph (b) of subsection (1) of section 5 of this Act.
- 22 **7.-(1)** The Board shall consist of the following members, that is:
- 23 (a) the Chairman who shall be the Chief Executive of the Board;
- 24 (b) six members, each representing a geo-political zone in the
- 25 country;
- 26 (c) a representative each for the Manufacturers Association of Nigeria
- 27 (MAN), NACCIMA, NASSI, Civil Society Organisations, Nigeria Society of
- 28 Engineers (NSE), Nigeria Medical Association (NMA), Nigeria Union of
- 29 Teachers (NUT) and the Central Bank of Nigeria;
- 30 (d) the Secretary who shall also serve as the Secretary of the Board.

Power of the
Board

Membership
of the Board

1 (2) The Chairman and members of the Board shall be:

2 (a) persons of proven integrity; and

3 (b) appointed by the President

4 (3) The Chairman and members of the Board shall be appointed by
5 the President subject to the confirmation of the Senate of the Federal
6 Republic of Nigeria.

7 **8.** The Chairman and members of the Board shall each hold office Tenure of Office
8 for a term of 4 years in the first instance and may be reappointed for a further
9 term of 4 years and no more.

10 **9.** The Chairman and members of the Board shall be paid such Emoluments
11 remuneration and allowances as the President may, from time to time,
12 determine.

13 **10.-(1)** A member of the Board may resign his appointment by a Cessation of
14 notice in writing under his hand, addressed to the President and which Membership t
15 resignation shall take effect only upon acknowledgement by the President

16 (2) A member of the Board shall cease to hold office if:

17 (a) he becomes of unsound mind;

18 (b) he becomes bankrupt or makes a compromise with his
19 creditors;

20 (c) he is convicted of a felony or of any offence involving
21 dishonesty or corruption;

22 (d) he becomes incapable of carrying out the functions of his office,
23 either arising from an infirmity of the mind or of the body;

24 (e) he is guilty of serious misconduct in relation to his duties; or

25 (f) In the case of Institutional representative, he ceases to hold the
26 office on the basis of which he became a member of the Board.

27 (2) A member of the Board may be removed from office by the
28 President, if, he is satisfied that it is not in the interest of the Fund or the
29 interest of the public that the member should continue in office and notifies
30 the member in writing to that effect.

	1	(3) Where a vacancy occurs in the membership of the Board, it shall
	2	be filled by the appointment of a successor to hold office for the remainder of
	3	the term of office of his predecessor, so that the successor shall represent the
	4	same interest and shall be appointed by the President.
Establishment of the Fund Programmes and projects Implementation Committee, etc.	5	11. -(1) There is hereby established for the purpose of implementing
	6	programmes and projects approved by the Board under this Act, a Fund
	7	Programmes and Projects Implementation Committee (in this Act referred to as
	8	"the PPIC").
	9	(2) The PPIC established by subsection (1) of this section shall consist
	10	of:
	11	(a) such number of persons of proven integrity to be appointed by the
	12	Board;
	13	(b) individual consultants, resource persons, consulting firms; and
	14	(c) be responsible to the Board.
	15	PART II - STAFF OF THE FUND
Appointment of Secretary, etc.	16	12. -(1) There shall be appointed for the Fund, a Secretary who shall be
	17	appointed by the President.
	18	(2) The Secretary shall subject to the control of the Board:
	19	(a) be responsible for keeping proper records of the proceedings of the
	20	Board; and
	21	(b) be the head of the Board's Secretariat and be responsible for the
	22	administration thereof with the approval of the Board.
Removal from Office of Secretary	23	13. Notwithstanding the provisions of section 10(1) of this Act, the
	24	Secretary of the Board may be removed from office by the President if any
	25	circumstances arise which would require the Secretary to cease to hold office
	26	as a member of the Board under section 10 of this Act.
Appointment of other Staff	27	14. -(1) The Board may employ such other staff as may, in the opinion
	28	of the Board, be necessary to assist the Board in carrying out the functions
	29	under this Act.
	30	(2) The terms and conditions of service (including terms and

1 conditions as to remuneration, allowances, pensions, gratuities and other
2 benefit of the persons employed by the Board shall be as determined by the
3 Board from time to time.

4 (3) The Board shall have power to appoint either on transfer or on
5 secondment from any public service in the Federation, such number of
6 employees as may, in the opinion of the Board, be required to assist the
7 Board in the discharge of any of its functions under the Act, and shall have
8 power to pay to persons so employed such remuneration (including
9 allowances) as the Board may determine.

10 (4) The staff of the Board shall be public officers as defined by the
11 Constitution of the Federal Republic of Nigeria.

12 **15.**-(1) Service in the Board be public service for the purpose of Act No. 4, 2004
13 this Act and officers and staff of the Board shall, in respect of their service in
14 the Boards, be entitled to pension and retirement benefits as are prescribed in
15 the Pension Reform Act 2014.

16 (2) Notwithstanding the provision of subsection (1) of this section
17 nothing in this Act shall prevent the appointment of a person to any office on
18 terms which preclude the grant of a pension and gratuity in respect of that
19 office.

20 PART III - FINANCIAL PROVISIONS

21 **16.**-(1) There shall be paid and credited to the Fund established by Source of Funding
22 this Act.

23 (a) all monies accruing to the Fund by virtue of subsection (1) (a) &
24 (b) of section 2 of this Act;

25 (b) such money as may, from time to time, be lent, deposited with
26 or granted to the Fund by the Government of the Federation;

27 (c) Grants-in-aid and assistance from bilateral and multilateral
28 agencies;

29 (d) Such monies as may be appropriated for the Fund by the
30 National Assembly;

1 (e) All other sums accruing to the Fund by way of endowments,
 2 bequest or other voluntary contributions by persons and organizations':
 3 provided that the terms and conditions attached to such endowments, bequest
 4 or contributions will not jeopardize the functions of the Board;

5 (f) all subventions, fees and charges for services rendered or
 6 publications made by the Fund; and

7 (g) all other assets and income which may, from time to time, accrue
 8 to the Fund.

9 (2) The Fund shall be managed in accordance with extant Financial
 10 Regulations applicable to the Public Service of the Federation and rules made
 11 by the President and without prejudice to the generality of the power to make
 12 rules under this subsection, the rules shall in particular contain provision:

13 (h) specifying the manner in which the assets of the Fund are to be
 14 held and regulating the making of payment into and out of the Fund; and

15 (i) requiring the keeping of proper accounts and records for the
 16 purposes of the Fund in such as may be specified in the rules.

17 (3) The Board, may from time to time, apply the proceeds of the Fund
 18 for the following purposes;

19 (j) the cost of administration of the Fund and the Board.

20 (k) the payment of salaries, fees and other remuneration, allowances,
 21 pension and gratuities payable to members or employees of the fund or expert
 22 or professional appointment by the Board.

Budgetary
Provisions

23 **17.** The Board shall not later than 30th September submit to the
 24 President an estimate of its expenditure and income during the next succeeding
 25 year.

Expenses to be
paid out of the
Fund

26 **18.** All expenses incurred in the administration of the Fund shall be
 27 paid by the Board out of the monies of the Fund.

Award of Contract

28 **19.** The Board shall have power to award contracts up to an amount of
 29 N1,000,000,000.00 but shall be required to obtain the approval of the President
 30 for any contract in excess of that amount.

1	20. -(1) The Board may accept gifts of land, money or other	Power to accept gifts
2	property upon such terms and conditions, if any, as may be specified by the	
3	persons or organization making the gift.	
4	(2) The Board shall not accept any gift if the condition attached by	
5	the person or organization making the gift are inconsistent with the	
6	objectives of the Fund under this Act.	
7	21. -(1) The Board shall be exempted from the payment of income	Exemption from Tax
8	tax, any other levies, duties or contributions that may be imposed by law or	
9	regulation on any income accruing from investment made by the Board or	
10	otherwise howsoever.	
11	(2) The provision of any enactment relating to the taxation of	
12	companies or trust funds shall not apply to the Board or the Fund.	
13	22. The Board shall cause to be kept proper accounts of the Fund,	Account and Audit
14	and proper records in relation thereto and when certified by the Board, such	
15	account shall be audited by auditors appointed by the Board from the list and	
16	in accordance with the guidelines supplied by the Auditor-General of the	
17	Federal Republic of Nigeria.	
18	23. The Financial Year of the Board shall start on the 1st day of	Financial Year
19	January of each year and end on the 31st day of December of the same year	
20	or such time as may be prescribed by the Financial Regulation issued by the	
21	Federal Government of Nigeria from time to time.	
22	24. The Board shall at the end or every three months, submit to the	Quarterly Report
23	President a report on its activities and administration of the Board in relation	
24	to the Fund.	
25	25. -(1) The Board shall not later than three months after the end of	Annual Report
26	each year submit to the President and the National Assembly of the Federal	
27	Republic of Nigeria a report on the activities and the administration of the	
28	Board in relation to the Fund during the immediate preceding year and shall	
29	include in such reports the Auditor's report thereon.	
30	(2) The Board shall not later than four months after the end of each	

	1	year, publish the annual report in at least three national newspapers circulating
	2	in Nigeria.
Power of President to give directives	3	26. Subject to the provision of this Act, the President may give to the
	4	Board such directives of a general nature with regards to the exercise by the
	5	Board of its functions under this Act and it shall be the duty of the Board to
	6	comply with the directives.
	7	PART IV - LEGAL PROCEEDINGS
Offences	8	27.-(1) A person who contravenes or fails to comply with provisions
	9	of this Act is guilty of an offence under this Act.
	10	(2) Where an offence under this Act is committed by a body corporate
	11	or firm or other association of individuals:
	12	(a) every director, manager, secretary or other similar officer of the
	13	body corporate;
	14	(b) every partner or officer of the firm;
	15	(c) every person concerned in the management of the affairs of the
	16	association; or
	17	(d) every person who was purporting to act in that capacity is
	18	severally guilty of that offence and liable to be proceeded against and punished
	19	for the offence in like manner as if he had himself committed the offence,
	20	unless he proves that the act or omission constituting the offence took place
	21	without his knowledge, consent or connivance.
Penalties	22	28.-(1) Except as otherwise provided in this Act, a person guilty of
	23	an offence under this Act shall, on conviction, be liable to imprisonment for a
	24	minimum term of 6 months and up to a term of six months or to a fine of up to
	25	N2,000,000.00 or both.
	26	(2) The institution of proceedings or imposition of a penalty under
	27	this Act shall not relieve a company from liability to pay to the Service a levy
	28	which is or may become due under this Act.
	29	(3) Notwithstanding subsection (1) of this section, where any
	30	company or corporate body liable to file a levy return under this Act fails in any

1 year to file such return, the Service, if it is of the opinion that such a company
2 or corporate body is liable to pay a levy, may, according to the best of its
3 judgment, make an assessment of the levy in accordance with the provisions
4 of this Act. The Federal High court shall have jurisdiction to try offenders
5 under this Act.

6 **30.**-(1) Subject to the provisions of this Act, the provisions of the
7 Public Officers Protection Act shall apply in relation to any suit instituted
8 against any officer or employee of the Fund.

Limitation of
suits against the
Fund, etc. Cap.
P41 LFN, 2004

9 (2) Notwithstanding anything contained in any other law or
10 enactment, no suit against any member of the Board or any other officer or
11 employee of the Fund for any act done in pursuance or execution of the Act
12 or any other law or enactment, or of any public duty or authority or in respect
13 of any alleged neglect or default in the execution of this Act or such law or
14 enactment, duty or authority, shall lie or be instituted in any court unless:

15 (a) it is commenced within 3 months next after the act, neglect or
16 default complained of; or

17 (b) in the case of a continuation of damage or injury, within 6
18 months next after the ceasing thereof.

19 (3) No suit shall be commenced against a member of the Board,
20 officer or employee of the Fund before the expiration of a period of one
21 month after written notice of intention to commence the suit shall have been
22 served upon the Fund by the intending plaintiff or his agent.

23 (4) The notice referred to in subsection (3) of this section shall
24 clearly and explicitly state the cause of action, the particulars of the claim,
25 the name and place of abode of the intending plaintiff and the relief which he
26 claims.

27 **31.** A notice, summons or other document required or authorized
28 to be served upon the Fund under the provisions of this Act or any other law
29 or enactment may be served by delivering it to the Secretary or by sending it

Service of
Documents

	1	by registered post and addressed to the Secretary at the principal office of the
	2	Fund.
Restriction on execution against property of the Fund	3	32. -(1) In any action or suit against the Fund, no execution or
	4	attachment of process in the nature thereof shall be issued against the Fund.
	5	(2) Any sum of money which may, by the judgment of any court, be
	6	awarded against the Fund shall, subject to any direction given by the court
	7	where notice of appeal of the said judgment has been given, be paid from the
	8	general reserve fund of the Fund.
Indemnity of Officers	9	33. A member of the Board, any officer or employee of the Fund shall
	10	be indemnified out of the assets of the Fund against any proceeding, whether
	11	civil or criminal, in which judgment is given in his favour, or in which he is
	12	acquitted, if any such proceeding is brought against him in his capacity as a
	13	member of the Board, officer or employee of the Fund.
Regulations	14	34. The President may make such regulations as he deems to be
	15	necessary or expedient for giving full effect to the provision of this Act.
Interpretation	16	35. In this Act unless the context otherwise requires:
	17	"Board" means the Sustainable Development Fund Management Board
	18	established by section 4 of this Act;
	19	"Fund" means the Sustainable Development Fund established by section 1 of
	20	this Act;
	21	"President" means the President of the Federal Republic of Nigeria;
	22	"Secretary" means the secretary to the Board appointed by section 11 of this
	23	Act;
	24	"Executive Order" means a rule or order issued by the President to the
	25	executive branch of government and having the force of law under this Act;
	26	"the Service" means the Federal Inland Revenue established under the Federal
	27	Inland (Establishment) Act, 2007;
	28	"company" means a company registered in Nigeria.
Citation	29	36. This Bill may be cited as the Sustainable Development Fund
	30	(Establishment, Etc.) Bill, 2019.

1 SCHEDULE

2 *Section 5(3)*

3 SUPPLEMENTARY PROVISION RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*

5 1.-(1) Subject to this Act and section 27 of the Interpretation Act
6 (which provides for decisions of statutory body to be taken by a majority of
7 its members and for the person presiding at any meeting, when a vote is
8 ordered, to have a second or casting vote), the Board may make standing
9 orders regulating its proceedings or that of any of its committees.

10 (2) At every meeting the Board, the Chairman shall preside and in
11 his absence the members present at the meeting shall appoint one of their
12 members to preside at the meeting.

13 (3) The quorum at a meeting of the Board shall be not less than one-
14 third of the total number of the Board members at the date of the meeting.

15 (4) The Board shall for the purpose of this Act, meet not less than
16 four times each year and subject, thereto, the Board shall meet whenever it is
17 summoned by the Chairman, and if required to do so by notice given to him
18 by not less than 1/3 of members, he shall summon a meeting of the board to
19 be held within fourteen days from the date in which the notice is given.

20 (5) When the Board desires to obtain the advice of any person on
21 any particular matter, the Board may co-opt him to the board for such period
22 as it thinks fit, but a person who is a member by virtue of this paragraph shall
23 not be permitted to vote at any meeting of the Board and shall not count
24 towards a quorum.

25 *Committees*

26 (6)(1) Subject to its standing orders, the Board may appoint such
27 number of standing or adhoc committees as it thinks fit to consider and
28 report on any matter with which the Board is concerned.

29 (2) A committee appointed under this paragraph shall:

30 (a) Consist of such number of persons (not necessarily members of

1 the Board as may be determined by the Board) and a person, other than a
2 member of the Board, shall hold office on the committee in accordance with the
3 terms of his appointment; and

4 (b) Be presided over by a member of the Board.

5 3. The quorum of any committee set up by the Board shall be its
6 quorum as provided under Section 3 of this Schedule.

7 4. The decision of any committee of the Board shall constitute a
8 recommendation to the Board.

9 *Miscellaneous*

10 (7) The fixing of the Seal of the Fund shall be authenticated by the
11 signature of the Chairman or any other person generally or specifically
12 authorised by the Board to act for that purpose and that of the Secretary.

13 (8) Any contract of instrument which if made by a person not being a
14 body corporate, would not be required to be under seal may be made or
15 executed in behalf of the Board by the Secretary or any other person generally
16 or specifically authorized by the Board to act for that purpose.

17 (9) Any document purporting to be contract, instrument or document
18 duly signed or sealed on behalf of the Board shall be received in evidence and
19 shall, unless the contrary is proved, be presumed without further proof to have
20 been signed or sealed.

21 (10) The validity of any proceedings of the Board or any of its
22 committees shall not be affected by:

23 (a) Any vacancy in the membership of the Board, or Committee; or

24 (b) Any defect in the appointment of a member of the Board or
25 Committee; or

26 (c) Reason that any person not entitled to do so took part in the
27 proceedings of the Board or Committee.

28 (11) A member of the Board or Committee who has a personal interest
29 in any contract or arrangement entered into or proposed to be considered by the
30 Board or Committee shall forthwith disclose his interest to the Board or

- 1 Committee and shall not vote on any question relating to the contract or
2 arrangement.
- 3 (12) No member of the Board shall be personally liable for any act
4 or omission done or made in good faith while engaged in the business of the
5 Board.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Sustainable Development Fund charged with the responsibility for imposing, operating and managing the fund for the attainment of sustainable development goals in Nigeria.

	1	(2) The Council shall have the responsibility to consider and approve:
	2	(a) the programme of studies to be undertaken in the College;
	3	(b) the annual estimate of the College; and
	4	(c) the investment plan of the College.
	5	(3) the provision of the schedule of this bill shall have effect with
	6	respect to the Council as mentioned herewith.
Membership of the Council in the College	7	3.-(1) The council of the College shall consist of:
	8	(a) a chairman and other members to be appointed by the President;
	9	(b) a representative of the Federal Ministry of Education;
	10	(c) A representative of the University of which the college is affiliated
	11	to for the purpose of moderation;
	12	(d) Two representatives of the academic board of the college;
	13	(e) A representative of the National Commission for the Colleges of
	14	Education; and
	15	(f) The provost of the college.
Tenure of Members of the College	16	4.-(1) A member of the council(other than the ex-official members)
	17	shall hold office for the term of four years and subject to the provision of sub-
	18	Section (2) of this section shall be eligible for re-appointment for a further
	19	period of four years and also move.
	20	(2) The office of a member appointed under section 3 of this bill shall
	21	become vacant if:
	22	(a) The member resigns in office by notice of writing under his hand
	23	addressed to the Minister; or
	24	(b) The minister is satisfied that it is not in the interest of the college
	25	for the person appointed to continue in office and notifies the member 20 in
	26	writing to that effect may serve to promote the objective of the College.
Powers of the Council	27	5. The council of the college shall have power to:
	28	(a) Hold examinations and grant Degree, NCE, Diploma,
	29	professional Certificates and other distinction to persons, who have pursued
	30	courses of study approved and accredited by the National Commission for

- 1 Colleges of Education (NCCE);
- 2 (b) hold examination in education for qualified teachers;
- 3 (c) Recruit staff and determine structure of such staff;
- 4 (d) Demand and receive from any student or any other person
- 5 attending the college for the purpose of construction such fees as the Council
- 6 may with the prior approval of the Minister, from time to time determine;
- 7 (e) Hold public lectures and undertake printing, publishing and
- 8 bookselling;
- 9 (f) Award fellowship, medals, prize, prizes and other titles;
- 10 (g) Establish and maintain such schools and other teaching units
- 11 with the college or extra moral department as the councils may time to time
- 12 determine;
- 13 (h) Erect, provide, equip, and maintain such educational
- 14 recreational and residential facilities as the College may require;
- 15 (i) Create lectureship and other academic post and offices and to
- 16 make appointment thereof;
- 17 (j) Receive grants and give gifts;
- 18 (k) Enter into such contracts as may be necessary or expedients for
- 19 carrying into effect the objectives of the college;
- 20 (l) Provide amenities for and make such other provision for the
- 21 welfare of the staff and students of the college;
- 22 (m) encourage and make provision for research in the college;
- 23 (n) Do such acts and things whether or not incident to the foregoing
- 24 powers as may advance the objects of the college.
- 25 **6.-(1)** the minster responsible for education shall be the visitor of
- 26 the college the college:
- 27 (2) The visitor shall, not less than once in every five year conduct a
- 28 Visitation to the college or appoint a visitation panels consist of not less than
- 29 five experts to conduct the visitation:
- 30 (a) for the purpose of evaluating the academic and administrative

The Visitor

	1	performance of the college; or
	2	(b) for such other purpose as the visitors may deem fit.
The Academic Board and its function	3	7.-(1) There shall be established for the college a board to be known as
	4	the academic Board which shall consist of the following members:
	5	(a) The power of the college as the chairman;
	6	(b) all heads of departments;
	7	(c) the College librarian; and
	8	(d) not more than three members of the Academic staff other than the
	9	heads of department to be appointed by the council.
	10	(2) The Academic Board shall be responsible for:
	11	(a) The Direction and management of academic and academic matters
	12	of the college including the regulation of admission of student, the award of
	13	certificate scholarship, prize and other academic distinction;
	14	(b) discharging other functions which the council may from time to
	15	time delegate to it.
Power of Minister	16	8. The Minister may give to the directions of the general character or
	17	relating generally to matters with regard to the exercise by the council of its
	18	functions and it shall be the duty of the council to comply with such directions
The Provost of the College	19	9.-(1) There shall be a provost for the college therein referred to as the
	20	provost') who shall be appointed by the president on the recommendation of the
	21	Ministers.
	22	(2) where a vacancy occurs in the post of the provost, the council
	23	shall:
	24	(a) Advertise the vacancy in reputable widely read newspaper in
	25	Nigeria specifying:
	26	(i) The qualities of the person who may apply for the post;
	27	(ii) The terms and conditions of the service applicable to the post and
	28	thereafter draw up a short list of suitable candidates for examination of the
	29	Minister.
	30	(3) The President shall appoint a provost from one of the candidates

1 recommended by the minister.

2 (4) subject to the general control of the council if the provost shall
3 be The chief executive of the college and shall be charged with general
4 responsibility for matters relating to the day-to-day management and
5 operations of the college.

6 (5) The provost shall hold offices for a period of five (5) years only
7 and on such terms and conditions as may be specified in his letter of
8 Appointment.

9 **10.**-(1) There shall be for the college two Deputy Provosts namely: Deputy Provost

10 (a) Deputy Provost (Academic) and the Deputy provost
11 (administration).

12 (2) The council shall appoint the deputy provost from among the
13 chief Lecturers in the college in any of the following way, that is:

14 (a) from a list of five candidates in order of preference, submitted
15 by the provost;

16 (b) On the recommendation of selection Board constituted for their
17 purpose; or

18 (c) On the nomination of the provost.

19 (3) The selection Board referred to in sub section 2 (b) of this
20 section shall consist of:

21 (i) The Chairman of the council;

22 (ii) The Provost of the college;

23 (iii) Two members of the Academic board; and

24 (iv) Two members of the council not being members of the
25 academic board.

26 (4) (a) The Deputy Provost (Academic) shall:

27 (i) Assist the provost in the performance of his function in
28 academic matters of the college;

29 (ii) Acts as the provost when the post of the provost is vacant or if
30 the Provost is for reasons absent or unable to perform his function.

	1	(b) The Deputy Provost (administration) shall:
	2	(i) Perform such others function as the provost or the council may
	3	from time to time assign to him.
	4	(5) each of the deputy provost shall hold offices for a period of two
	5	years no more.
The Registrar and other Staff of the College	6	11. -(1) there shall be a registrar for the college to be appointed by the
	7	council.
	8	(2) The registrar shall keep the records and conduct the
	9	correspondence of the council.
	10	(3) The registrar shall be the secretary to:
	11	(a) The council;
	12	(b) The Academic Board of the council;
	13	(c) Any committee of the council.
	14	(4) The registrar may perform any duty as may be assigned to him by
	15	the council or the provost.
	16	(5) The registrar shall hold office for a period of five years and no
	17	more.
Other Principal Officers of the College	18	12. -(1) There shall be for the college in addition to the registrar:
	19	(a) The Bursar; and
	20	(b) The college Librarian who shall be appointed by the council.
	21	(2) The Bursar shall be the chief financial officer of the college and be
	22	responsible to the provost for the day-to-day administration and control of the
	23	financial affairs of the college.
	24	(3) The college Librarians shall be responsible to the provost for the
	25	administration of the college library and the coordinator of the library services
	26	in the teaching units of the college.
	27	(4) The Bursar and the college librarian shall each hold office for a
	28	period of five years and no more.
Resignation of appointment of Principal Officer	29	13. A principal officer of the college may resign his appointment:
	30	(a) in case of the provost by notice to the visitor for; and

1 (b) in any other case by advise to the council.

2 **14.**-(1) the council may appoint other persons to be employees of Other employees
3 the college as the council may deem to assist the provost and the principal of the College
4 officers in the performance of their functions.

5 (2) The remuneration tenure of office and condition of services of
6 the employee of the college shall be determined by the council in
7 conjunction with the Federal Civil Services Commission.

8 **15.** Service in the college shall be approved services for the Pensions
9 purpose of the pension's reform and accordingly, officers and other persons
10 employed in the college shall be entitled to pension; gratuity and other
11 retirement benefits as may be prescribed in their respect we letters of
12 appointment.

13 **16.**-(1) These shall be selection Board for: Selection Board
14 The college which shall consist of: for other Principal
Officers

15 (a) The chairman of the council;

16 (b) The provost;

17 (c) Four members of the council not being members of the
18 academics Board; and

19 (d) Two members of the Academic Board.

20 (2) The functions, procedure and other matters relating to the
21 selection Board constituted under subsection (1) of this section shall be
22 determined from time to time by the council.

23 **17.**-(1) The College shall establish and maintain a fund which shall Fund of the
24 be applied towards the promotion of the objectives of this Bill. College

25 (2) There shall be paid and credited to the fund established under
26 subsection (I) of this section;

27 (a) Such sums as may from time to time be granted by the federal
28 Government through the National Commission for Colleges of Education;

29 (b) all monies raised by the council by the way of gift, grants in aid
30 or test monetary disposition; and

	1	(c) all subscription fees and charges for services rendered by the
	2	council and all other sums that may accrue to the council from any sources.
	3	(3) The council shall submit to the Minster, through the National
	4	Commission for Colleges of Education not later than three months before the
	5	end of each financial year or at such other time as he may direct an estimate of
	6	its revenue and expenditure for the next succeeding financial year.
Power to accept gifts	7	18. -(1) The college may accept gifts or loan, money or of other
	8	property upon such terms and condition, of any as may be specified by the
	9	person making the gifts.
	10	(2) the college shall not accept any gift of the conditioned attached to
	11	the gifts are inconsistent with the functions of the college.
Account and Audit	12	19. The College shall keep proper accounts of its allocations,
	13	payments assets and liabilities and shall in respect of each year cause the
	14	account to be audited
Annual Reports	15	20. The council shall as soon as may be after the expiration of each
	16	Financials year, prepare and submit to the minister report of its activities during
	17	the immediate proceeding financial year and shall include in the report a copy
	18	of the audited accounts of the college for that year and of the auditor's report of
	19	the accounts.
Interpretation	20	21. In this Bill:
	21	"Chairman" means the chairman of the council;
	22	"College" means the Adamu Sanda Federal College of Education (Technical)
	23	Ganye established under Section (1) of this Bill;
	24	"Council" means the governing Council of the college established under
	25	section 2 of this Bill;
	26	"Function" includes power and duties;
	27	"Minster" means the minster charged with responsibility of education;
	28	"Member" means a member of the council including the chairman;
	29	"Provost" means the provost of the college established under section 10 of this
	30	Bill.

22. This Bill may be cited as the Adamu Sanda Federal College of Education (Technical) Ganje (Establishment) Bill, 2019.

SCHEDULE

[Section 2(3)]

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC

Terms of service

1. There may be paid to the members of the councilor any Committee, other than ex officio members, such remuneration and Allowance may from time to time be determine by the president

2. Where vacancy occurs in respect of the membership specified in section 3, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and such Successor shall represent the same interest as his predecessor.

3. The council may act notwithstanding any vacancy in its Membership or any defect in the appointment of a member or the absence of a member.

Proceedings

4.-(1) the council shall meet for the conduct of business at such times, places and on such days as the chairman may appoint but shall meet not less than once every four months.

(2) the chairman may at time and shall at the request in writing of not less than six members, convene a meeting of the council.

(3) where the council desires to obtain the advice of any person on any particular matter,. The council may co-opt persons who are members of the council but persons co-opted shall not be entitled to vote at a meeting of the Council.

(4) The Quorum of the Council shall be one of the total members of the council, at least one of whom shall be a member appointed by the President.

(5) decision of the council shall be made on approval by a simple

1 Majority of members.

2 *Miscellaneous*

3 5.-(1) The fixing of the seal of the college shall be authenticated by the
4 Signatures of the chairman, provost and of some other members of the council
5 Authorized generally or specially by the council to act for that purpose.

6 (2) any contract or instrument which, if made or executed by a person
7 other than a body corporate would not be required to be under seal may be made
8 executed on behalf of the college by any person generally or specially
9 authorized to act for that purpose by the council.

10 (3) any document purporting to be duly executed under the seal of the
11 College shall be received in evidence and shall unless the contrary is proved, be
12 presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Adamu Sanda Federal College of Education (Technical) Ganye, Adamawa State in order to address the current imbalance occasioned by states creation and boundary delineation to satisfy the Federal Character Principle in the Country.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL AGENCY FOR SCIENCE AND
ENGINEERING INFRASTRUCTURE ACT, CAP. N3 LFN, 2004 AND FOR
RELATED MATTER, 2019

Sponsored by Hon. Abdulrazak Sa 'ad Namdas

[] Commencement

ENACTED BY the National Assembly of the Federal Republic of

Nigeria as follows:

- | | |
|--|---|
| <p>1 1. The National Agency for Science and Engineering</p> <p>2 Infrastructure Act, Cap. N3, LFN of 2004 (in this bill referred to as "the</p> <p>3 Principal Act") is amended as set out in this Bill.</p> | <p>Amendment of
the National
Agency for
Science and
Engineering
Infrastructure Act,
Cap. N3 LFN,
2004</p> |
| <p>4 2. Section (2) subsection 2 is amended by deleting the existing</p> <p>5 Ministers as members of the Board in subsections (g) and (h) and</p> <p>6 substituting them with following the Ministers-</p> <p>7 (g) "Federal Minister of Education", (h) The Federal Minister of</p> <p>8 Finance and also by introducing a new Subsections G) and [k], which shall</p> <p>9 read thus: G- The Federal Minister of Mines & Steel Development, (k- The</p> <p>10 Federal Minister of Industry, Trade and Investment.</p> | <p>Amendment of
Section 2
subsection 2 of
the Principal Act</p> |
| <p>11 3. Section (2) subsections (iii) is corrected to read "Council for the</p> <p>12 Regulation of Engineering in Nigeria (COREN). While subsection (iv) is</p> <p>13 also deleted.</p> | <p>Correction of
Section 2
subsection (iii)
and the deletion
of subsection (iv)</p> |
| <p>14 4. Section 8 subsection (a) of the Principal Act is amended by</p> <p>15 inserting the words "or based on Government directives on the method of</p> <p>16 banking to be adopted by the Agency" after the words "banking institutions</p> <p>17 in Nigeria".</p> | <p>Amendment of
Section 8
subsection (a)</p> |
| <p>18 5. Section (8) subsection (b) is amended by deleting the figure N50</p> <p>19 million and substituting it with the figure N200 million.</p> | <p>Amendment of
Section 8
subsection (b)</p> |

Introduction of a new Section 8 subsection (e)	1	6.-(1) Section 8 of the Principal Act is amended by introducing a new
	2	subsection (e) which shall read thus "The Board shall seek patriotic Nigerians
	3	abroad who has made recognized marks in various areas of Science and
	4	Engineering under an agreement on how they replicate their experience for the
	5	development of science and Engineering Infrastructure in Nigeria".
	6	(2) The Principal Act is further amended by inserting a new Section 8
	7	subsection (f) and reads thus "The Federal Ministry responsible for Science
	8	and Technology shall be responsible for the agreement as stated in subsection
	9	(e) of this Section".
	10	(3) Section 8 is further amended by introducing a new subsection (g)
	11	which reads thus:
	12	"The Board shall through its recommendations to and the approval of the
	13	President seek to enter into collaborations with foreign individuals, institutions
	14	including governments on how to impact specific Science and Engineering
	15	knowledge and expertise to Nigerians". The previous subsection shall be
Introduction of a new Section 9 subsection (b)	16	renumbered accordingly.
	17	7. Section (9) subsection (b) of the principal Act is further amended
	18	by introducing a new subsection (d), which reads thus-"The Directorate of
Amendment of Section 10 subsection (1)	19	Planning and Technology Business Development".
	20	8.-(1) The principal Act is further amended by deleting the word
Amendment of Section 10 subsection (3)	21	"may" in section (10) subsection (1) and substituting it with the word "shall".
	22	(2) Section 10 of the principal Act is amended by introducing a new
	23	subsection (3) which shall read thus "Members of the Technical Advisory
Amendment of Section 11 subsection (1)	24	Committees shall include Nigerians Abroad and may include Citizens of other
	25	countries".
	26	(3) Section (11) subsection (1) is amended by deleting the words "The
Amendment of Section 11 subsection (1) (a)	27	Agency" and substituting it with the words "The Board".
	28	(4) Section (11) subsection (1) (a) is further amended by deleting the
	29	words "such places in" and substituting them with the words "such places as to
	30	reflect the six geo-political zones of".

1	9. Section (11) subsection (2) (d) of the principal Act is amended	Amendment of
2	by deleting the words "Board of Directors" and substituting it with the	Section 11
3	words- "Management Committee."	subsection (2)(d)
4	10. Section (12) subsection (1)(d) is amended by deleting the	Amendment of
5	words "shall be appointed by the Board" and substituting same with the	Section 12
6	words "shall be appointed by succession by the Board".	subsection (1)(d)
7	11. Section (12) subsection (2) is amended by deleting the words	Amendment of
8	"five years renewable" and substituting same with the words "3 years	Section 12
9	renewable".	subsection (2)
10	12. Section (15) subsection (1) of the principal Act is amended by	Amendment of
11	deleting subsection (1) and substituting it with the following "The Board	Section 15
12	shall promote within the Agency well qualified and experienced persons as	subsection (1)
13	Directors to be in charge of Technical Departments under the supervision of	
14	Coordinating Directors"	
15	13. Section (16) of the principal Act is amended by existing	Amendment of
16	provisions been deleted and substituted with the following:	Section 16 of the
17	"The salaries and benefits of members of staff of the Agency shall be in	Principal Act
18	accordance with the conditions "and Scheme" of Service of the Agency as	
19	may be approved by the President".	
20	14. Section (20) (2) (a) is amended by deleting this subsection and	Amendment of
21	substitute it with the following "2 percent of the Federal Government	Section 20
22	Allocation of the Federation Account annually for the next five years, under	subsection 2(a)
23	the direction of the President" and thereafter will require a review by the	of the Principal
24	National Assembly",	Act
25	15. Subsection (2) (b) of section (20) is further amended by	Amendment of
26	deleting the figure "4 Million Naira and above" and substituting same with	Section 20
27	the figure "12 Million Naira and above per annum"	subsection 2(b)
28	16. Section (20) subsection 2(b)(i) is amended by deleting "114	of the Principal
29	percent in the 1st "instance" and substituting same with "0.5 percent	Act
30	annually reviewable after five years by the National Assembly", Introducing	

	1	the word "Service" after the word "Revenue"
Amendment of Section 20 subsection 2(b) (ii) of the Principal Act	2	17. Section (20) subsection (b)(ii) is amended by introducing the
	3	word Service after the word "Revenue",
Amendment of Section 29 subsection 1	4	18. Section (29)(1) of Act is amended by rephrasing the existing
	5	provision of this subsection thus "The Agency may, from time to time, borrow
	6	by overdraft or otherwise such sums as it may "require".
Amendment of Section 33 subsection 4	7	19. Section (33) subsection (4) of the principal Act is further
	8	amended by deleting the word "and" and substituting it with the word "had".
Amendment of Section 36	9	20. Section (36) "'The Interpretation clause is amended by
	10	introducing the followings:
	11	"President" means the President, Commander in Chief of the Armed Forces of
	12	the Federal Republic of Nigeria.
Amendment of Section 36	13	21. The existing "Subsidiary" is amended as follows: .
	14	"Subsidiary" means semi-autonomous corporate body, with its "Management
	15	Committee" which is supervised by the Agency.
Amendment of the First Schedule	16	22. First Schedule Section (2)(4). This subsection of this First
	17	Schedule is amended by deleting the figure If Six" and substitute it with the
	18	figure "Seven".
Amendment of the second Schedule	19	23. Second Schedule Section (11)(3) of the principal Act is amended
	20	by the deleting same and substituting it with have a "Management Committee"
	21	whose members shall be appointed by the "Executive Vice Chairman" with the
	22	approval of the Governing Board of the Agency".
Section 2(k)- Functions of the Institutions is amended	23	24. Functions of the Institutions Section (2)(k) of the principal Act is
	24	further amended by deleting the words "Board of Directors" and substituting it
	25	with the words "Management Committee" .
Amendment of Section 3(i)(a)- Powers of the Institutions	26	25. Powers of The Institutions Section (3)(i)(a) of this Act is amended
	27	by deleting the words "Board of Directors" and substituting them with the
	28	words "Management Committee".
Amendment of Section 3(i)(d)- Powers of the Institutions	29	26. Section (3)(i) (d) is also amended by introducing the phrase "with
	30	the approval of the Agency" after the word "economy".

1	27. Section (3)(i)(d)(i) is amended by deleting the words	Amendment of
2	"Agriculture and Agricultural" wherever they occurred in this subsection of	Section 3(i)(d)(i)-
3	this Section and substituting them with the words "development projects".	Powers of the Institutions
4	28. Section (4) (2) of this Act is amended by deleting the words	Amendment of
5	"Board of Directors" and replacing them with the words "Management	Section 4(2)
6	Committee".	
7	29. Section (5) (I)-Staff of the Institution is amended by deleting	Amendment of
8	this subsection and substituting it with ((There shall be for each institution a	Section 5(1)-
9	Managing Director to be appointed "within the Agency" by the governing	Staff of the Institutions
10	Board of the Agency.	
11	30. Section (5) (2) is amended as follows by deleting the words If	Amendment of
12	Board of Directors" and substituting them with the words If Management	Section 5(2)-
13	Committee",	Staff of the Institutions
14	31. Section (5) (3') is a new subsection and shall read thus If The	Amendment of
15	tenure of the Managing Director of the Institution shall be four (4) years and	Section 5(3)-
16	may be renewed for another period of 4 years",	Staff of the Institutions
17	32. Section (6)(b) (i)-Discipline of Staff is amended by deleting the	Amendment of
18	words "or Director".	Section 6(6)(i)- Discipline of Staff of the Institutions
19	33. Section (6)(b)(ii) of the principal Act is amended by deleting	Amendment of
20	the words If Board of Directors of the Institution" and substituted by the	Section 6(b)(ii)- Discipline of Staff of the Institutions
21	words If Senior Staff Committee of the	
22	Agency",	
23	34. Section (6)(b)(iii) is amended by deleting the words If Board of	Amendment of
24	Directors" and substituted with the words If Senior Staff Committee of the	Section 6(b)(iii)- Discipline of Staff of the Institutions
25	Agency",	
26	35. Section (6)(c) of the principal Act is amended by deleting this	Amendment of
27	subsection and substituting it with the followings "In the case of the	Section 6(c)- Discipline of Staff of the Institutions
28	Managing Directors, Directors and Deputy Directors",	
29	36. Section (6)(c)(i) of this Act is amended by deleting the words	
30	"Board of Directors" wherever they occurred in this subsection and	

	1	substituting them with the words "Senior Staff Committee".
Amendment of the Section to do with - Annual Report	2	37. The Annual Report as required under this Act is amended by
	3	deleting the previous provision and substituting it with the following words-
	4	under the sub-title-Quarterly Report-The Managing Director of each Institute
	5	shall submit to the Agency a "quarterly" report on the activities of the
	6	Institution.
Citation	7	38. This Bill may be cited as the National Agency for Science and
	8	Engineering Infrastructure Act, (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Agency for Science and Engineering Infrastructure Act, to fast track the development of Science and Engineering Infrastructure in Nigeria for significant Progress in the field of Science and Engineering.

NIGERIA INSTITUTE OF TRANSLATORS AND INTERPRETERS,
(ESTABLISHED) BILL, 2019
ARRANGEMENT OF CLAUSES

PART I - THE NIGERIAN INSTITUTE OF TRANSLATORS AND INTERPRETERS

1. Establishment of the Nigerian Institute of Translators and Interpreters
2. Functions of the Institute
3. Composition of the Institute
4. Qualification and Tenure of Members of the Institute
5. Appointment of the President
6. Registrar and Other Staff of the Institute
7. Proceedings of the Institute
8. Control of the Institute by the Presidency
9. Fund of the Institute
10. Application of the Fund
11. Estimates of Income and Expenditure
12. Account and Audit
13. Financial Year of the Institute

PART II - REGISTERS AND REGISTRATION

14. Preparation and Maintenance of Registers
15. Particulars and Divisions of the Register of Translators and Interpreters
16. Particulars in the Register of Guilds
17. Rules for Keeping the Registers
18. Alterations
19. Publication of Registers and Lists of Correction
20. Student and Trainee Membership
21. Associate Membership
22. Full Membership
23. Fellowship
24. Special Registration of "Official Translators and Interpreters"
25. Reciprocal and Temporary Registrations of Non Citizens

PART III - PROFESSIONAL TRAINING, QUALIFICATION AND EXPERIENCE

26. Approval of Courses, Qualifications and Institutions

27. Supervision of Instructions and Examinations Leading to Approved Qualifications
28. Recognitions, Acceptance of Foreign Courses, Qualifications and Institutions
29. Certificate of Experience
30. Certificate of Training
31. Courses of the Institute

PART IV - PRIVILEGE OF REGISTERED PERSONS

32. Certificate and Status of Registration
33. Use of Title or Appellation of "Translator and/or Interpreter",
34. Entitlement to Practise and Acquire Experience
35. Appointments
36. Recovery of Fees and Charges, etc.

PART V - THE GUILDS

37. Registration of Guilds
38. Accreditation of Guilds by the Institute
39. Affiliation of Guilds to the Institute
40. Privileges of the Guild

PART VI - PROFESSIONAL DISCIPLINE

41. Establishment of the Investigating Panel
42. Proceedings of the panel,
43. Penalties for Unprofessional Conduct
44. Restoration of Registration
45. Striking-Off Entries from the Register on Grounds of fraud or Error
46. Application to the Fed H/R

PART VII - MISCELLANEOUS

47. Practising and Other Fees, Dues, etc.
48. Offences
49. Burden of Proof
50. Regulation, Rules and Orders
51. Transitional Provisions
52. Interpretation
53. Short Title

1 practitioners of the specialisations within the profession of translation and
2 interpretation;

3 (e) regulating and controlling professional practice in the fields of
4 translation and interpretation:

5 (f) regulating and conducting training examinations in the profession
6 and awarding certificate or diplomas to successful candidates as and, when
7 appropriate and for such purposes, prescribing the fees to be paid;

8 (g) fostering the achievement and maintenance of the highest
9 professional and commercial standards in the fields of translation and
10 interpretation:

11 (h) ensuring the protection of the rights and privileges of professional
12 Translators and Interpreters in the lawful exercise of their profession;

13 (i) inquiring into complaints about the conduct of any Translator
14 and/or Interpreter and the conduct of any persons or organizations towards the
15 professional practitioner of translation and interpretation, and exercising
16 powers conferred by this Bill in respect of such complaints; and

17 (j) performing such other functions as are conferred on the Institute by
18 this Bill.

Composition
of the Institute

19 **3.-(1)** The Institute shall consist of:

20 (a) a President to be appointed by the President and Commander-in-
21 Chief of the Armed Forces of the Federal Republic of Nigeria;

22 (b) a representative of each of Nigerian guilds or professional
23 associations not exceeding three) accredited by or affiliated to the Institute;

24 (c) a representative of each of the Federal Ministries charged with the
25 responsibility for information; culture and tourism; cooperation and
26 integration in Africa; international affairs; and the Presidency;

27 (d) two representatives of the general public among whom shall be at
28 least one woman and, one, legal practitioner,;

29 (e) two representatives of tertiary institutions concerned with the
30 training of translators and interpreters, in Nigeria;

1 (f) three renowned professional translators or interpreters not
2 necessarily Nigerians represent the International Federation of Translators
3 (FIT), the International Association of Conference Interpreters (AIIC) and
4 the Economic Community of West African States (ECOWAS) or any of the
5 latter's institutions (ECQW AS Parliament, Community Court of Justice.
6 etc.); and

7 (g) the Registrar of the Institute.

8 (2) For the purposes of paragraphs (c) and (d) of subsection (1) of
9 this section, all the States of the Federation shall be grouped by the
10 Presidency into six (6) zones, and each zone shall, in rotation among its
11 members, send a representative to the Institute.

12 4.-(1) A person appointed as a member of the (not being an ex-
13 official member) shall hold office for three years and shall be eligible for
14 reappointment for one further term of two years only.

Qualification and
Tenure of Members
of the Institute

15 (2) The members of the Institute, except the Registrar, shall be part
16 time members of the Institute.

17 (3) Any member of the institute shall cease to hold office if:

18 (a) he is convicted of felony or any offence, involving dishonesty
19 her duties;

20 (b) he is convicted of felony or any offence involving dishonesty;

21 (c) he become, bankrupt or has made arrangement with his/her
22 creditors;

23 (d),he is guilty of serious misconduct relating to his/her
24 professional duties; or

25 (e) in the case of a person representing a guild, he/she ceases to
26 function for any reason whatsoever, in such a guild

27 (4) Without prejudice to the generality of the foregoing subsections
28 of this section, Part I of the First Schedule to this Bill shall have effect with
29 respect to qualifications, tenure of office and other matters therein stated.

Appointment
of the President

1 **5.-(1)** The President to be appointed by the President, Commander-in-
2 chief of the Armed Forces shall:

3 (a) be a person who by reason of the ability, experience, professional
4 attainments or specialised knowledge of any of the specialisations in the fields
5 of translation and interpretation is capable of making outstanding
6 contributions to the profession;

7 (b) have not less than twenty years experiences as a Translator or an
8 Interpreter;

9 (c) shall have been registered (or in the case of the first President of
10 the Institute, qualified to be registered) as a Fellow under this Bill for not less
11 than three years.

12 (2) (a) There shall be appointed by the Institute at its first meeting and
13 from among its members a Vice-President to hold office for a term of three
14 years.

15 (b) The Vice-President to be so appointed shall:

16 (i) be registered as a Full Member or Fellow or, in the case of the first
17 Vice-President of the Institute, be eligible to be so registered;

18 (ii) in the absence of the President act for the President;

19 (iii) carry out such other functions and play such other roles as the
20 President or the Institute may direct; and

21 (iv) cease to be Vice-President if he ceases to be a registered member
22 of the profession.

Registrar and
Other Staff of
the Institute

23 **6.-(1)** It shall be the duty of the Institute to appoint a fit and proper
24 person registered as a Full Member to be the Registrar for the purposes of this
25 Bill on such terms and conditions as may be stipulated in the letter of
26 appointment and on such terms and condition of service as the Institute may
27 from time to time determine.

28 (2) The Registrar shall be the Chief Executive of the Institute and shall
29 be responsible for the day-to-day running of the affairs of the Institute.

30 (3) the Registrar shall in addition to other functions under this Bill be

1 the Secretary to the Institute, keep the seal of the Institute and, on the
2 instructions of the President of the Institute or of any committees of the
3 Institute, convene and keep minutes of the proceedings at all meetings of the
4 Institute and committees thereof, as the case may be.

5 (4) The Registrar shall keep records and conduct the
6 correspondence of the Institute and perform such other functions as the
7 Institute and/or its President may from time to time direct for the purposes of
8 this Bill.

9 (5) The Institute may, whenever the Registrar is absent or for any
10 other reason unable to discharge the functions of the office, panel set the
11 Registrar to discharge his functions.

12 (6) The Registrar shall be the Secretary to the Disciplinary Tribunal
13 set up under this Bill.

14 (7) The Institute may appoint such other persons to be employees
15 of the Institute as the Institute may determine to assist the Registrar in the
16 exercise of his/her functions under this Bill.

17 (8) The Registrar and other employees of the Institute shall hold
18 office on such terms and conditions as the-Institute may, with the approval-
19 of the Presidency, determine.

20 7. The provisions of Part II of the First Schedule to this Bill shall
21 have effect with respect to the proceedings of the Institute and other matters
22 therein mentioned.

Proceedings of
the Institute

23 8.-(1) The Presidency may give to the institute directions of a
24 general character or relating generally to particular matters (but not to any
25 individual person or case) with regard to the exercise by the Institute of its
26 functions and it shall be the duty of the Institute to comply with the
27 directions.

Control of the
Institute by the
Presidency

28 (2) Before giving a direction under subsection (1) of this section,
29 the Presidency shall serve copy of die proposed direction on the Institute and
30 shall afford the Institute an opportunity of making representations to it with

1 respect to the direction and after considering any representations made to it in
2 pursuance of this subsection, the Presidency may give the direction either
3 without modification or with such modifications as appear to it to be
4 appropriate having regard to the representation.

5 (3) Any direction given by the Presidency under this Section shall be
6 published in the Institute's annual report. Provided that wherein we opinion of
7 the Presidency under his hand and with the consent of the Institute confirmed in
8 writing, such publication is contrary to the national interest, the written
9 publication may be restricted to the Institute's records only.

Fund of the
Institute

10 9.-(1) The institute shall establish and maintain a fund for the purpose
11 of this Bill, the management and control of which shall be in the hands of the
12 institute and in to which shall be paid

13 (2) There shall be paid and credited into the fund established pursuant
14 to subsection (1) of this section:

15 (a) such monies as the Federal. State or Local Governments or
16 individuals, corporate bodies, national and international may pay to the
17 Institute by way of grant, subvention loan or otherwise;

18 (b) such contributions, fees and other monies as the Institute may
19 from time to time require of the individual members or guild registered with or
20 affiliated to the Institute;

21 (c) any fees and charges for services rendered by the Institute or
22 publications made by Institute;

23 (d) any other monies accruing to the Institute by ways of loans, gifts,
24 testimonies dispositions or otherwise; and

25 (e) all other assets that may from time to time accrue to the Institute.

Application of
the Fund

26 10. The Institute shall from time to time apply the proceeds of the
27 fund established pursuant to section 10:

28 (a) to the cost of administration of the Institute;

29 (b) for all approved. capital project of the Institute;

30 (c) for reimbursing members of the Institute: or any committee of the

1 Institute for such expenses as may be expressly authorized by the Institute in
2 accordance with rates approved by the presidency; and

3 (d) to the payments: of salaries, fees and other remuneration,
4 allowances, gratuities and pensions payable to members of the Institute ..

5 **11.** The Institute shall prepare and submit to the Presidency not
6 latter later than 31st October of the year in which this Bill comes into force
7 (so however that for that year the Presidency may if it considers it necessary
8 extend the period) and such subsequent year an estimate of its income and
9 expenditure during the next succeeding financial year.

Estimates of
Income and
Expenditure

10 **12.-(1)** The Institute shall keep proper accounts and proper records
11 in relation thereto, and shall prepare in respect of each financial year a
12 statement of accounts in such form as Presidency may direct.

Accounts and
Audit

13 (2) The Institute shall as soon as may be after the end of the
14 financial year to which the accounts relate cause the accounts to be audited
15 by auditors appointed by the Institute and in accordance with the guidelines
16 supplied by the auditor general of the Federation."

17 (3) The auditors shall on the completion of the audit of the accounts
18 of each financial year prepare and submit to the Institute a report setting out
19 their observations and recommendations on all aspects of the accounts of the
20 Institute for that year: and Institute shall forward a copy of the report to the
21 Presidency.

22 **13.** For all the purposes of the Institute, the financial year shall
23 commence on 1st January and end 31st December of the year in question
24 provided that the Presidency shall grant special dispensation as to the year in
25 which this Bill comes into force.

Financial Year
of the Institute

26 PART II - REGISTERS AND REGISTRATION

27 **14.** The Registrar shall prepare and maintain in accordance with
28 rules made by the Institute under this part of the Bill, the following registers,
29 that is to say:

Preparation and
Maintenance of
Registers

30 (a) register of individual persons entitled in accordance with the

	1	provisions of this Bill to be registered 35 members of the profession of
	2	translating and interpreting;
	3	(b) register of guilds entitled in accordance with the provisions of this
	4	Bill to be accredited by, affiliated to and registered by the Institute.
Particulars and Division of the Register of Translators and Interpreters	5	15.-(1) The register of Translators and Interpreters shall contain the
	6	names, addresses, approved qualifications, working languages including
	7	direction, and such other particulars as all persons entitled in accordance with
	8	the provisions of this Bill or the rules made thereunder to be registered as:
	9	(a) Students or Trainees;
	10	(b) Associates;
	11	(c) Full Members;
	12	(d) Fellows; of the profession and who apply in the manner prescribed
	13	by this Bill or the rules aforesaid to be so registered.
	14	(2) The register maintained under this section shall consist of four
	15	parts:
	16	(a) one part in respect of Students and Trainees;
	17	(b) one part in respect of Associate Members;
	18	(c) one part in respect of Full Members; and
	19	(d) one part in respect of Fellows.
Particulars in the Register of Guilds	20	16. The register of guilds within the fields of translation and
	21	interpretation shall contain in respect of such guilds to which Part IV of this Bill
	22	relates, the name of the trade or specializations, the registered office, the names
	23	and address of the President and Secretary for the time being, the number of
	24	member supported by a list of their names and such other particulars as may be
	25	required in this Bill or as the Institute may specify of all bodies which are
	26	entitled in accordance with the provisions of this Bill to be registered as guilds
	27	within the profession.
Rules for keeping the Registers	28	17.-(1) Subject to the provisions of this section the Institute shall
	29	make rules with respect to the form of keeping the registers and the making of
	30	entries therein, and in particular:

1 (a) regulating the: making of application; for registration and
2 providing for the evidence to be produced in support; of applications;

3 (b) Providing for the notification to the Registrar by the person to
4 whom or the guild .to which any registered particulars relate of any changes
5 in these particulars;

6 (c) authorizing a registered person to have any qualification which
7 is, in relation to his/her specialization within the profession, an approved,
8 accepted or recognized qualification within Part III of this Bill, registered in
9 relation to his name in addition to or, as he/she may elect, in substitution for
10 any other qualifications so registered;

11 (d) specifying the fees, including any annual subscription; to be
12 paid to the Institute in respect of the entry of names on the register and
13 authorizing the Registrar to refuse to enter a name on the register until any
14 fees specified for entry have been paid; and specifying anything falling to be
15 specified under the provisions of this Part .

16 (2) Rules made for die purposes' of this section may be modified
17 from time to time by the Institute.

18 (3) Rules made or modified pursuant to this section shall not come
19 into force until they are confirmed at a special meeting of the Institute
20 convened for the purpose.

21 (4) The rules confirmed under section (3) 'of this section shall
22 published in the Gazette;

23 **18.-(1)** It shall be the duty of the Registrar:

Alterations

24 (a) to correct, in accordance with the directions of the Institute, any
25 entry in the registers which the institute direct;

26 (b) to make, from time to time any necessary alterations to the
27 registered particulars of registered persons or guilds; and

28 (c) to remove from the register the name of any registered person
29 who has died. has become insane or has committed an act of gross
30 misconduct.

1 (2) If the Registrar:

2 (a) should send by post to any registered person a registered letter
3 addressed to him at his address on the register enquiring whether the registered
4 particulars relating to him are correct and receive no reply to that letter within
5 three months from the date of posting it; and

6 (b) upon the expiration of the period sends in like manner to the
7 person in question a second letter and receives no reply to that letter within
8 three months from the date of posting, the Registrar may then remove the
9 particulars relating to the person in question from the register but the Institute
10 may direct the Registrar to restore to the register any particulars removed under
11 subsection.

Publication of
Registers and
lists of Correction

12 **19.-(1)** It shall be the duty of the Registrar:

13 (a) to cause the first registers to, be printed published and put on sale
14 to members of the public not later than two years from the beginning of the year
15 in which this Bill comes into force;

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

20 (c) to cause a print of each edition of the registers and of each list of
21 corrections to be deposited at the principal office of the Institute, and it shall be
22 the duty of the Institute to keep each register and list so deposited open at all
23 reasonable times for inspection by members of the public.

24 (2) A document purporting to be a print of an edition of a register
25 published under this section by the authority of the Registrar in the current year
26 or documents purporting to be prints of edition of a register so published in the
27 current year, shall (without prejudice to any other mode of proof) be admissible
28 in any proceedings as evidence that any person specified in the document, or
29 the documents read together, as being registered is so registered and that any
30 person or guild not so specified is not so registered:

- 1 **20.**-(1) A person shall be entitled to be registered as a Student Student and
2 Member of the profession if he satisfies the institute that he is undergoing a Trainee
3 course of studies recognized by the Institute leading to a qualification in the Membership
4 profession or any specialization thereof in an institution approved by the
5 Institute.
- 6 (2) A person shall be entitled to be registered, as a Trainee Member
7 of the profession if he satisfies the institute that he is attached as an
8 apprentice or pupil to an organization-or institution having within it at least
9 one full Member or one Fellow in his chosen trade or specification within
10 the profession for tile purpose of acquiring basic instruction and techniques
11 therein in accordance with section 31 of this Bill.
- 12 **21.** A person shall be entitled to: be registered as an Associate Associate
13 Member of the profession if: Membership
- 14 (a) (i) is a citizen of Nigeria;
15 (ii) is of good character;
16 (iii) is not a person of unsound mind so found by a court of law;
17 (iv) has not been convicted in Nigeria or elsewhere of an offence
18 involving fraud or dishonesty;
19 (v) has attained the age of 21 years; and.
20 (b) either:
21 (i) he holds a degree, diploma, certificate or other approved or
22 accepted qualification from any post secondary institution approved or
23 recognized by the Institute for conducting a course of-training approved by
24 the institute in accordance with section 27,28 and 29 of this Bill;
25 (ii) he has been registered as a trainee member and submit a
26 certificate of training in accordance with section 31.of .this: Bill; .or
27 (iii) he holds a non-professional degree, diploma, certificate from
28 any Post-secondary institution.
29 (c) he is registered or employed with or otherwise attached to any
30 appropriate establishment properly organized and equipped for the purpose

	1	of acquiring therein experience in the whole or any pan of the specialization in
	2	the profession in accordance with section 30 of this Bill; and
	3	(d) he/she is a listed member of a guild accredited by, affiliated to and
	4	registered with the Institute in accordance with Part V of this Bill.
Full Membership	5	22. A person shall be entitled to be registered as a Full Member of the
	6	profession if he/she satisfies the Institute that he:
	7	(a) fulfils the conditions for registration as Associate Member under
	8	section 22 (a);
	9	(b) submits an appropriate certificate of experience obtained in
	10	accordance with section 30 of this Bill;
	11	(c) is a listed member of a guild accredited by, affiliated to and
	12	registered with the Institute in accordance with Part V of this Bill.
Fellowship	13	23. A person registered as a Full Member shall be entitled to be
	14	registered as a Fellow of the profession if he:
	15	(a) continues to fulfill the conditions for registration as Associate
	16	Member under section 22 of this Bill.
	17	(b) submits an application supported by evidence of payment of
	18	practicing fees obtained in accordance with section 48 of this Bill in or for each
	19	of the ten successive years after his registration as a Full Member; and
	20	(c) is a listed member of a guild accredited by, affiliated to and
	21	registered with the institute in accordance with the provisions of Pan V of this
	22	Bill.
Special registration of "Official Translators and Interpreters"	23	24.-(1) Where at the date of commencement of this Bill a Nigerian
	24	citizen holds in any of the Government services (Federal, State or Local) any
	25	office carrying with it the designation or function of "Official Translator and/or
	26	interpreter" or any other title by virtue of which he carries on or has control and
	27	management of the translation and/or interpretation-related work or
	28	Government as aforesaid, and under his control for the purpose of that work
	29	there is at least one person qualified for registration under this Bill as a
	30	Translators and/ interpreter, he may, on application in writing to the institute at

1 any time after six months of his assumption of that office, and on satisfying
2 the Institute that he:

3 (a) at the date of his application is a management official of any
4 institution recognized by the institute as Within the public service of
5 Governments as aforesaid;

6 (b) as at that date has under his/her control for the purpose of his
7 work at least one person entitled to registration or duly registered under this
8 Bill as a Full Member; and

9 (c) he thereafter pays the prescribed fees, be entitled to temporary
10 registration and to the use of the words "Translator and/or Interpreter" as
11 descriptive of his/her occupation so long as he/she continues to be employed
12 in the public services as aforesaid "Official Translator and/or interpreter"

13 (2) The Registrar, as may be directed from time to time by the
14 Institute, shall remove from the register the name of any person ceasing to be
15 entitled to the benefit of the special registration under this section,

16 25.-(1) Subject to the next succeeding subsection, where the
17 institute is satisfied that reciprocal arrangements are in existence between
18 Nigeria and any other country whereby citizens or nationals of that country
19 and those of Nigeria are entitled to practise in that other country as
20 Translators and/or Interpreters on the same or nearly similar terms and
21 conditions, a national or citizen of that country shall, if resident in Nigeria
22 for not less than five years preceding the date of his application. for
23 registration and on due compliance with any other requirements of the
24 Institute, be entitled to be registered as Translator and/or interpreter under
25 this Bill, and to such privileges as are allowed to Nigeria of comparable
26 qualifications and experience in his own country.

Reciprocal and
Temporary
Registration of
Non Citizens

27 (2) Where any person not a citizen of Nigeria would, but for this
28 subsection, be required to satisfy the Institute as to reciprocal arrangements
29 made and as to his residential qualification and that person on or after the
30 commencement of this Bill satisfies the Institute that:

1 (a) he has been selected for any employment for a specific period in a
2 capacity in which a person registered as an Associate Member, Full Member or
3 Fellow under this Bill is qualified to be employed and that he/she has or intends
4 to be in Nigeria temporarily for the purpose of serving for that period in the
5 employment in question; and

6 (b) he holds a qualification, has acquired the experience or has passed
7 the examinations necessary for obtaining some qualification granted outside
8 Nigeria which is for the time being accepted or recognised by the Institute as
9 respects the capacity in which if employed he is serve, the institute may, if it
10 thinks fit and after receipt by it of an application for registration duly made by
11 any person so .employed, and upon payment of the prescribed fees but without
12 requiring to be satisfied as to any such reciprocal arrangements and residential
13 qualification, give direction that he shall be temporarily registered.

14 (3) The temporary registration of a person shall continue only while
15 he in such employment as is mentioned in subsection (2) (a) of this section and
16 shall cease at the end of the period of the employment specified to the Institute
17 under that subsection or on the prior determination of the employment,
18 whichever first occurs: Provided that nothing in this subsection shall preclude
19 the Institute from giving a further direction under subsection (2) of this section
20 in respect of a specified period whose commencement coincides with the
21 termination or prior determination of another such employment.

22 (4) A person who is temporarily registered shall, in relation to his
23 employment as mentioned in subsection (2) (a) of this section, and to things
24 done or omitted to be done in the course of that employment, be deemed to be
25 fully registered, but in relation to all other matters he shall be treated as not so
26 registered.

27 (5) In case of doubt as to whether a person's employment has been
28 terminated, the decision of the institute shall be conclusive for the purpose of
29 subsection (3) of this section.

30 (6) The Registrar as may be directed from time to time by the Institute

1 shall remove from the register the name of any person ceasing to be entitled
2 to the benefit of reciprocal or temporary registration under this section

3 PART III - PROFESSIONAL TRAINING; QUALIFICATION EXPERIENCE

4 26.-(1) Subject to subsection (2) of this section, the Institute may
5 approve for this purpose of this Bill:

Approval of
courses,
Qualifications
and Institutions

6 (a) any course of training which is intended for persons who are
7 seeking to become, or are already members of the profession and which the
8 Institute considers is designed to confer on persons completing it sufficient
9 knowledge and skill for the practice of that profession or for practice as
10 members of a specialized branch of that profession;

11 (b) any institution in Nigeria which the institute considers to be
12 properly organized and equipped for conducting the whole or any part of a
13 course of training approved by the Institute;

14 (c) any qualification which, as a result of an examination taken in
15 conjunction with a course of training approved by 'the Institute under this
16 section, is granted to candidates reaching a standard at the examination
17 indicating, in the opinion of the Institute, that they have sufficient
18 knowledge and skill to practise the profession in question or to practise as
19 members of a specialized branch of that profession.

20 (2) The Institute may, if it thinks fit, withdraw any approval 'given
21 under this section in respect of any course, qualification or institution, but
22 before withdrawing such an approval, the institute shall:

23 (a) give notice that it proposes to do so to each person by whom the
24 course is conducted or the qualification is granted or the institution is
25 controlled, as the case may be;

26 (b) afford each such person an opportunity of making to the
27 Institute representations with regard to the proposal; and

28 (c) take into consideration any representations made as respects the
29 proposal in pursuance of paragraph (b) of this subsection.

30 (3) As respects any period during which the approval of the

1 Institute under this section for a course, qualification or institution is
2 withdrawn, the course, qualification or institution shall not be treated as
3 approved under this section, but the withdrawal of such an approval shall not
4 prejudice the registration or eligibility for registration of any person who by
5 virtue of the approval was registered or eligible for registration (either
6 unconditionally or subject to his obtaining a certificate of experience)
7 immediately before the approval was withdrawn.

8 (4) The giving or withdrawal of an approval under this section shall
9 have effect from such date, either before or after such date, either before or after
10 execution of the instrument signifying the giving or withdrawal of approval, as
11 the institute may specify in the instrument, and the Institute shall:

12 (a) as soon as may be, publish a copy of every such instrument in the
13 Federal Gazette; and

14 (b) not later than seven days before its publication as aforesaid send a
15 copy of the instrument to the Presidency.

Supervision of
instructions and
examinations
leading to
approved
qualifications

16 27.-(1) It shall be the duty of the Institute to keep itself informed of the
17 nature of:

18 (a) the instructions given at approved institutions to persons attending
19 approved courses of training; and

20 (b) the examinations as a result of which approved qualification are
21 granted; and for the purpose of performing that duty the institute may appoint,
22 either from among its own members or otherwise, persons to visit approved
23 institutions or to attend such examinations at least once in three years.

24 (2) It shall be the duty of a Visitor appointed under subsection (1) of
25 this section to report to the Institute on:

26 (a) the sufficiency of the instructions visited by him;

27 (b) the sufficiency of the examinations attended by him; and

28 (c) any other matters relating to the instructions or examinations on
29 which the institute may, either generally or in a particular case, request him to
30 report, but no Visitor shall interfere with the giving of any instruction or the

1 holding of any examination.

2 (3) On receiving a report made in pursuance of this section, the
3 Institute shall as soon as may be send a copy of the report to the persons
4 appearing to the institute to be in charge of the institution or responsible for
5 the examination to which the report relates requesting that person to make
6 observations on the report to the institute within such period as may be
7 specified in the request, not being less than one month beginning with the
8 date of the request.

9 (4) it shall be the duty of the person in charge of each University or
10 other approved post- secondary institution in the federation having been
11 attached thereto a faculty or other unit by whatsoever named called at which
12 there is held a course of training intended for persons who are seeking to
13 become registered as Translators and/or interpreters under this Bill, to
14 furnish to the Registrar, not latter than 31st day of March in every year, a list
15 of the names and such other particulars as the institute may specify of all
16 persons who attended any such course at the institution in question in
17 question at any time during the last preceding year.

18 **28.-(1)** The institute may, in its absolute discretion, accept without
19 conditions or subject to conditions specified in writing foreign
20 qualifications recognize by the government of the countries from where
21 such qualifications were obtained and adjudge to be comparable with those
22 approved by the institute in Nigeria.

Recognitions,
acceptance of
foreign courses,
qualifications and
institutions

23 (2) The institute may if it thinks fit, in appropriate cases require
24 assessment, certification, interpretation, or other forms of ascertainment of
25 quality, standard and authenticity of a qualification obtained outside Nigeria
26 for the purpose of this Bill.

27 (3) The institute may institute an assessment examination for
28 holders of foreign qualification to recognize or accepted

29 (4) for the avoidance of doubt, the condition to be specified under
30 sub-section (1) of this section may include the undergoing of additional or

Certificate of
Experience

1 supplementary courses in approved institutions in Nigeria.

2 **29.-(1)** A person who, after obtaining an approved, accepted or
3 recognized qualification and satisfies the conditions specified in sub-section
4 (2) of this section shall be entitled to receive a certificate of experience in the
5 prescribe form for the purpose of becoming qualified for registration under the
6 supervision of persons who are registered as Full Members or Fellows in
7 accordance with this Bill.

8 (2) Any person coming within the exception in subsection (2) shall be
9 entitled to register as a Trainee, Student or Associate Member as the case may
10 be under this Bill provided that only the period of such appointment and
11 registration in the status of Associate Members shall count for the purpose of
12 this bill if and only if confirmed by a Full Member or Fellow under whom the
13 persons works.

14 **30.-(1)** Subject to the provision of this Bill and to any rule of law
15 whereby a contract may be avoided for inconsistency with an enactment, no
16 person other than a Translator and/or Interpreter registered as a Full Member or
17 Fellow shall be entitled to recover by process of law fees, charges or other
18 valuable consideration whatever in respect of any act, matter or thing done or
19 omitted to be done by him in intended pursuance of any contract while
20 purporting to act as a registered Translator and/or interpreter.

21 (2) Subject as aforesaid, a translator and/or interpreter shall not be
22 entitled to begin an action to recover his charges unless:

23 (a) a Bill of the charges containing particulars of the principal items
24 included in the Bill and signed by him, or in case of a firm by one of the partners
25 in the name of the firm, has been served on the client, practitioner of Translators
26 and interpretation or sent by post addressed to the client at that address; and

27 (b) the period of one month beginning with the date of delivery of the
28 bill has expired.

29 (3) in any case in which a Translators and/or interpreter satisfies the
30 court, on an application made either ex-parte or if the court so directs after

1 giving the prescribed notice:

2 (a) that he has deliver a Bill of Charges to a client;

3 (b) that on the face of it the charges appears to be proper in the
4 circumstances; and

5 (c) that they are circumstances indication that the client is about to
6 do some act which would probably prevent or delay the payment to the
7 Translator and/or Interpreter of the charges then, notwithstanding that the
8 period mentioned in paragraph (b) of subsection of this section has not
9 expired, the court may direct that the professional practitioner of translation
10 and interpretation be authorize to bring and prosecute an action to recover
11 the charges unless before judgment in the action the client gives such
12 security for the payment of the charges as may be specified in the direction.

13 (4) The court may, if it thinks fit, on the application of a client:

14 (a) Order a Translator and/or interpreter to deliver his Bill of
15 charges to the client;

16 (b) Make and order for the delivery up of, or other effects in the
17 control of the professional practitioner of translation and interpretation
18 which belong to or were received by him/her from or on behalf of the client
19 and without prejudice to the generality of the powers of the court to punish
20 for contempt or to the provision of this Bill relating to the discipline of
21 Translators and interpreters, the court may punish for contempt any
22 professional practitioner of translation and interpretation who refuses or fail
23 to comply with an order under this subsection.

24 PART V - THE GUILDS

25 **31.-(1)** Persons practising the same specialization or related fields
26 in the profession and are registered or entitled to be registered under this Bill
27 in any category of membership or Translators and Interpreters shall be
28 organize into a "guild" which shall be registered with the institute.

Registration of
Guilds

29 (2) A guild shall be entitled to be registered with the institute and
30 being so registered to receive a certificate of registration on the approval of

1 the application submitted in accordance with subsection (3) of this section.

2 (3) An application for registration by a guild state or be supported by
3 the following:

4 (a) certificate of accreditation and affiliation obtained in accordance
5 with (4) subsections (4), and (6) of section 30 relating to opportunities for
6 acquiring practical experience, refusal of, and regulation on the issuance of
7 certificate of experience and other matters therein stated shall apply to the
8 certificate of training under this section with such modifications as the
9 circumstances will warrant.

Courses of the
Institute

10 **32.**-(1) The institute may, as soon as may be after the commencement
11 of this Act and with the approval of the Presidency, organize such courses for
12 the professional practitioner of translation and interpretation as the institute
13 may deem fit.

14 (2) The Presidency on the advise of the institute shall make
15 regulations as to the place of such courses within the profession and all matters
16 relating to them, including if need be, making those courses prerequisite to or
17 part of the inauguration into the practice of the profession.

18 (3) Any regulation of the Presidency under this section shall be
19 published in the Gazette.

20 **PART VI - PRIVILEGES OF REGISTERED PERSONS**

Certificate and
Status of
Registration

21 **33.** On the approval of the application of a persons entitled to be
22 registered and upon entering his/her particulars into the applicable part of the
23 register of Translators and interpreters under part II of this Act, the institute
24 shall certify under its seal that is from the date of registration mentioned in the
25 certificate of registration, the person is a registered member of the profession in
26 the status therein indicated.

27 (2) A certificate containing the particulars of the member and the
28 status of the membership shall be delivered unto the member by the institute.

29 (3) The certificate issued to a person under this section may be
30 withdrawn and cancelled if the name of the person is removed from the register

1 in accordance with the provision of this Act or regulations made thereunder.

2 **34.** Subject to the provisions of this Bill, a person shall not practice
3 or carry out business under any name, style or title containing the term
4 "Translator and/or Interpreter" or take or use any name, title, addition or
5 description implying that he/she is authorized by law to practices or hold
6 himself/herself out to practice as a Translator and/or interpreter unless
7 he his registered under the Bill.

Use of title or
appellation of
"Translator and/
or Interpreters"

8 **35.**-(1) as from the date indicated in the certificate the person
9 registered as Full Members of Fellow shall be entitle to practice as a
10 Translator and/or Interpreter throughout the Federation but to the extent
11 only of his particular qualification and without any further profession
12 permission, authorization or recommendation from a principal or senior.

Entitlement to
practice and
acquire experience

13 (2) (a) as from the date indicated in the certificate the person
14 registered as an Associate Member shall be entitled, under the personal
15 supervision or authorization of a Full Member or Fellow within an
16 institution to practice for the purpose of acquiring experience or in
17 expectation of reward, provided that the said Full Member. Fellow or
18 institution shall be professionally responsible for all the liability of such
19 practice of the Associate Member;

20 (b) Such experience acquired under paragraph (a) of this
21 subsection shall be acceptable as part of the documentation and evidence in
22 support of certificate of experience where required by this or any other law
23 and shall count in reckoning the number of years of experience in the
24 practice of the profession or any part thereof.

25 (3) (a) as from the date indicated in the certificate, the person
26 registered as trainee or Student Member shall be entitle under the control of
27 a Full Member or a Fellow within an institution to receive theoretical or
28 practical instruction in any or all of the trades or specializations within the
29 profession.

Appointments

1 36.-(1) Subject to the provision of this Bill, a person not being
2 registered as a Full Member or Fellow in accordance with this Bill shall not be
3 entitled to hold any appointment in the public service of the Federation or a
4 State or Local Government or in any private establishment, body or institution,
5 if the holding of such appointment involves the performance by him in Nigeria
6 or any act pertaining to the profession for gain.

7 (2) Nothing in this section or in any other provisions of this part of this
8 Bill shall prevent a person from holding any appointment referred to in the
9 subsection of this section while he is undergoing training or acquiring
10 experience.

11 (3) The conditions which a person seeking to registered as a Full
12 Member must certify under subsection (1) of this section are:

13 (a) he must have registered with the institute as Associate Member
14 immediately 011 obtaining qualification approved, accepted or recognize in
15 accordance with this part or mentioned in section 22 this Bill;

16 (b) he must have been employed at or otherwise attached for a period
17 to prescribed in relation to his qualification by the institute to recognized
18 institution in Nigeria with a view to obtaining a certificate of experience and
19 have where necessary resided throughout that period either in the institution or
20 near to it in accordance with the requirements in that behalf specified in the
21 terms of his employment or attachment;

22 (c) he must have acquired during his employment or attachment
23 practical experience under the personal supervision and guidance of at least
24 one Translator and/or Interpreter registered as Full Member or Fellow in the
25 practice of any of the trades or specializations or registerable with the institute
26 for such periods as may be prescribed in relation to each of those trades or
27 specializations respectively; and

28 (d) the manner in which he carried out the duties of his employment
29 during the period must have been satisfactory;

30 (e) he must have been a listed member of a guild accredited by,

1 affiliated to and register by the institute.

2 (3) Any period spent under subsection (2) of this section by a
3 person during his employment or attachment in acquiring experience of the
4 techniques or of the activities carried on in a recognized institution shall be
5 calculated for the purpose of that subsection as periods in the practice of the
6 profession.

7 (4) It shall be the duty of a person in charge of a recognized
8 institution at, or to which a person is employed or attached with a view to
9 obtaining a certificate of experience to ensure that the last mentioned person
10 is afforded proper opportunities for acquiring the practical experience
11 required for the purpose of subsection (2) section.

12 (5) Where after having been employed or attached as mentioned in
13 paragraph (b) of subsection (2) of this section at any institution, a person is
14 refused a certificate of experience he shall be entitled:

15 (a) to receive from the person in charge of the institution particulars
16 in writing of the grounds of the refusal: and

17 (b) to appeal against the refusal to a committee of the institute in
18 accordance with Rules made by the institute in that behalf (including Rules
19 as to the time within which appeals are to be brought), and after duly
20 consideration any such appeal the committee shall either dismiss the appeal
21 or issue the certificate of experience in question or give other in the matter as
22 it considers just.

23 (6) the institute may make regulations to provide for the issuance of
24 certificate of experience in respect of employment at institution outside
25 Nigeria.

26 **37.-(1)** A person who satisfies the conditions specified in
27 subsection (2) of this section shall be entitled to receive a certificate of
28 training in the prescribe form.

Certificate of
Training

29 (2) The condition which a person must satisfy under subsection (1)
30 of this section are:

1 (a) he must have obtained credit passes in five subjects at the west
2 Africa School Certificate, the General Certificate of Education, the Senior
3 Secondary School Certificate level, their equivalent or any other minimum
4 entry qualification as may from time to time be approved by the institute;

5 (b) he must have been attached for a period to be prescribed in relation
6 to his/her qualification by the institute to an organization or institution having
7 within it at least one Full Member or Fellow in his/her chosen trade,
8 specialization or branch within the profession for the purpose of acquiring
9 under personal supervision, basic instruction and techniques in the said trade,
10 specialization or branch within the profession.

11 (3) Any period spent under subsection (2) of this section by a person
12 during his attachment for the purpose of this section shall not count in
13 reckoning for the years of experience or practice of the profession of section 39
14 and 40 of this Bill:

15 (a) a list of not less than 15 members enrolled by the guild;

16 (b) name and address of President and secretary of the guild;

17 (c) address of the registered office of the guild;

18 (d) code of conduct for the members of the guild;

19 (e) minimum equity contract or approved scale of charges for services
20 rendered in the specialization and; and

21 (f) such other information as the institute may from time to time
22 require.

23 (4) Without prejudice to any specific mention of 'guild' in other parts
24 of this Bill, the provisions of Part II concerning the preparation and
25 maintenance of register, the particulars of register, registration, publication of
26 registers and list of connection and other matters therein stated shall apply to
27 the guilds with such modification as the nature and functions of the guilds may
28 necessitate or otherwise allow.

Affiliation of
Guilds to the
Institute

29 **38.-(1)** (a) Every guild to be recognized by the institute for the
30 purpose of this Bill shall be affiliated to the institute,

1 (b) Every guild seeking to be affiliated to the institution shall first
2 be accredited by the institute.

3 (2) An application by a guild to the institute for accreditation under
4 this section shall be accompanied by lists, descriptions, particulars and such
5 others information as the institute may require as minimum standard
6 recommended by the guild with respect to other items set out in subsection

7 (3) of this section concerning the trade or specialization of the guild
8 for the purpose of approval, acceptance, recognition or other matters under
9 part III of this Bill.

10 (4) the items to which such section (2) refers are:

11 (a) Courses;

12 (b) Qualification;

13 (c) institute within Nigeria;

14 (d) foreign qualifications and institutions;

15 (e) Scheme of practical training and mode of acquiring skills and
16 experience at every level requiring certificate of training, instruction or
17 experience.

18 (5) for the purpose of accreditation, the institute shall set up an
19 accreditation committee which shall certify itself that the standards set and
20 the principle established and recommended by the guild for the
21 specialization is current, sufficient or in accordance with known standard in
22 the field for the fulfillments for the duties and services performed or
23 rendered in the specialization and shall verify other matters connected with
24 the application for accreditation and affiliation.

25 (6) (a) Every guild that have has successfully been accredited shall
26 be issued a certificated of accreditation by the institute duly sealed with the
27 seal of the institute;

28 (b) the renewal of the accreditation of every guild affiliated to the
29 institute shall be carried out at such regular intervals as the institute shall be
30 from time to time determine;

Accreditation
of Guilds by
the Institute

1 (c) The institute shall have the power to withdraw or suspend the
2 accreditation granted under this section and, accordingly cancelled the
3 affiliation to which this section refers to if in its opinion the standard in the
4 specialization is below minimum.

5 (7) for the avoidance of doubt, the institute shall have power in the
6 performance of its duties under Part III of this Bill pertaining to professional
7 training, qualification and experience, to modify or otherwise set standards
8 higher than those recommended in accordance with this section by a guild for
9 its trade or specialization.

10 **39.**-(1) a guild, after its first accreditation by the institute shall be
11 entitled to be affiliated to the institute if:

12 (a) it submits an appropriate application for the purpose, supported by
13 a copy of the certificate of accreditation;

14 (b) it undertakes and continues to submit to the regulation by the
15 institute the practice of its trade or specialization within the industry in
16 accordance with the provision of this Bill;

17 (c) it undertakes and continues to comply with such rules as may from
18 time to time be made by the institute on matters affecting the guild.

19 (2) on the approval of the application submitted in accordance with
20 subsection (1) of this section, the guild shall assume the status of a body
21 affiliated to the institute and shall receive a certificate of affiliation under the
22 stamp and seal of the institute.

23 (3) The status of affiliation granted to a guild refuses, neglects, fails or
24 otherwise ceases to maintained the standard required for or attained at
25 accreditation or satisfy the conditions set for registration and fulfill other terms
26 of the affiliation.

27 **40.**-(1) on the approval of the application of a guild entitled to be
28 registered and upon entering its particulars into the register of guilds under
29 section 17 of this Bill, the institute shall certify under its seal that as from the
30 date of registration mentioned in the register and a Certificate of Registration

1 containing the particulars of the guild shall be delivered unto the guild on the
2 payment of the appropriate registration fee.

3 (2) a certificate of registration when granted to guild shall be prima
4 facie evidence that all the requirements of this Bill in respect of registration,
5 including accreditation and affiliation, of the guild have been complied with
6 and the date of registration mentioned in such certificate shall be deemed to be
7 the date on which registration has taken place.

8 (3) As from the date indicated in the certificate of registration, the
9 guild shall be recognized for all the purposes of this Bill and other laws as the
10 sole body to deal with in respect of specialization with which the guild is
11 concerned with the profession.

12 (4) as from the date indicated in the certificate of registration, any
13 list, recommendation, nominations, representation, certificate or other
14 documents or acts required to be made, supplied or otherwise done by a
15 guild shall be deemed validly done if executed under the seal of the guild by
16 the officers named in the records of the guild for the time being lodged with
17 the institute.

18 (5) A guild affiliated to the institute shall have the privilege to
19 reflect the affiliation in any of its modes of identification, sign post, letter
20 head, badge, certificate, etc. by the inscription "AFFILIATED TO THE
21 NIGERIAN INSTITUTE OF TRANSLATORS AND INTERPRETERS" and
22 accordingly insert the logo or mark of the institute on such modes of
23 identification but only in addition to other modes of its own.

24 (6) Subject to other provisions of this Bill, a guild shall not be
25 registered by the institute unless it is accredited by and affiliated to the
26 institute.

27 **41.-(1)** There shall be a body to be known as the Translators and
28 Interpreters investigating panel (hereafter in this Bill, referred to as "the
29 Panel"), which shall be charged with the duty of:

Establishment
of the Investigating
Panel

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

	<p>1 allege that persons registered has misbehaved in his capacity as a Translator</p> <p>2 and/or interpreter, or should for any other reason be the subject of proceedings</p> <p>3 before the tribunal; and</p> <p>4 (2) The panel shall be appointed by the institute and shall consist of:</p> <p>5 (a) five members of the institute one who shall be representative of</p> <p>6 either the universities or the polytechnic;</p> <p>7 (b) two Fellows who are not members of the institute, one of whom</p> <p>8 shall be a listed member of the guild to which the person concern belongs.</p>
Proceedings of the Panel	<p>9 42.-(1) The Chairperson of the panel shall preside at any meeting of</p> <p>10 the body, or in its absence the members present at the meeting.</p> <p>11 (2) any question propose for decision by the panel shall be determined</p> <p>12 by the majority of the members present and voting at a meeting of the panel at</p> <p>13 which a quorum is present. At any meetings of the Panel such a member present</p> <p>14 shall have one vote on a question proposed for decision and in the event of an</p> <p>15 equality of votes, the Chairperson shall have a casting vote.</p> <p>16 (3) The provision of the second schedule to this Bill shall, in so far as</p> <p>17 is applicable to the panel respectively have effect with respect to those bodies.</p>
Penalties for unprofessional Conduct	<p>18 43.-(1) Where:</p> <p>19 (a) a person registered under this Bill is judge by the panel to be guilty</p> <p>20 of infamous conduct in any professional respect;</p> <p>21 (b) the panel is satisfy that the name of any person has been</p> <p>22 fraudulently registered; or</p> <p>23 (c) a person registered in any status under this Bill is convicted by any</p> <p>24 courts in Nigeria or elsewhere having power to award imprisonment, of an</p> <p>25 offence (whether or not an offence punishable, with imprisonment) which in</p> <p>26 the opinion of the panel is incompatible with the status of Translator and/or</p> <p>27 interpreter; The panel may, if it thinks fit, give any of the direction mentioned in</p> <p>28 subsection (2).</p> <p>29 (2) the panel may give a direction under subsection (1) of this section:</p> <p>30 (a) ordering .the registrar to strike the person's name off the relevant</p>

1 part of the register;

2 (b) suspending the person from practice for such period as may be
3 specified in the direction;

4 (c) reprimanding the person;

5 (d) ordering the person to pay to the institute any costs of and
6 incidental to the proceedings, or any other sum of money whatsoever
7 incurred by the institute; or

8 (e) cautioning the person and postponing for a period not
9 exceeding one year any further section against him/her on one or more
10 condition as to his conduct during that period; and such direction may, where
11 appropriate include provision requiring the refund of monies paid or the
12 landing over of documents or any other thing, as the case may required.

13 (3) The panel may, if it thinks fit, defer or defer decision as to the
14 giving of direction under subsection (1) of this section until a subsequent
15 meeting of panel but:

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

18 (b) no person shall be a member of the panel for the purpose of
19 reaching a decision which has been deferred or further deferred unless he
20 was present as a member of the panel when the decision was deferred or
21 further deferred.

22 (4) For the purpose of subsection (1) of this section a person shall
23 not be treated as convicted as mentioned in paragraph (c) of the subsection
24 unless the conviction stands at a time when no appeal or further appeal is
25 pending or may (without extension of time) be brought in connection with
26 the conviction.

27 (5) in any inquiring under this section, any finding of fact which is
28 shown to have been made in:

29 (a) any criminal proceedings in a court in Nigeria, or

30 (b) any civil proceedings in a court in Nigeria, shall be conclusive

1 evidence of the fact found.

2 (6) if, after due inquiry, the panel is satisfied that during the period of
3 any postponement under paragraph (e) of subsection (2) of this section, a
4 person has not complied with the conditions imposed thereunder, the panel
5 may, if it thinks fit, impose anyone or more of the penalties mentioned in
6 paragraph, (a), (b), (c) or (d) of that subsection.

7 (7) When the panel gives a direction under subsection (1) of this
8 section, the Tribunal shall cause notice of the direction to be served on the
9 person to whom it relates and the direction shall take effect:

10 (a) where no appeal as allowed in this Bill is brought against the
11 direction within the time limited for the appeal, on the expiration of that time;

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

14 (c) where such an appeal is brought and is not withdrawn or struck out
15 as aforesaid; if and when the appeal is dismissed.

Restoration of
Registration

16 **44.**-(1) where the name of a person has been struck off from the
17 register in pursuance of a direction given under section 45 of this Bill, the
18 Tribunal may, if it thinks fit at anytime direct the restoration of his name to the
19 register.

20 (2) An Application for the registration of a name to a register under
21 subsection (1) of this section shall not be made to the panel before the
22 expiration of such period from the date of the striking off (and where he/she has
23 made such application, from the date of its last application) as may be specified
24 in the direction.

25 (3) There shall be payable to the institute by any person on the
26 restoration of his name to a register in pursuance of a direction given under this
27 section the like fees as will be payable by that person on the first becoming
28 registered on that register.

Striking-Off entries
from the Register
on grounds of
fraud or error

29 **45.**-(1) if it is proved to the satisfaction of the panel that any entry
30 made in a register has been fraudulently or incorrectly made, Tribunal may

1 direct that the entry shall be struck off from the register.

2 (2) A person may be registered in pursuance of any provision of this
3 Bill notwithstanding that his name had been struck off in pursuance of a
4 direction given under subsection (1) of this section, but it is not so struck off
5 on the ground of fraud he shall not be registered except an application in that
6 behalf is made to panel, and such application, the panel may if it thinks fit,
7 direct that it shall be registered, or shall not be registered until the expiration
8 of such period as may be specified in the direction.

9 (3) Any reference in this Bill to the striking off from or the
10 restoration to a register of the name of a person shall be construed as
11 including a reference to the striking off from or the restoration to the register
12 of any other registrable particulars relating to that person

13 **46.**-(1) where the panel:

Application to
the Fed H/R

14 (a) makes a finding and imposes a penalty on a register person
15 under section 45 of this Bill;

16 (b) rejects an application for the restoration of a name to a register
17 under section 46 of this Bill: or

18 (c) direct the striking off of an entry from a register under section
19 47 of this Bill, the Registrar shall give the person to whom the proceedings
20 relate notice in writing thereof and such person may within twenty eight
21 days from the date of service on him of the notice apply to the Federal High
22 Court for redress.

23 (2) No direction for the striking off of the name of a registered
24 person from a register under section 45 of this Bill shall take effect until the
25 expiration of the time for applying to the Federal High Court or if an action is
26 brought. Until such time as the case is disposed off, withdrawn or struck out
27 for want of prosecution as the case may be.

28 **PART VII - MISCELLANEOUS**

29 **47.**-(1) All persons registered as Translators and/or Interpreters
30 under this Bill, shall such fees, dues, fund and other monies as may from

Practising and
other fees, dues,
etc.

1 time to time be determined by the institute and confirmed by Presidency.

2 (2) Without prejudice to the generality of section (1) of this section all
3 persons registered as Associate Members, Full Members and Fellows shall pay
4 in respect of each year a practicing fee the amount of which may be review
5 from time to time by the institute, so however that higher rates shall be paid in
6 accordance with the length of practice of the profession, shall be:

7 (i) Associate Member N1,000;

8 (ii) Full member of 5 years and below N2,000;

9 (iii) Full Members above 5 years N3,000;

10 (iv) Fellow of 5 years and below N5,000;

11 (v) Fellow of above 5 years and below 10 years N7,500;

12 (vi) Fellow of above 10 years N10,000.

13 (6) All fees, dues, funds and other monies fixed or reviewed by the
14 institute and confirmed by the Presidency shall be published in the form a rule
15 by the Presidency in accordance with the provisions of this Bill.

Offences

16 48.-(1) Any persons, not being registered as translator and/or
17 interpreter or ceasing to be entitled to such registration under this Bill who:

18 (a) for or in expectation of reward, practices or holds himself/herself
19 out to practice as such: or

20 (b) without reasonable excuse take or uses any name, titled, addition
21 or description implying that he/she is authorized by law to practice as a
22 Translator and/or interpreter: shall be guilty of an offence under this Bill.

23 (2) If any person for the purpose of procuring the registration of any
24 name, qualification or other matter:

25 (a) makes a statement which he/she believe to be false in the material
26 particular;

27 (b) recklessly makes a statement which is false in the material
28 particular; or

29 (c) he shall be guilty of an offence under this Bill.

30 (3) If the registrar or any other persons employed by the institute

1 willfully makes any falsification in any matter relating to the register, he
2 shall be guilty of an offence under the Bill.

3 (4) Any person on the temporary register who:

4 (a) for or in expectation of reward, practices or holds himself out to
5 practice in a private capacity as a Translator and/or Interpreter outside.

6 **49.**-(a) The asset and liabilities of the Nigeria Institute of Burden of Proof
7 Translators and Interpreters is hereby transfer and vested in the institute
8 established under section (1) of this Act, the specific employment for which
9 he/she is registered in Nigeria; or

10 (b) Without reasonable excuse takes or uses any name, title ,
11 addition or description implying that he/she is authorize by law to practice
12 generally as a Translator and/or interpreter outside the specific employment
13 for which he/she is registered; shall be guilty of an offence under the Bill,
14 and shall be liable on conviction in a court of competent jurisdiction to a fine
15 not exceeding N20,000 or imprisonment for a term not exceeding two years
16 or both and where the offence ii continuing one, to a further fine not
17 exceeding N200 for each and every day that the offence continues.

18 (2) Where an offence under this section have been committed by a
19 body corporate is proved to have been committed with the consent or
20 connivance of, or to be attributable to any neglect on the part of any Director,
21 Manager, secretary or any person purporting to act in such capacity, he/she
22 as well as the body corporate shall be deem to be guilty of that offence and
23 shall be liable to be proceeded against and published accordingly.

24 **50.** In any criminal proceedings against any person upon a charge Regulation, Rules
25 of having performed an act which constitutes an offence if performed by any and Orders
26 unregistered persons, the person charge shall be deemed to be unregistered
27 unless he proves the contrary.

28 **51.**-(1) In addition to any other power to make regulations and give Transitional
29 directions under this Bill, the Presidency may make all such other Provisions
30 regulations as may, in its opinion, be necessary or expedient for giving full

1 effect to the provisions of this Bill and for the administration thereof. Any
2 power to make regulations, rules and orders conferred under the Bill shall
3 include power to make:

4 (a) provision for such incidental and supplementary matters as the
5 authority making the instrument considers expedient for the purposes of the
6 instruments; and

7 (b) different provisions for different circumstances.

8 (3) any regulations made under this Bill shall be published in the
9 Federal Gazette.

Interpretation

10 **52.** In this Bill, unless the context otherwise requires;

11 "the institute" means the Nigeria Institute of Translators and interpreters
12 established under part (1) of this Bill;

13 "President" means the President Federal republic of Nigeria and Commander -
14 in-Chief.

Short Title

15 **53.** The Bill may be cited as the Nigeria Institute of Translators and
16 Interpreters, (Established) Bill, 2019.

17 FIRST SCHEDULE

18 SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE

19 PART 1 - QUALIFICATIONS AND TENURE OF OFFICE OF MEMBER

20 1. A person other than a person appointed under section 3 (1) (b), (e),
21 (h), and G) of this Bill shall be a member of the Institute unless he/she is a
22 citizen of Nigeria and is registered as a Full Member or a Fellow or, in the case
23 of the first members of the Institute, is eligible for being so registered.

24 2. Subject to the provisions of this paragraph, a member of the
25 Institute, other than a public officer shall hold office for a period of "three years
26 from the date of his appointment and shall be eligible for reappointment for a
27 further period of three years, thereafter he/she shall no longer be eligible for
28 reappointment.

29 3. A member of the Institute other than a public officer may resign
30 his/her appointment by a letter under his hand address to the Presidency and

1 copied to the President, or in the case of the President, copied to the
2 Registrar, and shall take effect from the date of the receipt of the letter by the
3 Presidency.

4 4. Where a member of the Institute ceases to hold office before (he
5 date when his/her term of office would have expired by effluxion of time,
6 the body or person by whom he was appointed or elected shall as soon as
7 may be appoint or, as the case may be elect another person to fill the vacancy
8 for the residue of the term aforesaid, so however that the foregoing provision
9 of this subparagraph shall not apply where a person holding office as a
10 member ,of the Institute ceases to hold office at the time when the residue of
11 his term does not exceed six months.

12 5. The Presidency may appoint or approve the appointment of any
13 person who is registered as Full Member or Fellow to be a temporary
14 member of the Institute during an absence or the temporary incapacity by
15 illness lasting not less than six months of any member; and that person shall,
16 while the appointment subsists, exercise the function of a member under this
17 Bill.

18 6. The foregoing provisions of this section shall be without
19 prejudice to the provision of section 11 of the Interpretation Act (Cap. 192
20 LFN) which relates to appointment.

21 7. Any registered member of the profession who ceases to be such
22 registered member shall, if he is also a member of the institute, cease to hold
23 his position on the institute.

24 8. A person who is a member by virtue of occupation of a particular
25 office shall cease to be a member if he ceases to occupy the particular office
26 outside the Institute.

27 PART II - PROCEEDINGS

28 1. Subject to the provision of this Bill and of Section 27 of the
29 Interpretation Act (Cap. 192 LPN) (providing for decision of a body to be
30 taken by a majority of the, members of the body) the Institute may make

1 standing orders regulation the proceedings of the Institute or any Committee
2 thereof.

2. The institute shall meet at least two times in a year and at such other times as the President may from time to time determine and, in any case, shall not meet more than six times in a year.

6 3. Every meeting of the Institute shall be presided over by the
7 President of the institute and if the President is unable to attend any particular
8 meeting, the Vice-President in his absence a member may be appointed by the
9 members present to act as President for that
10 particular meeting.

11 6. The quorum at any meeting of the institute shall be one-third of the
12 membership.

13 7. Where a standing orders made under paragraph 1 of this part of this
14 schedule provide for the institute for the institute to co-opt persons who are not
15 members of the institute, such persons may advise the institute on any matters
16 referred to them by the institute but shall not be entitled to vote at a meeting of
17 the institute or count towards quorum.

18 6. Notwithstanding anything in the foregoing provisions of this
19 schedule, the inauguration of the institute shall be summoned by and presided
20 over by the Presidency.

21 *Committee*

22 7. Subject to the standing orders, the institute may appoint such
23 member of the standing and ad-hoc committees as thinks fit to consider and
24 report on any matter with which the institute is concerned.

25 8. Every committee appointed under paragraph 7 of this schedule
26 shall be presided over by a member of the institute and shall be made up of such
27 number of persons, not necessarily members of the institute, as the institute
28 may determine in each case.

29 9. The quorum of any committee set up by the institute shall be as
30 may be determine by the institute.

1 10. Where standing orders made pursuant to paragraph 1 of this
2 part of this schedule provide for a committee may advise. the institute on any
3 matter referred to it by the institute.

4 11. A decision of a committee shall be of no effect until it is
5 confirmed by the institute.

6 *Miscellaneous*

7 12. The fixing of the seal of the institute shall be authenticated by
8 the signature of the President and of any other person authorized in that
9 behalf by the institute.

10 13. Any contract or instrument which, if made or executed by any
11 person not being a body corporate would not be required to be under seal,
12 may be made or executed on behalf of the institute by any person generally
13 or specially authorized to act for that purpose by the instate.

14 14. Any document purporting to be a contract, instrument or other
15 document duly signed or sealed on behalf of the institute shall be received in
16 evidence and shall unless the contrary is proved, be presumed to have been
17 so signed and sealed.

18 15. The validity of any proceedings of the institute shall not be
19 adversely affected by:

20 (a) any vacancy in the membership of the institute;

21 (b) any defect in the appointment of a member of the institute; or

22 (c) reason that a person not entitled to do so took part in the
23 proceedings of the institute:

24 16. Any member of the institute and any person holding a position
25 on a committee of the institute who has a personal interest in any contract or
26 arrangement entered into or promised to be considered by institute or
27 committee thereof shall forthwith declare his interest to the institute or
28 committee and shall not present at the discussion relating to the contract of
29 the arrangement.

30 17. A person shall not, by reason only of his/her membership of the

1 institute, be treated as holding an office or emolument under the Federal
2 Republic of Nigeria of any state or Local Government thereof.

3 1. The quorum of the Panel shall be three.

4 (1) The Panel may, at any meeting attended by not less than five
5 members thereof, make standing orders with respect to the Panel.

6 2. Subject to the provisions of any such standing orders the Panel
7 may regulate its own procedure.

8 *Miscellaneous*

9 3.-(1) A person ceasing to be a member of the Tribunal or the Panel
10 shall be eligible for re-appointment as a member of that body.

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

15 4. The Tribunal or the Panel may act notwithstanding any vacancy in
16 its membership: and the proceedings of either body shall not be invalidated by
17 any irregularity in the appointment of a member of that body, or (subject to
18 subparagraph 7 of this Schedule) by reason of the fact that any person who was
19 not entitled to do so took part in the proceedings of that body.

20 5. The Tribunal and the Panel each sit in two or more divisions.

21 6. Any expenses of the Tribunal or of the panel shall be defrayed by
22 the institute.

23 7. Any document authorized or required by virtue of this Bill to be
24 served on the Tribunal or the Panel shall be served on the Registrar.

25 8. A person shall not, by reason only of his/her appointment as an
26 assessor to the Tribunal or as a member of the Panel, be treated as holding an
27 office in the public service of the Federation of any State thereof.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Nigerian Institute of Translators and Interpreters.

ADVERTISING PRACTITIONER'S (REGISTRATION, LICENSING, ETC)

BILL, 2019

ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF THE ADVERTISING PRACTITIONER'S
COUNCIL OF NIGERIA (APCON) AND THE GOVERNING BOARD

1. Establishment of the Council
2. Establishment and Constitution of the Governing Board of the Council
3. Tenure of Office of Members of Board
4. Cessation of Membership
5. Allowances of Members of Board

PART II - FUNCTIONS OF THE COUNCIL

6. Functions of the Council
7. Powers of the Board
8. Power to bestow honorary fellowship

PART III - STRUCTURE OF THE COUNCIL

9. Structure of the Council

PART IV - STAFF OF THE COUNCIL

10. Staff of the Council
11. Other Staff of the Council
12. Staff pension

PART V - FINANCIAL PROVISIONS

13. Financial Provisions
14. Expenditure of the Council
15. Gifts to the Council
16. Power to Borrow
17. Annual Estimates and Expenditure
18. Quarterly Report
19. Annual Report

PART VI - REGISTRATION AND REGULATION OF INDIVIDUALS AND

FIRMS ENGAGED IN ADVERTISING

20. Registration of individuals' corporate persons
21. Preparation and maintenance of register
22. Publication of register and lists of correction
23. Division of register
24. Registration

PART VII - REGULATORY STANDARD AND ENVIRONMENT

25. Setting Regulatory Standards
26. Beautification Fund
27. Research and Development Fund
28. Utilization of the Fund
29. Utilization of the Fund

PART VIII - TRAINING

30. Approval of courses
31. Supervision of institution and examination leading to qualifications
32. Power of the Council to consider matters relating to training, etc.

PART IX - PRIVILEGES OF REGISTERED PERSONS AND OFFENCES BY

UNREGISTERED PERSONS

33. Certificate invalid if given by unregistered person
34. Appointment not to be held by unregistered person
35. Prohibition of a person falsely professing to be an advertising practitioner or professional
36. Recovery of fees
37. Offences
38. Burden of proof

PART X - DISCIPLINE

39. Establishment of the Disciplinary Committee and Investigating Panel
40. Alternative Dispute Remedy
41. Establishment of Advertising Standards Panel
42. Council's power to award financial penalties for unauthorised publication/exposure of advertisement without ASP approval

43. Procedural Safe guards: License, notice, revocation, enforcement and compensation
44. Appeal
45. Enforcement
46. Issuance of stop display order
47. Compensation payable for revocation of an advertising license
48. Time limit for payment of compensation
49. Proceedings of Disciplinary Committee
50. Penalties for unprofessional conduct
51. Administrative sanctions for violation of the provisions of the Bill
52. Restoration of registration
53. Striking off entries from register on grounds of fraud or error
54. Appeal to the Court of Appeal

PART XII - MISCELLANEOUS PROVISIONS

55. Protection of officer for action taken in good faith
56. Pre action notice
57. Penalties
58. Application and Relevance of Other Laws Not Barred
59. Powers of the Minister
60. Offices and Premises of the Council
61. Limitation of Suits against the Council
62. Services of Document
63. Restriction of Execution against Property of the Council
64. Re al and Savings
65. Interpretations
66. Short title
- Schedule

A BILL

FOR

AN ACT FOR THE REPEAL OF THE ADVERTISING PRACTITIONER'S (REGISTRATION, ETC) ACT AND ENACTMENT THE ADVERTISING PRACTITIONER'S (REGISTRATION, LICENSING, ETC) ACT FOR THE ESTABLISHMENT OF A COUNCIL FOR ADVERTISING PRACTITIONERS AS THE APEX REGULATORY AUTHORITY FOR THE NIGERIAN ADVERTISING PROFESSION AND PRACTICE, TO MAKE PROVISIONS FOR THE REGULATION AND CONTROL OF THE PRACTICE OF THE PROFESSION AND BUSINESS OF ADVERTISING TO ENSURE THE PROTECTION OF THE GENERAL PUBLIC AND CONSUMERS, PROMOTE LOCAL CONTENT WHILST ENTRENCHING BEST INTERNATIONAL PRACTICES, AND FOR RELATED MATTERS

Sponsored by Hon. Abdulrazak Namdas

[] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE ADVERTISING PRACTITIONER'S
2 COUNCIL OF NIGERIA (APCON) AND THE GOVERNING BOARD

3 1.-(1) There is established a body to be known as the Advertising
4 Practitioner's Council of Nigeria (APCON) (in this Bill referred to as "the
5 Council").

Establishment
of the Council

6 (2) The Council:

7 (a) shall be a body Corporate with perpetual succession and a
8 common seal and may sue and be sued in its corporate name; and

9 (b) acquire, hold, mortgage, purchase and deal howsoever with
10 property, whether movable or immovable, real or personal.

11 2.-(1) There is established for the management of the affairs of the
12 Council a Governing Board (in this Bill referred to as "the Board").

Establishment
and Constitution
of the Governing
Board of the
Council

13 (2) The Board shall consist of:

1 (a) a Chairman, who shall be a distinguished fellow of the profession
2 to be appointed by the Minister;

3 (b) 2 representative not below the rank of a Director of the Ministries
4 in charge of:

5 (i) Information;

6 (ii) Advertising.

7 (c) one representative each of:

8 (i) National Universities Commission;

9 (ii) National Board for Technical Education (NBTE);

10 (iii) Broadcasting Organization of Nigeria (BON);

11 (d) two Representatives of the Outdoor Advertisement Association of
12 Nigeria(OAAN);

13 (e) five persons to be elected by the Association of Advertising
14 Agencies of Nigeria;

15 (f) the Registrar-General of the Council as member /secretary,

16 (4) The members of the Governing Board shall be appointed by the
17 President subject to confirmation by the Senate.

18 (5) The Board shall from time to time elect from among its members a
19 vice-chairman, who shall in the absence of the chairman have all the powers
20 and duties of the chairman, and if neither the chairman nor the vice-chairman is
21 available, shall nominate a person from their own ranks to preside at that
22 meeting.

23 (6) A member of the Governing Board shall:

24 (a) be a person of proven integrity;

25 (b) have 10 years cognate experience in advertising; and

26 (c) be duly registered as advertising practitioner as provided for under
27 this Bill and the appointments shall as much as possible reflect equitable
28 representation from the six geopolitical zones in Nigeria.

29 (7) The supplementary provision set out in the schedule to this Bill

1 shall have effect with respect to the proceeding of the Board and other
2 related matters.

3 3.-(1) A member of the Board, holds office for a term of 4 (four)
4 years. Tenure of Office
of Members of
Board

5 (2) A member of the Board may be re-appointed at the expiry of his
6 or her term of office for the second time and no more.

7 (3) No person shall be appointed as a member of the Board if he or
8 she:

9 (a) is an undischarged bankrupt;

10 (b) fails to comply or is not capable of fully complying with a
11 judgment or order, including an order for costs, given against him or her by a
12 court of law in a civil case;

13 (c) in the preceding 10 years has been convicted of an offence of
14 which fraud, violence, dishonesty, extortion or intimidation is an element; or

15 (d) is not permanently resident in the Federal Republic of Nigeria.

16 4.-(1) A member of the Board shall vacate his or her office if he or
17 she: Cessation of
Membership

18 (a) becomes subject to a disqualification contemplated in section
19 3(3) of this bill;

20 (b) becomes of unsound mind;

21 (c) is absent without the leave of the secretary for more than two
22 consecutive meetings of the Board.

23 5. There shall be paid to every member of the Board such
24 allowances as the Council may from time to time determine. Allowances of
Members of
Board

25 PART II - FUNCTIONS OF THE COUNCIL

26 6. The Council shall:

27 (a) determine who are advertising practitioners;

28 (b) determine the individuals or corporate entities of Nigerian or
29 foreign origin entitled to practice advertising in Nigeria and or offer
30 advertising products and services aimed at the Nigerian Advertising market;

Functions of the
Council

1 (c) determining the standards of knowledge and skill to be attained by
2 persons seeking to become registered as members of the advertising profession
3 or render advertising services directed at the Nigerian advertising market and
4 public, and reviewing those standards from time to time;

5 (d) articulate conditions generally under which any advertising
6 practitioner, should seek to practice advertising in Nigeria whether
7 individually or in/with any related agency or company in Nigeria in line with
8 the practice in other recognized professions;

9 (e) determine the categories of practice and specialization for both
10 individual and corporate practitioners under a licensing regime to be reviewed
11 from time to time;

12 (f) securing in accordance with the provisions of this Act, the
13 establishment and maintenance of separate registers for individuals and firms
14 entitled to practise in any form or manner as advertising practitioners including
15 but not limited to artistes, advertising agencies, creative agencies, full service
16 advertising agencies, advertising media, advertising production organizations,
17 regulators, etc and the publication, from time to time, of lists of those persons
18 or firms;

19 (g) set the standard for good advertising within Nigeria including
20 publication and enforcement Codes, Guidelines, Regulations, Proclamations
21 or other subsidiary legislation on content of advertising which shall be the
22 exclusive reserve of the Advertising Practitioners Council for the regulation of
23 sustainable advertising;

24 (h) set the standard for regulation of advertising by various Federal,
25 State and Local Government agencies and entities involved with advertising
26 control particularly as concerns safety, environment and interstate commerce
27 other than regulation of content;

28 (i) minimize multiple regulation within the advertising industry in
29 Nigeria, protecting investment in the sector and ensuring that advertising is
30 conducted in an environmentally sustainable manner;

1 (j) maintain and implement the disbursement of a Beautification
2 Fund to ensure the sustainable aesthetics of the environment from the impact
3 of advertising;

4 (k) ensure the preservation of Nigerian social and cultural heritage
5 through the development and implementation of policies that promote
6 development of cultural integrity, local content and use of indigenous skills
7 as an important element in advertising services offered in Nigeria and or
8 directed at the Nigerian market;

9 (l) formulate and implement regulations and guidelines on industry
10 credit policy from time to time;

11 (m) create a Research and Development Fund aimed at promoting
12 advertising best practice in Nigeria;

13 (n) formulate policy on all activities relating to advertising in
14 Nigeria;

15 (o) conduct examinations in the profession and award certificates
16 or diplomas to successful candidates as and when appropriate and for such
17 purpose the Council shall prescribe fees to be paid in respect thereof;

18 (p) formulate and implement regulations and guidelines in the
19 industry aimed at curbing unfair practices which causes substantial restraint
20 or which may tend to create monopoly in the advertising sector, provided
21 that proposed mergers between any category of advertising agency shall be
22 brought to the notice of the council for approval;

23 (q) without prejudice to the foregoing, ensure the furtherance,
24 maintenance and observance of ethical standards and promote
25 professionalism in the Nigerian Advertising industry whilst bringing
26 Nigerian advertising at par with global best practices;

27 (r) ensure the effective administration, supervision, regulation and
28 control of advertising in Nigeria in all its aspects and ramifications subject
29 only to the approval of the Minister in charge of a sector when that sector
30 relates to a specialized sector;

Powers of the
Board

1 (s) co-ordinate and promote research activities on advertising; and
2 (t) perform such other functions as may be permitted by the Board and
3 directed by the Minister pursuant to the provisions of this Bill necessary,
4 incidental and expedient to give effect to the intent of this Bill.

5 7. The Board shall have powers to:

6 (a) manage and superintend the affairs of the Council;

7 (b) on a recommendation from its Registrar General, establish zonal
8 offices in any part of the Federation in accordance with a decision reached at a
9 Council meeting;

10 (c) ratify a decision from its Registrar General appointing/re-
11 assigning zonal heads and heads of departments;

12 (d) establish committees or specialized departments for the purpose
13 of effective regulation and discharge of administrative functions under the Bill;

14 (e) formulate general policies for the regulation and development of
15 the advertising industry;

16 (f) charge, retain and utilise for its purposes costs or penalties
17 imposed for violation of this Bill and subsidiary legislation enacted pursuant
18 thereto;

19 (g) use all legal and appropriate means of enforcement to recover all
20 costs or penalties imposed on any person for the purpose of administration of
21 this Bill;

22 (a) subject to the provisions of this Bill, make; alter, and revoke rules
23 and regulations for carrying out the functions of the Council;

24 (b) with the prior consent of the Minister, borrow or dispose of any
25 property;

26 (c) make and ensure enforcement of regulations relating to
27 advertising in Nigeria;

28 (d) appoint either on transfer, secondment or leave of absence from
29 any public service of the federation or private sector, such number of
30 employees as may, in the opinion of the Board be required to assist the Council

1 in the discharge of any of its functions under this Bill, and shall have power
2 to pay such employees remunerations including allowances as the Board
3 may from time to time determine;

4 (e) accept gifts of land, money or other testamentary dispositions,
5 endowments and contributions on such terms and conditions, if any, as may
6 be specified by the donor of the gift (provided that the Council shall not
7 accept any gift if the conditions attached thereto by the donor are
8 inconsistent with the functions of the Council);

9 (f) have its authorised officers conduct routine and special
10 inspection and investigation of advertising practitioners/firms or persons
11 who hold out themselves as advertisers;

12 (g) for purpose of discharge of its regulatory and supervisory duties
13 in relation to persons engaged in advertising, have access to information
14 from any director, manager and officer, examine whenever necessary under
15 conditions of confidentiality books and affairs of such persons or body
16 corporate subject to its regulation:

17 Provided that when an investigation or an examination is made, reasonable
18 opportunity shall be afforded at all times for the person subject thereto to
19 know the nature of the issues arising, make relevant representations vis a vis
20 any proposed steps to be taken by the Council that may be prejudicial to the
21 person's interests, and where a report is made in that regard for the Council's
22 consideration or its relevant committee, such person shall be entitled to a
23 copy of same and any other documents or processes in that regard;

24 (h) subject to the provisions of this Bill, by general or special order
25 in writing, delegate to any member or officer of the Council or any other
26 person subject to such conditions, if any, as may be specified in the order,
27 such of its powers and functions under this Act as it may deem necessary;

28 (i) determine the terms and conditions of service including
29 remunerations of employees;

30 (j) subject to the provisions of this Bill, make staff regulations

	1	relating generally to the conditions of service of employees of the Council and
	2	without prejudice to the generality of the foregoing, such regulations may
	3	provide for:
	4	(i) The appointment, promotion and disciplinary control including
	5	dismissal of employee of the Council; and
	6	(ii) Procedure for appeals by such employees against dismissal or
	7	other disciplinary measures,
	8	(k) do such other thing which in the opinion of the Board and
	9	directives of the Minister are necessary and expedient to ensure the efficient
	10	discharge of the functions of the Council.
Power to bestow honorary fellowship	11	8. The Council may if it deems fit bestow an honorary fellowship on
	12	any deserving person who has distinguished himself in his calling, having
	13	spent not less than 15 years in any chosen area of practice and whose
	14	contribution is such that it is in the interest of the council to be associated with
	15	such person.
	16	PART III - STRUCTURE OF THE COUNCIL
Structure of the Council	17	9.-(1) For the purposes of effective administration, the Council shall
	18	be structured into four operational departments as follows:
	19	(a) Administration;
	20	(b) Operations Department; and
	21	(c) Corporate Services.
	22	(2) The Board may create additional departments and Committees
	23	based on management recommendation and prevailing circumstances.
	24	(3) Each Department shall be managed by a Director who is charged
	25	with the responsibility of coordinating the functions of such department as
	26	spelt out in the Administrative manual of the Council.
	27	PART IV - STAFF OF THE COUNCIL
Staff of the Council	28	10.-(1) There shall be appointed for the Council, a Registrar General
	29	who shall be the Chief Executive and Accounting Officer of the Council.
	30	(2) The Registrar General is responsible for the general

1 administration of the Council.

2 (3) The Registrar General shall be:

3 (a) a fit and proper person, being a member of the Council with
4 suitable degree of skill and experience in advertising; and

5 (b) of proven integrity and ability.

6 (4) The Registrar General shall keep the records of proceedings
7 and decisions of the Board and such other functions as the Board may from
8 time to time direct.

9 (5) The Registrar General shall hold office on such terms and
10 conditions as are specified in his letter of appointment.

11 11.-(1) The Board shall appoint for the Council such number of Other staff of
12 employees as may in the opinion of the Board be expedient and necessary the Council
13 for the proper and efficient performance of the functions of the Council.

14 (2) The terms and conditions of service (including remuneration,
15 allowances, benefits and pensions) of the employees of the Council shall be
16 as determined by the Board after consultation with the Minister and the
17 Federal Civil Service Commission.

18 12. Service in the Council to be pensionable under the subsisting Staff Pension
19 Pensions Act.

20 PART V - FINANCIAL PROVISIONS

21 13.-(1) There shall be established and maintained by the Council, a Financial
22 Fund into which shall be paid and credited: Provisions

23 (a) all allocations from the Federal Government;

24 (b) such monies as may, from time to time, be lent, deposited or
25 granted to the Council by the Government of the Federation or of a State;

26 (c) all Grants received from both local and international
27 organization for the purpose of the Council;

28 (d) penalties, fees, charges, administrative costs of proceedings,
29 and other moneys payable to the Council in pursuance of this Bill;

30 (e) 0.20 percentage of the yearly turnover of all advertising

Expenditure
of the Council

- 1 businesses performed by registered persons and licensed bodies;
- 2 (f) Beautification Fund appropriated by the National Assembly;
- 3 (g) all monies received by the Council as gifts, loans, contributions,
- 4 testamentary deposition or donations; and
- 5 (h) all other monies and assets which may accrue to the Fund from
- 6 time to time.
- 7 (2) The Fund shall be managed in accordance with rules made by the
- 8 President and without prejudice to the generality of the power to make rules
- 9 under this subsection, the rules shall in particular contain provisions:
- 10 (a) Specifying the manner in which the assets of the Fund are to be
- 11 held and regulating the making payments into and out of the Fund; and
- 12 (b) Requiring the keeping of proper accounts and records for the
- 13 purposes of the Fund in such form as may be specified in the rules.
- 14 **14.** The Council shall apply the proceeds of the fund established
- 15 pursuant to Section 12 of this Bill to:
- 16 (i) cost of administration of the Council;
- 17 (ii) payment of salaries, fees, remuneration, bills, rent;
- 18 (iii) cost of maintenance of any property acquired or vested in the
- 19 Council;
- 20 (iv) capital expenditure approved by the Council;
- 21 (v) allowances, salaries, remuneration, pensions and gratuities
- 22 payable to the members of the Board specified in section 5 of this Bill or any
- 23 Committee of the Board and the employees of the Council, so however that no
- 24 payment of any kind under this paragraph (except such as may be expressly
- 25 authorized by the Board) shall be made to any person who is in receipt of
- 26 emolument from the government of the Federation or a State;
- 27 (vi) the payment for all contracts, including mobilisation,
- 28 fluctuations, variations, legal fees and cost on contract administration;
- 29 (vii) disbursement pursuant to approved beautification plans for
- 30 advertising environment nationwide:

1 (viii) to the payment for all purchases; and

2 (ix) to undertaking such other expenses and activities as are
3 connected with all or any of the functions of the Council under this Bill.

4 **15.**-(1) The Council may accept gifts of land, money or other Gifts to the
5 property on such terms and conditions; considered lawful. Council

6 (2) The Council shall not accept any gift if the conditions attached
7 by the person or organization making the gift are inconsistent with the
8 functions of the Council under this Bill.

9 **16.** The Council may, with the consent of the Minister, borrow, on Power to borrow
10 such terms and conditions as the Council may require in the exercise of its
11 functions under this Bill.

12 **17.**-(1) The Board shall, not later than 30th September of each year, Annual Estimates
13 submit to the Minister, an estimate of the expenditure and income (including and Expenditure
14 payments to the Council Fund) for the next succeeding year.

15 (2) The Board shall cause to be kept proper accounts of the Council
16 in respect of each year and proper records in relation thereto and shall cause
17 the accounts to be audited not later than 6 months after the end of each year
18 by auditors appointed from the list in accordance with the guidelines
19 supplied by the Auditor-General of the Federation.

20 **18.** The Board shall, at the end of every quarter in each year, Quarterly Report
21 submit to the President a report on the activities and administration of the
22 Council.

23 **19.**-(1) The Board shall prepare and submit to the Minister, not Annual Report
24 later than 30th June in each year, a report in such form as the President may
25 direct on the activities of the Council during the immediately preceding
26 year, and shall include in the report a copy of the audited accounts of the
27 Council for that year and auditor's report thereon.

28 (2) The Minister shall, upon receipt of the report referred to in
29 subsection (1) of this section, cause a copy of the report and the audited
30 accounts of the Council and the auditor's report thereon to be submitted to

1 the National Assembly.

2 PART VI - REGISTRATION AND REGULATION OF INDIVIDUALS AND
3 FIRMS ENGAGED IN ADVERTISING

Registration of
individuals
corporate persons

4 **20.-(1)** Every person or corporate person as defined in this Bill or any
5 subsidiary legislation made pursuant thereto, who intends to practice or
6 continue to practice advertising in the Nigerian Advertising market or
7 commence operation or operate as an advertising outfit or carry on advertising
8 business or profession shall be registered with the Council in accordance with
9 the provisions of this Bill and subsidiary legislation made under it.

10 (2) Registration of individuals or corporate bodies shall be in the
11 prescribed form and in the manner specified under this Bill and subsidiary
12 legislation made under it including but not limited to the level of knowledge
13 and skill required to operate in the Nigerian Advertising market. In particular,
14 the Council shall from time to time through subsidiary legislation/mandatory
15 guidelines make detailed provisions for licensing of different categories of
16 advertising organizations/firms engaged in advertising business which is
17 directed at the Nigerian market. The Council shall issue a certificate of
18 registration/license to any person or body corporate indicating the relevant
19 category/area of specialization they can operate.

20 (3) The level of foreign participation in an agency incorporated in
21 Nigeria would determine whether the proposed advertising firm is to do
22 business directed at the Nigerian market as a Foreign or National agency.

23 (4) Both Foreign and National Agencies applying for license must
24 comply with the requirements for licence as set out in the Nigerian Advertising
25 Practitioners Code and or any other mandatory guidelines published by the
26 Council from time to time pursuant to its mandate under this Bill.

27 (5) In granting license to a corporate body to conduct any approved
28 form of advertising business, the Council shall ensure that the interest of the
29 public is served by developing adequate rules for that purpose.

30 (6) The Council may revoke any license granted to a body corporate

1 where the body corporate is insolvent, wound up or operating in a manner
2 detrimental to the interests of the public, provided that no decision to revoke
3 existing license shall be made unless the body corporate has been given the
4 opportunity of being heard.

5 (7) Where the interest of the public may so require, the Council
6 may apply at the Federal High Court for the winding up of the affairs of the
7 body corporate whose license has been revoked.

8 **21.**-(1) The Registrar shall prepare and maintain, in accordance
9 with rules made by the Council under this section, a register of the names,
10 addresses, approved qualifications and of such other particulars as may be
11 specified of all persons who are entitled in accordance with the provisions of
12 this Act to be registered as fellows, full members, associates or students of
13 the profession and who apply in the specified manner to be so registered.

Preparation and
maintenance of
register

14 (2) Subject to the provisions of this section, the Council shall make
15 rules with respect to the form of keeping of the register and the making of
16 entries therein, and in particular-

17 (a) regulating the making of applications for registration and
18 providing for the evidence to be produced in support of application;

19 (b) providing for the notification to the Registrar by the person to
20 who any registered particulars relate, of any change in those particulars;

21 (c) authorising a registered person to have any qualification which
22 is, in relation to his profession, an approved qualification or an accepted
23 qualification under section 14 (2) of this Act, registered in relation to his
24 name in addition to or, as he may elect in substitution for any other
25 qualifications so registered;

26 (d) specifying anything failing to be specified under the foregoing
27 provisions of this section;

28 (e) specifying the fees to be paid to the Council in respect of the
29 entry of names on the register and authorising the Registrar to refuse to enter
30 a name on the register until any fees specified for entry has been paid.

1 (3) The Registrar shall:

2 (a) correct, in accordance with the directions of the Council, any entry
3 in the register which the Council directs him to correct as being in the opinion
4 of the Council an entry which was incorrectly made;

5 (b) make, from time to time, any necessary alterations to the
6 registered particulars or registered persons;

7 (c) remove from the register the name of any registered person who
8 has died, has become insane or has committed an act of gross misconduct.

9 (4) If the Registrar:

10 (a) should send by post to any registered person a registered letter
11 addressed to him at his address on the register enquiring whether the registered
12 particulars relating to him are correct and receives no reply to that letter within
13 three months from the date of posting it; and (b) upon the expiration of the
14 period sends in like manner to the persons in question a second letter and
15 receives no reply to that letter within three months from the date of posting, the
16 Registrar may remove the particulars relating to the person in question from the
17 register but the Council may direct the Registrar to restore to the register any
18 particulars removed therefrom under this subsection.

19 (5) The Registrar shall also prepare and maintain, in accordance with
20 rules made by the Council under this section, a register of the names, addresses,
21 conditions of license and such other particulars as may be necessary of all
22 corporate bodies or persons who are licensed to practice under any of the
23 categories listed in section 2(4)(e) and or additional categories created under
24 any subsidiary legislation made pursuant to this Bill. The other provisions of
25 this section as well as section 12 shall apply to this subsection with such
26 modifications as are necessary.

Publication of
register and lists
of correction

27 **22.-(1)** The Registrar shall:

28 (a) cause the register to be printed, published and put on sale to
29 members of the public not later than one year from the beginning of the year in
30 which this Act comes into force;

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

5 (c) cause a print of each edition of the register and of each list of
6 corrections to be deposited at the principal office to the Council, and the
7 Council shall keep each register and lists so deposited open at all reasonable
8 times for inspection by members of the public.

9 (2) A document purporting to be a print of an edition of a register
10 published under this section by authority of the Registrar in the current year
11 or documents purporting to be prints of an edition of a register so published
12 in the current year, shall (without prejudice to any other mode of proof) be
13 admissible in any proceedings as evidence that any person or corporate body
14 specified in the document, or the documents read together, as being
15 registered is so registered and that any person not so specified is not so
16 registered.

17 **23.** The register maintained under this Bill for individual persons Division of
18 shall Division of register consist of four parts: register

19 (a) Honorary Fellows;

20 (b) fellows;

21 (c) full members; and

22 (d) associate members.

23 **24.-(1)** A person shall be entitled to be registered as a student Registration
24 member of Registration the profession and being so registered to receive a
25 certificate of registration if he satisfies the Council that he is undergoing a
26 course of studies recognised by the Council leading to a qualification in the
27 profession in an institution approved by the Council.

28 (2) A person shall be entitled to be registered as an associate
29 member of the profession and being so registered to receive a certificate of
30 registration if:

1 (a) he holds a University Degree or Higher National Diploma in mass
2 communication or other professional qualification recognised by the Council
3 and he is employed in a recognised organisation where he can acquire
4 professional experience;

5 (b) he is of good character;

6 (c) he has not been convicted in Nigeria or elsewhere of an offence
7 involving fraud or dishonesty; and

8 (d) he has attained the age of 21 years.

9 (3) A person shall be entitled to be registered as a full member of the
10 profession and being so registered to receive a certificate of registration if:

11 (a) he fulfils the conditions for registration under subsection (2) of this
12 section; and

13 (b) he satisfies the Council that in the five years immediately
14 preceding the date of his application, he has been in continuous active practice
15 as an advertising practitioner either alone or in partnership with other
16 advertising practitioners:

17 Provided that a person having no formal education as stated in
18 subsection 2 (a) above shall be entitled to be registered as a full member of the
19 profession and being so registered to receive the certificate having certified as
20 having practiced advertising for a period not less than 7 years and if he satisfies
21 the conditions stated under subsection 2 (b)- (d).

22 (4) A person shall be entitled to be registered as a fellow of the
23 profession and being so registered to receive a certificate of registration if:

24 (a) he fulfils the conditions for registration under subsection (2) or (3)
25 of this section; and

26 (b) he satisfies the Council that in the fifteen years immediately
27 preceding the date of his application, he has been in continuous active practice
28 with other advertising practitioners, and has in the opinion of the Council made
29 significant contributions to the advertising profession.

30 (5) The Council may in its absolute discretion provisionally accept a

1 qualification produced in respect of an application for registration under this
2 section or direct that the application be received within such period as may
3 be specified in the direction.

4 (6) The Council shall, from time to time, publish in the Federal
5 Gazette particulars of the qualifications for the time being accepted for
6 registration.

7 PART VII - REGULATORY STANDARD AND ENVIRONMENT

8 **25.**-(1) The Council shall set the standards for regulation by all
9 government agencies whether Federal, State or Local Government involved
10 with advertising control with intent to minimize multiple regulation and
11 taxes, reduce the cost of advertising, protect investment in advertising,
12 maintain aesthetic of advertising environment, maintain safety and
13 encourage sustainable advertising.

Setting regulatory
standards

14 (2) Before setting standards for regulation the Council shall
15 undertake a consultative process to enable it receive input from the affected
16 regulators, advertising practitioners, the advertisers, consumers of
17 advertising, all stakeholders and the general public.

18 (3) Every regulator involved with advertising control shall comply
19 with the standards of regulation set by the Council.

20 (4) Breach of the standard of regulation shall entitle any affected
21 person to right of action for relief as may be appropriate to be granted by the
22 court against any offending regulator.

23 (5) Every registered practitioner who practices as a regulator in any
24 government agency (State, Federal or Local Government) which is in
25 breach of the standard of regulation shall be subject to discipline under this
26 Bill.

27 (6) Subject to the provisions of the Constitution, every regulator
28 shall compensate any individual or corporate body for any loss of property
29 occasioned by the removal of outdoor advertisements, signages, equipment,
30 etc before the term granted under existing control permit.

	1	(7) Any law which seeks to empower removal before expiration of
	2	valid control permit and without due process and provision for compensation
	3	shall be invalid and it shall be the duty of Council to intervene as a matter of
	4	first recourse and resolve disputes arising from enforcement actions of
	5	regulatory agencies.
Beautification Fund	6	26. -(1) The Council shall design a national plan for the beautification
	7	of the environment particularly the highways and roads to ensure safety and
	8	environmental sustainability of advertising.
	9	(2) The Council shall update the national plan from time to time and
	10	shall be responsible for implementation of the plan through capital projects
	11	under the Beautification Fund set up under this Bill or setting of standards of
	12	regulation for relevant regulator involved with advertising control.
	13	(3) No regulator who is in breach of standards of regulation set by the
	14	Council shall be entitled to grants under the Beautification Fund for capital
	15	projects for sustainable advertising environment.
Research and Development Fund	16	27. -(1) There is hereby established a fund to be known as the APCON
	17	Research and Development Fund (in this Act referred to as "the Fund") into
	18	which shall be paid:
	19	(a) such sums as may be provided or appropriated by the Council from
	20	its fund for the purpose of Research and development; and
	21	(b) such sums as may be provided for that purpose by the Federal
	22	Government.
Utilization of the Fund	23	28. -(1) The Fund shall be utilized to promote and encourage
	24	international best practices in the Advertising Sector.
	25	PART VIII - TRAINING
Approval of courses	26	29. -(1) The Council may approve for the purpose of section 12 of this
	27	Act:
	28	(a) any course of training which is intended for persons seeking to
	29	become members of the profession under this Act and which the Council
	30	considers is designed to confer on persons completing it sufficient knowledge

1 and skill for the practice of the profession;

2 (b) any institution either in Nigeria or elsewhere which the Council
3 considers is properly organised and equipped for conducting the whole or
4 any part of the course of training approved by the Council under this section;

5 (c) any qualification which, as a result of examination taken in
6 conjunction with the course of training approved by the Council under this
7 section, is granted to candidates reaching a standard at the examination
8 indicating, in the opinion of the Council, that they have sufficient
9 knowledge and skill to practise the profession.

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

13 (a) give notice that it proposes to do so to persons by whom' the
14 course is conducted or the qualification is granted or the institution is
15 controlled, as the case may be;

16 (b) afford each such person or institution an opportunity of making
17 to the Council representation with regard to the proposal; and

18 (c) take into consideration any representations made in respect of
19 the proposal in pursuance of paragraph(b) of this subsection.

20 (3) In relation to subsection b above, such person or institution is
21 expected to make a written representation and deliver same to the Council
22 within 21 days next after the notice of withdrawal of approval after which
23 the Council may fix a date for oral representation by such person or
24 institution where the person/institution requires any further clarification on
25 any issue.

26 (4) The giving or withdrawal of an approval under this section shall
27 have effect from such date, after the execution of the instrument signifying
28 the giving or withdrawal of the approval, as the Council may specify in the
29 instrument, and the Council shall:

30 (a) as soon as may be, publish a copy of every instrument in the

	1	Federal Gazette;
	2	(b) not later than seven days before its publication as aforesaid send a
	3	copy of the instrument to the Minister.
Supervision of institution and examination leading to qualification	4	30.-(1) The Council shall keep itself informed of the nature of:
	5	(a) the instruction given at approved institutions to persons attending
	6	approved courses of training; and
	7	(b) the examinations as a result of which approved qualifications are
	8	granted; and
	9	(c) for the purpose of performing that duty, the Council may appoint,
	10	either from among its own members or otherwise, persons to visit approved
	11	institutions or attend such examinations.
	12	(2) It shall be the duty of a visitor appointed under subsection (1) of
	13	this section to report to the Council on:
	14	(a) the adequacy of the instruction given to persons attending
	15	approved courses of training at institutions visited by him;
	16	(b) the adequacy of the examination attended by him; and
	17	(c) any other matter relating to the institutions or examinations which
	18	the Council may, either generally or in a particular case, request him to report,
	19	but no Visitor shall interfere with the giving of any instruction or the holding of
	20	any examination,
	21	(3) On receiving a report made in pursuance of this section, the
	22	Council shall, as soon as may be, send a copy of the report to the person
	23	appearing to the Council to be in charge of the institution or responsible for the
	24	examinations to which the report relates requesting that person to make
	25	representations to the Council within such time as may be specified in the
	26	request not being more than one month beginning with the date of the request.
Power of the Council to consider matters relating to training etc.	27	31.-(1) The Council may, if it thinks fit, consider and report to the
	28	Minister upon all matters relating to the professional training and other
	29	qualifications required for admission to the profession under this Act and the
	30	conditions of practice after registration,

1 (2) The Minister may require the Council to advise him on any
2 matter referred to in subsection (1) of this section,

3 PART IX - PRIVILEGES OF REGISTERED PERSONS AND OFFENCES BY
4 UNREGISTERED PERSONS

5 32. A certificate required by any written law from any class of
6 persons for whom a register is maintained under this Act shall not be valid,
7 unless otherwise where such certificate is signed by a person registered
8 under the Bill.

Certificate invalid
if given by
unregistered person

9 33.-(1) Subject to the provisions of this Act, no person, not being
10 registered in accordance with this Act, shall be entitled to hold any
11 appointment in the public service of the Federation or of a State or in any
12 public or private establishment, body or institution, if the holding of such
13 appointment involves the performance by him in Nigeria of any act
14 pertaining to the profession for gain.

Appointment not
to be held by
unregistered person

15 (2) Nothing in this section or in any other provisions of this Part of
16 this Act shall prevent a person from holding any appointment referred to in
17 subsection (1) of this section while he is undergoing training for the purpose
18 of becoming qualified for registration under this Act under the supervision
19 of persons who are registered in accordance with this Act.

20 34.-(1) Any individual person or corporate body, not being
21 registered in any register established under section 13 of this Act, who has
22 failed, refused or neglected to comply with the conditions and requirements
23 for practice of the profession of advertising as stipulated under this Bill, who
24 holds himself out either to be registered as advertising practitioner, or uses
25 any name, title, description or symbol calculated to lead any person to infer
26 that he is so registered, or who holds himself out as an advertising
27 practitioner or professional simpliciter, shall be guilty of an offence and
28 liable:

Prohibition of a
person falsely
professing to be
an advertising
practitioner of
professional

29 (a) on conviction of first offence to a fine of not more than One
30 Hundred Thousand Naira in case of an individual and the sum of not more

1 than Two Hundred Thousand Naira in the case of a corporate body or
2 imprisonment for a term of 6 months or both such fine and imprisonment; and
3 (b) on subsequent conviction to a fine of not more than One Hundred
4 and Fifty Thousand Naira in case of an individual and the sum of not more than
5 Five Hundred Thousand Naira in case of a corporate body or imprisonment of
6 12 months or both fine and imprisonment.

7 (2) Save where the person concerned expressly challenges the
8 administrative procedure commenced against such person, the Council may, in
9 lieu of prosecution of the offence prescribed in sub section 1 of this section,
10 sanction a person who violates the provisions of this section by imposing a
11 financial penalty within the range applicable as stated in sub section 1 and by
12 prohibiting such person from engaging in advertising business activity until
13 such time that the person commences the process of registration.

14 (3) Where however in the course of its investigation, the Council
15 discovers evidence of possible criminality distinct from the offence described
16 in subsection 1, the Council shall be obliged to pass such information to the
17 appropriate criminal authorities, such as the office of the Attorney General of
18 the Federation, Attorney General of the State, the Nigerian Police Force, the
19 Economic and Financial Crimes Commission, and Independent Corrupt
20 Practices Commission ICPC.

21 (4) the provisions of subsections 1 and 2 of this section shall take
22 effect only after the expiration of a moratorium period of 12 months from the
23 enactment of this Bill.

Recovery of
fees

24 **35.** No remuneration shall be recoverable by way of legal
25 proceedings in respect of any act pertaining to the profession of advertising
26 when performed by a person who is not entitled under this law to perform such
27 act for gain.

Offences

28 **36.-(1)** Any person, who for the purpose of procuring the registration
29 of any name, qualification or other matter:

30 (a) makes a false statement in a material particular; or

1 (b) recklessly makes a statement which is false in a material
2 particular, shall be guilty of an offence under this section.

3 (2) If the Registrar or any other person employed by the Council
4 wilfully makes any falsification in any matter relating to any register
5 maintained under this Act, he shall be guilty of an offence under this section.

6 (3) A person guilty of an offence under this section shall be liable to
7 a fine not exceeding One Hundred Thousand Naira, in the case of individual
8 and Two Hundred and Fifty Thousand Naira for corporate bodies or 1 year
9 imprisonment or both fine and imprisonment.

10 (4) Where an offence under this Part of this Act which has been
11 committed by a body corporate is proved to have been committed with the
12 connivance of or to be attributable to any neglect on the part of any director,
13 manager, secretary or other similar officer of the body corporate or any
14 person purporting to act in any such capacity, he, as well as the body
15 corporate, shall be deemed to be guilty of that offence and punished
16 accordingly.

17 37.-(1) In any criminal proceedings against any person upon a Burden of proof
18 charge of having performed an act which constitutes an offence if performed
19 by an unregistered person, the person charged shall be deemed to be
20 unregistered unless he proves the contrary.

21 (2) Where an administrative procedure or disciplinary proceedings
22 are initiated against any person, the burden of proof shall lie on the
23 investigating arm of the Council or legal representative to establish the
24 alleged violation of a provision of this Bill.

25 PART X - DISCIPLINE

26 38.-(1), There shall be established a disciplinary committee to be Establishment
27 known as the Advertising Practitioners Disciplinary Committee (in this Act of the Disciplinary
28 referred to as "the Disciplinary Committee") which shall be charged with the Committee and
29 duty of considering and determining any case referred to it by the panel Investigating Panel
30 established by the following provision of this Act.

1 (2) The Disciplinary Committee shall be made up of Ten (10)
2 members and its composition shall be as follows:

3 (a) a full time Chairman who shall be a legal practitioner of not less
4 than fifteen years with cognate experience in Advertising matters;

5 (b) three other full time Members, two of whom shall be Legal
6 Practitioners of not less than 10 years experience and one person who shall be
7 knowledgeable in Advertising matters who shall devote themselves to issues
8 relating to adjudication and shall not exercise any administrative function;

9 (c) three other part time members of the council who shall be
10 representative of the relevant advertising agencies, and whose composition
11 shall at any given case depend on the area of advertising practice involved.

12 (3) For the purpose of exercising any jurisdiction conferred by this
13 Act, the Disciplinary Committee shall be duly constituted if it consists of the
14 Chairman, and 2 other members of the Disciplinary Committee.

15 (4) The Chairman of the Disciplinary Committee may constitute a
16 panel of three (3) from its membership whenever he deems it necessary for the
17 purpose of exercising the jurisdiction vested in the Disciplinary Committee by
18 this Act or any other Act provided that:

19 (a) a member presiding as chairman of any panel shall be a legal
20 practitioner; and

21 (b) for the purpose of this Act, the sitting of any of such panel shall be
22 deemed a Constitution of the Disciplinary Committee.

23 (5) There shall be established a body to be known as the Advertising
24 Practice Investigating Panel (hereafter in this Act referred to as "the
25 Investigating Panel") which shall be charged with the duty of:

26 (a) conducting preliminary investigation into any case where it is
27 alleged that a registered person, advertising agency, advertising practitioner,
28 media house has misbehaved in his capacity as such, or should for any other
29 reason be the subject of proceedings before the Disciplinary Committee; and

1 (b) deciding whether the case should be referred to the Disciplinary
2 Committee.

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

5 (6) The provisions of the Second Schedule to this Act shall, in so far
6 as is applicable to the Disciplinary Committee and the Investigating Panel
7 respectively, have effect with respect to those bodies.

8 **39.-(1)** Without prejudice to the rights of parties to go to Court if
9 they do not ab initio assent to an industry driven arbitration under the
10 auspices of the Council, where a dispute arises between; advertising
11 practitioners, advertising practitioners and their clients, advertising
12 practitioners and regulatory agencies, media houses and advertisers, or any
13 stakeholder in the advertising industry and their clients, in relation to the
14 provisions or operation of this Bill, such disputes may be referred to a panel
15 set up by the council for arbitration.

Alternative
Dispute Remedy

16 (2) The Panel set up by the Council shall be known as the
17 "Advertising Practice Arbitration Panel" and the Panel shall make such rules
18 of procedure which shall be applicable for the arbitral proceedings.

19 (3) In the event of any dispute between parties in respect of the
20 provisions of this Bill, the aggrieved party or complainant shall issue a letter
21 of notification to the other party, formally notifying the party of the dispute.

22 (4) In the event of failure to reach amicable settlement within 45
23 days of the date of the letter of notification stated above, such dispute may be
24 submitted to Arbitration before the Advertising Practice Arbitration Panel.

25 (5) The Arbitration Panel shall be responsible for effecting prompt
26 settlement of any dispute arising between parties in relation to the provisions
27 of this Bill.

28 (6) The ruling of the panel, where parties have submitted to its
29 jurisdiction, shall be binding on the parties and no appeal shall lie from a
30 decision of the panel to any court of law or tribunal.

1 (7) The provisions of the Arbitration and Conciliation Act CAP. A18,
2 LFN 2004 or any amendment thereof shall be applied by the Panel in
3 determination of advertising disputes, brought pursuant to the provisions of
4 this Bill.

Establishment
of Advertising
Standards Panel

5 **40.**-(1) There shall be established by the Council, a panel to be known
6 as the Advertising Standards Panel (in this Act referred to as "the Standards
7 Panel") which shall be charged with the duty of ensuring that advertisements
8 conform with the prevailing Laws of the Federation as well as the codes of
9 ethics of the advertising profession.

10 (2) The Standards Panel shall consist of not less than three members
11 of the Council and the following other members, that is:

12 (a) two representatives each of the following associations namely:

13 (i) the Association of Advertising Agencies of Nigeria;

14 (ii) the Newspapers Proprietors Association of Nigeria;

15 (iii) the Consumers Association;

16 (iv) the Outdoor Advertising Association;

17 (b) three representatives of the Food and Drug Unit of the Federal
18 Ministry of Health;

19 (c) two representatives each of:

20 (i) advertisers;

21 (ii) National Council of Women Societies;

22 (iii) the electronic media;

23 (iv) the Central Bank of Nigeria and other financial institutions;

24 (v) state advertising regulatory agencies.

25 (3) A member of the Standards Panel other than a member of the
26 Council shall hold office on such terms and conditions as may be contained in
27 his letter of appointment.

28 (4) A decision of the Standards Panel shall have effect except when
29 nullified by the Council on appeal.

1 **41.**-(1) An agency which creates and/or places for publication or
 2 exposure of an advertisement without the ASP Certificate of Approval shall
 3 be liable to such fine stated in the Advertising Code of Practice for the time
 4 being in force.

Council's power
to award financial
penalties for
unauthorise
publication/
exposure of
advertisement
without ASP
approval

5 (2) An advertiser who authorises the publication or exposure of an
 6 advertisement without the ASP Certificate of Approval shall be liable to
 7 such fine stated in the Advertising Code of Practice for the time being in
 8 force.

9 (3) An advertising practitioner who publishes, exposes or
 10 knowingly aids the publication or exposure of an advertisement without the
 11 ASP Certificate of Approval shall be subject to the APCON disciplinary
 12 procedure notwithstanding the payment by his employer of the appropriate
 13 penalty.

14 **42.**-(1) Every licence granted for the publication or display of
 15 adverts in any media e.g. radio, television, print media, online ads, outdoor
 16 adverts etc. shall be properly documented by the licensing authority.

Procedural
safeguards license,
notice, revocation,
enforcement and
compensation

17 (2) The licensing authority may vary the conditions for the licence
 18 after giving reasonable notice to the licensee, and any such variance may
 19 only take effect after the expiration of the existing license.

20 (3) An advertising licence already granted and communicated to a
 21 licensee or holder for the time being may be revoked by the issuing authority
 22 which shall serve a notice of its intention to revoke the license in accordance
 23 with the provisions of this Bill.

24 (4) The Notice of revocation must state the reason(s) for revocation
 25 and must also afford the licensee a reasonable opportunity to make
 26 representation before revocation is effected. Except the term of the license
 27 make it impossible, the period of notice should not be less than 30 days.

28 (5) No adverts published or displayed in any media (including
 29 outdoor adverts and sign ages) may be discontinued with or removed during
 30 the term of the license in an arbitrary manner. The notice for the expiration of

	1	the license must first elapse, provided that in certain extreme cases involving
	2	public policy (public health, safety, security etc) removal of adverts contrary to
	3	the procedure provided for in this Act may be allowed.
Appeal	4	43. An appeal against any revocation of advertising license or permit
	5	Appeal may be referred to the Council within 28 days of the decision to revoke
	6	the license. Provided that no appeal may operate to extend the term of an
	7	advertising license.
Enforcement	8	44. -(1) The Regulatory agency or issuing authority of an advertising
	9	license Enforcement may serve an enforcement notice on a licensee wherever
	10	any advertisement is displayed without its approval or upon the expiration of
	11	the notice of revocation, where an appeal has not been made in accordance with
	12	the provisions of this Bill.
	13	(2) An enforcement notice may be issued pursuant to subsection (1) of
	14	this section notwithstanding that the unauthorised advertisement took place
	15	before the commencement of this Bill.
	16	(3) An enforcement notice served pursuant to subsection (1) of this
	17	section may direct the advertising licensee to alter, vary, remove, discontinue a
	18	displayed advert.
	19	(4) Before issuing or serving an enforcement notice in accordance
	20	with (4) the provisions of subsection (1) of this section, the regulatory agency
	21	or issuing authority shall:
	22	(a) have regard to. the existing conditions for granting license;
	23	(b) have regard to the likely impact on the safety, health and security
	24	of the public, which the displayed advert may have;
	25	(c) consider the over-riding public interest without prejudice to
	26	paragraph (b) of this section.
	27	(5) An enforcement notice served under this section of the Act by the
	28	regulatory agency or issuing authority shall:
	29	(a) be in writing and communicated to the advertising licensee;
	30	(b) state the reasons for the proposed action of the regulatory agency

1 or issuing authority;

2 (c) consider any representation made by the licensee or on behalf of
3 the licensee;

4 (d) may require a licensee to remove, or discontinue an advert
5 placement or display to ensure that the advert becomes a lawful advert

6 (6) A regulatory agency or issuing authority or its authorised agent
7 may effect an enforcement order against a licensee who fails to comply with
8 an enforcement order.

9 (7) A licensee or holder of an advertising licence for the time being
10 of an advertising license/permit shall be liable for all expenses reasonably
11 incurred by the regulatory agency or issuing authority or any of its officers or
12 agents, as the case may be, in enforcing the provisions of this Bill.

13 **45.**-(1) The Issuance of stop-display or stop work order for
14 unauthorized erection and display of adverts may apply, where it appears to
15 the regulatory agency or issuing authority that:

Issuance of stop
display order

16 (a) an unauthorised mounting or display of advert is being carried
17 out; or

18 (b) where a advert does not comply with a advertising
19 licence/permit issued, the regulatory agency or issuing authority shall issue
20 a stop-work order pending the service of an enforcement notice on the
21 licensee: Provided that where the advert cases of minor infraction, the
22 regulatory agency or issuing authority shall have the power to order the
23 licensee to alter, remove or discontinue the advertisement.

24 (2) A stop display or stop -work order shall take immediate effect
25 upon service on a licensee for the time being.

26 (3) The regulatory agency or licensing authority shall give a
27 reasonable time frame within which the licensee shall be required to comply
28 with a stop work order.

29 **46.**-(1) Compensation shall be payable for the revocation of an
30 advertising license to a licensee or the holder for the time being of an

Compensation
payable for
revocation of an
advertising license

1 advertising license if:

2 (a) legitimate display of advertisement has commenced; or the
3 advertising licensee or holder is liable under an existing contract to a third party
4 to damages for a breach of contract; or

5 (b) the advertising licensee has incurred any expense or has suffered a
6 loss during the process of obtaining the license.

7 (2) The amount of compensation payable under section 32 of this Bill
8 shall be such as to reimburse the licensee or holder for the time of an
9 advertising license of the directly ascertainable losses incurred as a result of the
10 revocation and shall not be in the form of payment of damages or in excess of
11 the sum incurred by the licensee.

12 (3) No compensation shall be payable under this section if:

13 (a) an advertisement is not in accordance with the terms and
14 conditions under which the advertising license was granted; or

15 (b) neither an appeal to the council nor a claim for compensation is
16 made 28 days after a notice of revocation by a regulator is served on the
17 licensee or the holder for the time being of an advertising license:

18 Provided that time to claim for compensation does not run when an
19 appeal against revocation by a regulator is made to the Council.

Time limit for
payment of
compensation

20 **47.** Compensation payable under this section shall be paid not later
21 than 60 days after a claim for compensation had been made, (2)

Proceedings of
Disciplinary
Committee

22 **48.-(1)** At any meeting of the Disciplinary Committee, three members
23 shall form a quorum.

24 (2) The Chairman shall preside at any meeting of the Disciplinary
25 Committee or in his absence the members present at the meeting shall appoint
26 one of the members to preside at the meeting,

27 (3) Any question proposed for decision by the Disciplinary
28 Committee shall be determined by the majority of the members present and
29 voting at a meeting of the Disciplinary Committee at which a quorum is
30 present.

1 (4) At any meetings of the Disciplinary Committee each member
2 present shall have one vote on a question proposed for decision by the
3 Disciplinary Committee, and in the event of an equality of votes, the
4 chairman shall have, in addition to a deliberative vote, a casting vote,

5 49.-(1) Where:

Penalties for
unprofessional
conduct

6 (a) a person registered under this Act is convicted by any court or
7 tribunal in Nigeria or elsewhere having power to award punishment for an
8 offence (whether or not an offence punishable with imprisonment) which in
9 the opinion of the disciplinary committee is incompatible with the status of
10 such professional;

11 (b) a registered person is judged by the disciplinary committee to
12 be guilty of infamous conduct in a professional respect; or

13 (c) the disciplinary committee is satisfied that the name of any
14 person has been fraudulently registered, the disciplinary committee may
15 give any of the directions mentioned in subsection (2) of this section,

16 (2) The disciplinary committee may as circumstances require give
17 any direction under subsection (1) of this section:

18 (a) ordering the Registrar to strike the person's name off the
19 relevant part of the register;

20 (b) suspending the person from practice for a period not more than
21 3 year;

22 (c) order that a formal reprimand letter be written to the person or
23 organization in default if such is a first time offence;

24 (d) ordering the person to pay to the Council any costs of and
25 incidental, to the proceedings or any other sums of money whatsoever
26 incurred by the Council; or

27 (e) cautioning the person and postponing for a period not
28 exceeding one year any further action against him on one or more conditions
29 as to his conduct during that period, and any such direction may, where
30 appropriate, include provisions requiring the refund of moneys paid or the

1 handing over of documents or any other thing, as the case may require.

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

6 (4) In any inquiry under this section, any finding of fact which is
7 shown to have been made in:

8 (a) any criminal proceedings in a court in Nigeria; or

9 (b) any civil proceedings in a court in Nigeria, shall be conclusive
10 evidence of the fact found.

11 (5) If, after due inquiry, the disciplinary committee is satisfied that
12 during the period of any postponement under paragraph (e) of subsection (2) of
13 this section, a person has not complied with the conditions imposed thereunder,
14 the disciplinary committee may, if it thinks fit, impose anyone or more of the
15 penalties mentioned in paragraph (a), (b), (c) or (d) of that subsection.

16 (6) A certificate under the hand of the Chairman that any costs have
17 been ordered to be paid by a person under this section shall be conclusive
18 evidence thereof.

Administrative
sanctions for
violation of the
provisions of
the Bill

19 **50.** Unless otherwise specifically provided for under this Bill, the
20 Council shall be entitled to apply proportionately to the act/omission sought to
21 be sanctioned any of the following sanctions for violations/breaches of the
22 provisions of this Bill:

23 (a) Reprimand,

24 (b) Warning,

25 (c) Light or heavy fine,

26 (d) Reduction of scope of license (or scope of practice for individual
27 and sole practitioner),

28 (e) Temporary suspension of registration or licence,

29 (f) Removal from the register of practice,

30 (g) Revocation of licence,

1 (h) A recommencement or reactivation fine in the cases e, f and g.

2 **51.**-(1) Where the name of a person has been struck off the register Restoration of
3 in pursuance of a direction given under sections 28 and 29(2) of this Act, the registration
4 Disciplinary Committee, may if it thinks fit, at any time direct the restoration
5 of his name to the register.

6 (2) An application for the restoration of a name to a register under
7 subsection (1) of this section shall not be made to the Disciplinary
8 Committee before the expiration of a period of 30 days from the date of the
9 striking off (and where he has made such an application, from the date of his
10 last application) as may be specified in the direction.

11 **52.**-(1) If it is proved to the satisfaction of the Disciplinary Striking of entries
12 Committee that any entry made in a register had been fraudulently or from register on
13 incorrectly made, the Disciplinary Committee may direct that the entry shall grounds of fraud
14 be struck off from the register. or error

15 (2) A person may be registered in pursuance of any provisions of
16 this Act notwithstanding that his name had been struck off in pursuance of a
17 direction given under subsection (1) of this section, but if it was so struck off
18 on the ground of fraud, he shall not be registered except if an application in
19 that behalf is made to the Disciplinary Committee and on any such
20 application the Disciplinary Committee may, if it thinks fit, direct that he
21 shall be registered or shall not be registered until the expiration of such
22 period as may be specified in the direction.

23 (3) Any reference in this Act to the striking off from or the
24 restoration to a register of the name of a person shall be construed as
25 including a reference to the striking off from or the restoration to the register
26 of any other registrable particulars relating to that person.

27 **53.**-(1) Where the Disciplinary Committee:

28 (a) makes a finding of infamous conduct and imposes a penalty on Appeal to the
29 a registered person under section 37 of this Act; Court of Appeal

30 (b) rejects an application for restoration of a name to a register

1 under section 39 this Act; or (c) directs the striking off of an entry from a
2 register under section 40 of this Act, the Registrar shall give the person to
3 whom the proceedings relate notice in writing thereof and such person may,
4 within 28 days from the date of service on him of the notice, appeal to the Court
5 of Appeal.

6 (2) On any appeal under this section, the Council shall be the
7 respondent.

8 (3) No direction for the striking off of the name of a registered person
9 from a register under section 29 of this Bill shall take effect until the expiration
10 of the time for appealing or if an appeal is brought, until such time as the appeal
11 is disposed of, withdrawn or struck out for want of prosecution, as the case may
12 be.

13 (4) The Court of Appeal may, on an appeal under this section:

14 (a) confirm, vary or set aside any finding of fact, penalty imposed or
15 direction given by the Disciplinary Committee;

16 (b) confirm the rejection of the Disciplinary Committee of the
17 application for restoration or direct the restoration of the name to the register;

18 (c) remit the matter to the Disciplinary Committee for further
19 consideration; or

20 (d) make such other order as to costs or otherwise as may to it seem
21 just, but no proceedings before the Disciplinary Committee shall be set aside
22 by reason only of informality in those proceedings which did not embarrass or
23 prejudice the appellant.

24 PART XII - MISCELLANEOUS PROVISIONS

Protection of
officer for action
taken in good
faith

25 **54.** No suit, prosecution or other legal proceedings shall lie against
26 any officer, member or other employee of the Council for anything which is
27 done in good faith or intended to be done under this Bill or the rules and
28 regulations made thereunder.

Pre-action notice

29 **55.**-(1) A person aggrieved by any action or decision of the Council
30 under this Bill, including such action or decision taken on the basis of the

1 Council's power under this Bill may institute an action in the Federal High
2 Court provided that the aggrieved person shall give the Council 21 days
3 notice in writing of his intention to institute an action against such action or
4 decision.

5 (2) The intending Plaintiff shall serve on the council a formal
6 written notice which shall clearly and explicitly state:

7 (a) the cause of action;

8 (b) the particulars of the claim;

9 (c) the name and place of abode of the intending plaintiff; and

10 (d) the reliefs which the Plaintiff intends to claim.

11 (3) The notice of intention to initiate an action against the Council
12 referred to in subsections (1) and (2) of this section may be addressed to and
13 delivered to the office of the Registrar.

14 (4) The provision of this section is not applicable to any decision of
15 the Disciplinary Committee as provided under this Act which an aggrieved
16 person intends to appeal against.

17 **56.**-(1) Except as otherwise specifically provided under the Penalties
18 provisions of this Bill, any person who violates or contributes in the
19 violation of the provisions of this Bill made thereunder is liable to a penalty
20 of not less than N150,000.

21 (2) The Council may in addition to any penalty that may be
22 prescribed under this Act, direct any person who has contravened of any of
23 the provisions of this Bill and any regulation made thereunder, to
24 compensate any person who may have suffered any direct loss as a result of
25 the contravention.

26 (3) Notwithstanding the provisions of subsections (2), of this
27 section the complainant of a contravention may seek by action,
28 consequential or punitive damages or any other remedy that may be
29 available under the law after exploring the domestic remedies provided by
30 the council.

Application and
relevance of
other Laws not
barred

1 (4) In the exercise of its powers to impose a penalty under this Bill, the
2 Commission shall accord the person in alleged violation a fair hearing.

3 **57.**-(1) Notwithstanding the provisions of this Act the relevant
4 provision of all existing enactments, including the following:

5 (a) Nigerian Urban and Regional Planning Act CAPN13, LFN 2004;

6 (b) Federal Roads Maintenance Agency (Establishment) Act 2002 (as
7 amended) in 2007 shall be read with such modification as to bring them into
8 conformity with the provisions of this Act in relation to advertising policies and
9 regulation.

10 (2) Without prejudice to the generality of subsection (1) of this
11 section, the provisions of this Act shall be in addition to the other laws not
12 barred and not in derogation of the provisions of any other law or enactment for
13 the time being in force.

14 (3) Subject to the Constitution of the Federal Republic of Nigeria if
15 the provisions of any other law, in relation to advertising policies and
16 regulation of advertising practice in Nigeria including enactments specified in
17 subsection (1) of this section, are inconsistent with the provisions of this Bill,
18 the provisions of this Bill shall prevail and the provisions of the other law shall,
19 to the extent of the inconsistency, be void.

20 (4) The Federal High Court shall have jurisdiction to determine any
21 issue arising from or concerning the operation of this Bill and advertising
22 control and practice in Nigeria.

Powers of the
Minister

23 **58.**-(1) The Minister may make regulations as may in his opinion be
24 powers of the Minister necessary or expedient for giving full effect to the
25 provisions of this Act and for the administration thereof.

26 (2) The Minister may give to the Council directives of a general nature
27 or relating generally to matters of policy with regard to the performance by the
28 Council of its functions and it shall be the duty of the Council comply with the
29 directives.

30 (3) Any power to make regulations, rules or orders conferred under

1 this Act shall include:

2 (a) the power to make provisions for such incidental and
3 supplementary matters as the authority making the instrument considers
4 expedient for the purposes of the instruments; and

5 (b) the power to make different provisions for different
6 circumstances.

7 **59.**-(1) For the purposes of providing offices and premises
8 necessary for the performance of its functions under this Bill, the Council
9 may, subject to the land use Act:

Offices and
Premises of the
Council

10 (a) purchase or take on lease any interest land, or other property;
11 and

12 (b) construct offices and premises and equip and maintain same.

13 (2) The Council may, subject to the land use Act, sell or lease out
14 any office or premises held by it, which office or premises is no longer
15 required for the performance of its functions under this Bill.

16 **60.**-(1) Subject to the provisions of this Bill, the provisions of the
17 Public Officers Protection Act shall apply in relation to any suit against any
18 member or Officer or employee of the Council.

Limitation of
suits against the
Council

19 (2) Notwithstanding anything contained in any other law or
20 enactment, no suit shall lie against any member of the Board, the chairman
21 or any other officer or employee of the Council for any Bill done in
22 pursuance or execution of this Bill or any other law or enactment, or any
23 alleged neglect or default in the execution of this Bill or such law or
24 enactment, duty or authority, shall lie or be Council in any court unless:

25 (a) it is commenced within three months after the act, neglect or
26 default complained of; or

27 (b) in the case of a continuation of damage or injury, within six
28 months next after the leasing thereof.

29 **61.** A notice, summons or other document required or authorized
30 to be served upon the Council under the provisions of this Bill or any other

Services of
Document

	1	law or enactment may be served by delivering it to the Director General of the
	2	Council.
Restriction of Executive against property of the Council	3	62. In any action or suit against the Council, no execution or
	4	attachment of process shall be made against Council unless not less than three
	5	months notice of the intention to execute or attach has been given to the
	6	Council.
Repeal and Savings	7	63. -(1) The Advertising Practitioner's (Registration, etc) Act, Cap.
	8	A7, Laws of the Federation of Nigeria, 2004 is hereby repealed and the Council
	9	dissolved.
	10	(2) By virtue of this Act, there shall be vested in the Council
	11	immediately at the commencement of this Act, without further assurance, all
	12	assets, funds, resources and other movable and immovable property which
	13	immediately before the commencement of this Act were vested in the dissolved
	14	Council.
	15	(3) As from the date of commencement of this Act:
	16	(a) all rights, interests, obligations and liabilities of the dissolved
	17	Council existing before the commencement of this Act under any contract or
	18	instrument, or in law or in equity, shall by virtue of this Act be assigned to and
	19	vested in the Council established by this Act;
	20	(b) any contract or instrument as is mentioned in paragraph (a) of this
	21	subsection shall be of the same force and effect against or in favour of the
	22	Council established by this Act and shall be enforceable as fully and effectively
	23	as if instead of the dissolved Council, the Council established by this Act had
	24	been named therein or had been a party thereto;
	25	(c) the Council established by this Act shall be subject to all the
	26	obligations and liabilities to which the dissolved Council was subject
	27	immediately before the commencement of this Act and all other persons shall
	28	have the same rights, powers and remedies against the Council as they had
	29	against the dissolved Council immediately before the commencement of this
	30	Act.

1 (4) Any proceedings or cause of action pending or existing
2 immediately before the commencement of this Act by or against the
3 dissolved Council in respect of any right, interest, obligation or liability of
4 the dissolved Council may be commenced or continued, as the case may be,
5 and any determination of any court of law, tribunal or other authority or
6 person may be enforced by or against the Council to the same extent that the
7 proceedings, cause of action or determination might have been continued,
8 commenced or enforced by or against the dissolved Council as if this Act
9 had not been made.

10 (5) Notwithstanding the provisions of this Act but subject to such
11 directions as may be issued by the Council established by this Act, a person
12 who immediately before the commencement of this Act held office in the
13 dissolved Council shall be deemed to have been transferred to the Council
14 established by this Act on terms and conditions not less favourable than
15 those obtaining immediately before the commencement of this Act, and
16 service in the dissolved Council shall be deemed to be service in the Council
17 established by this Act for purposes of pension.

18 (6) The President, if he thinks fit, may, within twelve months after
19 the commencement of this Act, by order published in the Gazette, make
20 additional transitional or savings provisions for the better carrying out of the
21 objectives of this section.

22 **64.** In this Bill unless the context otherwise requires:

Interpretation

23 "Association" means the Association of Advertising Practitioners of
24 Nigeria;

25 "Council" means the Advertising Practitioner's Council of Nigeria;

26 "Board" means the Governing Board of the Council;

27 "President" means the President of the Federal Republic of Nigeria;

28 "member" means a member of the Board and includes the Chairman;

29 "Minister" means the Minister in charge of Information and advertising; and

30 "Person" includes a juristic person;

Short title

1 "profession" means the advertising profession "register" means the register
2 maintained in pursuance of section 11 of this Act;
3 "registered" means registered as a fellow, member, associate or student
4 member or the profession in the part of the register relating to fellows,
5 members, associates or students, as the case may be;
6 "Registrar General" means the Registrar appointed under this Act.

7 **65.** This Bill may be cited as Advertising Practitioner's (Registration,
8 Licensing, etc) Bill, 2019.

9 FIRST SCHEDULE

10 *Section 2 (7)*

11 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

12 PROCEEDINGS OF THE BOARD

13 1. Subject to this Bill and section 27 of the Interpretation Act, the
14 Board may make standing orders regulating its proceedings or those of any of
15 its committees. [Cap.123].

16 2. The quorum of the Board shall be the Chairman and six other
17 members and the quorum of any committee of the Board shall be determined by
18 the Board.

19 3. The Board shall meet not less than two times in each year and
20 subject thereto, the Board shall meet whenever it is summoned by the
21 Chairman; and if the chairman is required to do so by notice given to him by not
22 less than four other members, he shall summon a meeting of the Board to be
23 held within fourteen days from the date on which the notice is given.

24 4. At any meeting of the Board, the chairman shall preside, but if he is
25 absent, the members present at the meeting shall appoint one of their numbers
26 to preside at that meeting.

27 5. Where the Board desires to obtain the advice of any person on a
28 particular matter, the Board may co-opt such a person to the Board for such
29 period as it thinks fit; but a person who is in attendance by virtue of this sub-
30 paragraph shall not be entitled to vote at any meeting of the Board and shall not

1 count towards a quorum.

2 *Committees*

3 6. The Board may appoint one or more committees to carry out, on
4 behalf of the Board, such of its functions as the Board may determine.

5 7. A committee appointed under this paragraph shall consist of
6 such number of persons not necessarily members of the Board as may be
7 determined by the Board; and a person other than a member of the Board
8 shall hold office in the committee in accordance with the terms of his
9 appointment.

10 8. A decision of a committee of the Board shall be of no effect until
11 it is confirmed by the Board.

12 *Miscellaneous*

13 9. The fixing of the Seal of the Council shall be authenticated by
14 the signature of the Chairman and the Secretary to the Board.

15 10. Any contract or instrument which, if made or executed by a
16 person not being a body corporate, would not be required to be under seal
17 may be made or executed on behalf of the Council by any person generally
18 or specially authorised by the Council for that purpose.

19 11. A document purporting to be a document duly executed under
20 the Seal of the Council shall be received in evidence and shall, unless and
21 until the contrary is proved, be presumed to be so executed.

22 SECOND SCHEDULE

23 *Section 39 (6)*

24 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
25 COMMITTEE, THE INVESTIGATING PANEL AND THE STANDARDS PANEL,
26 THE DISCIPLINARY COMMITTEE

27 1.-(1) The Chief Justice of Nigeria shall make rules as to the
28 procedure to be followed and the rules of evidence to be observed in
29 proceedings before the Disciplinary Committee.

30 (2) The rules shall in particular provide:

1 (a) or securing that notice of proceedings shall be given at such time,
2 and in such manner as may be specified by the rules, to the person who is the
3 subject of the proceedings;

4 (b) for determining who, in addition to the person aforesaid, shall be a
5 party to the proceedings;

6 (c) securing that any party to the proceedings shall, if he so requires,
7 be entitled to be heard by the Disciplinary Committee;

8 (d) or enabling any party to the proceedings to be represented by a
9 legal practitioner;

10 (e) subject to the provisions of section 28 of this Act, as to the costs of
11 proceedings before the Disciplinary Committee;

12 (f) for requiring in a case where it is alleged that the person who is the
13 subject of the proceedings is guilty of infamous conduct in any professional
14 respect, that where the Disciplinary Committee judges that the allegation has
15 not been proved, it shall record a finding that the person is not guilty of such
16 conduct in respect of the matter to which the allegation relates;

17 (g) or publishing in the Federal Gazette of notice of any direction of
18 the Disciplinary Committee which has taken effect, providing that, a person's
19 name shall be struck off from the register.

20 2.-(1) For the purpose of advising the Disciplinary Committee on
21 questions of law arising in proceedings before it, there shall in such
22 proceedings be an assessor to the Disciplinary Committee who shall be
23 appointed by the Council on the recommendation of the Attorney-General of
24 the Federation and shall be a legal practitioner of not less than Ten years'
25 standing with cognate experience in Advertising matters

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

29 (a) where an assessor advises the Disciplinary Committee on any
30 question of law as to evidence, procedure or any other matter specified by the

1 rules, he shall do so in the presence of every party or person representing a
2 party to the proceedings who appears thereat or, if the advice is tendered
3 while the Disciplinary Committee is deliberating in private, that every such
4 party or person as aforesaid shall be informed as to what advice the assessor
5 has tendered;

6 (b) every party or person as aforesaid shall be informed if in any
7 case the Disciplinary Committee does not accept the advice of the assessor
8 on such a question as aforesaid.

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

13 *The Investigating Panel*

14 3. The quorum of the Investigating Panel shall be three.

15 4. The Investigating Panel may, at any of its meetings attended by
16 not less than five members of the Investigating Panel, make standing orders
17 with respect to the Investigating Panel and subject to the provisions of any
18 such standing orders, the Investigating Panel may regulate its own
19 procedure.

20 5. No member of the Investigating Panel shall sit as a member of
21 the Disciplinary Committee.

22 *Miscellaneous*

23 6. A person ceasing to be a member of the Disciplinary
24 Committee, the Investigating Panel or the Standards Panel shall be eligible
25 for re-appointment as a member of that body.

26 7. The Disciplinary Committee, the Investigating Panel or the
27 Standards Panel may act notwithstanding any vacancy in the membership of
28 any of the said bodies and the proceedings of any of such bodies shall not be
29 invalidated by any irregularity in the appointment of a member of such
30 bodies (or subject to paragraph I of this Schedule) or by reason of the fact

1 that any person who was not entitled to do so took part in the proceedings of any
2 of such bodies.

3 8. The Disciplinary Committee, the Investigating Panel or the
4 Standards Panel may each sit in two or more places.

5 9. Any document authorised or required by virtue of this Act to be
6 served on the Disciplinary Committee, the Investigating Panel or the Standards
7 Panel shall be served on the Registrar.

8 10. Any expenses of the Disciplinary Committee, the Investigating
9 Panel or the Standards Panel shall be defrayed by the Council.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Advertising Practitioner's (Registration, etc) Act and enact the Advertising Practitioner's (Registration, Licensing, etc) Act for the establishment of a Council for advertising practitioners as the Apex Regulatory Authority for the Nigerian Advertising profession and practice, to make provisions for the regulation and control of the practice of the profession and business of advertising to ensure the protection of the general public and consumers, promote local content whilst entrenching best international practices.