

Extraordinary



National Assembly Journal

No. 20

Abuja - 9th June, 2021

Vol. 18

CONTENTS

INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
HB. 1370	A Bill for an Act to Provide a Legal Framework for the regulation of recruitment into the Civil Service of the Federation and for Related Matters	C 1409 - 1411
HB. 1372	A Bill for an Act to Establish the Nigerian Electoral Offences Commission and for Related Matters	C 1413 - 1439
HB. 1373	A Bill for an Act to Provide for the Legal Framework to Establish the Federal Medical Centre, Ufuma, Anambra State and for Related Matters, 2021	C 1441 - 1456
HB. 1402	A Bill for an Act to Amend the Advance Fee Fraud and Other Fraud Related Offences Act Cap. A6 LFN 2007 No. 62 and for Related Matters	C 1457 - 1457
HB. 1403	A Bill for an Act to Amend the Central Bank of Nigeria Act 2007 Act No. 7; and for Related Matters	C 1459 - 1460
HB. 1404	A Bill for an Act to Amend the National Drug Law Enforcement Agency Act Cap. N30 Laws of the Federation of Nigeria, 2004 and for Related Matters	C 1461 - 1464
HB. 1436	A Bill for an Act to Provide for Establishment of the Chartered Institute of Loss Adjusters to regulate, control and determine the standards of knowledge to be attained by people seeking to become Chartered Actuaries and for Related Matters	C 1465 - 1497

Printed and Published by the National Assembly Press, Abuja, Nigeria

NASSP 20/96/2021/900

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.

A BILL

FOR

AN ACT TO PROVIDE A LEGAL FRAMEWORK FOR THE REGULATION OF
RECRUITMENT INTO THE CIVIL SERVICE OF THE FEDERATION, IN A MANNER
THAT GUARANTEES AND PROMOTES EQUAL OPPORTUNITIES FOR JOB
APPLICANTS AND FOR RELATED MATTERS

Sponsored by Hon. Bamidele Salam

[] Commencement

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

- | | |
|---|---|
| <p>1 1. The provisions of this Bill shall be applicable to all Civil Service</p> <p>2 Institutions of the Federal Government desirous of recruiting 50 staff and</p> <p>3 above.</p> | <p>Application of
the Bill</p> |
| <p>4 2. The recruiting Ministry, Department, Agency or Institution</p> <p>5 shall publish a notice of its proposed recruitment in at least 2 national dailies,</p> <p>6 at least 2 reputable Nigerian online job search websites as well as the Civil</p> <p>7 Service Electronic Recruitment Portal created under this Bill stating:</p> <p>8 (a) The available vacancies;</p> <p>9 (b) The qualifications required;</p> <p>10 (c) Deadline for submission of the application;</p> <p>11 (d) The mode of application for the available vacancies;</p> <p>12 (e) Stages of the exercise, if any; and</p> <p>13 (f) Any other relevant information, as may be required.</p> | <p>Notice of the
Recruitment
Exercise</p> |
| <p>14 3. A Civil Service Electronic Recruitment Portal shall be</p> <p>15 established by the Office of the Head of Civil Service of the Federation for</p> <p>16 the purpose of applying the provisions of this Bill.</p> | <p>Establishment
of the Central
Portal</p> |
| <p>17 4. Without prejudice to the principles of Federal Character</p> <p>18 enshrined in the Constitution of the Federal Republic of Nigeria,</p> <p>19 recruitment into all Civil Service Institutions of the Federal Government</p> | <p>Non-discrimination
in the recruitment
exercise and
compliance with
the Federal Character
Principle</p> |

	1	shall be free from all forms of discrimination based on religion, ethnicity,
	2	political affiliation, status, gender, physical disability, impairment or state of
	3	origin. Provided that principal consideration shall be paid to the applicants'
	4	training, qualifications, experience, physical and mental capabilities for the job
	5	description as advertised.
Rules of transparency	6	5.-(1) The Civil Service Electronic Recruitment Portal shall at all
	7	times, be accessible to all members of the public, at no cost, to guarantee,
	8	fairness, transparency and equity in the recruitment process.
	9	(2) The recruiting Ministry, Department, Agency or Institution shall
	10	publish the names and other necessary information of applicants prequalified
	11	for each stage of the recruitment process on the Civil Service Electronic
	12	Recruitment Portal.
Engagement of a Recruitment Firms	13	6.-(1) Where the recruiting Ministry, Department, Agency or
	14	Institution requires the services of an external recruitment firm in the conduct
	15	of any aspect of the recruitment process, it shall so act, in compliance with the
	16	extant Public Procurement Regulations.
	17	(2) A recruitment firm engaged pursuant to Clause 6(1) shall comply
	18	with the provisions of this Bill in conducting all recruitments into any Ministry,
	19	Department, Agency or Institution.
Equal Employment Opportunity Plan	20	7.-(1) In every recruiting year, the recruiting Ministry, Department,
	21	Agency or Institution shall, not later than three months prior to the
	22	commencement of a recruitment exercise, submit to the Office of the Head of
	23	Civil Service of the Federation, an Equal Employment Opportunity Plan,
	24	which shall contain an affirmative program of equal employment opportunity
	25	for applicants, the number of staff projected to be employed and the required
	26	qualification/ training required for the role.
	27	(2) The Office of the Head of Civil Service of the Federation shall be
	28	responsible for the review, evaluation and approval of the Equal Employment
	29	Opportunity Plan, and shall advise on the implementation and formulation of
	30	the Equal Employment.

- 1 Opportunity Plan, as may be necessary.
- 2 **8.** Notwithstanding the provisions of Clause 1, the Armed Forces Exemption
3 of the Federation and The Secret Service Agencies shall be excluded from
4 the application of this Bill.
- 5 **9.** Any person who while carrying out his duties as an officer of the Offences
6 recruiting Ministry, Department, Agency or Institution, contravenes any
7 provision of this Bill shall be guilty of an offence and is liable on conviction
8 to punishment of a term of imprisonment of not less than 2 calendar years
9 with an option of fine in the sum of N1,000,000 or both.
- 10 **10.-(1)** The Office of the Head of Civil Service of the Federation, Regulations and
11 shall make regulations for effective implementation and administration of Administration
12 this Bill, in collaboration with relevant institutions of the Federal of the Bill
13 Government.
- 14 **(2)** The Office of the Head of Civil Service of the Federation shall
15 hold regular consultations with Civil Society Organizations, Labour Unions
16 and Interest Groups to review progress reports, violations and
17 recommendations on the application of this Bill.
- 18 **11.** In this Bill: Interpretation
19 "Civil Service" includes the public service and service in all Institutions of
20 the Federal Government.
- 21 **12.** This Bill may be cited as Civil Service Recruitment Citation
22 (Regulation) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide a legal framework for the regulation of recruitment into Federal Government Civil Service Institutions, in a manner that guarantees and promotes equal opportunities for job applicants.

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN ELECTORAL OFFENCES COMMISSION
AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Aishatu .J. Dukku

[] Commencement

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

- 1 **1.-(1)** There is established a body to be known as the Nigerian
2 Electoral Offences Commission (in this Bill referred to as “the
3 Commission”) which shall be constituted in accordance with and shall have
4 functions as are conferred on it by this Bill.
- 5 (a) The Commission:
- 6 (i) shall be a body corporate with perpetual succession and a
7 common seal;
- 8 (ii) may sue and be sued in its corporate name and may, for the
9 purpose of its functions, acquire, hold or dispose of property (whether
10 moveable or immoveable);
- 11 (b) The Commission shall consist of a Chairman and fourteen (14)
12 other members, at least two of whom shall come from each of the six geo-
13 political zones amongst whom shall be:
- 14 (i) a representative of the Chairman of the Independent National
15 Electoral Commission;
- 16 (ii) a representative of the Inspector of Police;
- 17 (iii) the Chairman of the Nigerian Bar Association or his
18 representative;
- 19 (iv) a representative of the Civil Society;
- 20 (v) the Secretary to the Commission who shall be the head of
21 administration.

Establishment
of the Nigerian
Electoral Offences
Commission

1 (c) The Chairman of the Commission shall be a person who has held
2 office as a judge of a Superior Court of Record of the Federal Republic of
3 Nigeria not below the rank of a retired Justice of the Court of Appeal;

4 (d) The Chairman, Secretary and members of the Commission other
5 than Ex-officio members shall be appointed by the National Judicial Council
6 subject to confirmation by the Senate;

7 (e) The nomination of the Ex-officio members shall however be
8 vetted and approved by the National Judicial Council before being made subject
9 to confirmation by the Senate.

Tenure

10 2.-(1) The Chairman shall hold office for a period of five (5) years and
11 may be re-appointed for another five (5) years but shall not be eligible for re-
12 appointment thereafter. The other members of the Commission shall hold
13 offices for a period of four (4) years and may be re-appointed for another four
14 (4) years but shall not be eligible for re-appointment thereafter.

15 (2) Notwithstanding the provision of Section 4(1) of this Bill, the
16 Chairman or any member of the Commission may at any time be removed from
17 office by the National Judicial Council acting on a motion supported by 2/3 of
18 the Senate present and voting on the ground of the Chairman's and/or
19 member(s) inability to discharge the functions of his office for reasons of
20 infirmity of mind or body or for misconduct upon which a court of competent
21 jurisdiction has found such a person guilty.

22 (3) The Chairman or any member of the Commission may resign his
23 appointment by notice in writing under his hand and addressed to the National
24 Judicial Council and the Chairman or member(s) shall on the date of the receipt
25 of the notice of resignation by the National Judicial Commission cease to be a
26 member of the Commission.

27 (4) The Chairman and members of the Commission shall hold office
28 on such terms and conditions as may be specified in their instrument of
29 appointment, and in the exercise of their functions.

- 1 **3.** The Commission shall be responsible for: Functions of the
Commission
- 2 (a) The co-ordination, enforcement and the due administration of
- 3 the provisions of this bill and other enforcement functions conferred on any
- 4 other person or authority under this bill;
- 5 (b) The investigation of all electoral offences and offences allied,
- 6 connected with or incidental to the Commission of an electoral offence;
- 7 (c) The examination and investigation of all reported cases of
- 8 electoral offence with a view to locating, identifying and determining
- 9 individuals, corporate bodies or groups involved;
- 10 (d) The sensitization, enlightenment and orientation of the public
- 11 on electoral offences and the liabilities there from through seminars,
- 12 workshops, peer groups, talk shows etc;
- 13 (e) The facilitation of rapid exchange of scientific and technical
- 14 matters and conduct of joint operation to prevent Commission of electoral
- 15 offences as well as adoption of other measures aimed at eradicating electoral
- 16 offences;
- 17 (f) The issuance of summons to persons to appear in persons or
- 18 produce documents that would help in the unraveling of an electoral
- 19 offence. Such summons issued under this bill shall be in duplicate and
- 20 signed by the Chairman or any other officer as the Chairman may so direct to
- 21 issue summons;
- 22 (g) The seizure of any property (moveable or immoveable) that is
- 23 used or suspected to be used in the Commission of an electoral offence;
- 24 (h) Maintaining a liaison with the Independent National Electoral
- 25 Commission, the Electoral offences Tribunals, The Attorney Generals of the
- 26 states and the federation and such other institutions involved in the conduct
- 27 of, or activities ancillary, incidental or arising from the conduct of elections;
- 28 (i) The Commission shall without prejudice to any other unit or
- 29 committee set up the legal unit with the responsibility for:
- 30 (i) Prosecuting offenders under this act;

	1	(ii) supporting the Commission with legal advice and assistance
	2	whenever it is required;
	3	(iii) performing such other legal duties as the' Commission may refer
	4	to it from time to time.
Standing Orders	5	4.-(1) The Chairman may issue administrative orders to be called
	6	'standing orders' which shall conform with the provision on the general control,
	7	training and duties of officers' of the Commission and for such other matters
	8	that may enhance the efficient and effective functioning of the Commission.
	9	(2) The Commission may establish one or more branch offices in
	10	each State of the Federation and the Federal Capital Territory, Abuja to carry
	11	out its functions under this Act.
	12	PART II - ELECTORAL OFFENCES
Offences relating to Registration, etc.	13	5.-(1) Any person who:
	14	(a) without authority, destroys, mutilates, defaces or removes or
	15	makes any alteration in any notice or documents required for the purpose of
	16	registration under this Act;
	17	(b) knowingly gives false information or makes a false statement with
	18	reference to any application for registration of his name or with reference to
	19	any objection to the retention of the name of a person in the register of voters;
	20	(c) presents himself to be or does any act whereby he is by whatever
	21	name or description howsoever, included In the register of voters for a
	22	constituency in which he is not entitled to be registered or causes himself to be
	23	registered in more than one registration or revision centre;
	24	(d) publishes any statement or report which he knows to be false or
	25	does not believe to be true so as to prevent persons who are qualified to register
	26	from registering as voters;
	27	(e) makes in any record, register or document which is required to
	28	prepare, publish or keep for the purpose of registration, any entry or statement
	29	which he knows to be false or does not believe to be true;
	30	(f) impedes or obstructs a registration officer or a revision officer in

1 the performance of his duties;

2 (g) without proper authority, wears the identification of a
3 registration officer or assistant registration officer or wears any other
4 identification purporting to be the identification of a registration officer or
5 assistant registration officer;

6 (h) forges a registration card; or

7 (i) carries out registration or revision of voters at a centre or place
8 not designated by the Commission; commits an offence and is liable on
9 conviction to a maximum fine of N1,000,000 or to 12 months imprisonment
10 or to both.

11 **6.-(1)** A person who:

Offences in respect
of nomination, etc.

12 (a) forges any nomination paper or result form;

13 (b) willfully defaces or destroys any nomination paper or result
14 form;

15 (c) delivers to an electoral officer any nomination paper or result
16 form knowing it to be forged;

17 (d) signs a nomination paper or result form as a candidate in more
18 than one constituency at the same election;

19 (e) forges any ballot paper or official mark on any ballot paper or
20 any certificate of return or result form;

21 (f) willfully destroys any ballot paper or official mark on any ballot
22 paper or any certificate of return or result form;

23 (g) Without authority gives a ballot paper or result form to any
24 person;

25 (h) willfully places In any ballot box any unauthorized paper or
26 result form;

27 (i) willfully removes from a polling station any ballot paper or
28 result form whether or not the ballot paper or result form was issued to him in
29 that polling station;

30 (j) without authority destroys or in any other manner interferes

1 with a ballot box or its contents or any ballot paper or result form then in use or
2 likely to be used for the purpose of an election;

3 (k) signs a nomination paper consenting to be a candidate at an
4 election knowing that he is ineligible to be a candidate at that election, commit
5 an offence.

6 (2) A person who commits an offence under subsection (1) of this
7 section is liable on conviction to a maximum term of imprisonment for 2 years.

8 (3) A person who:

9 (a) without proper authority prints a ballot paper or what purports to
10 be or is capable of being used as a ballot paper or result form at an election;

11 (b) being authorized by the Commission to print ballot papers or
12 result form prints more than the number or quantity the Commission
13 authorized;

14 (c) without authority, is found in possession of a ballot paper or result
15 form when he is not in the process of voting and at a time when the election for
16 which the ballot paper or result form is intended is not yet completed;

17 (d) manufactures, constructs, imports into Nigeria, has in his
18 possession, supplies to any election official or uses for the purpose of an
19 election, or causes to be manufactured, constructed or imported into Nigeria,
20 supplies to any election official for use for the purpose of any election, any
21 ballot box including any compartment, appliance, device, or mechanism or by
22 which a ballot paper or result form deposited during polling may be secretly
23 diverted, misplaced or manipulated, commits an offence.

24 (4) A person who commits an offence under subsection (3) of this
25 section is liable on conviction to a maximum fine of N50,000,000 or for a term
26 of imprisonment of not less than 10 years or to both.

27 (5) An attempt to commit any offence under this section shall be
28 punishable in the same manner as the offence itself.

Disorderly
behaviour at
political meetings

29 7. Any person who, at a political meeting held after the date for an
30 election has been announced:

1 (a) acts or incites another to act in a disorderly manner for the
2 purpose of preventing the transaction of the business for which the meeting
3 was convened; or

4 (b) has in his possession an offensive weapon or missiles; commits
5 an offence and liable on conviction to a maximum fine of 500,000 or
6 imprisonment for 12 months or both.

7 **8.** Any person who:

Improper use of
voter's cards

8 (a) being entitled to a voters card, gives it to some other person for
9 use at an election other than an officer appointed, and acting in the course of
10 his duty under this Act;

11 (b) not being an officer acting in the course of his duty under this
12 Act, receives any voters card in the name of some other person or persons for
13 use at an election uses it fraudulently;

14 (c) without lawful excuse has in his possession more than one
15 Voters Card; or

16 (d) buys, sells, procures or deals, with a voters card otherwise than
17 as provided in this Act; commits an offence and shall be liable on conviction
18 to a maximum fine of N1,000,000 or imprisonment for 12 months or both.

19 **9.-(1)** No person shall provide for the purpose of any other person
20 to a registration office or to a polling unit any government vehicle or boat, or
21 any vehicle or boat belonging to a public corporation except in respect of a
22 person who is ordinarily entitled to use such vehicle or boat and in
23 emergency in respect of an electoral officer.

Improper use of
vehicles

24 (2) Any person who contravenes the provisions of this section shall
25 be guilty of an offence and liable on conviction to a maximum fine of
26 N500,000 or to imprisonment for six months or to both.

27 **10.-(1)** Any person who:

Impersonation
and voting when
not qualified

28 (a) applies to be included in any list of voters in the name of some
29 other person, whether such name is that of a person living or dead or of
30 fictitious person;

1 (b) having once to his knowledge been properly included in a list of
2 voters under this Act as a voter entitled to vote at any election, applies, except
3 as authorized by this Act, to be included in any other list of voters prepared for
4 any Constituency as a voter at an election;

5 (c) applies for a Ballot Paper in the name of some other person,
6 whether such name is that of a person living or dead or of a fictitious person;

7 (d) having voted once in an election applies at the same election for
8 another ballot paper;

9 (e) votes or attempts to vote at an election knowing that he is not
10 qualified to vote at the election; or

11 (f) induces or procures any other person to vote at an election
12 knowing that such other person is not qualified to vote at the election, commits
13 an offence and shall be liable on conviction to a maximum fine of N500,000 or
14 12 months imprisonment or both.

15 (2) Any person who commits the offence of impersonation or who
16 aids, abets, counsels or procures the commission of that offence, shall be guilty
17 of an offence and shall be liable on conviction to a maximum fine of N500,000
18 or imprisonment for 12 months or both.

19 (3) No person charged with the offence of impersonation shall be
20 convicted except on the evidence of at least two witnesses.

Dereliction of
duty

21 **11.**-(1) Any officer appointed for the purposes of this Act, who
22 without lawful excuse commits any act or omits to act in breach of his official
23 duty commits an offence and on conviction to a maximum fine of N500,000 or
24 to imprisonment for 12 months or both.

25 (2) Any Polling Officer who fails to report promptly at his polling unit
26 on an election day without lawful excuse commits an offence of dereliction of
27 duty and on conviction shall be liable to maximum fine of N500,000 or 12
28 months imprisonment or both.

29 (3) Any Polling Officer who fails to discharge his lawful duties at his
30 polling unit without lawful excuse commits an offence of dereliction of duties

1 and on conviction shall be liable to a maximum fine of N500,000 or 12
2 months imprisonment or both.

3 (4) Any person who announces or publishes an election result
4 knowing same to be false or which is at variance with the signed certificate
5 of return commits an offence and on conviction be liable to 36 months
6 imprisonment.

7 (5) Any Returning Officer or Collation Officer who delivers or
8 causes to be delivered a false certificate of return knowing same to be false,
9 commits an offence and on conviction shall be liable to a maximum
10 imprisonment for 3 years without an option of fine.

11 (6) Any person who delivers or causes to be delivered a false
12 certificate of return knowing same to be false to any news media commits an
13 offence and on conviction shall be liable to imprisonment for 3 years.

14 **12.-(1)** Any person who does any of the following:

Bribery and
conspiracy

15 (a) directly or indirectly by himself or by any other person on his
16 behalf, gives, lends or agrees to give or lend, or offers any money or valuable
17 consideration;

18 (b) directly or indirectly, by himself or by any other person on his
19 behalf, corruptly makes any gift, loan, offer, promise, procurement or
20 agreement to or for any person, in order to induce such person to procure or
21 to endeavour to procure the return of any person as a member of a legislative
22 house or to an elective office or the vote of any voter at any election;

23 (c) upon or in consequence of any gift, loan, offer, promise,
24 procurement or agreement corruptly procures, or engages or promises or
25 endeavours to procure, the return of any person as a member of a legislative
26 house or to an elective office or the vote of any voter at any election;

27 (d) advances or pays or causes to be paid any money to or for the
28 use of any other person, with the intent that such money or any part thereof
29 shall be expended in bribery at any election, or who knowingly pays or

1 causes to be paid any money wholly or in part expended in bribery at any
2 election;

3 (e) after any election directly, or indirectly, by himself, or by any other
4 person on his behalf receives any money or valuable consideration on account
5 of any person having voted or refrained from voting, or having induced any
6 other person to vote or refrain from voting, or having induced any candidate to
7 refrain from canvassing for votes for himself at any such election, commits an
8 offence and on conviction shall be liable to a maximum fine of N500,000 or 12
9 months imprisonment or both.

10 (2) A voter commits an offence of bribery where before or during an
11 election directly or indirectly himself or by any other person on his behalf,
12 receives, agrees or contracts for any money, gift, loan, or valuable
13 consideration, office, place or employment, for himself, or for any other
14 person, for voting or agreeing to vote or for refraining or agreeing to refrain
15 from voting at any such election.

16 (3) Nothing in this section shall extend or apply to money paid or
17 agreed to be paid for or on account of any lawful expenses bona fide incurred at
18 or concerning any election.

19 (4) Any person who commits the offence of bribery is liable on
20 conviction to a maximum fine of N500,000 or imprisonment for 12 months or
21 both.

22 (5) Any person who conspires, aids or abets any other person to
23 commit any of the offences under this part of this Act shall be guilty of the same
24 offence and punishment thereto.

25 (6) For the purposes of this Act, a candidate shall be deemed to have
26 committed an offence if it was committed with his knowledge and consent or
27 the knowledge and consent of a person who is acting under the general or
28 special authority of the candidate with reference to the election.

Requirement to
secrecy in voting

29 13.-(1) Every person in attendance at a polling unit including every
30 officer charged with the conduct of an election and his or her assistants and

1 every polling agent and candidate in accordance at a polling station or at the
2 collation centre, as the case may be, shall maintain and aid in maintaining
3 the secretary of the voting.

4 (2) No person in attendance at a polling booth under this section
5 shall, except for some purpose authorized by law, communicate to any
6 person information as to the name or number on the register of any voter
7 who has or has not voted at the place of voting.

8 (3) No person shall:

9 (a) interfere with a voter casting his vote, or by any other means
10 obtain or attempt to obtain in a polling unit information as to the candidate
11 for whom a voter in that place is about to vote for or has voted; or

12 (b) communicate at any time to any other person information
13 obtained in a polling unit as the candidate to whom voter is about to vote to
14 has voted for.

15 (4) Any person acting contrary to the provision of this section
16 commits offence and shall be liable upon conviction to a maximum fine
17 of ₦100,000 or to imprisonment for 6 months or both.

18 **14.** Any person who:

Wrongful voting
and false statement

19 (a) votes at an election or induces or procures any person to vote at
20 an election, knowing that he or such person is prohibited from voting
21 thereat;

22 (b) before or during an election, publishes any statement of the
23 withdrawal of a candidate at such election knowing it to be false or reckless
24 as to its truth for falsity; or

25 (c) before or during an election publishes any statement as to the
26 personal character or conduct of a candidate calculated to prejudice the
27 chance of election of the candidate or to promote or procure the election of
28 another candidate and such statement is false and was published without
29 reasonable grounds for belief by the person publishing it that the statement is
30 true, commits an offence and shall be liable on conviction to a maximum

	1	fine of N100,000 or imprisonment for a term of 6 months or both.
Voting by unregistered person	2	15.-(1) Any person who knowingly votes or attempts to vote in a
	3	Constituency in respect of which his name is not on the register or voters
	4	commits an offence and is liable on conviction to a maximum fine of N100,000
	5	or to imprisonment for a term of 6 months or both.
	6	(2) Any person who knowingly brings into a polling unit during an
	7	election a voters card issued to another person commits an offence and shall be
	8	liable on conviction to a fine of N100,000 or to imprisonment for 6 months or
	9	both.
Disorderly on election day	10	16. Any person who at an election acts or incites others to act in a
	11	disorderly manner commits an offence and shall be liable on conviction to a
	12	maximum fine of N500,000 or imprisonment for a term of 12 months or both.
Offences on election day	13	17.-(1) No person shall on the date on which an election is held do any
	14	of the following acts or things in a polling unit or within a distance of 300
	15	metres of a polling unit:
	16	(a) canvass for votes;
	17	(b) solicit for the vote of any voters;
	18	(c) persuade any voter not to vote for any particular candidate;
	19	(d) persuade any voter not to vote at the election;
	20	(e) shout slogans concerning the election;
	21	(f) be in possession of any offensive weapon or wear any dress or have
	22	any facial or other decorations which in any event is calculated to intimidate
	23	voters;
	24	(g) exhibit, wear or tender any notice, symbol, photograph or party
	25	card referring to the election;
	26	(h) use any vehicle bearing the colour or symbol of a political party by
	27	any means whatsoever;
	28	(i) loiter without lawful excuse after voting or after being refused to
	29	vote;
	30	(j) snatch or destroy any election material; and

1 (k) blare siren.

2 (2) No person shall within the vicinity of a polling unit or collation
3 centre on the day of which an election is held:

4 (a) convene, hold or attend any public meeting during the hours of
5 poll as may be prescribed by the Commission;

6 (b) unless appointed under the Act to make official
7 announcements, operate any megaphone, amplifier or public address
8 apparatus;

9 (c) wear or carry any badge, poster, banner, flag or symbol relating
10 to a political party or to the election.

11 (3) A person who contravenes any of the provisions of this section
12 commits an offence and shall be liable on conviction to a fine of NI00,000 or
13 imprisonment for 6 months for every such offence.

14 (4) Any person who snatches or destroys any election material
15 shall be liable on conviction to 24 months imprisonment.

16 **18.** A person who:

Undue influence

17 (a) corruptly by himself or by any other person at any time after the
18 date of an election has been announced, directly or indirectly gives or
19 provides or plays money to or for any person for the purpose of corruptly
20 influencing that person or any other person to vote or refrain from voting at
21 such election, or on account of such person or any other person having voted
22 or refrained from voting at such election; or

23 (b) being a voter corruptly accepts or takes money or any other
24 inducement during any of the period stated in paragraph (a) of this section,
25 commits an offence and is liable on conviction to a fine of NI00,000 or 12
26 months imprisonment or both.

27 **19.** A person who:

Threatening

28 (a) directly or indirectly, by himself or by another person on his
29 behalf, makes use of or threatens to make use of any force, violence or
30 restrain;

	1	(b) inflicts or threatens to inflict by himself or by any other persons,
	2	any minor or serious injury, damage, harm or loss on or against a person in
	3	order to induce or compel that person to vote or refrain from voting, or on
	4	account of such person having voted or voting; or
	5	(c) by abduction, duress, or a fraudulent device or contrivance,
	6	impedes or prevents the free use of the vote by a voter or thereby compels,
	7	induces, or prevails on a voter to give or refrain from giving his vote;
	8	(d) by preventing any political aspirants from free use of the media,
	9	designated vehicles, mobilization of political support and campaign at an
	10	election, commits an offence and is liable on conviction to a fine NI,000,000 or
	11	imprisonment fir 3 years.
Offences relating to recall	12	20. The offences referred to in this Act shall apply to recall of a
	13	member of a Legislative House and a member of an Area Council.
Monitoring of political parties	14	21.-(1) The Commission shall monitor and keep records of the
	15	activities of all the registered political parties.
	16	(2) The Commission may seek information or clarification from any
	17	registered political party in connection with any activities of the political party
	18	which may be contrary to the provisions of the Constitution or any other law,
	19	guidelines, rules or regulations made pursuant to an Act of the National
	20	Assembly.
	21	(3) The Commission may direct its enquiry under subsection (2) of
	22	this section to the Chairman or Secretary of the Political Party at the National,
	23	State, Local Government or Area Councilor Ward level, as the case may be.
	24	(4) A Political Party which fails to provide the required information or
	25	clarification under subsection (2) of this section or carry out any lawful
	26	directive given by the Commission in conformity with the provisions of this
	27	section is guilty of an offence and liable on conviction to a fine of not less than
	28	N500,000.
Nomination of candidates by parties	29	22.-(1) A political party seeking to nominate candidates for elections
	30	under this Act shall hold primaries for aspirants to all elective positions.

1 (2) The procedure for the nomination of candidates by political
2 parties for the various elective positions shall be by direct or indirectly
3 primaries.

4 (3) A political party that adopts the direct primaries procedure shall
5 ensure that all aspirants are given equal opportunity of being voted for by
6 members of the party.

7 (4) A political party that adopts the system of indirect primaries for
8 the choice of its candidate shall adopt the procedure outlines below:

9 (a) In the case of nominations to the position of Presidential
10 candidate, a political party shall:

11 (i) hold special conventions in each of the 36 States of the
12 Federation and FCT, where delegates shall vote for each of the aspirants at
13 designated centres in each State Capital on specified dates;

14 (ii) a National Convection shall be held for the ratification of the
15 candidate with the highest number of votes;

16 (iii) the aspirant with the highest number of votes at the end of
17 voting in the 36 States of the Federation and FCT, shall be declared the
18 winner of the Presidential primaries of the political party and the aspirants
19 name shall be forwarded to the Independent National Electoral Commission
20 as the candidate of the party after ratification by the national convention.

21 (b) In the case of nominations to the position of Governorship
22 candidate, a political party shall, where they intend to sponsor candidates:

23 (i) hold special congress in each of the local government areas of
24 the States with delegates voting for each of the aspirants at the congress to be
25 held in designated centres on specified dates;

26 (ii) The aspirant with the highest number of votes at the end of
27 voting shall be declared the winner of the primaries of the party and
28 aspirant's name shall be forwarded to the Independent national Electoral
29 Commission as the candidate of the party, for the particular State.

30 (c) In the case of nomination to the position of a Senatorial

1 candidate, House of Representatives and State House of Assembly a political
2 party shall, where they intend to sponsor candidates:

3 (i) hold special congresses In the Senatorial District, Federal
4 Constituency and the State Assembly Constituency respectively, with
5 delegates voting for each of the aspirants in designated centres on specified
6 dates;

7 (ii) the aspirant with the highest number of votes at the end of voting
8 shall be declared the winner of the primaries of the party and the aspirant's
9 name shall be forwarded to the Independent. National Electoral Commission
10 as the candidate of the party.

11 (d) In the case of the position of a Chairmanship candidate of an Area
12 Council a party shall, where they intend to sponsor candidates:

13 (i) hold special congresses in Area Councils, with delegates voting for
14 each of the aspirants at designated centres on a specified dates;

15 (ii) the aspirant with the highest number of votes at the end of voting
16 shall be declared the winner of the primaries of the party and aspirant's name
17 shall be forwarded to the Independent national Electoral Commission as the
18 candidate of the party.

19 (5) In the case of a councillorship candidate, the procedure for the
20 nomination of the candidate shall be by direct primaries in the ward and the
21 name of the candidate with the highest number of votes shall be submitted to
22 the Independent National electoral commission as the candidate of the party.

23 (6) Where there is only one aspirant in a political party for any of the
24 elective positions mentioned in sub section (4) (a), (b), (c) and (d), the party
25 shall convene a special convention or congress at a designated centre on a
26 specified date for the confirmation of such aspirant and the name of the aspirant
27 shall be forwarded to the Independent National Electoral commission as the
28 candidate of the party.

29 (7) A political party that adopts the system of indirect primaries for the
30 choice of its candidate shall clearly outline in its constitution and rules the

1 procedure for the democratic election of delegates to vote at the convention,
2 congress or meeting.

3 (8) No political appointee at any level shall be a voting delegate at
4 the Convention or Congress of any political party for the purpose of
5 nomination of candidates for any election.

6 (9) Where a political party fails to comply with the provisions of
7 this Act in the conduct of its primaries, its candidate for election shall not be
8 included in the election for the particular position in issue.

9 (10) Notwithstanding the provisions of the Actor rules of a political
10 party, an aspirant who complains that any of the provisions of this Act and
11 the guidelines of a political party for election, may apply to the Federal High
12 Court or the High Court of a State, for redress.

13 (11) Noting in this section shall empower the Courts to stop the
14 holding of primaries or general election under this Act pending the
15 determination of the suit.

16 **23. Any Political Party that:**

Offences in relation
to finance of a
political party

17 (a) holds or possesses any fund outside Nigeria in contravention of
18 Section 91(3) of this Act commits an offence and shall forfeit;

19 (b) retains any fund or other assets remitted to it from outside
20 Nigeria in contravention of section 91(3) of this Act is guilty of an offence
21 and shall forfeit the funds or assets to the Commission and on conviction
22 shall be liable to a fine of not less than N500,000.

23 **24.-(1)** Every political party shall submit to the Commission a
24 detailed annual statement of Assets and Liabilities and analysis of its sources
25 of funds and other assets, together with statement of its expenditure
26 in such a form as the Commission may from time to time require.

Period to covered
by annual statement

27 (2) The Statement of Assets and Liabilities referred to in subsection
28 (1) of this section shall be in respect of the period 1st January to 31st
29 December in each year, and that in the year which this Act comes into
30 operation, it shall be for the period beginning with the registration of such

1 party and ending on the following 31st December.

2 (3) Every political party shall grant to any officer authorized in
3 writing by the Commission, access to examine the records and audited
4 accounts kept by the political party in accordance with the provisions of this
5 Act and the political party shall give to the officer all such information as may
6 be requested in relation to all contributions received by or on behalf of the
7 party.

8 (4) The Commission shall publish the report on such examinations
9 and audit in three National Newspapers.

Power to limit
contribution to
a political party

10 **25.** The Commission shall have power to place limitation on the
11 amount of money or other assets, which an individual or group of persons can
12 contribute to a political party.

Limitation on
election expenses

13 **26.-(1)** Election expenses shall not exceed the sum stipulated in
14 subsection (2)-(7) of this section.

15 (2) The maximum election expenses to be incurred by a candidate at a
16 Presidential election shall be one billion naira (N1,000,000,000).

17 (3) The maximum election expenses to be incurred by a candidate at a
18 Governorship election shall be two hundred million naira (N200,000,000).

19 (4) The maximum election expenses to be in respect of Senatorial seat
20 by a candidate at an election to the National Assembly shall be forty million
21 naira (N40,000,000) while the seat for House of Representatives shall be
22 twenty million naira (N20,000,000).

23 (5) In the case of State Assembly election, the maximum amount of
24 election expenses to be incurred shall be ten million naira (N10,000,000).

25 (6) In the case of Chairmanship election to an Area Council, the
26 maximum amount of election expenses to be incurred shall be ten million naira
27 (N10,000,000).

28 (7) In the case of Councillorship election to an Area Council, the
29 maximum amount of election expenses to be incurred shall be one million naira
30 (N1,000,000).

1 (8) In determining the total expenditure incurred in relation to the
2 candidature of any person at any election no account shall be taken of:

3 (a) any deposit made by the candidate on his/her nomination in
4 compliance with law;

5 (b) any expenditure incurred before the notification of the date
6 fixed for the election with respect to services rendered or material supplied
7 before such notification;

8 (c) Political party expenses in respect of the candidate standing for
9 a particular election.

10 (9) No individual or other entity shall donate more than one million
11 naira (N1,000,000) to any candidate.

12 (10) A candidate who knowingly acts in contravention of this
13 section commits an offence and on conviction shall be liable:

14 (a) in case of Presidential election to a maximum fine of
15 N1,000,000 or imprisonment of 12 months or both;

16 (b) In the case of a Governorship election to a fine of N800,000 or
17 imprisonment for 9 months or both;

18 (c) in the case of Senatorial seat election in the National Assembly
19 election to a fine of N600,000 or imprisonment for 6 months or both;

20 (d) in the case of House of Representatives seat election in the
21 National Assembly election to a fine of N500,000 or imprisonment for 5
22 months or both;

23 (e) in the case of a State House of Assembly election to a fine of
24 N300,000 or 3 months imprisonment or both;

25 (f) in the case of Chairmanship election to a fine of N300,000 or 3
26 months imprisonment or both;

27 (g) in the case of Councillorship election to a fine of N100,000 or 1
28 month imprisonment or both.

29 (11) Any individual who knowingly acts in contravention of
30 subsection (9) shall on conviction be liable to maximum fine of N500, 000 or

1 9 months imprisonment or both.

2 (12) Any Accountant who falsifies or conspires or aids a candidate to
3 forge or falsify a document relating to his expenditure at an election or receipt
4 or donation for the election or in any way aids and abets the breach of the
5 provision of this section of this Act commits an offence and on conviction is
6 liable to 10 years imprisonment.

Election expenses
of political parties

7 **27.**-(1) For the purposes of an election, "election expenses" means
8 expenses incurred by a political party within the period from the date notice is
9 given by the Commission to conduct an election up to and including, the polling
10 day in respect of the particular election.

11 (2) Election expenses of a political party shall for the management or
12 the conduct of an election shall be determined by the Commission in
13 consultation with the political parties.

14 (3) (a) Election expenses of a political party shall be submitted to the
15 Commission in separate audited return within six months after an election and
16 such return shall be signed by the political party's auditors and counter-signed
17 by the Chairman of the party and be supported by a sworn affidavit by the
18 signatories as to the correctness of its contents;

19 (b) Any political party which commits a breach of this section is guilty
20 of an offence and shall be liable on conviction to a maximum fine of
21 N1,000,000 and in the case of failure to submit an accurate audited return
22 within the stipulated period, the court may impose a maximum penalty of
23 N200, 000 per day on any party for the period after the return was due until it is
24 submitted to the Commission.

25 (4) The return referred in subsection (3) of this section shall show the
26 amount of money expended by or on behalf of the party- on election expenses,
27 the items of expenditure and commercial value of goods and services received
28 for election purposes.

29 (5) The political party shall cause the return submitted to the
30 Commission pursuant to subsection (4) of this section to be published in at least

1 two National Newspapers.

2 (6) Any political party that incurs election expenses beyond the
3 limit stipulated in this Act is guilty of an offence and shall be liable on
4 conviction to a maximum fine of N1,000,000 and forfeiture to the
5 Commission, of the amount by which the expenses exceed the limit set by
6 the Commission.

7 (7) The Commission shall make available for public inspection
8 during regular business hours at its Headquarters and State offices the audit
9 returns of the political parties required by subsection (3) of this section
10 which shall include the names, addressees, occupation, and amount
11 contributed by each contributor to a party.

12 **28.**-(1) No political party shall accept or keep in its possession any
13 anonymous monetary or other contributions, gifts, properties, etc from any
14 source whatsoever.

Disclosure by
political party

15 (2) Every political party shall keep an account and asset book into
16 which shall be recorded:

17 (a) all monetary and other forms of contribution received by the
18 party; and

19 (b) the name and address of any person or entity that contributes
20 any money or assets which exceeds N1,000,000.

21 (3) No political party shall accept any monetary or other
22 contribution exceeding N100,000 unless it can identify the source of the
23 money or other contribution to the Commission.

24 (4) Every political party sponsoring the election of a candidate
25 shall, within three months after the announcement of the results of the
26 election, file a report of the contributions made by individuals and entities to
27 the Commission.

28 **29.**-(1) For the purpose of the proper and peaceful conduct of
29 political rallies and processions, the Commissioner of Police in each State of
30 the Federation and the Federal Capital Territory, Abuja, shall provide

Conduct at political
rallies, and
processions, etc.

1 adequate security for processions at political rallies in the States and the
2 Federal Capital Territory, Abuja.

3 (2) A person who, while present at a political rally or procession or
4 voting centre, has with him any offensive weapon or missile otherwise than in
5 pursuance of lawful duty is guilty of an offence and liable on conviction to a
6 maximum fine of N2,000,000 or imprisonment for a term of 2 years or both,

7 (3) For the purpose of subsection (2) of this section, a person shall be
8 deemed to be acting in pursuance of a lawful duty if he is acting in his capacity
9 as a police officer or as a member of a security agency authorized to carry arms
10 and is specifically posted to be present at that political rally or procession.

Prohibition of
conduct, etc at
political campaigns

11 **30.-(1)** No political campaign or slogan shall be tainted with abusive
12 language directly or indirectly likely to injure religious, ethnic, tribal or
13 sectional feelings.

14 (2) Abusive, intemperate, slanderous or base language or insinuations
15 or innuendoes designed or likely to provoke violent reaction or emotions shall
16 not be employed or used in political campaigns.

17 (3) Places designated for religious worship, police station, and public
18 offices shall not be used:

19 (a) for political campaigns, rallies and procession; or

20 (b) to promote, propagate or attack political parties, candidates or
21 their programmes or ideologies.

22 (4) Masquerades shall not be employed or used by any political party,
23 candidate or person during political campaigns or for any other political
24 purpose.

25 (5) No political party or member of a political party shall retain,
26 organize, train or equip any person or group of persons for the purpose of
27 enabling them to be employed for the use or display of physical force or
28 coercion in promoting any political objective or interests, or in such manner as
29 to arouse reasonable apprehension that they are organized, trained or equipped
30 for that purpose.

1 (6) No political party, person or candidate shall keep or use private
2 security organization, vanguard or any other group or individual by
3 whatever name called for the purpose of providing security, assisting or
4 aiding the political party or candidate in whatever manner during
5 campaigns, rallies, processions or elections.

6 (7) A political party or person who contravenes any of the provision
7 of this section is guilty of an offence and shall be liable on conviction:

8 (a) in the case of an individual, to a maximum fine of N1,000,000
9 or imprisonment for the term of 12 months; and

10 (b) in the case of a political party, to a fine of N2,000,000 in the first
11 instance, and N1,000,000 for any subsequent offence.

12 (8) Any person or group of persons who aids or abets a political
13 party in contravening the provisions of subsection (5) of this section guilty
14 of an offence and is liable on conviction to a fine of N500,000 or 3 years
15 imprisonment or both.

16 **31.-(1)** No candidate, person or group of persons shall directly or
17 indirectly threaten any person with the use of force or violence during any
18 political campaign in order to compel that person to support or refrain from
19 supporting a political party or candidate.

Prohibition of use
of force or violence
during political
campaign

20 (2) Any person or political party that contravenes the provisions of
21 this section is guilty of an offence and liable on conviction:

22 (a) in the case of an individual, to a maximum fine of N1,000,000 or
23 imprisonment for a term of 12 months; and

24 (b) in the case of a political party, to a fine of N2,000,000 in the first
25 instance, and N500,000 for any subsequent offence.

26 **32.** Where a political party ceases to exist in accordance with the
27 Constitution and this Act, a person elected on the platform of - the Political
28 Party in an election under this Act shall remain validly elected, complete his
29 tenure, and, for purposes of identification, be regarded as a member of the
30 political party under which he was elected.

Effect on elected
officer where
political party
ceases to exist

Existing political parties	1	33. Any political party registered by the Commission in accordance with the provisions of any law in force immediately before the coming into force of the Constitution of the Federal Republic of Nigeria and this Act shall be deemed to have been duly registered under this Act.
Limitation on political broadcast and campaign by political parties	5	34. -(1) For the purpose of this Act, the period of campaigning in public by every political party shall commence 90 days before polling day and end 24 hours prior to that day.
	8	(2) A registered Political Party which through any person acting on its behalf during the 24 hours before polling day:
	10	(a) advertises on the facilities of any broadcasting undertaking; or
	11	(b) procures for publication or acquiesces in the publication of an advertisement in a Newspaper, for the purpose of promoting or opposing a particular candidate, is guilty of an offence under this Act and upon conviction shall be liable to a maximum fine of N500,000.
Campaign for election	15	35. -(1) A candidate and his party shall campaign for the elections in accordance with such rules and regulations as may be determined by the Commission.
	18	(2) State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.
	20	(3) Media time shall be allocated equally among the political parties or candidates at similar hours of the day.
	22	(4) At any public electronic media, equal airtime shall be allotted to all political parties or candidates during prime times at similar hours each day, subject to the payment of appropriate fees.
	25	(5) At any public print media, equal coverage and conspicuity. shall be allotted to all political parties.
	27	(6) Any public media that contravenes subsections 3 and 4 of this section shall be guilty of offence and on conviction be liable to a maximum fine of N500,000 in the first instance and to a maximum fine of N1, 000,000 for subsequent conviction.

1	36.-(1) A person, print or electronic medium that broadcasts,	Prohibition of broadcast 1 etc
2	publishes, advertises or circulates any materials for the purpose of	24 hours proceeding
3	promoting or opposing a particular political party or the election of a	or polling day
4	particular candidates over the radio I television, newspaper, magazine,	
5	handbills, or any print or electronic media whatsoever called during twenty	
6	four hours immediately preceding or on polling day is guilty of an offence	
7	under this Act.	
8	(2) Where an offence under subsection (1) of this section is	
9	committed by a body corporate, every principal officer of that body is	
10	equally guilty of an offence under this Act.	
11	(3) Where any person is convicted of an. offence under this section	
12	he shall be liable:	
13	(a) in the case of a body corporate to a maximum fine of	
14	N1,000,000; and	
15	(b) in the case of an individual to a maximum fine of N500,000 or	
16	to imprisonment for 12 months.	
17	37. Any candidate, person or association who engages in	Campaign based
18	campaigning or broadcasting based on religious, tribal, or sectional reason	on religion, tribe,
19	for the purpose of promoting or opposing a particular political party or the	etc.
20	election of a particular candidate, is guilty of an offence under this Act and	
21	on conviction shall be liable to a maximum fine of N1,000,000 or	
22	imprisonment for twelve months or to both.	
23	38. Subject to the express provisions of this bill, the practice and	Application of
24	procedure of the Tribunal in respect of matters brought before it shall be as	rules of court
25	nearly as possible, similar to the practice and procedure of the Criminal	
26	Procedure Act.	
27	39. Subject to the provisions of this Act, an appeal to the Court of	Practice and
28	Appeal and thereafter to the Supreme Court shall be determined in	procedure of
29	accordance with the practice and procedure as regards criminal appeals in	Court of Appeal
30	those Courts.	and Supreme Court

Interpretation

1 **40.** In this Bill:2 "Chairman" means the Chairman of the Commission appointed under Section
3 3(2) of this Bill;4 "Commission" means the Nigerian Electoral Offences Commission
5 established under Section 3 of this Bill;6 "Constitution" means Constitution of the Federal Republic of Nigeria 1999 (as
7 amended);8 "Corporate Body" means any legal entity artificial or otherwise recognized by
9 companies and Allied Matters Act or created under the authority of any law in
10 Nigeria;

11 "Corruption" includes bribery, fraud, money laundry and other related acts;

12 "Gratification" means:

13 (a) Money, donation, gift, loan, fee, reward, value security, property
14 or interest in property being property of any description whether moveable or
15 immovable or any other similar advantage, given or promised to any person
16 with intent to influence such a person in the performance or non-performance
17 of his duties;18 (b) Any offer, dignity, employment, contract of employment or
19 services and any agreement to give employment or render services in any
20 capacity;21 (c) Any payment, release, discharge or liquidation of any loan,
22 obligation or other liability, whether in whole or in part;23 (d) Any valuable consideration of any kind, any discount,
24 commission, rebate, bonus, deduction or percentage;25 (e) Any forbearance to demand any money or money's worth or
26 valuable things;27 (f) Any other service or favour of any description, such as protection
28 from any penalty or disability incurred or apprehended or from any action or
29 proceedings of a disciplinary, civil or criminal nature, whether or not already
30 instituted, and including the exercise or the forbearance from the exercise of

1 any official power or duty; and

2 (g) Any offer, undertaking or promise, whether conditional or
3 unconditional, of any gratification within the meaning of any of the
4 preceding paragraph (a) - (f).

5 "Member" means any member of the Commission appointed in accordance
6 with Section 3 of this Bill;

7 "Person" includes a natural person, anybody or persons (corporate or
8 incorporate);

9 "Political Party" means anybody of persons or association registered by the
10 Independent National Electoral Commission (INEC) as a political party
11 under the Political Parties (Registration and Activities) Decree 1998 or any
12 Act amending or replacing same including Associations granted provisional
13 registration to contest any particular election;

14 "President" means the President of the Federal Republic of Nigeria;

15 "Financial Institution" means a bank or other financial institution as defined
16 in the Banks and Other Financial Institutions Act;

17 "Judge of Superior Court of Record" means a judge holding any of the
18 offices defined by Section 6(5) of the Constitution.

19 **41.** This Bill may be cited as the Nigerian Electoral Offences Short title
20 Commission Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Electoral Offences Commission charged with the responsibility of prohibition and prosecution of electoral offences.

- 1 (i) the National Planning Commission;
2 (j) the Society of Gynaecology and Obstetrics of Nigeria;
3 (k) the Pharmaceutical Society of Nigeria;
4 (l) the Paediatric Association of Nigeria;
5 (m) the National Association of Nigerian Nurses and Midwives; and
6 (n) one person to represent public interest.

7 (2) The chairman and members of the Board, other than ex-officio
8 members, shall be:

- 9 (a) appointed by the President; and
10 (b) persons of proven integrity and ability.

11 (3) The supplementary provisions set out in the Schedule to this Act
12 shall have effect with respect to the proceedings of the Board and the other
13 matters contained therein.

14 *[Schedule.]*

Tenure of office

15 4. Subject to the provisions of section 5 of this Act, a member of the
16 Board, other than ex-officio members, shall each hold office:

- 17 (a) for a term of three years in the first instance and may be re-
18 appointed for a further term of three years and no more; and
19 (b) on such terms and conditions as may be specified in his letter of
20 appointment.

Cessation of
membership

21 5.-(1) Notwithstanding the provisions of section 4 of this Act a person
22 shall cease to hold office as a member of the Board if:

- 23 (a) he becomes bankrupt, suspends payment principal loan with his
24 creditors;
25 (b) he is convicted of a felony or any offence involving dishonesty or
26 fraud;
27 (c) he becomes of unsound mind or is incapable of carrying out his
28 duties;
29 (d) he is guilty of a serious misconduct in relation to his duties; or
30 (e) in the case of a person possessed of professional qualifications, he

1 is disqualified or suspended, other than at his own request, from practising
2 his profession in any part of the world by an order of a competent authority
3 made in respect of that member; or

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

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

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

12 6. There shall be paid to every member of the Board such
13 allowances and expenses as the Revenue Mobilization Allocation and Fiscal
14 Commission may, from time to time, direct.

Allowances of
members

15 PART II - Functions and powers of the Board, etc.

16 7.-(1) The Board shall:

Functions of the
Board

17 (a) equip, maintain and operate the Medical Centre so as to provide
18 facilities for diagnosis, curative, promotive and rehabilitative services in
19 medical treatment;

20 (b) construct, equip, maintain and operate such training schools
21 and similar institutions as the Board considers necessary for providing the
22 Medical Centre at all times with a proper staff of the Medical Centre
23 technicians and nurses;

24 (c) construct, equip, maintain and operate such clinics, out-patient
25 departments, laboratories, research or experimental stations and other like
26 institutions as the Board considers necessary for the efficient functioning of
27 the Medical Centre.

28 (2) The Board shall ensure that the standards of teaching provided
29 at all establishments under its control and the standards of treatment and care
30 provided for patients at those establishments do not fall below those usually

1 provided by similar establishments of international repute.

2 (3) Subject to this Act, the Board shall perform such other functions
3 which in its opinion are calculated to facilitate the carrying out of its functions
4 under this Act.

Powers of the
Board

5 **8.** The Board shall have power to:

6 (a) Provide the general policies and guidelines relating to major
7 expansion programmes of the Medical Centre;

8 (b) provide facilities for the training of medical students of associate
9 universities;

10 (c) manage and superintend the affairs of the Medical Centre;

11 (d) subject to the provisions of this Act, make, alter and revoke rules
12 and regulations for carrying on the functions of the Medical Centre;

13 (e) fix terms and conditions of service, including remuneration of the
14 employees of the Medical Centre subject to the approval of National Salaries
15 Incomes and Wages Commission;

16 (f) do such other things which in the opinion of the Board are
17 necessary to ensure the efficient performance of the functions of the Medical
18 Centre.

19 **PART III - STAFF OF THE MEDICAL CENTRE**

Medical Director
of the Medical
Centre

20 **9.-(1)** There shall be for the Medical Centre a Chief Medical Director
21 who shall be appointed by the President on the recommendation of the Board
22 and on such terms and conditions as may be specified in his letter of
23 appointment or as may be determined, from time to time, by the National
24 Salaries Income and Wages Commission.

25 (2) The Chief Medical Director shall:

26 (a) be the chief executive and accounting officer of the Medical
27 Centre;

28 (b) be responsible to the Board for the day-to-day administration of
29 the Medical Centre;

30 (c) be appointed for a term of four years in the first instance and may

1 be reappointed for a further term of four years subject to satisfactory
2 performance;

3 (d) be a person who is a medical practitioner and shall have been so
4 qualified for a period of not less than 15 years;

5 (e) have considerable administrative experience in matters of
6 health;

7 (f) hold a post-graduate specialist qualification obtained not less
8 than ten years prior to the appointment as Chief Medical Director.

9 **10.-(1)** The Board shall appoint for the Medical Centre:

Appointment of
Directors and
other staff of the
Medical Centre

10 (a) a Director of Administration, who shall:

11 (i) be responsible to the Chief Medical Director for the effective
12 functioning of all the administrative divisions of the Medical Centre;

13 (ii) conduct the correspondence of the Board and keep the records
14 of the Medical Centre; and

15 (iii) perform such other functions as the Board or the Chief Medical
16 Director, as the case may be, may, from time to time, assign to him;

17 (b) a Director of Clinical Services;

18 (c) a Director of Finance;

19 (d) a Director of Maintenance.

20 (2) The Directors appointed under paragraphs (b), (c) and (d) of
21 subsection (1) of this section shall each be responsible to the Chief Medical
22 Director for the effective running of the clinical services, the finance and
23 accounts and the co-ordination of the maintenance of the Medical Centre, as
24 the case may be.

25 (3) The Board shall appoint for the Medical Centre such number of
26 employees as may in the opinion of the Board be expedient and necessary
27 for the proper and efficient performance of the functions of the Medical
28 Centre.

29 (4) Notwithstanding the provisions of subsections (1) and (2) of
30 this section the Board shall have power to appoint for the Medical Centre

1 either directly or on secondment from any public service in the Federation,
2 such number of employees as may, in the opinion of the Board, be required to
3 assist the Medical Centre in the discharge of any of its functions under this Act.

4 (5) Nothing in subsection (4) of this section shall preclude the Board
5 from appointing persons from outside the public service of the Federation or of
6 the State whenever it deems it necessary so to do.

7 (6) The terms and conditions of service (including remuneration,
8 allowances, benefits and pensions) of the employees of the Medical Centre
9 shall be as determined by the National Salaries Income and Wages
10 Commission.

Service in the
Medical Centre
to be pensionable

11 11.-(1) Service in the Medical Centre shall be approved service for the
12 purposes of the Pensions Reforms Act.

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

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

Establishment
of the Medical
Advisory
Committee, etc.

20 12-(1) There shall be for the Medical Centre a Medical Advisory
21 Committee which shall:

22 (a) consist of a chairman who shall be the Director, Clinical Services
23 and such number of other members as may be determined from time to time;

24 (b) be responsible to the Chief Medical Director for all the clinical and
25 training activities of the Medical Centre; and

26 (c) be appointed by the Board.

27 (2) Subject to this Act, the Board shall have power to appoint either
28 directly or on secondment and discipline consultants holding or acting in any
29 office in the hospital; and any such appointment shall be made having due
30 regard to the approved personnel establishment of the Medical Centre.

1 (3) Notwithstanding anything to the contrary, the Board may, from
2 time to time, appoint consultants outside the hospital to perform such
3 medical duties as the Board or the Chief Medical Director may assign to
4 such consultants.

5 PART IV - FINANCIAL PROVISIONS

6 **13.** There shall be established and maintained for the Medical Fund of the Medical
7 Centre a fund into which shall be paid and credited: Centre

8 (a) all subventions and budgetary allocation from the Government
9 of the Federation;

10 (b) all fees and funds accruing from the sale of drugs and other
11 services;

12 (c) all sums accruing to the Medical Centre by way of gifts,
13 endowments, bequests, grants or other contributions by persons and
14 organisations;

15 (d) foreign aid and assistance from bilateral agencies; and

16 (e) all other sums which may, from time to time, accrue to the
17 Medical Centre.

18 **14.** The hospital shall, from time to time, apply the funds at its Expenditure of
19 disposal to the Medical Centre

20 (a) the cost of administration and maintenance of the Medical
21 Centre;

22 (b) publicize and promote the activities of the Medical Centre;

23 (c) pay allowances, expenses and other benefits of members of the
24 Board and committees of the Board;

25 (d) pay the salaries, allowances and benefits of employees of the
26 Medical Centre;

27 (e) pay other overhead allowances, benefits and other
28 administrative costs of the Medical Centre; and

29 (f) undertake such other activities as are connected with all or any
30 of the functions of the Medical Centre under this Act.

Power to accept gifts	1	15.-(1) The Medical Centre may accept gifts of land, money or other
	2	property on such terms and conditions, if any, as may be specified by the person
	3	or organisation making the gift.
	4	(2) The Medical Centre shall not accept any gift if the conditions
	5	attached by the person or organisation making the gift are inconsistent with the
	6	functions of the Medical Centre under this Act.
Annual estimates and expenditure	7	16.-(1) The Board shall, not later than 30 September in each year,
	8	submit to the President through the Secretary to the Government of the
	9	Federation an estimate of the expenditure and income of the Medical Centre
	10	during the next succeeding year.
	11	(2) The Board shall cause to be kept proper accounts of the Medical
	12	Centre in respect of each year and proper records in relation thereto and shall
Annual report	13	cause the accounts to be audited not later than six months after the end of each
	14	year by auditors appointed from the list and in accordance with the guidelines
	15	supplied by the Auditor-General for the Federation.
	16	17. The Board shall prepare and submit to the President, not later than
	17	30 June in each year, a report in such form as the President may direct on the
	18	activities of the Medical Centre during the immediately preceding year, and
Power to borrow	19	shall include in the report a copy of the audited accounts of the Federal Medical
	20	Centre for that year and the auditor's report thereon.
	21	18.-(1) The Medical Centre may, from time to time, borrow by
	22	overdraft or otherwise such sums as it may require for the performance of its
	23	functions' under this Act.
	24	(2) The Medical Centre shall not, without the approval of the
	25	President, borrow money which exceeds, at any time, the limit set by the
	26	President.
	27	(3) Notwithstanding subsection (I) of this section, where the sum to be
	28	borrowed is in foreign currency, the Medical Centre shall not borrow the sum
	29	without the prior approval of the President.

1 **19.-(1)** The Medical Centre shall not pay income tax on any income Exemption from
2 derived by the Federal Medical Centre under this Act or accruing to it from tax
3 any of its investments.

(2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board of the Federal Medical Centre.

7	20. The Medical Centre shall not pay customs duty on or be	Exemption from
8	restricted or prohibited from importing any equipment, material, supply and	customs duties,
9	any other thing required by the Medical Centre for the purposes of this Bill.	etc.

10 PART V - GENERAL

11 **21.-(1)** Notwithstanding anything to the contrary contained in any Discipline of
12 other enactment, where it appears to the Board that any student of the students
13 Medical Centre has been guilty of misconduct, the Board may, without
14 prejudice to any other disciplinary powers conferred on it by regulations,
15 direct:

(a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the Medical Centre, or make use of such facilities of the Medical Centre as may be so specified;

19 (b) that the activities of the student shall, during such period as may
20 be specified in the direction, be restricted in such manner as may be so
21 specified;

22 (c) that the student be rusticated for such period as may be specified
23 in the direction; or

24 (d) that the student be expelled from the Medical Centre.

(2) The fact that an appeal from a direction is brought in pursuance of subsection (1) of this section shall not affect the operation of the direction while the appeal is pending.

(3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the Medical Centre as the Board may nominate.

1 (4) Nothing in this section shall be construed as preventing the
2 restriction or termination of student's activities at the Medical Centre otherwise
3 than on the ground of misconduct.

4 (5) A direction issued under subsection (1) (a) of this section may be
5 combined with a direction issued under subsection (1)(b) of this section.

6 (6) Nothing in this Act shall affect the provisions of any enactment
7 relating to the discipline of medical practitioners, pharmacists, midwives,
8 nurses or members of any other profession or calling.

Removal and
discipline of
clinical,
administrative
and technical
staff

9 **22.**-(1) If it appears to the Board that there are reasons for believing
10 that any person employed as a member of the clinical, administrative or
11 technical staff of the Medical Centre, other than the Chief Medical Director,
12 should be removed from his office or employment, the Board shall require the
13 Director of Administration to:

14 (a) give notice of those reasons to the person in question;

15 (b) afford him an opportunity of making representations in person on
16 the matter to the Board; and

17 (c) if the person in question so requests within a period of 1 month
18 beginning with the date of the notice, make arrangements for:

19 (i) a committee to investigate the matter and report on it to the Board;
20 and

21 (ii) the person in question to be afforded an opportunity of appearing
22 before and being heard by an investigating committee set up with respect to the
23 matter, and if the Board, after considering the report of the investigating
24 committee, is satisfied that the person in question should be removed as
25 aforesaid, the Board may so remove him by a letter signed on the direction of
26 the Board.

27 (2) The Chief Medical Director may, in a case of misconduct by a
28 member of the staff which in the opinion of the Chief Medical Director is
29 prejudicial to the interest of the Medical Centre, suspend any such member and
30 any such suspension shall forthwith be reported to the Board.

1 (3) For good cause, any member of staff may be suspended from
2 his duties or his appointment may be terminated or he may be dismissed by
3 the Board and for the purposes of this section, "good cause" means:

4 (a) a conviction for any offence which the Board considers to be
5 such as to render the person concerned unfit for the discharge of the
6 functions of his office;

7 (b) any physical or mental incapacity which the Board, after
8 obtaining medical advice, considers to be such as to render the person
9 concerned unfit to continue to hold his office;

10 (c) conduct of a scandalous or other disgraceful nature which the
11 Board considers to be such as to render the person concerned unfit to
12 continue to hold his office; or

13 (d) conduct which the Board considers to be such as to constitute a
14 failure or inability of the person concerned to discharge the functions of his
15 office or to comply with the terms and conditions of his service.

16 (4) Any person suspended shall, subject to subsections (2) and (3)
17 of this section be on half pay and the Board shall before the expiration of a
18 period of three months after the date of such suspension consider the case
19 against that person and come to a decision as to:

20 (a) whether to continue the person's suspension and if so, on what
21 terms (including the proportion of his emoluments to be paid to him);

22 (b) whether to reinstate the person, in which case the Board shall
23 restore his full emoluments to him with effect from the date of suspension;

24 (c) whether to terminate the appointment of the person concerned,
25 in which case he shall not be entitled to the proportion of his emoluments
26 withheld during the period of suspension; or

27 (d) whether to take such lesser disciplinary action against the
28 person (including the restoration of his emoluments that might have been
29 withheld), as the Board may determine, and in any case where the Board,
30 pursuant to this section, decides to continue a person's suspension or decides

1 to take further disciplinary action against a person, the Board shall before the
2 expiration of a period of three months from such decision come to a final
3 determination in respect of the case concerning any such person.

4 (5) It shall be the duty of the person by whom a letter of removal is
5 signed in pursuance of subsection (1) of this section to use his best endeavors to
6 cause a copy of the letter to be served as soon as reasonably practicable on the
7 person to whom it relates.

8 (6) Nothing in the foregoing provisions of this section shall preclude
9 the Board from making such regulations not inconsistent with the provisions of
10 this Act for the discipline of students and all other categories of employees of
11 the hospital as the Board may prescribe.

12 (7) Regulations made under subsection (6) of this section need not be
13 published in the Gazette but the Board shall cause them to be brought to the
14 notice of all affected persons in such manner as it may, from time to time,
15 determine.

Discipline of
junior staff

16 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the
17 Chief Medical Director may suspend him for not more than a period of 3
18 months and shall direct a committee to:

19 (a) consider the case; and

20 (b) make recommendations as to the appropriate action to be taken by
21 the Chief Medical Director.

22 (2) In all cases under this section of this Act, the officer shall be
23 informed of the charge against him and given a reasonable opportunity to
24 defend himself.

25 (3) The Chief Medical Director may, after considering the
26 recommendation made pursuant to subsection (1) (b) of this section, dismiss,
27 or take such other disciplinary action against the officer concerned.

28 (4) Any person aggrieved by a decision of the Chief Medical Director
29 made under subsection (3) of this section may, within a period of 21 days from
30 the date of the letter communicating the decision to him, address a petition to

1 the Board to reconsider his case.

2 PART VI - MISCELLANEOUS

3 **24.**-(1) The Board may, with the approval of the President, make Regulations
4 regulations

5 (a) as to the access of members of the public either generally or of a
6 particular class, to premises under the control of the Board and as to the
7 orderly conduct of members of the public on those premises; and

8 (b) for safeguarding any property belonging to or controlled by the
9 Board from damage by members of the public.

10 (2) Bye-laws under this section shall not come into force until they
11 are confirmed (with or without modification) by the National Assembly and
12 published in such manner as he may direct.

13 **25.** The President may give to the Board directions of a general Power to give
14 character or relating generally to particular matters (but not to any individual directives
15 person or case) with regard to the exercise by the Board of its functions
16 under this Act, and it shall be the duty of the Board to comply with the
17 directions; but no direction shall be given which is inconsistent with the
18 duties of the Board under this Act.

19 **26.**-(1) On the commencement of this Act, any person employed by Transition and
20 or serving in, the Medical Centre shall be deemed to have been employed or savings provision
21 serving in the Medical Centre established under this Act.

22 (2) All Assets or liabilities belonging to the Medical Centre shall be
23 deemed to belong to the Medical Centre established under this Act.

24 **27.** In this Act, unless the context otherwise requires: Interpretation

25 "associate universities" means the universities whose medical students
26 receive aspects of their training from the Medical Centre;

27 "Board" means the Board of Management of the Medical Centre;

28 "chairman" means the chairman of the Board;

29 "functions" include powers and duties;

1 "Federal Medical Centre "means the Medical Centre, Ufuma, Anambra State;
2 "junior staff" means staff of such grade as may be determined, from time to
3 time, by the Board;
4 "medical student" means a student whose course of instruction is:
5 (a) designed (either alone or in conjunction with other courses) to
6 enable him to qualify as a medical practitioner; or
7 (b) designed for the further training of medical practitioners;
8 "Minister" means the Minister charged with responsibility for matters relating
9 to health and "Ministry" shall be construed accordingly;
10 "student" means a person enrolled at an institution controlled by the Board for
11 the purpose of pursuing a course of instruction at the institution.

Short title

12 **28.** This Bill may be cited as the Federal Medical Centre, Ufuma,
13 Anambra State (Establishment) Bill, 2021.

SCHEDULE

[Section 3 (3).]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1.-(1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Board shall be the chairman or the person presiding at the meeting and 5 other members of the Board, 2 of whom shall be ex-officio members, and the quorum of any Committee of the Board shall be as determined by the Board.

2.-(1) The Board shall meet whenever it is summoned by the chairman and if the chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

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

Committees

3.-(1) The Board may appoint one or more committees to carry out, on behalf of the Board, such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

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

3 *Miscellaneous*

4 4.-(1) The fixing of the seal of the Medical Centre shall be
5 authenticated by the signatures of the Chairman, the Chief Medical Director or
6 any person generally or specifically authorized by the Board to act for that
7 purpose.

8 (2) Any contract or instrument which, if made or executed by a person
9 not being a body corporate, would not be required to be under seal may be made
10 or executed on behalf of the Medical Centre by the Chief Medical Director or
11 any person generally or specifically authorized by the Board to act for that
12 purpose.

13 (3) A document purporting to be a document duly executed under the
14 seal of the Medical Centre shall be received in evidence and shall, unless and
15 until the contrary is proved, be presumed to be so executed.

16 5. The validity of any proceedings of the Board or of a committee shall
17 not be adversely affected by:

18 (a) a vacancy in the membership of the Board or committee;

19 (b) a defect in the appointment of a member of the Board or
20 committee; or

21 (c) reason that a person not entitled to do so took part in the
22 proceedings of the Board or committee.

EXPLANATORY NOTE

This Bill seeks to provide for the Legal Framework to establish the Federal Medical Centre, Ufuma, Anambra State.

A BILL

FOR

AN ACT TO AMEND THE ADVANCE FEE FRAUD AND OTHER FRAUD
RELATED OFFENCES ACT CAP. A6 LFN 2007 NO. 62 AND FOR RELATED
MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

1 **1.** The Advance Fee Fraud and Other Fraud Related Offences Act
2 Cap. A6 LFN 2007 (in this Bill referred to as the Principal Act is hereby
3 amended as follows:

Amendment of
the Advance Fee
Fraud and Other
Fraud Related
Offences Act
Cap. A6 LFN,
2007

4 **2.** Section 1 of the Principal Act is amended in subsection (1) by
5 substituting the existing words which reads “A person who commits an
6 offence under section (1) or (2) of this section is liable on conviction to
7 imprisonment for a term of not more than twenty years and not less than ten
8 years without the option of a time”.

Amendment of
Section 1t

9 **3.** This Bill may be cited as the Advance Fee Fraud and other Fraud
10 Related Offences Act (Amendment) Bill, 2021.

Citation

EXPLANATORY NOTE

The Bill seeks to increase the minimum years of imprisonment for anyone
convicted under the Act from 7 to 10 years. This is to deter would be
offenders.

A BILL

FOR

AN ACT TO AMEND THE CENTRAL BANK OF NIGERIA ACT 2007 ACT NO. 7
TO APPOINT A PERSON OTHER THAN THE GOVERNOR AS THE CHAIRMAN OF
THE BOARD OF THE BANK EXCLUDE DEPUTY GOVERNORS AND DIRECTORS
AS MEMBERS OF THE BOARD DIVEST THE BOARD OF THE POWER OF
CONSIDERATION AND APPROVAL OF THE ANNUAL BUDGET OF THE BANK:
AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

- 1 **1.** The Central Bank of Nigeria Act, No. 7 of 2007 (in this Bill
2 Amendment of Act referred to as "the Principal Act") is amended as set in
3 this Bill. No of 2007.7 Amendment of
Act No.7 of 2007
- 4 **2.-(1)** Section 6, subsection (2) of the Principal Act is amended by Amendment of
Section 6
5 Amendment of replacing the section with the following new section:
6 "section 6(2) The Board shall consist of:
7 (a) a Chairman who shall be a Former Governor of the Central
8 Bank of Nigeria (CBN) or a former Chairman of a Bank or a former
9 Managing Director of a Bank;
10 (b) the Governor;
11 (c) the Permanent Secretary, Federal Ministry of Finance;
12 (d) the Accountant-General of the Federation;
13 (e) the Permanent Secretary, National Planning Commission;
14 (f) a Representative of the Federal Inland Revenue Service not
15 below the rank of a Director; and
16 (g) a Representative of Nigeria Deposit Insurance Corporation not
17 below the rank of a Director.

	1	(2) Section 6, subsection (3) of the Principal Act is amended by
	2	deleting paragraph (a).
Amendment of Section 7	3	3. Section 7(1) of the Principal Act is amended by replacing the
	4	section with the following new section:
	5	"section 7(1) the Governor or in his absence, the most Senior Deputy
	6	Governor shall be in charge of the day-to-day management of the Bank and
	7	shall be answerable to the Board for his acts and decisions".
Amendment of Section 8	8	4. Section 8(3) of the Principal Act is amended by replacing the
	9	section with the following new section:
	10	"section 8(3) The salaries or allowances including pension and other
	11	allowances payable to the Governor and to the Deputy Governors shall be as
	12	stipulated, from time to time, by the Revenue Mobilization Allocation and
	13	Fiscal Commission subject to the approval of the President".
Introduction of a new section 48 and renumbering of the existing sections 48-61 as new sections 49-62	14	5. The Principal Act is amended by the introduction of a new section
	15	48 as follows:
	16	"The Board shall prepare and submit to the National Assembly
	17	through the President not later than 30th September of each year, an estimate of
	18	its expenditure and income during the next succeeding year".
Citation	19	6. This Bill may be cited as the Central Bank of Nigeria Act
	20	(Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Central Bank of Nigeria Act, No. 7 of 2007 with a view to streamlining its budgetary processes with the requirement of the Fiscal Responsibility Act of 2007.

The Bill also seeks to diversify the Board of the Bank by including more persons from outside the Bank in order to bring about a more accountable Board.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL DRUG LAW ENFORCEMENT AGENCY ACT, CAP. N30 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

- | | | |
|----|---|--------------------------------|
| 1 | 1. The National Drug Law Enforcement Agency Act, Cap. N30 | Amendment of the Principal Act |
| 2 | Laws of the Federation of Nigeria, 2004 (hereinafter referred to as "the | |
| 3 | Principal Act") is hereby amended as set out in this Bill. | |
| 4 | 2. Amendment of Section 11 (a) (b) (c) and (d). Change the word | Amendment of Section 11 |
| 5 | "heroin" in line 2 of each of the subsections to "heroin". | |
| 6 | "Importation, etc., of cocaine, heroin, or similar drugs, etc. | |
| 7 | 11. Any person who, without lawful authority: | |
| 8 | (a) imports, manufactures, produces, processes, plants or grows | |
| 9 | the drugs popularly known as cocaine, LSD, heroin or any other similar | |
| 10 | drugs shall be guilty of an offence and .liable on conviction to be sentenced | |
| 11 | to imprisonment for life; or | |
| 12 | (b) exports, transports or otherwise traffics in the drugs popularly | |
| 13 | known as cocaine, LSD, heroin or any other similar drugs shall be guilty of | |
| 14 | an offence and liable on conviction to be sentenced to imprisonment for life; | |
| 15 | (c) sells, buys, exposes or offers for sale or otherwise deals in or | |
| 16 | with the drugs popularly known as cocaine, LSD, heroin or any other similar | |
| 17 | drugs shall be guilty of an offence and liable on conviction to be sentenced to | |
| 18 | imprisonment for life, or | |
| 19 | (d) knowingly possesses or uses the drugs popularly known as | |
| 20 | cocaine, LSD, heroin or any other similar drugs by smoking, inhaling or | |

	1	injecting the said drugs shall be guilty of an offence and liable on conviction to
	2	imprisonment for a term not less than fifteen years but not exceeding 25 years".
Amendment of Section 12	3	3. Change the word "heroin" to "heroin" in line 3.
	4	"Occupier unlawfully permitting use of premises.
	5	12. Any person, who being the occupier or is concerned in the
	6	management of any premises, unlawfully permits or causes the premises to be
	7	used for the purpose of storing, concealing, processing or dealing in the drug
	8	popularly known as cocaine, LSD, heroin, or any other similar drug shall be
	9	guilty of an offence under this Act and liable on conviction to be sentenced to
	10	imprisonment for a term not exceeding 25 years".
Amendment of Section 13	11	4. Change the word "heroin" in line 2 to "heroin".
	12	"Offender being armed.
	13	13. Any person who is unlawfully concerned in the storage, custody,
	14	movement, carriage or concealment of the drug popularly known as cocaine,
	15	LSD, heroin, or any other similar drug and who, while so concerned is armed
	16	with any offensive weapon or is disguised in any way, shall be guilty of an
	17	offence under this Act and liable on conviction to be sentenced to
	18	imprisonment for life".
Amendment of Section 16	19	5. Change the word "heroin" in line 2 to "heroin"
	20	"Tampering with drug.
	21	16. Any person who unlawfully removes, conceals, destroys or in any
	22	way tampers with the drug popularly known as cocaine, LSD, heroin or any
	23	other similarly drug seized from any person or otherwise in the possession of
	24	the Agency or any authorized person shall be guilty of an offence under this Act
	25	and liable on conviction to be sentenced to imprisonment for a term not
	26	exceeding 25 years".
Amendment of Section 19	27	6. Change the word "heroin" to "heroin"
	28	"Unlawful possession of cocaine, etc.
	29	19. Any person who, without lawful authority, knowingly possesses
	30	the drugs popularly known as cocaine, LSD, heroin or any other similar drugs

1 shall be guilty of an offence under this Act and liable on conviction to be
2 sentenced to imprisonment for a term not less than fifteen years and not
3 exceeding 25 years".

4 7. Section 26 of the Principal Act is amended by inserting a new Amendment of
5 subsection 3 and renumbering sub section 3 of the Principal Act as Section 26
6 subsection 4 as follows:

7 "Jurisdiction, etc.

8 26.-(3) The penalties provided for in this Act shall be strictly
9 adhered to, and notwithstanding any provision in any other law or rule of
10 practice, a trial judge shall not have the power to vary such penalties either
11 by imposing a lesser term of imprisonment or granting a convict an option of
12 fine.

13 (4) In any trial for an offence under this Act, the fact that an accused
14 person is in possession of pecuniary resources or property for which he
15 cannot satisfactorily account and which is disproportionate to his known
16 sources of income, or that he had at or about the time of the alleged offence
17 obtained an accretion to his pecuniary resources or property for which he
18 cannot satisfactorily account, may be proved and may be taken into
19 consideration by the Federal High Court as corroborating the testimony of
20 any witness in such trial".

21 8. Change "N20,000" in the Principal Act to "N100,000". Amendment of
22 "Obstruction of the Agency or authorized officers. Section 49

23 49. Any person who:

24 (a) willfully obstructs the Agency or any authorized officer of the
25 Agency in the exercise of any of the powers conferred on the Agency by this
26 Act; or

27 (b) fails to comply with any lawful enquiry or requirements made
28 by any authorized officer in accordance with the provisions of this Act, shall
29 be guilty of an offence under this Act and shall be liable on conviction to
30 imprisonment for a term not exceeding five years or to a fine of N100, 000 or

Citation 1 to both such imprisonment and fine.
 2 **9.** This Bill may be cited as the National Drug Law Enforcement
 3 Agency Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Drug Law Enforcement Agency Act Cap. N30 Laws of the Federation of Nigeria, 2004 to close any loophole by having a clear, unambiguous and unequivocal provision that judges cannot vary the sentences provided by the Act among other things.

A BILL

FOR

AN ACT TO PROVIDE FOR ESTABLISHMENT OF THE CHARTERED INSTITUTE
OF LOSS ADJUSTERS TO REGULATE, CONTROL AND DETERMINE THE
STANDARDS OF KNOWLEDGE TO BE ATTAINED BY PEOPLE SEEKING TO
BECOME CHARTERED ACTUARIES AND FOR ELATED MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

Hon. Tyuugh robert A.

Hon. Magaji A. Gwama

[] Commencement

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

1 **1.-(1)** There is established a body to be known as the Chartered
2 Institute of Loss Adjusters (in this Bill referred to as “the Institute”).

Establishment
of Chartered
Institute of Loss
Adjusters

3 (2) The Institute:

4 (a) shall be a body corporate with perpetual succession and a
5 common seal;

6 (b) may sue and be sued in its corporate name; and may acquire,
7 hold and dispose of any property, movable and immovable; and

(c) shall be charged with the duty of determining standards and practice for persons and organisations in the loss adjusters profession.

10 **2.** The Institute shall be charged with the following objectives, that
11 is to:

Objectives of the Institute

(a) provide qualitative training, and re-training that will professionally empower, efficiently facilitate operational compliance with extant laws and to legally regulate the profession for best results, that explicitly define professionalism of its practitioners;

16 (b) To advance the study of the profession of loss adjusters;

17 (c) promote the efficiency and usefulness of the profession of loss

- 1 adjuster by requiring the observance of strict rules of professional conduct by
2 members of the Institute and by establishing high standards of education and
3 knowledge;
- 4 (d) secure the association of those who practice as loss adjusters;
- 5 (e) establish designated groups of members in Nigeria or elsewhere;
6 and to discontinue or abolish any such designated groups;
- 7 (f) establish and maintain an efficient database of relevant
8 information;
- 9 (g) publish or superintend the publication of books, pamphlets,
10 papers and other matter relating to the affairs of the Institute whether in print or
11 electronically;
- 12 (h) provide lectures, classes or other tuition or to make grants
13 therefore for the benefit of members of the Institute;
- 14 (i) make grants to Universities or other educational establishments
15 towards the provision of such lectures, classes or other tuition;
- 16 (j) award prizes to deserving members of the Institute;
- 17 (k) acquire by purchase or taking on lease or otherwise, premises for
18 use as offices and other facilities for the use of the members of the Institute or
19 for any purpose of the Institute;
- 20 (l) do all such other lawful things as may be associated or connected
21 with or as may be incidental or conducive to or in furtherance of the foregoing
22 objects;
- 23 (m) ensure that all members comply with the Institute's requirements
24 in relation to Continuing Professional Development;
- 25 (n) collaborate with local, state, national and international agencies,
26 and organisations, for the achievement of objectives of the Institute; and
- 27 (o) foster industrial stability and social harmony for the loss adjusters
28 profession to thrive.

Ancillary Objectives
of the Institute

29 **3. The Institute shall:**

- 30 (a) determine the standards of knowledge and skills to be attained by

1 persons seeking to become members of the Institute, review those standards,
2 from time to time, as circumstances may require;

3 (b) secure, in accordance with the provisions of this Bill, the
4 establishment and maintenance of a register of members of the Institute and
5 the publication, from time to time, of lists of those persons;

6 (c) conduct professional examinations leading to the award of
7 certificates as may be prescribed by the Institute;

8 (d) ensure the furtherance, maintenance and observance of ethical
9 standards, discipline and professionalism among practitioners within the
10 not-for-profit establishments as well as maintain a monitoring team to
11 ensure compliance;

12 (e) do such things as may impart, advance and promote positive
13 projection of The Institute in both the public and private sectors of the
14 economy; and

15 (f) perform, through the Governing Council, the functions
16 conferred on it by this Bill.

17 4.-(1) Membership of the Institute shall be in two categories of
18 individual and corporate. Membership of
the Institute

19 (2) All persons, employed by or involved in activities of not-for-
20 profit establishments are eligible to be registered by the Institute in any of
21 the following categories, provided they meet the criteria set by the
22 Governing Council, from time to time, for registration in any of these
23 categories:

24 (a) Individual Members to include:

25 (i) Ordinary Member;

26 (ii) Student Member;

27 (iii) Graduate Member;

28 (iv) Junior Associate;

29 (v) Full Associate;

30 (vi) Honorary Senior Member;

	1	(vii) Honorary Fellow;
	2	(viii) Fellow;
	3	(ix) Distinguished Fellow;
	4	(x) Emeritus Fellow;
	5	(b) Corporate Members to include:
	6	(i) Regular Corporate Member or Special Corporate Member;
	7	(ii) Junior Corporate Associate;
	8	(iii) Full Corporate Associate;
	9	(iv) Corporate Fellow;
	10	(v) Distinguished Corporate Fellow;
Provisions relating to Membership of the Institute	11	5.-(1) An individual, or a corporate establishment registered under
	12	this Bill, shall be enrolled into only one of the membership categories in Clause
	13	4(2), at one time, as no member's name shall appear in more than one part of the
	14	Institute's Membership Register.
	15	(2) The governing council shall:
	16	(a) set out the procedure for elevation of members to a higher status
	17	and shall exercise the prerogative to determine such applications;
	18	(b) from time to time, determine, for use, the suffixes applicable to
	19	each class of membership which shall be affixed after the member's name;
	20	(c) determine the nature and format of proof of membership
	21	document to be issued and shall cause such to be issued as evidence to all
	22	registered members of the Institute; and
	23	(d) have the final say on all applications for membership of the
	24	Institute and its decisions, on this matter, shall not form the subject of litigation
	25	in any court of law.
	26	(3) Pursuant to the provisions of Clause 5(1), any member who has
	27	been enrolled in line with Clause 4(2) of this Bill shall be qualified for elevation
	28	to a higher membership status if he has applied in the manner prescribed by and
	29	satisfactory to the governing council, notifying of his eligibility for elevation.
	30	(4) Application for higher membership status by a member shall be

1 denied, with reason(s) communicated in writing to that member, where the
2 governing council deems it fit and appropriate to do so.

3 (5) A member who has been previously denied elevation to a higher
4 membership status by the governing council may reapply, and shall not be
5 denied, if he has:

6 (a) made good the reason(s) for his previous denial; and

7 (b) met other conditions, if any, that may have become necessary
8 since his previous application was denied.

9 **6.-(1)** There shall be a President and Four Vice-Presidents who
10 shall be outstanding Fellows of the Institute and shall be elected at the
11 Annual General Meeting of the Institute and shall each hold office for a term
12 of two years, notwithstanding the provisions of paragraph 1 (1) of the First
13 Schedule of this Bill, from the date of their election.

Election of
President, Vice-
Presidents, etc.

14 (2) To qualify for election as President of the Institute, the member
15 shall subsist in the office of Vice-President at the time of contesting the
16 election.

17 (3) To qualify for election as Vice-President of the Institute, the
18 member shall subsist as a member of the council at the time of contesting the
19 election.

20 (4) Upon the emergence at election of a new President of the
21 Institute, the tenure of other three subsisting Vice-Presidents shall
22 automatically lapse and they shall step down from their offices and shall be
23 ineligible to recontest.

24 (5) Upon a candidate winning an election into the office of
25 President, he shall be immediately sworn in and shall, consequently, be
26 decorated as a distinguished Fellow of the Institute.

27 (6) The President shall preside at all meetings of the Institute, so
28 however that, in the event of the death, incapacity or inability for any reason
29 of the President, the First Vice-President shall act in his stead for the
30 unexpired portion of the term of office, or as the case may require, and

1 references in this Bill to the President shall be construed accordingly.

2 (7) In furtherance to the provisions of sub-Clause (2), a bye-election
3 within the Council shall be conducted to elect one of the Vice-Presidents to
4 serve as Acting President and the Council shall elect one of its members to
5 assume the vacant post of Vice-President for the period before the next Annual
6 General Meeting.

7 (8) The President shall be Chairman of the Council.

8 (9) If the President, or the Vice-President, ceases to be a member of
9 the Institute, he shall ipso facto cease to hold any of the offices designated under
10 this Bill.

11 (10) There shall be established a Body of Emeritus and Distinguished
12 Fellows of the Institute.

Membership of
the Governing
Council

13 7.-(1) There is established for the Institute a Governing Council (in
14 this Bill referred to as "the Council") which shall be charged with the
15 responsibility of providing the guiding policy direction and administration of
16 the Institute, oversee activities of the Executive Committee and setting the
17 standards of education and training therein.

18 (2) The council membership shall consist of the following:

19 (i) A Chairman, who shall be President of the Institute;

20 (ii) Four Vice-Chairmen, of equal number of male and female, who
21 shall be Vice-Presidents of the Institute;

22 (iii) Five members of the Institute who shall be elected at its Annual
23 General Meeting, one of who shall be the Treasurer and another, the Deputy
24 Secretary of the Institute;

25 (iv) Immediate past President of the Institute, upon successful
26 completion of his term of office;

27 (v) One member from the Body of Emeritus and Distinguished
28 Fellows of the Institute, other than the immediate past President;

29 (vi) A representative of units in each defined geographical area of the

1 Institute and such other units as may be created by the Council, from time to
2 time;

3 (vii) A representative of the Ministry of Finance who shall be
4 appointed by its Minister;

5 (viii) Registrar-General of the Corporate Affairs Commission or
6 his nominee, who shall not be below the rank of Assistant Director;

7 (ix) Two persons who are members of the Institute and appointed
8 by the Minister for Education to represent institutions of higher learning and
9 offering courses leading to an approved qualification, in rotation, so
10 however that the two shall not come from the same tertiary institution;

11 (x) A representative of the Ministry responsible for trade and
12 commerce, who shall be appointed by its Minister;

13 (xi) A representative each of the National Universities
14 Commission (NUC) and the National Board for Technical Education
15 (NBTE), not below the rank of Assistant Director;

16 (xiii) Four persons from the not-for-profit establishments, with one
17 each from Insurance, Loss Adjusters, research organisations, foundations;

18 (xiv) A representative of the National Insurance Commission, who
19 shall be appointed by its Director-General;

20 (xv) Two ex-officio members, appointed by Chairman of the
21 Council; and

22 (xvi) The Registrar/Chief Executive, who shall serve as Secretary;

23 (3) Regulations made by the Council, may provide for increasing
24 or reducing membership of the Council and appropriate amendments shall
25 be made as considered expedient, for the purpose of or in consequence of the
26 increase or reduction, and published in The Institute's journal.

27 (4) The provisions of the First Schedule to this Bill shall have effect
28 with respect to the qualifications and tenure of office for members of the
29 Council and other matters.

Powers of the
Council

- 1 **8.** The Council shall have power to:
- 2 (a) organise, define and give directions on policies and its
- 3 implementation for the Institute;
- 4 (b) establish and maintain the Institute's vision, mission statement and
- 5 objectives;
- 6 (c) develop long-range strategic plans for the Institute;
- 7 (d) develop and maintain a broad Policy Manual to guide
- 8 administration of the Institute;
- 9 (e) evaluate institutional, presidential and committee performances;
- 10 (f) approve employment, on full time basis, of the Registrar and other
- 11 senior level employees of The Institute;
- 12 (g) authorise any additional or new positions at the Vice-President
- 13 level, subject to subsequent approval of the Annual General Meeting;
- 14 (h) approve and execute negotiated agreements with bargaining units;
- 15 (i) receive, consider, revise and approve the capital and operating
- 16 budgets of the Institute, from time to time;
- 17 (j) accept grants, conveyances, devices of real or personal property
- 18 from public and private sources and adopt regulations to govern the receipt and
- 19 expenditure of the proceeds, rents, profits and income thereof;
- 20 (k) authorise and approve, self-supporting facilities for members by
- 21 way of grants, loan requests or contract funding proposals;
- 22 (l) authorise and approve requests for the purchase of long-term lease,
- 23 for two years or more, of real property and leases involving new programmes
- 24 or new locations;
- 25 (m) enter into major contracts with persons and agreements with
- 26 public agencies on behalf of the Institute;
- 27 (n) borrow money, issue and sell financial bonds or other evidences of
- 28 indebtedness;
- 29 (o) approve the initiation or discontinuation of programmes being
- 30 funded by the Institute;

1 (p) retain the responsibility for the expenditure of third party funds
2 by the Institute, its agents and employees;

3 (q) adopt, amend or repeal some or all rules that are given in the
4 pursuit of objectives of The Institute;

5 (r) exercise all authority expressly reserved to the Council in rules
6 which have been, or are hereafter, adopted or amended, from time to time;

7 (s) retain all authority which may be hereafter delegated to the
8 Council under this Bill unless such authority is expressly delegated to the
9 President or his designee; and

10 (t) ensure that all statutory reports are prepared and filed with the
11 regulatory authorities, as and when due.

12 **9.** The Council shall meet every quarter to consider issues brought
13 before it by the Institute and other sundry bodies, etc.

Quarterly
Meetings of the
Council

14 **10.-(1)** There shall be established and maintained a fund,
15 comprised of all bank accounts, cash and other assets held by the Institute,
16 the management and control of which shall be in the hands of the Council,
17 and into which shall be paid:

Financial
Provisions

18 (a) all subventions, fees, fines, penalties and charges for services
19 rendered or publications made by the Council;

20 (b) gifts, endowments, bequests, loans, donations, grants or aids;

21 (c) foreign aids and assistance from bilateral and multilateral
22 agencies such as affiliated bodies on loss adjusters; donations charges and
23 monies payable to the Institute in pursuance of this Bill shall be without any
24 conditions whatsoever and not inimical to the Institute, Nigerian
25 government or its agencies; and

26 (d) such other monies as may be received by the Institute in the
27 course of its operations or in relation to the exercise of any of the functions
28 under this Bill.

29 (2) Signatories to bank accounts of the Institute shall be the:

30 (a) Registrar and the Council Chairman, jointly, for amounts in

1 excess of two million naira; or

2 (b) Chairman of the Council, only, for amounts not exceeding two
3 million naira.

4 (3) There shall be paid out of the fund of the Institute:

5 (a) the remuneration and allowances of the Institute's Council
6 members and other employees of the Institute;

7 (b) such reasonable travel and subsistence allowances of members
8 of the Council in respect of the time spent on the business of the Institute as
9 the Council may determine; and

10 (c) any other expenses incurred by the Council in the discharge of
11 its functions under this Bill.

12 (4) the Council may invest monies from the fund in any security
13 created or insured by or on behalf of the Federal Republic of Nigeria or in
14 any other securities in Nigeria approved by The Council.

15 (5) The Council may, from time-to-time, borrow money for the
16 Institute and any interest payable on monies so borrowed shall be paid out of
17 the fund.

18 (6) All members of the Institute shall cause to be paid to the fund,
19 annual dues and levies as may be fixed by the Council, from time-to-time.

Proper accounts
keeping and the
Institute's audited
accounts

20 **11.**-(1) The Council shall, on behalf of the Institute, keep proper
21 books of accounts in respect of each year and proper records concerning
22 these accounts, and the Council shall cause the accounts to be audited by an
23 external auditor and, when audited, the accounts shall be submitted to
24 members of the Institute for approval at a General Meeting. Such audited
25 accounts shall be deemed to have fulfilled requirements of the Financial
26 Reporting Standards.

27 (2) Audit of the Institute's books shall be in accordance with
28 provisions of the Constitution of the Federal Republic of Nigeria, 1999, as
29 amended.

1 12.-(1) The Council shall appoint a fit and proper person who shall
2 be a member of the Institute as the Registrar, and such other persons as the
3 Council may, from time to time, deem necessary to assist the Registrar in the
4 performance of his functions under this Bill.

Appointment of
Registrar

5 (2) The Registrar shall, in addition to his other functions, be the
6 Secretary to the Council and shall keep minutes of all its proceedings.

7 (3) The Registrar shall:

8 (i) be the Chief Executive and Accounting Officer of the Institute,
9 and;

10 (ii) be responsible for the day-to-day administration of the Institute
11 and responsible to the Council for execution of the policy directives thereof.

12 (4) The Registrar shall be appointed for a term of Three (3) years, in
13 the first instance and, upon satisfactory performance, may be reappointed
14 for a further term of three years, and no more.

15 (5) The Registrar shall be paid such remuneration as may be
16 specified in his letter of appointment or as determined by the Council, using
17 the Institute's established emoluments pay structure.

18 (6) The Registrar shall cease to hold office if any of the conditions
19 pertaining to cessation of membership of the Institute and the Council
20 applies to him.

21 (7) The Registrar may resign his appointment by a written notice
22 under his hand delivered to The Council Chairman.

23 (8) It shall be the duty of the Registrar to:

24 (a) prepare and maintain, in accordance with rules made by The
25 Council, a Register of names, addresses and approved qualifications and of
26 such other particulars, as may be specified in the rules, of all persons who are
27 entitled, in accordance with provisions of this Bill, to be registered as
28 members of the Institute;

29 (b) correct, in accordance with direction of the Council, any entry
30 in the Registers, which the Council directs him to correct as being, in the

1 opinion of the Council, an entry which was incorrectly made;

2 (c) make, from time to time, any necessary alterations to the
3 registered particulars of registered persons;

4 (d) record the names of members of the Institute who are in debt for
5 more than one year in the payment of annual subscription, or practicing fee, and
6 to take such action in relation thereto, including the removal of names of
7 defaulters from the Register, as the Council may direct or require;

8 (e) cause the Register to be printed, published and put out on sale to
9 members of the public not later than two years from commencement of this
10 Bill;

11 (f) remove from the Register the name of a deceased member;

12 (g) in each year after that in which a Register is first published under
13 paragraph (e) of this sub-clause, cause to be printed, published and put on sale,
14 as aforesaid, either a corrected edition of the Register or list of alterations made
15 to the Register since it was last printed, and;

16 (h) cause a print of each edition of the Register and of each list,
17 corrections to be deposited at the headquarters of the Institute, and it shall be
18 the duty of the Council to keep the Register and list so deposited, available at all
19 reasonable times for inspection by members of the public, for a fee to be
20 determined by the Council.

Register

21 **13.**-(1) There shall be, for the purpose of this Bill, two Registers, of
22 which one shall be for individual members and the other for corporate
23 members as follows:

24 (a) The register of Individual Members, which shall consist of 10
25 classes, of which:

26 (i) The first part shall be for Ordinary members;

27 (ii) The second part shall be for Student members;

28 (iii) The third part shall be for Graduate members;

29 (iv) The fourth part shall be for Junior Associate members;

30 (v) The fifth part shall be for Full Associate members;

- 1 (vi) The sixth part shall be for Honorary Senior members;
2 (vii) The seventh part shall be for Honorary Fellows;
3 (viii) The eighth part shall be for Fellows;
4 (ix) The ninth part shall be for Distinguished Fellows; and
5 (x) The tenth part shall be for Emeritus Fellows.
- 6 (b) The register of Corporate Members, which shall consist of 5
7 classes, of which:
- 8 (i) The first part shall be for Regular Corporate Members and
9 Special Corporate Members;
- 10 (ii) The second part shall be for Junior Corporate Associates;
11 (iii) The third part shall be for Full Corporate Associates;
12 (iv) The fourth part shall be for Corporate Fellows; and
13 (v) The fifth part shall be for Distinguished Corporate Fellows.
- 14 (2) Subject to the provisions of this Clause, the Council shall make
15 rules with respect to the form and keeping of the Register and the making of
16 entries therein, and in particular-
- 17 (a) regulating the making of applications for enrolment,
18 registration or upgrading to a higher membership class, as the case may be,
19 and providing for the evidence to be produced in support of applications;
- 20 (b) providing for notification to the Registrar, by the person to
21 whom any registered particulars relate, any change in those particulars;
- 22 (c) authorising a registered person to have any qualification which
23 is, in relation to the relevant membership class of the profession, either an
24 approved qualification or an accepted qualification for purposes of this Bill,
25 registered in relation to his name in addition to or, as he may elect, in
26 substitution for any other qualifications so registered;
- 27 (d) specifying fees, including any annual subscription, to be paid to
28 The Institute in respect of the entry of names on the Register, and authorising
29 the Registrar to refuse to enter a name on the Register until any fee specified
30 for the entry has been paid;

1 (e) specifying anything failing to be specified under the foregoing
2 provisions of this Clause, but rules made for the purposes of paragraph (d) of
3 this sub-Clause shall not come into force until they are confirmed at a special
4 meeting of the Institute convened for the purpose thereafter, or at the next
5 Annual General Meeting, as the case may be.

6 (3) If the Registrar:

7 (a) sends, by post to any registered person, a letter addressed and
8 delivered to him at his address, usually on the Register, enquiring whether the
9 registered particulars relating to him are correct and receives no reply to the
10 letter within seven months from the date of posting it; and

11 (b) upon expiration of the period, sends, in like manner, to the person
12 in question, a second similar letter and receives no reply within three months
13 from the date of posting it, the Registrar may include the name of such person in
14 the list of special cases under this sub-Clause for the Council's consideration
15 and may, if directed by the Council, remove the particulars relating to the
16 person in question from the Register:

17 Provided that the Council may direct the Registrar to restore, to the
18 appropriate part of the Register, any particulars removed therefrom pursuant to
19 this sub-clause.

20 (4) A document purporting to be a print of an edition of a Register
21 published under this clause by authority of the Registrar, or documents
22 purporting to be prints of an edition of a Register so published and of the list of
23 corrections to that edition so published, shall, without prejudice to any other
24 means of proof, be admissible in any proceedings as evidence that any person
25 specified in the document, or the documents read together, as being registered
26 was so registered at the date of the edition or of the list of corrections, as the
27 case may be, and that any person not so specified was not so registered.

28 (5) Where, in accordance with sub-clause (4) of this clause, a person
29 is, in any proceeding, shown to have been or not to have been registered at a
30 particular date, he shall, unless the contrary is proved, be taken for the purposes

1 of those proceedings as having at all material times thereafter continued to
2 be, or not to be, so enrolled or so registered.

3 **14.-(1)** An individual, other than the one whose membership has
4 been suspended by a directive of the Disciplinary Tribunal, shall be entitled
5 to be registered as a member of the profession if he satisfies the Council that:

Registration of
members

6 (i) he has passed the prerequisite qualifying examinations accepted
7 by the Council and completed the prescribed practical training;

8 (ii) he holds a qualification, for the time being, accepted by the
9 Institute and is, by law, entitled to practice, for all purposes, as a professional
10 in which the qualification was granted and if The Council so requires, he
11 satisfies the Council that he has sufficient experience;

12 (iii) immediately before commencement of this Bill, he holds a
13 qualification, approved for membership by the Institute, of any professional
14 body, on recommendation of the Council;

15 (iv) before the 2nd day of May, 2020, he was a full graduate of a
16 recognised tertiary institution, with two years' post-qualification
17 experience;

18 (v) he is, immediately before commencement of this Bill, not
19 below the rank of Assistant Director in the public service, provided he
20 possesses a first degree, or its equivalent, in any discipline;

21 (vi) he is a lecturer or instructor in an educational institution, at the
22 tertiary level, with a minimum of 5 years post qualification experience, or 10
23 years at the secondary level;

24 (vii) he is of good character;

25 (viii) he has attained eighteen years in age; and

26 (ix) he has not been convicted of an offence involving fraud or
27 dishonesty.

28 (2) The Council may, in its sole discretion, provisionally accept a
29 qualification produced in respect of an application for registration, under
30 this clause, or direct that the application be renewed within such period as

1 may be specified in the discretion.

2 (3) Any entry directed to be made in the Register, under sub-clause) of
3 this clause, shall show that the registration is provisional and no entry so made
4 shall be converted to full registration without consent of the council, signified
5 in writing, in that behalf.

6 (4) The council shall, from time to time, publish in The Institute's
7 journal, particulars of qualifications, for the time being, accepted as aforesaid.

8 (5) The council may approve any institution, for the purposes of this
9 Bill, and may, for those purposes, approve:

10 (a) any course of training, at any approved institution, which is
11 intended for persons seeking to become or are already members of the
12 profession and which, in the opinion of the council, is designed to confer on
13 persons completing it sufficient knowledge and skill for practice of the
14 profession;

15 (b) any qualification which, as a result of an examination taken in
16 conjunction with a course of training approved by the council, under this
17 clause, is granted to candidates reaching a standard at the examination
18 indicating, in the opinion of the council, that the candidates have sufficient
19 knowledge and skill for practice of the profession.

20 (6) The council may, if it thinks fit, withdraw any approval given,
21 under this clause, in respect of any course, qualification or institution; but
22 before withdrawing such an approval, the council shall:

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

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

28 (c) take into consideration any representation made as respects the
29 proposal in pursuance of paragraph (b) of this sub-clause.

30 (7) A course, qualification or institution shall not be treated as

1 approved during any period the approval is withdrawn under sub-clause (8)
2 of this clause.

3 (8) Notwithstanding the provisions of sub-Clause (3) of this clause,
4 the withdrawal of an approval under sub-clause (7) of this clause shall not
5 prejudice the eligibility for registration of any person who, by virtue of the
6 approval, was registered or was eligible for registration, either
7 unconditionally or subject to his obtaining a certificate of experience,
8 immediately before the approval was withdrawn.

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

13 (a) as soon as may be possible, publish a copy of every such
14 instrument; and

15 (b) not later than seven days before its publication as aforesaid,
16 send a copy of the instrument to the affected institution.

17 (10) It shall be the duty of the council to keep itself informed of the
18 nature of:

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

21 (b) the examinations as a result of which approved qualifications
22 are granted, and for the purposes of performing that duty, the council may
23 appoint, either from among its members or otherwise, persons to visit
24 approved institutions or to observe such examinations.

25 (11) It shall be the duty of a person appointed under this clause to
26 report to the council on:

27 (a) adequacy of the instruction given to persons attending
28 approved courses of training at institutions visited by him;

29 (b) adequacy of the examinations attended by him; and

30 (c) any other matters relating to the institutions, or examinations,

1 on which The Council may, either generally or in a particular case, request him
2 to report, but no such person shall interfere with the giving of any instruction or
3 the holding of any examination.

4 (12) On receiving a report made in pursuance of this clause, the
5 council may, if it thinks fit, and shall, if so required by the institution, send a
6 copy of the report to the person appearing to the council to be in charge of the
7 institution or responsible for the examination to which the report relates,
8 requesting that person to make an observation on the report to the council
9 within such period as may be specified in the request, not being less than one
10 month commencing from date of the request.

Establishment
of Investigation
Panel and
Disciplinary
Tribunal

11 15.-(1) There shall be constituted a body known as the Chartered
12 Institute of Loss Adjusters Investigation Panel (in this Bill referred to as
13 "Investigation Panel") which shall be charged with the duty to:

14 (a) conduct preliminary investigation into any case where it is alleged
15 that a member of the Institute has violated any of the provisions of the
16 Institute's Code of Conduct or shall, for any other reason, be the subject of
17 proceeding before the Disciplinary Tribunal; and

18 (b) decide whether the case should be referred to the Disciplinary
19 Tribunal, or not.

20 (2) The Investigation Panel shall be constituted by the Council and
21 shall consist of five members as follows:

22 (a) two members of the council, one of whom shall be the Chairman of
23 the Panel; and

24 (b) three members of the Institute who are not members of the
25 Council.

26 (3) All proceedings of the Investigation Panel shall be documented
27 and, for reference purpose, properly archived.

28 (4) The tenure of any member of the Investigation Panel shall be two
29 years and renewable only for a further period of two years.

30 (5) The Council may make rules not inconsistent with this Bill as

1 regard acts which constitute professional misconduct.

2 (6) The Investigation Panel shall act independently in the receiving
3 and investigation of allegations under sub-clause (1) (a) of this clause and
4 shall have the power to receive complaints directly from any individual or
5 organisation.

6 (7) There shall be established the Chartered Institute of Loss
7 Adjusters Disciplinary Tribunal (in this Bill referred to as the Disciplinary
8 Tribunal") which shall be charged with the duty of considering and
9 determining any case referred to it by the Investigation Panel constituted.

10 (8) The Disciplinary Tribunal shall be appointed by the Council
11 and shall consist of a Vice-President of the Institute who shall be the
12 Chairman, three other members of the council and three members of the
13 Institute who are not members of the Council.

14 (9) Provisions of the Second Schedule to this Bill shall have effect,
15 so far as applicable to the Investigation Panel and Disciplinary Tribunal
16 respectively, with respect to all those bodies aforementioned.

17 **16.-(1) Where:**

18 (a) a person is adjudged by the Disciplinary Tribunal to be guilty of
19 misconduct in any professional respect; or

20 (b) a person is convicted, by any court or tribunal of competent
21 jurisdiction in Nigeria, or elsewhere, having the power to award
22 imprisonment for an offence, where or not punishment with imprisonment
23 which, in the opinion of the Disciplinary Tribunal is incompatible with the
24 conduct required of a member of the loss adjusters profession; or

25 (c) the Disciplinary Tribunal is satisfied that the name of a person
26 has been fraudulently registered, and the person involved has been given
27 opportunity for a fair hearing to defend himself before the Disciplinary
28 Tribunal, the Disciplinary Tribunal shall, after receiving the confirmation of
29 its decision from the Council, convey a direction to the person concerned,
30 reprimanding that person, or ordering the Registrar to strike his name off the

Penalties for
Unprofessional
Conduct

1 relevant part of the Register.

2 (2) A person who commits an offence and is found guilty by decisions
3 of the Disciplinary Tribunal shall be liable to the maximum sanction of having
4 his name being struck off the Register of members provided such offence is
5 related to the practice of the profession.

6 (3) The Disciplinary Tribunal may, if it deems fit, defer or further
7 defer its decision as to the giving of a direction under sub-clause (1) of this
8 clause until a subsequent meeting of the Disciplinary Tribunal, but:

9 (a) no decision shall be deferred under this sub-clause for periods
10 exceeding three months from the conclusion of proceedings in the case; and

11 (b) no person shall be a member of the Disciplinary Tribunal to reach a
12 decision which has been deferred or further deferred unless he was present as a
13 member of the Disciplinary Tribunal when the decision was deferred.

14 (4) For sub-clause (1) (b) of this clause, a person shall be treated as
15 guilty as therein mentioned, unless the guilt stands at a time when no appeal or
16 further appeal is pending or may, without extension of time, be brought in
17 connection with the direction.

18 (5) When the Disciplinary Tribunal gives a direction under sub-
19 Clause (1) of this Clause, the Disciplinary Tribunal shall cause notice of the
20 direction to be served on the person to whom it relates.

21 (6) The person to whom such a direction relates may, at any time
22 within twenty-eight days from the date of service on him/her of the notice of the
23 direction, appeal against the direction to the Federal High Court and, where
24 necessary, to the Court of Appeal and the Disciplinary Tribunal shall appear as
25 the respondent to the appeal and, to enable directions to be given as to the costs
26 of the appeal and of proceeding before the Federal High Court of Appeal, the
27 Disciplinary Tribunal shall be deemed to be a party thereto, whether or not it
28 appeals the hearing of the appeal.

29 (7) A direction of the Disciplinary Tribunal given under sub-Clause
30 (1) of this Clause shall take effect where:

1 (a) no appeal under this clause is brought against the direction,
2 within the time limit for such an appeal, or on the expiration of that time;

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

5 (c) such an appeal is brought and is not withdrawn or struck out as
6 aforesaid, if and when the appeal is dismissed and shall not take effect
7 except in accordance with the foregoing provisions of this sub-clause.

8 (8) A person whose name is struck off the Register in pursuance of a
9 direction of the Disciplinary Tribunal under this clause shall not be entitled
10 to be registered again, except, in pursuance of a directive in that behalf and a
11 direction under this clause for the striking off of a person's name from the
12 Register prohibit him from making an application for membership or
13 restoration of his membership until after the period specified by the
14 direction that his name should be struck off, and if he makes an application
15 during the currency of the prohibition such application shall be invalid.

16 17. A person who is not a member of the Chartered Institute of Loss
17 Adjusters, before the commencement of this Bill, who but for this Bill is
18 qualified to apply for and obtain membership of the Institute, may apply for
19 membership of the Chartered Institute of Loss Adjusters, established by this
20 Bill, in such manner as may be prescribed by rules made by the council and
21 shall be registered in the category of membership appropriate in the current
22 period for holders of the qualification he possesses.

Application of
this Bill to yet to
be Registered
Loss Adjusters

23 18.-(1) A person, other than a corporate member, shall be deemed
24 to practice as a member of the profession if, in consideration of
25 remuneration received, or to be received, and whether by himself or in
26 partnership with any other person:

Practice as a
Member of the
Loss Adjusters
Profession

27 (a) he engages himself in practice within the not-for-profit
28 establishments or holds himself out to the public as a professional
29 practitioner within the 3rd Sector; or

30 (b) he renders professional service or assistance in or about matters

1 or principles or details relating to not-for-profit establishment procedures; or
2 (c) he renders any other service which may be, by regulations, made
3 by The Council, designated as service constituting practice as a member of the
4 not-for-profit establishments sector; or

5 (d) he is engaged to practice or provide services to organisations
6 within the not-for-profit sector, who but for this Bill, would have been
7 qualified to apply for and obtain membership of the Institute may, within the
8 period of six months beginning from the commencement of this Bill, apply for
9 membership of the institute in such manner as may be prescribed by rules made
10 by the council and, if approved, shall be registered according to his
11 qualification.

12 (2) Nothing in this clause shall be construed as to apply to persons
13 who, while in the employment of any government, are required, under the
14 terms or in the course of such employment, to perform the duties or any of the
15 duties of a professional within the context of this Bill.

When persons
are deemed to
practice as
Professional
Members in the
Not-For-Profit
Establishment
Sector

16 19.-(1) For the purposes of paragraph (b), a person shall be deemed to
17 practice as a professional member in the not-for-profit establishments sector if,
18 in consideration of remuneration received, or to be received, and whether by
19 himself or in partnership with any other persons, he:

20 (a) engages himself in services with the not-for-profit establishments
21 or holds himself out to the public as a professional within the 3rd Sector;

22 (b) renders professional service or assistance in, or about matters of
23 principles or details, relating to the not-for-profit establishments' management;

24 (c) describes himself as a professional, employee, manager or
25 administrator or such related nomenclature so construed within the 3rd Sector;

26 (d) renders any other service which may, by regulations made by the
27 Council and in consultation with the Registrar-General of the Corporate
28 Affairs Commission, be designated as service constituting practice as a Loss
29 Adjusters professional.

30 (2) Nothing in sub-Clause (1) of this Clause shall be construed as to

1 apply to persons who, while in the employment of any government, are
2 required, under the terms or in the course of such employment, to perform
3 the duties or any of the duties of a 3rd Sector professional.

4 **20.** The Institute shall:

Provision of
Library Facilities,
etc.

5 (a) provide and maintain a library comprising books and
6 publications across the spectrum of Loss Adjusters under the care of the
7 Institute's Registrar until such time when a professional librarian would be
8 engaged for professional service, and;

9 (b) encourage research into Loss Adjusters and allied subjects to
10 the extent that the Council may, from time-to-time, consider necessary.

11 **21.-(1)** A person, for the purpose of procuring the registration of
12 any name, qualification or other matter who:

Offences and
Penalties

13 (a) makes a statement which he believes to be false in a material
14 particular; or

15 (b) recklessly makes a statement which is false in a material
16 particular, shall be guilty of an offence.

17 (2) If, on or after the relevant date, any person who is not a member
18 of the Institute practices or holds himself out to practice as an Loss Adjusters
19 practitioner for, or in expectation of, reward or takes or uses the name, titles,
20 addition or description implying that he is in practice as an Loss Adjusters
21 professional, he shall be guilty of an offence and be liable to prosecution
22 under this Bill.

23 Provided that, in the case of a person falling within clause 19 of this
24 Bill:

25 (a) this sub-clause shall not apply in respect of anything done by
26 him during the period of three months mentioned in that Clause; and

27 (b) If within that period he duly applies for membership of the
28 Institute then, unless within that period he is notified that his application has
29 not been approved, this sub-clause shall not apply in respect of anything
30 done by him between the end of that period and the date on which he is

1 enrolled or registered or is notified as aforesaid.

2 (3) The Registrar, or any other person, employed by or acting on
3 behalf of the Institute, who willfully makes any falsification in any matter
4 relating to the Register, shall be guilty of an offence.

5 (4) Where an offence under this clause, which has been committed by
6 a body corporate, is proved to have been committed with the consent or
7 connivance of or to be attributable to any neglect on the part of any Director,
8 Manager, Secretary or other similar officer of the body corporate or any person
9 purporting to act in any such capacity, he, as well as the body corporate, shall be
10 deemed to have committed the offence and liable, on conviction by a court of
11 competent jurisdiction, in the case of an individual to the punishment
12 prescribed in sub- clause (5) of this clause and in the case of a body corporate,
13 to a fine of not less than N500,000.

14 (5) A person, who shall be guilty of an offence under this clause, is
15 liable:

16 (i) on conviction, to imprisonment for a term not exceeding two years
17 or to a fine of not less than N200,000 or to both imprisonment and fine; or

18 (ii) on summary conviction, to a fine of an amount not less than N50,
19 000 but not exceeding N100,000.

20 (6) In this clause, "the relevant date" means the second anniversary of
21 the coming into force of this Bill or such earlier date as may be prescribed for
22 the purposes of this clause by order of the council and published in the official
23 journal of the Institute.

24 (7) Rules made by the Council, for the purposes of this Bill, shall be
25 subject to confirmation at the next Annual General Meeting or any Special
26 Meeting of the Institute convened for that purpose and, if annulled, shall cease
27 to have effect on the day after the date of annulment, but without prejudice to
28 anything done in pursuance or intended pursuance of any such rules.

Regulations

29 22.-(1) Any regulations made pursuant to this Bill shall be published
30 in the Institute's Journal.

1 (2) Regulations made for the purpose of this Bill shall be subject to
2 confirmation at the next Annual General Meeting or any Special Meeting of
3 the Institute convened for that purpose and, if annulled, shall cease to have
4 effect on the day after the date of annulment, but without prejudice to
5 anything done in pursuance or intended pursuance of any such regulations.

6 **23.** In this Bill:

Interpretation

7 "Chartered Loss Adjusters Practitioner" means a person, or body corporate,
8 who has, respectively, passed the professional competence examinations, or
9 evaluations, in Loss Adjusters, and has been so elected as Member of the
10 Chartered Institute of Loss Adjusters;

11 "Certificate" means a certificate to practice as a Chartered Loss Adjusters
12 practitioner issued by the institute;

13 "The Council" means the Council established as the governing body of the
14 Institute under Clause 7;

15 "The Disciplinary Tribunal" means the Chartered Institute of Loss Adjusters
16 Disciplinary

17 Tribunal, established under Clause 15 (7);

18 "Fees" includes annual subscription and induction charges;

19 "Fit Person" means a person of good character, who is not an undischarged
20 bankrupt and has not been convicted in Nigeria, or elsewhere, of any offence
21 involving fraud or dishonesty or has not been so convicted since a period to
22 be specified, from time to time, by The Council;

23 "The Institute" means the Chartered Institute of Loss Adjusters, established
24 under Clause 1;

25 "Investigation Panel" means the Chartered Institute of Loss Adjusters
26 Investigation Panel, established under Clause 15;

27 "Member of the Loss Adjusters Profession" means a person registered by the
28 institute as a member in the categories provided under Clause 4 of this Bill;

29 "President", "Vice-President" and Treasurer" Means the office holders
30 under those names in The Institute, respectively;

Citation

1 "Profession" means the Loss Adjusters profession;
2 "Registrar" means the Registrar appointed in Clause 8 of this Bill;
3 "Register" means the register kept in pursuance of Clause 13 of this Bill.
4 **26.** This Bill may be cited as the Chartered Institute of Loss Adjusters
5 Bill, 2021.

FIRST SCHEDULE

*[Clause 7 (4)]**Qualifications and tenure of office of a member of the council*

9 1.-(1) Subject to the provisions of this paragraph, a member of the
10 council shall hold office for a period of two (2) years beginning with the date of
11 his appointment or election.

12 (2) A member of the institute who ceases to be a member thereof shall,
13 if he is also a member of the council cease to hold office in the council.

14 (3) A member of the council may, by notice in writing under his hand
15 addressed to the President resign his office.

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

19 (5) Member of the council shall at its meeting next before the general
20 meeting of the Institute, arrange for the replacement of elected members of the
21 council who are longest in office to retire at that general meeting.

22 (6) Election to the council shall be held in such manner as may be
23 prescribed by rules made by the council and until so otherwise decided, they
24 shall be decided by secret ballot

25 (7) If for any reason there is a vacation of office by a member and-

26 (a) Such member was appointed by the council or any other body, the
27 Council or that body may appoint another fit person from the area in respect of
28 which the vacancy occurs; or

29 (b) such member was elected, the Council may, if the time between
30 the unexpired term of office and the next general meeting of the Institute

1 appears to warrant the filling of the vacancy, co-opt some fit person for such
2 time as aforesaid.

3 *Power of the Council*

4 2. The Council shall have the power to do anything which in its
5 opinion is calculated to facilitate the carrying out of the activities of the
6 Institute.

7 *Standing Orders*

8 3.-(1) Subject to the provision of this Bill, the Council may in the
9 name of the Institute make standing orders regulating the proceedings of the
10 Institute or the Council, and in the exercise of its power under this Bill, may
11 set up committees in the general interest of the institute and make standing
12 orders thereof.

13 (2) Standing orders shall provide for the decision to be taken by a
14 majority of the members, and in the event of an equality of votes, the
15 President or the chairman, as the case may be, shall have a second or casting
16 vote.

17 (3) Standing orders made for a committee shall, provide for the
18 committee to report back to the council on any matter referred to it by the
19 council.

20 (4) The quorum of the Council shall be nine and the quorum of a
21 committee of the council shall be fixed by the council.

22 *General Meeting of the Institute*

23 4.-(1) The Council shall convene the annual general meeting of the
24 Institute on 12th May every year, or on such other day as the council may,
25 from time-to-time, appoint so however, that if the meeting is not held within
26 one year the previous meeting, no more than fifteen months shall elapse
27 between the respective dates of the two meetings:

28 Provided that, a notice of the annual general meeting shall be given
29 to all members at any time and if not later than twenty-one days from the date
30 of the meeting.

1 (2) A special general meeting of the Institute may be convened by the
2 council at any time and if not less than twenty members of the institute so
3 require, by notice in writing addressed to the chairman of the council setting
4 out the object of the proposed meeting, the chairman of the council shall
5 convene a special general meeting of the institute:

6 Provided that, a notice of the special general meeting shall be given to
7 all members of the institute not later than twenty -one days from the date of the
8 meeting.

9 (3) The quorum of any general meeting of the Institute and that of a
10 special general meeting of the institute shall each be twenty members.

11 *Meeting of the Council*

12 5.-(1) Subject to the provisions of any standing order of the council,
13 the council shall meet whenever it is summoned by the council and it the
14 chairman is required to do so, by notice in writing given to him by no less than
15 five other members, he shall summon a meeting of the council to be held within
16 fourteen days from that date on which the notice is given.

17 (2) At the meeting of the council, the chairman or in his absence, the
18 Deputy Chairman or anyone of the Vice - Chairman stated in clause 5 (2) (b) of
19 this Act in the descending order of their status shall preside, but if the chairman,
20 Deputy Chairman and the Vice-Chairmen are absent, the members present at
21 the meeting shall appoint one of their member to preside at the meeting.

22 (3) Where the Council desires to obtain the service of any person on a
23 matter, the council may co-opt him as a member for such period as the council
24 may think fit, but a person who is a member under sub-paragraph shall not
25 count towards a quorum.

26 *Committee*

27 6.-(1) The Council may appoint one or more committees to carry out
28 on behalf of the institute or council such function as the council may determine.

29 (2) A committee appointed under this paragraph shall consist of the
30 number of persons determined by the council, of whom not more than one-third

1 may be the persons who are not members of the council and a person other
2 than a member of the council shall hold office on the committee in
3 accordance with the terms of the letter by which he/she is appointed.

4 (3) Decisions of a Committee of the council shall be of no effect
5 until it is confirmed by the Council.

6 *Miscellaneous*

7 7.-(1) The fixed of the seal of the institute shall be authenticated by
8 the signature of the chairman or some other member of the council
9 authorized generally or specially by the institute to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the institute or of the council, as the case may require, by any person generally or specially authorized to act for that purpose by the council.

(3) Any document purporting to be a document, duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved to be deemed to be so executed.

8. The validity of any proceedings of the institute or the councilor
of a committee of the council shall not be adversely affected by any vacancy
in membership or by any defect in the appointment of a member of the
institute or the council or of a person to serve on the committee or by reason
that a person not entitled to do so, took part in the proceeding.

23 9. Any member of the institute or of the councilor any person
24 holding office on a committee of the council, who has a personal interest in
25 any contract or arrangement entered into or proposed to be considered by the
26 council on behalf of the institute or by a committee of the council on behalf
27 of the council, shall forth with disclose his interest to the committee or the
28 council, as the case may be and shall not vote on any question relating to the
29 contract or arrangement.

30 10. A person shall not by reason only of his membership of the

1 institute be treated as holding an office in the public service of the Federation.

2 SECOND SCHEDULE

3 [Clause 15(9)]

4 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

5 TRIBUNAL AND INVESTIGATING PANEL

6 *The Disciplinary Tribunal*

7 1. The quorum of the Disciplinary Tribunal shall be five members

8 2.-(1) The Attorney - General of the Federation shall make rules as to
9 the selection of members of the Disciplinary Tribunal for any proceedings and
10 as to the procedure to be followed and the rules of evidence to be observed in
11 proceedings before the Disciplinary Tribunal.

12 (2) The rules shall in particular provide:

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

16 (b) For determine who, in addition to the person who is the subject of
17 the proceedings;

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

20 (d) For securing that any party to the proceeding may be represented
21 by a legal practitioner;

22 (e) Subject to the provisions of clause 14 (6) of this Bill, as to the cost
23 of proceedings before the Disciplinary Tribunal;

24 (f) For requiring, in any case where it is alleged that the person who is
25 the subject of the proceedings involved himself in unprofessional conduct in
26 any professional respect, that where the Disciplinary Tribunal adjudges that the
27 alleged has not been provided, it shall record a finding that the person is not
28 guilty of such conduct in respect of the mater to which the allegation relates;
29 and

30 (g) For publishing notice of any direction of the Tribunal which has

1 taken effect, providing that a person's name shall be struck off a register.

2 3. For any proceedings before the Tribunal, any member of the
3 Tribunal may administer oaths and any party to the proceedings may issue
4 out of the registry of the Federal High Court writs of subpoena and
5 testudinum and deuces tecum, but no person appearing before the
6 Disciplinary Tribunal shall be compelled:

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

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

11 4.-(1) To advise the Tribunal on the question of law arising in the
12 proceedings before it, there shall in all such proceedings by an assessor to
13 the Disciplinary Tribunal who shall be appointed by the Council on the
14 nomination of the Attorney - General of the Federation and shall be a legal
15 practitioner of not less than seven years standing.

16 (2) The Attorney General of the Federation shall make rules as to
17 the functions of assessor appointed under this paragraph and in particular
18 such rules shall contain a provision for securing that:

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

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

29 (3) An Assessor may be appointed under this paragraph either
30 generally or for any particular proceedings or class proceedings and shall

1 hold and vacate office in accordance with the terms of the letter by which he
2 was appointed.

3 *The Investigation Panel*

4 5. The quorum of the Investigation Panel shall be three

5 6.-(1) The Investigation panel may, at any of its meetings attended by
6 all the members of the investigating panel, make standing orders concerning
7 the Investigation Panel.

8 (2) Subject to the provisions of any such standing orders, the
9 Investigation Panel may regulate its proceeding.

10 *Miscellaneous*

11 7.-(1) A person ceasing to be a member of the investigation panel of
12 the Disciplinary Tribunal shall be eligible for re-appointment as a member of
13 the Investigation Panel or Disciplinary Tribunal as the case may be; however,
14 nobody shall serve in the Investigation Panel for more than two consecutive
15 terms totaling four years.

16 (2) A person may, if otherwise eligible, be a member of both the
17 Disciplinary Tribunal and the Investigating Panel, but no person who acted as a
18 member of the Investigating panel concerning any case shall act as a member of
19 the Disciplinary Tribunal with respect to that case.

20 8. The Investigating Panel or the Disciplinary Tribunal may act,
21 notwithstanding any vacancy in its membership, and the proceedings of either
22 body shall be invalidated by any irregularity in the appointment of a member of
23 that body or subject to paragraph 7 (2) of this schedule by reason of the fact that
24 any person who was not entitled to do so took part in the proceedings of that
25 body.

26 9. Any document authorized or required by virtue of this Act to be
27 served on the Disciplinary Tribunal or the Investigating Panel shall be served
28 on the Registrar.

29 10. Any expenses of the Disciplinary Tribunal or the Investigation
30 panel shall be defrayed by the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for Establishment of the Chartered Institute of Loss Adjusters to regulate, control and determine the standards of knowledge to be attained by people seeking to become Chartered Actuaries.