

Extraordinary



National Assembly Journal

No. 39

Abuja - 22nd July, 2020

Vol. 17

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

NASSP 39/227/2020/900

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 ESTABLISH THE NIGERIAN HUNTERS COUNCIL OF NIGERIA
(NHG) PROVIDE COMMUNITY POLICING, MAINTENANCE OF LAW AND
ORDER AND COMMUNITY SERVICE FOR NIGERIANS AND FOR RELATED
MATTERS, 2020

Sponsored by Senator Biodun Olunjimi

[] Commencement

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

PART I - ESTABLISHMENT AND GOVERNING BOARD OF THE COUNCIL

1 **1.-(1)** There shall be established for the Federation a body to be Establishment
2 known as Nigerian Hunters Council of Nigeria. of the Nigeria
Hunters Council

(2) It shall be a body corporate with perpetual succession and a common Seal, with power to hold and dispose of property (landed or otherwise) and can sue and be sued in its corporate name.

6 (3) There is also established in each State and in each Local
7 Government of the Federation Nigerian Hunters Council.

8 **2.-(1)** There is hereby established a Board to be known as the Establishment
9 Nigerian Hunters Council Board (in this Bill referred to as "the Board") of Nigeria Hunters
10 which shall be responsible or the administration of the Nigerian Hunters Council Governing
11 Council Act. Board

12 (2) Membership of the Board shall comprise of:

13 (a) the Minister in charge of Interior who shall be the Chairman;

(b) one other person not below the rank of an Assistant Director to represent the Ministry in charge of Police Affairs;

16 (c) the Commandant General of the Nigerian Hunters Council of
17 Nigeria;

18 (d) the legal adviser to the Ministry charged with the responsibility

	1	for matters relating to Police Affairs;
	2	(e) two other persons to represent public interest who shall be full-
	3	time members, to be appointed by the President;
	4	(f) one other person to serve as the Secretary to the Board.
	5	(3) A member of the Board other than an ex-officio member shall hold
	6	office for a period of four years and shall be eligible for re-appointment for
	7	another period of four years and no more.
	8	(4) Notwithstanding the provisions of subsection (3) of the section, a
	9	member of the Board other than an ex-officio member may:
	10	(a) at any time resign his appointment by giving notice in writing of
	11	his resignation addressed to the Minister;
	12	(b) shall vacate his office if the Minister is satisfied that:
	13	(i) the member has absented himself from two consecutive meetings
	14	of the Board without permission of the chairman; or
	15	(ii) the member by reason of mental or physical infirmity or any other
	16	cause is incapable of discharging the duties of his office.
Schedule	17	(5) The supplementary provisions set out in the Schedule to this Bill,
	18	shall, in addition to the provisions contained in the Immigration and Prisons
	19	Services Board Act have effect with respect to the proceedings of the Board
	20	under this Bill and the other matters contained therein.
Powers of Board	21	3.-(1) The Board shall be responsible for:
	22	(a) providing the general policies and guidelines relating to major
	23	expansion programmes of the Council;
	24	(b) the overall management and general administration of the
	25	Council;
	26	(c) recruiting volunteers and regular members of the Council;
	27	(d) organising basic development and refresher courses for members
	28	of the Council; and
	29	(e) fixing with the approval of the Minister, the terms and conditions

1 of service of members and employees of the Council, including their
2 remuneration.

3 (2) The Board shall have power to do such other things which in the
4 opinion of the Board are necessary to ensure the efficient performance of the
5 functions of the Council.

6 PART II - FUNCTIONS OF THE COUNCIL, ETC.

7 4. The functions of the Nigerian Hunters Council shall: Functions

8 (a) assist the Nigeria Police and other security agencies in
9 prevention and detection of crime, the apprehension of offenders, the
10 protection of lives and property and the preservation of law and order;

11 (b) protect and preserve public utilities;

12 (c) maintain law and order in all social gatherings;

13 (d) establish links with other Services in intelligence gathering and
14 dissemination;

15 (f) responding to distress alarms of residents of the community;

16 (g) carry out other lawful duties as may from time to time be
17 assigned to it by the Government.

18 5. The functions of the Nigerian Hunters Council in community Community
19 shall include mobilizing labour for and supervising service
20 development activities in:

21 (a) clearing of drainages and sewages;

22 (b) putting in place measures to minimize or prevent flooding in
23 communities;

24 (c) putting in place measures to prevent erosion;

25 (d) putting in place measures to counter drought and
26 desertification;

27 (e) prevention of bush-burning, fire incidences and arson;

28 (f) putting in place measures to prevent drowning in rivers, wells
29 and beaches;

30 (g) assist in clearing and maintaining remote (feeder) roads linking

- 1 various communities and markets;
- 2 (h) clearing of oil spillage in oil producing communities;
- 3 (i) instilling and engendering security culture in various communities
- 4 like street gate within wards, voluntary patrol and protection of crops;
- 5 (j) provision of security on market days which includes surveillance,
- 6 protection of commodities and vehicles;
- 7 (k) securing places of worship within the communities;
- 8 (l) check-mating pick-pocket, swindlers, illicit drug dealers and
- 9 substandard and expired products;
- 10 (m) raising public awareness against abduction, kidnapping, cultism
- 11 and violence against women and children;
- 12 (n) advocating for and instilling national values and ethics of
- 13 discipline, integrity, dignity of labour, social justice, religious tolerances, self-
- 14 reliance and patriotism in the members of the communities;
- 15 (o) encouraging environmental sanitation and prevention of water
- 16 pollution.

Roles in conflicts
and disasters

- 17 **6.** The Nigerian Hunters Council shall be involved in preventing and
- 18 managing conflicts and disasters as follows:
- 19 (1) Preventing conflicts and disasters through:
- 20 (a) public enlightenment on the possible causes of conflicts,
- 21 especially on issues of witchcraft, ethnic crisis, land disputes, religious crisis,
- 22 ritual killings, cultism, farmer-herdsman crisis, religious extremism, youth
- 23 gangsterism, etc;
- 24 (b) putting in place a system to prevent rumor-mongering,
- 25 misinformation, misguidance or anything likely to ignite violence or conflict in
- 26 whatever form throughout Nigerian communities;
- 27 (c) in collaboration with relevant agencies, establish Early Warning
- 28 Signs and Vulnerability Indices for conflicts and disasters in all Nigerian
- 29 Communities and disseminating same to all stakeholders;
- 30 (d) designing and implementing robust societal reorientation and

1 attitudinal change programmes throughout the nation towards a culture of
2 preventing violent conflicts and disasters.

3 (2) During conflict times and in conflict areas, to assist the military
4 and other law enforcement agencies in the following ways:

5 (a) identifying culprits and locating their hideouts and also
6 identifying strategies used by perpetrators of the conflicts and the victims or
7 vulnerable people to the conflict for proper actions;

8 (b) assisting victims to escape through identified routes, providing
9 possible protection, first aid, psychological support and any available
10 material support. In so doing, the Nigerian Hunters Council shall
11 collaborate with relevant government agencies;

12 (c) providing support to the military and other paramilitary
13 agencies in identifying terrains, providing scouts from Nigerian Hunters
14 Council to accompany the military or paramilitary to the hideouts of the
15 perpetrators of conflicts;

16 (d) perform any task that is incidental or ancillary in aiding the
17 military and paramilitary as may be required by them on issues mentioned in
18 this subsection.

19 (3) The role of the Nigerian Hunters Council in post-conflict
20 management includes:

21 (a) making preliminary assessment of safety and security of
22 affected areas as prelude to any damage assessment or relocation of
23 displaced persons;

24 (b) preservation of properties and public utilities and guarding
25 same from further damage, destruction, theft or vandalism pending the
26 return of the members of the community to their homes;

27 (c) helping in clearing debris, rebuilding homes and public
28 utilities, reviving economic activities such as markets, shops and transport
29 systems;

30 (d) help in reintegrating returnees back to their normal lives,

Command
structure

1 providing psychosocial support to traumatized persons and providing
2 reassurance to the community on safety and security;

3 (e) assist government and other agencies in facilitating peace and
4 reconciliation in affected areas for lasting peaceful coexistence;

5 (f) mobilize youth and able-bodied members of post-conflict
6 communities towards rebuilding communities and creating jobs.

7 PART III - COMMAND STRUCTURE

8 7.-(1) The Service shall be under the command of the Commandant
9 General. While State and Local Government commands shall be under the
10 State and Local Government Commandant.

11 (2) Members of the Service shall bear such ranks as may be assigned
12 to them by the service in the following order:

13 (a) National Headquarter Command:

14 (i) Commandant General (National);

15 (ii) Deputy Commandant General (National);

16 (iii) Deputy Commandant General (Administration);

17 (iv) Deputy Commandant General (Finance);

18 (v) Deputy Commandant General (Operations);

19 (vi) Deputy Commandant General (Logistics);

20 (vii) Deputy Commandant General (Training);

21 (viii) Deputy Commandant General (Intelligence);

22 (ix) Deputy Commandant General (Provost);

23 (x) Assistant Commandant General (South-East);

24 (xi) Assistant Commandant General (South-South);

25 (xii) Assistant Commandant General (South-West);

26 (xiii) Assistant Commandant General (North-Central);

27 (xiv) Assistant Commandant General (North-East);

28 (xv) Assistant Commandant General (North-West);

29 (xvi) Assistant Commandant General (Planning, Research and
30 Statistics);

- 1 (xvii) Assistant Commandant General (Council Education);
2 (xviii) Assistant Commandant General (Legal Services);
3 (xix) Assistant Commandant General (Communications and ICT);
4 (xx) Assistant Commandant General (Special Task Force and Joint
5 Operation);
6 (xxi) Assistant Commandant General (Marine Safety);
7 (xxii) Council Commandant (Counter-Terrorism);
8 (xxiii) Council Commandant (Small arms and light weapons control);
9 (xxiv) Council Commandant (Inter-governmental affairs);
10 (xxv) Council Commandant (Disaster and Risk Management);
11 (xxvi) Council Commandant (Human Resources);
12 (xxvii) Deputy Council Commandant (Public Relations);
13 (xxviii) Deputy Council Commandant (Peace and Conflict
14 Management);
15 (xxix) Deputy Council Commandant (Border Security);
16 (xxx) Assistant Council Commandant (Marine Council);
17 (xxxi) Assistant Council Commandant (Bush and Forest
18 Surveillance);
19 (xxxii) Assistant Council Commandant (Medical Services).
20 (b) State Command:
21 (i) State Commandant;
22 (ii) Deputy State Commandant;
23 (iii) Assistant State Commandant (Administration);
24 (iv) Assistant State Commandant (Finance);
25 (v) Assistant State Commandant (Operations);
26 (vi) Chief Council Superintendent (Markets and Motor-Parks
27 Security);
28 (vii) Chief Council Superintendent (Places of Worship Security);
29 (viii) Chief Council Superintendent (Schools Security);
30 (ix) Chief Council Superintendent (Protection of Public Utilities);

- 1 (x) Council Superintendent (Drainages and Sewages);
- 2 (xi) Council Superintendent (Erosion Control);
- 3 (xii) Council Superintendent (Drought and Desertification Control);
- 4 (xiii) Council Superintendent (Bush-burning, Fire Incidences and
- 5 Arson);
- 6 (xiv) Council Superintendent (Oil Spillage);
- 7 (xv) Deputy Council Superintendent (Protocol);
- 8 (xvi) Deputy Council Superintendent (Anti-Robbery);
- 9 (xvii) Deputy Council Superintendent (Patrol and Guards);
- 10 (xviii) Deputy Council Superintendent (Public Relations);
- 11 (xix) Deputy Council Superintendent (Surveillance);
- 12 (xx) Deputy Council Superintendent (Provost);
- 13 (xxi) Deputy Council Superintendent (Gender);
- 14 (xxii) Assistant Council Superintendent (Finance);
- 15 (xxiii) Assistant Council Superintendent (Stores).
- 16 (c) Local Government Command:
- 17 (i) Local Government Commandant;
- 18 (ii) Deputy Local Government Commandant;
- 19 (iii) Assistant Council Superintendent (Administration);
- 20 (iv) Assistant Council Superintendent (Operations);
- 21 (v) Assistant Council Superintendent (Finance);
- 22 (vi) Chief Council Inspector (Surveillance);
- 23 (vii) Chief Council Inspector (Patrol and Guard);
- 24 (viii) Chief Council Inspector (Special Duties);
- 25 (ix) Senior Council Inspector (Pollution and Environmental
- 26 Sanitation);
- 27 (x) Senior Council Inspector (Narcotics Control);
- 28 (xi) Senior Council Inspector (Women);
- 29 (xii) Council Inspector (Road Traffic);
- 30 (xiii) Council Inspector (Crimes);

1 (xiv) Council Sergeant (Provost);

2 (xv) Council Sergeant (Exhibit).

3 **8.** The Council shall consist of such number of volunteers and Membership of
4 regular members as may, from time to time, be recruited by the Board to the Council
5 meet the requirements of the Council.

6 **9.-(1)** The service may consider and promote from time to time
7 officers and members who are qualified to be elevated to the next rank.

8 (2) The Council:

9 (a) shall be a body corporate with perpetual succession and a
10 common seal;

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

12 (c) shall have its headquarters in the Federal Capital Territory,
13 Abuja.

14 **PART IV - UNIFORMS, EQUIPMENTS AND RANKS**

15 **10.- (1)** There shall be uniforms for the Nigerian Hunters Council, Uniforms
16 which shall be subject to change, as follows:

17 (a) Dark-maroon jacket, shirt, trousers and skirts;

18 (b) Dark-red beret;

19 (c) Black belt for general duties;

20 (d) White belt for provost officers;

21 (e) Black boots;

22 (f) White lanyard for officers and dark-maroon lanyard for
23 members.

24 (2) Subject to subsection (1), the Commandant-General is hereby
25 empowered to make Regulations for uniforms and their use.

26 **11.-(1)** The Government shall provide for the Nigerian Hunters Equipment
27 Council equipment as are necessary for its administrative and operational
28 needs. Such equipment shall include the following:

29 (a) operational and utility vehicles;

30 (b) communication gadgets including walkie-talkies, masts,

Ranks and
Insignia

- 1 boosters, radio-messaging equipment, 'caller unit Council' (CUG);
- 2 (c) other operational and administrative equipment like rain coats,
- 3 rain boots, access control system equipment, torch-lights, reflective jackets,
- 4 blankets, whistles and other equipment deemed necessary;
- 5 (d) detective equipment like hand-held metal detectors, walk-through
- 6 detectors, baggage scanners, close circuit television (CCTV) cameras, bomb
- 7 detectors and vehicular bomb detectors and other Explosive Ordnance
- 8 Disposer (EOD);
- 9 (2) The Commandant-General shall make Regulations on the use of
- 10 equipment including safety measures in handling sensitive equipment.
- 11 **12.** -(1) The Commandant General - Coat of Arms, two Stars at the
- 12 Centre and Nigerian Hunters Council of Nigeria logo.
- 13 (2) Deputy Commandant General - Coat of Arms, a Star at the Centre
- 14 and Nigerian Hunters Council of Nigeria logo.
- 15 (3) Assistant Commandant General - Coat of Arms, one Bar at the
- 16 Centre and Nigerian Hunters Council of Nigeria logo.
- 17 (4) Council Commandant - Coat of Arms and Nigerian Hunters
- 18 Council of Nigeria logo.
- 19 (5) Deputy Council Commandant - a Star and Nigerian Hunters
- 20 Council of Nigeria logo.
- 21 (6) Assistant Council Commandant - Nigerian Hunters Council of
- 22 Nigeria logo.
- 23 (7) Chief Council Superintendent - Coat of Arms and one Star.
- 24 (8) Council Superintendent - Coat of Arms.
- 25 (9) Deputy Council Superintendent - three Stars.
- 26 (10) Assistant Council Superintendent I - two Stars.
- 27 (11) Assistant Council Superintendent II - one Star.
- 28 (12) Chief Inspector - four Bars.
- 29 (13) Senior Inspector - three Bars.
- 30 (14) Inspector - two Bars.

1 (15) Council Sergeant - three V.

2 (16) Corporal - two V.

3 (17) Lance Corporal - one V.

4 (18) Operative.

5 PART V - FINANCIAL PROVISIONS

6 **13.**-(1) The Council shall establish and maintain a fund into which Funds of the
7 monies shall be paid and credited: Council

8 (a) take off grants, annual subventions and budgetary allocations
9 received from the Government of the Federation;

10 (b) such monies as may be appropriated to the Council from time to
11 time by the National Assembly;

12 (c) such monies as may from time to time, lent, deposited with or
13 granted to the Council by the Government of the Federation, States or local
14 government

15 (d) grants, gifts or donations from international organizations and
16 donor agencies;

17 (e) all other funds which may, from time to time, accrue to the
18 Council.

19 (2) The Council may receive donations from other organizations
20 after due consultation with the necessary agencies.

21 (3) The officers and members shall be paid full salaries on such
22 terms and conditions as may be prescribed as it is in the Federal Civil
23 Service Commission or any related agency.

24 (4) The Council shall be paid from security vote and overhead
25 costs, such allowances as are reasonably necessary for the upkeep of its
26 National Secretariat and for meeting of its incidental expenses like, but not
27 limited to the day to day running of the Council.

28 **14.**-(1) The service in the Council shall be approved service for the Pensions
29 purposes of the Pensions Act and, accordingly, regular members and
30 employees of the Council shall be entitled to pensions, gratuity and other

	1	retirement benefits as are prescribed under the Pensions Act.
	2	(2) Notwithstanding the provisions of subsection (1) of this section,
	3	nothing in this Bill shall prevent the appointment of a person to any office on
	4	terms which preclude the grant of a pension, gratuity or other retirement
	5	benefit in respect of that office.
	6	(3) For the purposes of the application of the provisions of the
	7	Pensions Act, any power exercisable by the Minister or other authority of the
	8	Federal Government, other than the power to make regulations under section
	9	30 of the Act, is hereby vested in and shall be exercisable by the Council and not
	10	by any other person or authority.
Expenditure of the Council	11	15. The Commission may, from time to time, apply the proceeds of
	12	the Fund established in section 13 of this Bill-
	13	(a) to the cost of administration of the Council;
	14	(b) to the payment of salaries, fees, or other remuneration or
	15	allowances, gratuities payable to the officers and other employees of the
	16	Council, so that no payment of any kind under this paragraph (except such as
	17	may be expressly authorised) shall be made to any person who is in receipt of
	18	emoluments from the Federal or State Government;
	19	(c) for the maintenance of any property vested in the Council; and
	20	(d) for and in connection with all or any of its functions under this Bill.
Annual estimates and accounts	21	16.-(1) The Council shall, not later than 31st October in each year,
	22	submit to the Minister an estimate of its expenditure and income (including
	23	payments to the Council Fund) during the next succeeding year.
	24	(2) The Council shall keep proper accounts in relation to those
	25	accounts and shall cause its accounts to be audited within six months after the
	26	end of each year by auditors appointed from the list and in accordance with the
	27	guidelines supplied by the Auditor-General of the Federation.
Annual report	28	17. The Council shall prepare and submit to the Federal Executive
	29	Council through the Minister, not later than six months after the end of each
	30	year, a report in such form as he may direct on the activities of the Council

1 during the immediately preceding year, and shall include in such report a
2 copy of the audited accounts of the Council for that year and the auditor's
3 report on the accounts.

4 **18.**-(1) The Council may accept any gift of land, money or other Power accept
gift
5 property on such terms and conditions, if any, as may be specified by the
6 person or organisation making the gift.

7 (2) The Council shall not accept any gift if the conditions attached
8 by the person or organisation offering the gift are inconsistent with the
9 functions of the Council.

10 **19.**-(1) The Council may, from time to time, borrow by overdraft or Power to borrow
11 otherwise such sums as it may require for the performance of its functions
12 under this Bill.

13 (2) The Council shall not, without the approval of the Minister,
14 borrow money which exceeds, at any time, the amount set by the Minister.

15 (3) Notwithstanding subsection (1) of this section, where the sum
16 to be borrowed is in foreign currency, the Council shall not borrow the sum
17 without the prior approval of the Minister.

18 **20.** The Council may, subject to the provisions of this Bill and the Investment Act
Cap. T22, LFN,
2004
19 conditions of any trust created in respect of any property, invest all or any of
20 its funds in any security prescribed by the Trustee Investments Act or in such
21 other securities as may, from time to time, be approved by the Minister.

22 **21.** -(1) The Council shall be exempted from the payment of any Exemptions from
tax
23 income tax on any income accruing from investments made by the Board for
24 the Council.

25 (2) The provisions of any enactment relating to the taxation of
26 companies or trust funds shall not apply to the Council or the Board.

27 **PART VI - DISCIPLINE**

28 **22.** A Council member who- Discipline of
Council members
29 (a) performs his duties in contravention of the objects of the
30 Council;

1 (b) takes part in any subversive activity, including mutiny and
2 disturbance of public peace;

3 (c) abets, incites, conceals or condones the commission of any
4 offence;

5 (d) takes part in an illegal assembly of persons with intention to
6 breach public peace, destroy property or assault any person or Council of
7 persons;

8 (e) having knowledge that an offence or an illegal act is about to be
9 committed, fails to inform his superior officer;

10 (f) takes part in a strike; and

11 (g) offers violent assault on his superior officer;
12 commits an offence and is liable on conviction to imprisonment for a term of
13 not less than one year.

14 PART VII - LEGAL PROCEEDINGS

Limitation of
suits against
Council

15 **23.**-(1) Subject to the provisions of this Bill, the provisions of the
16 Public officers Protection Act shall apply in relation to any suit instituted
17 against any officer or employee of the Council.

18 (2) Notwithstanding anything contained in any other enactment, no
19 suit against any member of the Board or the Commandant-General or any other
20 officer or employee of the Council for any act done in pursuance or execution
21 of this Bill or any other enactment or law, or of any public duty or authority or in
22 respect of any alleged neglect or default in the execution of this Bill or any
23 other enactment or law, duty or authority, shall lie or be instituted in any court
24 unless it is commenced:

25 (a) within three months after the act, neglect or default complained of;

26 (b) in the case of a continuation of damage or injury, within six
27 months after the ceasing thereof.

28 (3) No suit shall be commenced against a member or the Board or the
29 Commandant-General or any other officer or employee of the Council before
30 the expiration of a period of one month after written notice of intention to

1 commence the suit shall have been served on the Council by the intending
2 plaintiff or his agent.

3 (4) The notice referred to in subsection (3) of this section shall
4 clearly and explicitly state:

5 (a) the cause of action;

6 (b) the particulars of claim;

7 (c) the name and place of abode of other intending plaintiff; and

8 (d) the relief which the plaintiff claims.

9 **24.** A notice, summons or other document required or authorized
10 to be served on the Council under the provisions of this Bill or any other
11 enactment or law may be served by delivering it to the Commandant-
12 General or by sending it by registered post and addressed to the
13 Commandant-General at the principal office of the Council.

Service of
documents

14 **25.**-(1) In any action or suit against the Council, no execution or
15 attachment of process in the nature thereof shall be issued against the
16 Council unless a notice of not less than 3 months of the intention to execute
17 or attach has been given to the Council.

Restriction on
execution against
property of the
Council

18 (2) Any sum of money, which may, by the judgment of any Court,
19 be awarded against the Council shall, subject to any directions given by the
20 court where notice of appeal against the judgment has been given, be paid
21 from the general reserve fund of the Council.

22 **26.** A member of the Board or the Commandant-General or any
23 officer or employee of the Council shall be indemnified out of the assets of
24 the Council against any liability incurred by him in defending any
25 proceeding, whether civil or criminal, if the proceeding is brought against
26 him in his capacity as a member, Commandant-General, officer or other
27 employee of the Council.

Indemnity of
officers

28 **27.**-(1) A member of the Board or the Commandant-General or any
29 other officer or employee of the Council shall-

Secrecy

30 (a) not, for his personal gain, make use of any information which

1 has come to his knowledge in the exercise of his powers or is obtained by him in
2 the ordinary course of his duty as a member of the Board as the Commandant-
3 General, officer or employee of the Council;

4 (b) treat as confidential any information which has come to his
5 knowledge in the exercise of his powers or is obtained by him in the
6 performance of his duties under this Bill; or

7 (c) not disclose any information referred to under paragraph (b) of this
8 subsection except when required to do so by any court or in such other
9 circumstances as may be prescribed by the Board, from time to time.

10 (2) Person who contravenes the provisions of subsection (1) of this
11 section commits an offence and is liable on conviction to a fine of not less than
12 N50,000 or imprisonment for a term not exceeding two years.

Power to obtain
information

13 **28.**-(1) For the purpose of carrying out the functions conferred on the
14 Council under this Bill, the Commandant-General or any other officer or
15 employee of the Council authorised in that behalf-

16 (a) shall have a right of access to all the records of any person or
17 authority affected by this Bill for the specific purpose of discharging his duties
18 under this Bill; and

19 (b) may by notice in writing served on any person or premises, require
20 that person or authority to furnish information on such matters as may be
21 specified in notice.

22 (2) The person or authority served with the notice under subsection
23 (1) shall furnish information it's required under subsection (1) of this section
24 and comply with the notice a reasonable time.

Directives by
the Minister, etc.

25 **29.** -(1) The Minister may give to the Council or the Commandant-
26 General such directives:

27 (a) of a general nature or relating generally to matters of policy with
28 regard to the exercise of its functions; or

29 (b) with respect to the maintenance and securing of public safety and
30 order, as he may consider necessary, and the Council or the Commandant-

1 General shall comply with the directives or cause them to be complied with.

2 (2) Subject to the provisions subsection (1) of this section, a
3 Governor of a State may give to a State Command, such directives with
4 respect to the maintenance and security of public safety and order in the
5 State as he may consider necessary and it shall be the duty of the State
6 Commandant shall comply with the directives or cause them to be complied
7 with.

8 **30.** The Board may, with the approval of the Minister, make such Regulations
9 regulations as in its opinion are necessary or expedient for giving full effects
10 to the provisions of this Bill and for the due administration of its provisions.

11 **31.**-(1) Notwithstanding any provisions of this Bill, on the Transitional
12 commencement of this Bill, the Inspector-General of Police shall subject to management
13 the approval of the Minister appoint a serving Police Officer not below the
14 rank of a:

15 (a) Commissioner of Police to serve as the Chief Executive Officer
16 and Accounting Officer of Nigerian Hunters Council in the Federation;

17 (b) Chief Superintendent of Police to serve as the Chief Executive
18 Officer of the Nigerian Hunters Council in every State of the Federation and
19 Federal Capital Territory, Abuja; and

20 (c) Assistant Superintendent of Police as Chief Executive of the
21 Nigerian Hunters Council in every Local Government Area in the
22 Federation.

23 (2) All Officers appointed under this Section shall serve for 5 years
24 starting from the date specified as transition period, after which their tenure
25 shall expire or deemed to have expired.

26 (3) The transition period indicated in this Section shall apply
27 regardless of the actual date of appointment.

28 **32.** In this Bill, unless the context otherwise requires: Interpretation
29 "Nigerian Hunters Council of Nigeria" means the Council established under
30 this Bill;

1 "Community Service" shall include those listed in section 5 of this Bill;
2 "Commandant General" means the Commandant of the Nigerian Hunters
3 Council in Nigeria;
4 "Deputy Commandant General" means the Deputy to the Commandant
5 General;
6 "Assistant Commandant General" means the Assistant to the Commandant
7 General;
8 "Zonal Commandant" is the officer responsible for any of the six geopolitical
9 zones of Nigeria;
10 "State Commandant" means the Commandant of the Nigerian Hunters Council
11 at the State level;
12 "Officer" means an officer from the ranks of the Commandant General to
13 Assistant Superintendent of the Nigerian Hunters Council;
14 "Minister" means Minister responsible for Interior;
15 "Member" means a non-commissioned member below the rank of Assistant
16 Superintendent of the Nigerian Hunters Council;
17 "Rank and File" has the same meaning as members;
18 "State" means any State of the Federal Republic of Nigeria;
19 "Zonal Office" means the Nigerian Hunters office in each of the geopolitical
20 zones of Nigeria.

Citation

21 **33.** This Bill may be cited as the Nigerian Hunters Council
22 (Establishment) Bill, 2020.

1 SCHEDULE

2 *Section 2 (5)*

3 ADDITIONAL SUPPLEMENTARY PROVISIONS RELATING TO

4 THE BOARD, ETC.

5 *Proceedings*

6 1.-(1) The Board shall, for the purpose of this Bill, meet not less
7 than three times in each year.

8 (2) The board shall meet whenever it is summoned by the
9 Chairman and if the Chairman is required to do so by a notice given to him
10 by not less than five other members, he shall summon a meeting of the Board
11 to be held within fourteen days from the date on which the notice is given.

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

17 *Committees*

18 2.-(1) The Board may appoint one or more committees to carry
19 out, on behalf of the Board, its functions under this Bill as the Board may
20 determine.

21 (2) A committee appointed under this paragraph shall consist of
22 such number of persons (not necessarily members of the Board as may be
23 determined by the Board) and a person other than a member of the Board
24 shall hold office in the committee in accordance with the terms of his
25 appointment.

26 (3) A decision of a Committee of the Board shall be of no effect
27 until it is confirmed by the Board.

28 *Miscellaneous*

29 3.-(1) The fixing of the seal of the Council shall be authenticated by
30 the signature of the Chairman or any other person authorised generally or

1 specifically to act for that purpose by the Board and the Commandant-General.

2 (2) Any contract or instrument, which if made or executed by a person
3 not being a body corporate, would not be required to be under seal, may be
4 made or executed on behalf of the Board by the Commandant-General or any
5 person generally or specially authorised to act for the purpose by the Board.

6 (3) Any document purporting to be a document duly executed under the seal of
7 the Board shall receive in evidence and shall, unless and until the contrary is
8 proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Hunters Council of Nigeria Charged with the Responsibilities among others; provide Community policing, Maintenance of Law and Order in Communities and Community Service for Nigerians.

CHARTERED INSTITUTE OF DIRECTORS OF NIGERIA
(ESTABLISHMENT) BILL, 2020
ARRANGEMENT OF CLAUSES

Clause:

PART I - SCOPE AND ESTABLISHMENT OF THE INSTITUTE

1. Application
2. Establishment of the Institute
3. Objectives of the Institute
4. Offices of the Institute
5. Composition and tenure of members of the Council
6. Powers of the Council
7. Resignation, cessation or removal of members of the council
8. Tenure of president and vice presidents of the Institute

PART II - STAFF OF THE INSTITUTE

9. Appointment of Registrar and other staff of the Institute
10. Qualification of the Registrar
11. Duties of the Registrar
12. Appointment of Legal Adviser and Treasurer of the Institute
13. Other staff of the Institute
14. Removal of Registrar or other staff of the Institute

PART III - STRUCTURES OF THE INSTITUTE

15. Departments, Divisions and Units of the Institute
16. Management committee of the Institute

PART IV - FUNCTIONS OF THE INSTITUTE

17. Functions of the Institute

PART V - MEMBERSHIP OF THE INSTITUTE

18. Membership of the Institute
19. Conditions for registration
20. Approval of qualification
21. Qualified members before commencement of the Bill

PART VI - REGISTER OF MEMBERS

- 22. Register of members
- 23. Correction of register
- 24. Restoration of names of suspended or expelled members

PART VII - FINANCIAL PROVISIONS

- 25. Fund of the Institute
- 26. Application of the Fund
- 27. Borrowing power
- 28. Accounts and audit

PART VIII - ESTABLISHMENT, POWERS, AND PROCEDURE OF

INVESTIGATING PANEL AND DISCIPLINARY TRIBUNAL

- 29. Establishment of investigating Panel
- 30. Establishment of Disciplinary Tribunal
- 31. Penalties for unprofessional conduct
- 32. Offences

PART IX - MISCELLANEOUS

- 33. Provision for Library
- 34. Pre-action notice
- 35. Indemnity
- 36. Insurance
- 37. Regulation
- 38. Interpretation
- 39. Citation

SCHEDULE

A BILL

FOR

AN ACT TO ESTABLISH CHARTERED INSTITUTE OF DIRECTORS OF NIGERIA, TO SERVE AS A REGULATORY BODY FOR PERSONS SERVING AS DIRECTORS IN BOTH PUBLIC AND PRIVATE SECTORS, TO DETERMINING THE STANDARDS OF KNOWLEDGE AND SKILLS TO BE ATTAINED BY PERSONS SEEKING TO BECOME DIRECTORS, TO MAKE PROVISION FOR CONTINUOUS TRAINING AND DEVELOPMENT OF THE DIRECTORS, TO ENSURE PROFESSIONALISM AND PROMOTE CORPORATE GOVERNANCE VALUES BY THE DIRECTORS AND FOR RELATED MATTERS

Sponsored by Senator Yahaya Abdullah

[] Commencement

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

1 PART I - SCOPE AND ESTABLISHMENT OF THE INSTITUTE

2 1. This Bill shall apply to:

Application

3 (a) persons serving as Directors in both public and private sectors;

4 (b) persons occupying the position of Director, by whatever
5 designation the office may be addressed; or

6 (c) a person who has the power to act on behalf of an Institution
7 without the prior express written approval of the Board or the regulatory
8 authority or subject only to certain limitations by the Board for substantial
9 financial transactions;

10 2.-(1) There is established a body to be known as the Chartered
11 Institute of Directors of Nigeria (in this Bill referred to as 'the Institute').

Establishment of
the Institute

12 (2) The Institute shall be a body corporate with perpetual
13 succession and a common seal and may sue or be sued in its corporate name.

14 (3) Subject to the provision of Land Use Act, the Institute shall
15 have power to acquire, hold or dispose of any property, movable and

Objectives of
the Institute

1 immovable, for the purpose of carrying out any of its functions under this Bill.

2 (4) No part of the earnings of the Institute shall inure to the benefit of,
3 or be distributed to the Directors or officers, of the Institute, except where the
4 Institute is authorized b y the Council to pay reasonable remuneration for
5 services rendered and to make payments and distributions in furtherance of,
6 and consistent with, the objectives of this Bill.

7 (5) The Institute shall not engage in any partisan activities nor shall
8 any Director of Officer of the Institute engage in such activities on behalf of the
9 Institute.

10 **3.** The objectives of the Institute include:

11 (a) promoting practice of directorship in public and private sectors in
12 challenging and supportive environment;

13 (b) providing well educated directors specialist with critical thinking
14 and creative problem solving skills;

15 (c) preparing knowledgeable, skilled, culturally competent,
16 compassionate and reflective specialist corporate governance practitioners;

17 (d) collaborating with individuals, organizations, and agencies whose
18 interest is in building the human capacity of Nigeria's directors and corporate
19 governance with the aim of developing professional and technical know-how
20 and improving productivity;

21 (e) promoting high level of ethical standards in the practice of the
22 profession and skills that shall be attained by persons seeking to qualify as
23 members of the Institute;

24 (f) ensuring that its members maintain reputable and high standard of
25 conducts expected of any professional practice;

26 (g) providing for the training and examination of persons desiring to
27 become members of the Institute and to promote and protect the interests of its
28 members;

29 (h) arranging conferences, seminars, symposia and meetings for
30 discussions on practices related to the profession;

1 (i) ensuring the establishment and maintenance of a register of its
2 members as well as the publication of their lists from time to time;

3 (j) establishing a library that will enhance the study of the
4 profession in Nigeria and beyond; and

5 (k) performing such functions as are incidental to the objects or as
6 the Council may deem necessary for the attainment of all or any of its
7 functions under this Bill.

8 **4.** The Institute shall have its head office in the Federal Republic
9 of Nigeria and branch offices across the federation.

Offices of the
Institute

10 **5.-(1)** There is established for the Institute, a Governing Council
11 (in this Bill referred to as 'the Council') which shall be responsible for the
12 general administration and management of the Institute.

Composition and
Tenure of Office
of Council/
Members of the
Council

13 (2) The Council shall consist of:

14 (a) a President of the Institute, who shall be the Chairman;

15 (b) first Vice President of the Institute who shall be the Vice
16 Chairman;

17 (c) second Vice President of the Institute;

18 (d) the last three Presidents of the Institute;

19 (e) three Chairmen of branches of the Institute on a rotational basis;

20 (f) the Registrar of the Institute;

21 (g) the legal adviser;

22 (h) the treasurer;

23 (i) twelve (12) other elected members at the general meeting of the
24 Institute, 2/3 of the elected members would retire by rotation, subject to
25 reelection;

26 (j) a representative of:

27 (i) federal ministry responsible for trade and investment, not below
28 the rank of a Director, to be nominated by the Minister;

29 (ii) federal ministry responsible for education, not below the rank
30 of a Director, to be nominated by the Minister;

	1	(iii) Securities and Exchange Commission, not below the rank of a
	2	Director;
	3	(iv) Corporate Affairs Commission, not below the rank of a Director;
	4	(v) Financial Reporting Council of Nigeria, not below the rank of a
	5	Director; and
	6	(vi) academia not below the rank of a Professor, to be approved by the
	7	Council.
Schedule	8	(3) The provisions set out in the Schedule to this Bill shall have effect
	9	with respect to the qualifications and tenure of office of members of the
	10	Council, meetings of the Council and other matters therein mentioned.
	11	(4) All Council members and Executives appointed by the Council
	12	shall act in an independent manner consistent with their obligations to the
	13	Institute and applicable laws, regardless of any other affiliation, membership,
	14	or position.
Powers of the Council	15	6. The powers of the Council include:
	16	(a) appointing, disciplining of the Registrar and other staff of the
	17	Institute;
	18	(b) approving the remuneration of staff and members of the Council;
	19	(c) approving the recommendation, from the Registrar of the Institute,
	20	for establishing a branch office for the Institute;
	21	(d) establishing committees or specialized departments for the
	22	purpose of effective regulation and discharge of administrative functions under
	23	the Bill;
	24	(e) issuing rules or regulation for the Institute;
	25	(f) prescribing costs or penalties for violation of the provision of this
	26	Bill;
	27	(g) prescribing yearly dues for members of the Institute;
	28	(h) enforcing the provisions of this Bill;
	29	(i) approving donation for charitable purposes; and

1 (j) doing any other thing for the purpose of achieving the objectives
2 of this Bill.

3 7.-(1) The members of the Governing Council may resign their
4 appointments by notice in writing addressed to the:

Resignation,
cessation or
removal of members
of the council

5 (i) in the case of the President, to the Governing Council, and

6 (ii) in the case of other members, to the President.

7 (2) Members of the Council may cease membership, if a member:

8 (a) dies or becomes of unsound mind;

9 (b) becomes bankrupt;

10 (c) is convicted of a felony or of any offence involving dishonesty;

11 (d) is guilty of serious misconduct in relation to the office; or

12 (e) if the member is disqualified or suspended from practicing the
13 profession.

14 (3) A member of the Council may be removed, at any time, from
15 office by the President on the recommendation of the Council, if the
16 President is satisfied that it is not in the interest of the Institute or the public
17 that the member should continue to hold office.

18 (4) Where vacancy exists in the membership of the Council, the
19 vacancy shall be filled by appointing a person representing the area where
20 the vacancy exists, to complete the remainder of the term of office of the
21 predecessor and shall be eligible for renewal, subject satisfactory
22 performance.

23 8.-(1) The President, and two Vice Presidents, who shall be elected
24 by the Council under this Bill and shall hold office for a term of two (2) years
25 from the date of assumption of duty and eligible for further term of 2 years
26 and no more.

Tenure of President
and Vice President
of the Institute

27 (2) The President shall preside at the meetings of the Institute, in
28 the absence of the President, the first Vice President shall act in his stead for
29 the purpose of the meeting or unexpired portion of the term of office, and in
30 the absence of the first Vice President, the second Vice President shall act in

	1	his absence, in the absence of all of them, the Council members shall choose
	2	one amongst themselves to act until such vacancy is filled in accordance with
	3	the provisions of this Bill.
	4	(3) The President shall be the Chairman of the Council while first Vice
	5	President shall be Vice Chairman of the Council.
	6	PART II - STAFF OF THE INSTITUTE
Appointment of Registrar and other staff of the Institute	7	9.-(1) There shall be appointed a Registrar for the Institute by the
	8	Council, a fit and proper person who shall be the chief executive officer of the
	9	Institute, and such other persons as the Council may, from time to time think
	10	necessary to assist the Registrar in the performance of his function under this
	11	Bill.
	12	(2) The Registrar shall hold office for the term of three years, and,
	13	subject to satisfactory performance, be eligible for re-appointment for further
	14	term of three years and no more.
	15	(3) The Registrar shall be reporting to the Council, and shall receive
	16	such salary and allowances as approved by the Council.
Qualification of the Registrar	17	10. A person shall be qualified to be appointed as Registrar of the
	18	Institute if the Person:
	19	(a) is a Director or fellow of the Institute;
	20	(b) is a citizen of Nigeria;
	21	(c) possesses relevant qualification from a recognized institution of
	22	higher learning; and
	23	(d) has at least required number of years and cognate experience in
	24	relevant in the profession.
Duties of the Registrar	25	11. The Registrar shall:
	26	(a) abide by the duties assigned to the office In the letter of
	27	appointment;
	28	(b) superintend the affairs of the Institute;
	29	(c) serve as the Secretary of the Council;
	30	(d) prepare and maintain a register of the names, addresses,

1 qualifications, and such other particulars as may be specified in the rules of
2 the Institute;

3 (e) correct, in accordance with the Council's directions, any entry
4 in the register;

5 (f) make, from time to time, any necessary alteration to the
6 registered persons;

7 (g) remove from the register the name of any registered person who
8 has died;

9 (h) record the names of the members of the Institute who are in
10 default for more than six months in the payment of annual

11 **12.-(1)** There shall be appointed for the Institute a Legal Adviser
12 and Treasure both of whom shall be officers appointed by Council on the
13 nomination of the recommendation of the Registrar and their tenure expires
14 with the tenure the President.

Appointment of
Legal Adviser
and Treasurer of
the Institute

15 (2) The Legal Adviser shall:

16 (a) be a Legal Practitioner having not less than Ten (10) years of
17 cognate experience in corporate law or related areas of law;

18 (b) provide legal advice to the Institute;

19 (c) serve as secretary to the Council; and

20 (d) be answerable to the Council.

21 (3) The Treasurer shall:

22 (a) be a chartered accountant for a period of, at least, five years;

23 (b) keep, regularly, the financial records of the Institute;

24 (c) be a co-signatory to the Bank accounts of the Institute; and

25 (d) take part in the budget processes of the Institute.

26 **13.** The Council shall appoint management staff for the Institute,
27 while other staff of the Institute shall be appointed by the Management
28 Committee of the Institute, which shall consist of the Registrar and all
29 Directors of the Institute, in line with staff regulation issued by the Council.

Other staff of
the Institute

Removal of Registrar or other staff of the Institute	1	14. The Registrar or other staff of the Institute may be removed from
	2	office in line with disciplinary procedure issued by the Council.
	3	PART III - STRUCTURES OF THE INSTITUTE
Department, division and units of the Institute	4	15.-(1) There is established for the Institute such number of,
	5	Departments, Divisions, and Units as determined by the Council.
	6	(2) Each Department shall be headed by a Director who shall be
	7	professionally qualified person appointed through competitive process by the
	8	Institute.
	9	(3) While each Divisions, and Units shall be headed by Deputy
	10	Director and Assistant Director who shall be professionally qualified person
	11	appointed through competitive process by the Council.
Management committee of the Institute	12	16.-(1) There is established for the Institute, a Management
	13	Committee Management Committee comprising of the Registrar and all the
	14	Directors of the Institute.
	15	(2) The Registrar of the Institute shall be the head of the Committee
	16	and the Director responsible for human capital shall be the Secretary of the
	17	Committee.
	18	(3) The Management Committee shall be responsible for the general
	19	administration of the Institute, particularly, in recruitment, promotion, and
	20	discipline of staff of the Institute.
	21	PART IV - FUNCTIONS OF THE INSTITUTE
Functions of the Institute	22	17. The Institute shall be responsible for:
	23	(a) determining the standards of knowledge and skill to be attained by
	24	persons seeking to be member of this Institute;
	25	(b) establishing, maintaining and improving the standards of
	26	performance of all those powers and duties which are attached to the offices or
	27	position of Directors under whatever guise;
	28	(c) advancing the theory and' practice of good corporate governance
	29	of public, private sectors in all their aspects and in line with international best
	30	practices;

1 (d) promoting and maintaining observance of high standards of
2 ethical values and professional conduct, including certification and
3 accreditation, amongst persons seeking to hold or holding the office of
4 Director;

5 (e) building a body of professionals who are skilled,
6 knowledgeable and experienced in administration; and

7 (f) securing admission into membership of the Institute in
8 accordance with the provisions of this Bill, including the establishment,
9 registration and maintenance of a Register of Associates, Ordinary, and
10 Honorary members, Ordinary and Honorary Fellows, Honorary and
11 Chartered Directors or any other category of members;

12 (g) facilitating the exchange of views and opinions, promote a
13 better understanding, and inform the public as well as express professional
14 opinion on subject of directorship, good governance, corporate governance,
15 corporate management and the problems connected therewith;

16 (h) organising and conducting examinations for members and
17 prospective members, in are a s requiring the understanding of the evolving
18 rights, obligations and liabilities of Directors, the theory and practice of
19 good corporate governance;

20 (i) preventing fraudulent and unfair trade practices relating to
21 corporate governance;

22 (j) establishing and maintaining a library for the use of members
23 and the public, and to collect, print, publish and distribute to members and
24 others, newspapers, periodicals, journals, books, circulars, leaflets and
25 information;

26 (k) recommending to government department or other body
27 corporate, regarding any changes in the law relating to Directors, corporate
28 governance; and promote and support any policies calculated to improve
29 any aspect of corporate governance; and

	1	(l) promoting such other functions in furtherance of the objectives of
	2	this Bill.
	3	PART V - MEMBERSHIP OF THE INSTITUTE
Membership of the Institute	4	18. -(1) Subject to the provisions of this Bill, the category of persons to
	5	be admitted as members of the Institute are:
	6	(a) associate member;
	7	(b) ordinary member;
	8	(c) fellow;
	9	(d) honorary fellow;
	10	(e) distinguished fellow;
	11	(f) chartered Director; and
	12	(g) such other category that may be created by the Council from time
	13	to time.
	14	(2) The requirements for each category of persons to be admitted as
	15	member of the Institute under sub-clause (1) of this Clause are provided in the
	16	regulation as issued by the Council.
	17	(3) Where a person is registered as a member of this Institute under
	18	this Clause, the person shall be entitled to use such suffix after his name as
	19	provided in the regulation of the Council.
Conditions for registration	20	19. Upon fulfilment of requirement for registration under Clause 15
	21	of this Bill, the applicant must:
	22	(a) be of good character;
	23	(b) attain the age of 21 years;
	24	(c) not be an ex-convict, of an offence involving fraud or dishonesty,
	25	within and outside Nigeria;
	26	(d) be of sound mental state of mind; and
	27	(e) not be adjudged as bankrupt.
Approval of qualification	28	20. -(1) The Council may, for the purpose of this Bill, accredit
	29	institutions offering training which is intended for persons who are seeking to
	30	become members of the Institute or for efficient performance of duties, as

1 members of the Institute.

2 (2) The Council may, where it appears that the standard of studies
3 or required facilities, have fallen below the minimum standard, suspend or
4 revoke the accreditation given to the Institution, until such a time the
5 Institution met the minimum standard of the Council.

6 (3) Before withdrawal or suspension of accreditation under this
7 Clause, the Council shall:

8 (a) give sufficient notice, to the affected institution, of Council's
9 intention to revoke or suspend the accreditation; and

10 (b) give the affected institution opportunity to make presentation
11 relating to the issues raised under paragraph (a) of this Clause.

12 **21.** Any person, who qualified to be registered as a member of this
13 Institute before the commencement of this Bill, shall immediately after the
14 commencement of the Bill or at the time provided by the Council, apply in
15 an appropriate form for registration under the qualified category.

Qualified
members before
commencement
of the Bill

16 **PART VI - REGISTER OF MEMBERS**

17 **22.** The Register shall consist of such parts as may be necessary to
18 reflect the category of Associates, Ordinary Members, Fellows, Honorary
19 Members, etc.

Register of
members

20 **23.** The Registrar, with the approval of the Council, shall be
21 responsible for effecting corrections in the Register of members, the
22 corrections shall include:

Correction of
register

23 (a) correction of wrong entry;

24 (b) deregister the name of deceased member of the Institute;

25 (c) to remove the names of members that failed to comply with the
26 provision of this Bill;

27 (d) remove the names of suspended or expelled members of the
28 Institute; and

29 (e) remove the name of a member of the Institute for any other
30 reason which the Council considered sufficient, for the furtherance of the

	1	objectives of this Bill.
Restoration of names of suspended or expelled members	2	24. -(1) Where the name of the member so removed from the Register
	3	was because of a reason that can be rectified, upon rectification of the problem
	4	or compliance with the law, the Council may direct the Registrar to restore the
	5	name of the member in the Register.
	6	(2) The Registrar shall publish the corrected register in line with the
	7	directives of the Council under sub-clause (1) of this Clause, each edition of the
	8	Register and of each list of corrections to be deposited at the principal offices of
	9	the Institute and shall made available to the public for sale.
	10	(3) The Register shall be available, in both manual and electronic
	11	form, available at all reasonable times for inspection by any member of the
	12	public.
	13	PART VII - FINANCIAL PROVISIONS
Funds of the Institute	14	25. -(1) The Institute shall establish, maintain and manage a Fund
	15	where all moneys of the Institute shall be paid into, the moneys include:
	16	(a) annual subscriptions, levies or fees collected for services rendered
	17	by the Institute;
	18	(b) penalties imposed for violation of this Bill and the Rules and
	19	Regulations made there under; and
	20	(c) donations from government, philanthropists, and other donor
	21	institutions for the purpose of achieving the objectives of this Bill.
	22	(2) The Institute shall maintain and operate such bank accounts for its
	23	Funds, as may be approved by the Council.
Application of the Fund	24	26. -(1) The Institute shall apply its Funds established under Clause 25
	25	of this Bill in:
	26	(a) general administration of the Institute;
	27	(b) the salaries, remuneration and allowance of the Members of the
	28	Council, Registrar and other employees of the Institute;
	29	(c) such reasonable travelling and subsistence allowance of members
	30	of the Council and staff of the Institute as the Council may approve; and

1 (d) any other expenses approved by the Council in the discharge of
2 its functions under this Bill.

3 (2) The Institute, with the approval of the Council, may also invest
4 its funds in equities and such other areas that the Council believe it will bring
5 a better returns for the Institute.

6 **27.** The Institute may with the approval of the Council, from time
7 to time, borrow money for the purposes of the Institute and any interest
8 payable on the moneys so borrowed shall be paid out of the Fund. Borrowing power

9 **28.-(1)** The Institute shall keep proper books of records in respect
10 of each financial year; and the Council shall cause the accounts to be audited
11 by a firm of Chartered Accountants, not later than the first quarter of each
12 following year, and when audited, the Council shall submit the accounts to
13 the members of the Institute for approval at the next Annual General
14 Meeting. Accounts and
audit

15 (2) The Auditor, for the purpose of sub-clause (1) of this Clause,
16 shall be appointed at the Annual General Meeting of the Institute, and the
17 auditor so appointed shall not be a member of Council.

18 **PART VIII - ESTABLISHMENT, POWERS AND PROCEDURE OF**
19 **INVESTIGATING PANEL AND DISCIPLINARY TRIBUNAL**

20 **29.-(1)** There is establish a body to be known as Investigating
21 Panel (in this Bill referred to as "the Panel"), which shall be responsible for: Establishment
of Investigating
Panel

22 (a) conducting preliminary investigation into any case of alleged
23 misconduct by a member, or which, for any other reason, shall be subject of
24 proceedings before a tribunal to be established under this Bill; and

25 (b) deciding whether the case is to be referred to the Tribunal.

26 (2) The Panel, to be appointed by the Council, shall consist of three
27 (3) members and one of them shall be a legal practitioner of not less than
28 seven years (7) post call experience, and a member of the Council.

29 **30.-(1)** There is establish a body to be known as Disciplinary
30 Tribunal (in this Bill referred to as "the Tribunal"), which shall be f this Bill Establishment of
Disciplinary
Tribunal

1 responsible for considering and determining any case referred to it by the Panel
2 established under Clause 29 of this Bill and any other case of which the
3 Tribunal has cognizance of under the provisions of this Bill.

4 (2) The Tribunal shall consist of a Chairman and four (4) other
5 members including a legal practitioner of not less than ten years (10) post call
6 experience, who are not members of the Council, to be appointed by the
7 Council.

8 (3) Appeal from the decision of the Tribunal shall be made to the
9 Federal High Court.

Penalties for
unprofessional
conduct

10 **31. Where-**

11 (a) a person registered under this Bill is found to be guilty by the
12 Disciplinary Tribunal of infamous conduct in any professional respect;

13 (b) a person is convicted of an offence, by any court or tribunal in
14 Nigeria or elsewhere having power for imprisonment, which in the opinion of
15 the Disciplinary Tribunal is incompatible with the status of a member of the
16 profession; or

17 (c) the Disciplinary Tribunal is satisfied that the name of any person
18 has been fraudulently registered, the Disciplinary Tribunal may, give direction
19 reprimanding the person or ordering the Registrar to strike out the name of the
20 person off the register.

Offences

21 **32. A person who:**

22 (1) (a) make misrepresentation of qualifications, experience, or any
23 other thing related to the requirement for registration of members to the
24 Institute and obtain registration;

25 (b) violated any of the provisions contained in the rules of
26 professional conduct;

27 (c) parade himself as a member of this Institute and practice the
28 profession without valid registration;

29 (d) violates any of the provision of this Bill, commits an offence and
30 shall be liable on conviction to the fine of five hundred thousand Naira or

1 imprisonment for a term not exceeding 1 year or both.

2 (2) Where the offence is committed by a body corporate under the
3 connivance or negligence of a Director, Council Member, Secretary,
4 employee, or agent of the body corporate:

5 (a) the body corporate shall pay fine of N1,000,000.00; and

6 (b) the Director, Council Member, Secretary, employee, or agent of
7 the body corporate, shall be punished under sub-clause (1) of this Clause.

8 (3) The offences under this clause shall be tried by the Federal High
9 Court.

10 PART IX - MISCELLANEOUS

11 33. The Institute shall:

Provision for
library

12 (a) establish and maintain a library comprising books and
13 publications for the advancement of knowledge of the profession; and

14 (b) encourage research and publication.

15 34. A person who has a cause of action against the Institute shall:

Pre-action notice

16 (a) give the Institute three months' notice, in writing, of intention to
17 commence an action, disclosing the cause of action and served the processes
18 to the principal office of the Institute; and

19 (b) commence the legal action within two years from the date the
20 cause of action arose.

21 35.-(1) In the event that any person who is or was a director, officer,
22 employee, trustee, authorized representative, or agent of the Institute, acting
23 in good faith and in a manner reasonably believed to be in the best interests
24 of the Institute, has been made party, or is threatened to be made a party, to
25 any action or proceeding by reason of being a representative, whether civil,
26 criminal, administrative, or investigative, such representative may be
27 indemnified against reasonable expenses and liabilities, including attorney
28 fees actually and reasonably incurred.

Indemnity

29 (2) The indemnification provided under this Clause shall not be
30 deemed exclusive of any other rights to which those seeking as to a person

1 indemnification may be entitled under any law, and any such indemnification
2 shall continue as to a person who has ceased to be a director, officer, employee,
3 trustee, authorized representative, or agent, and shall inure to the benefit of the
4 heirs, executors, and administrators of such person.

5 (3) Indemnification made pursuant to this Clause shall not be made in
6 any case where the act, or failure to act, giving rise to the claim for
7 indemnification is determined by a court to have constituted wilful misconduct
8 or recklessness of the director, officer, employee, trustee, authorized
9 representative, or agent of the Institute.

Insurance

10 **36.** The Institute shall have power to-

11 (a) require members to take up insurance;

12 (b) maintain such liability insurance or bonding scheme for which
13 members shall subscribe to and pay for; and

14 (c) maintain such other funds for protection of third parties against
15 director's liability for gross negligence, breach of fiduciary obligations, fraud,
16 defalcation, etc;

Regulation

17 **37.** The Council may subject to the provision of this Bill, make
18 regulation for-

19 (a) proceedings of the investigating Panel and the Tribunal;

20 (b) relating to the mode of appointing the President of the Institute;

21 (c) determining the procedure of becoming a member of the Institute;

22 (d) for disciplinary procedure for members of the Institute;

23 (e) appointment, promotion and discipline of staff of the Institute;

24 (f) all categories of training suitable for the purposes of the objectives
25 of this Bill;

26 (g) prescribing the amount and due date for payment of annual
27 subscriptions and for any other levy;

28 (h) restricting right to practice as Directors, in default of payment of
29 the annual subscriptions;

30 (i) establishing the professional scale of rates chargeable by members

- 1 for the various types of Directorial services;
- 2 (j) making of applications for enrolment or registration and
- 3 providing for the evidence to be produced in support of such applications;
- 4 (k) specifying the particulars for notification to the Registrar, by
- 5 the person to whom any registered particulars relate, or any change in those;
- 6 (l) authorizing a registered person to have any qualification which,
- 7 in relation to the relevant division of the profession, is either an approved
- 8 qualification or an accepted qualification for the purpose of this Bill,
- 9 registered in relations to his name in addition to, or as he may elect in
- 10 substitution for any other qualifications so registered; and
- 11 (m) any other thing for effective implementation of the provision
- 12 of this Bill.

13 **38.** In this Bill-

Interpretation

- 14 "Appointed Day" means the commencement date of this Bill;
- 15 "Council" means the Council established as the governing body of the
- 16 Institute;
- 17 "Director" includes all categories of members of the Institute;
- 18 "Enrolled" means admission to membership;
- 19 "Fees" includes annual subscriptions and licence fees;
- 20 "Fund" includes all income, investments and liquid assets of the Institute;
- 21 "Panel" means Investigating Panel of the Institute;
- 22 "Un-enrolled person" means a person not admitted to membership under
- 23 this bill.

24 **39.** This Bill may be cited as Chartered Institute of Directors of
25 Nigeria (Establishment) Bill, 2020. Citation

1 SCHEDULES

2 FIRST SCHEDULE

3 *[Clause 5 (3)]*

4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

5 *Qualifications and tenure of office of members*

6 1. Subject to the provisions of the Bill and this schedule, a member of
7 the Council shall hold office for a period of two (2) years beginning from the
8 date of his election or nomination.

9 2. Any member of the Institute who ceases to be a member thereof
10 shall, if he is also a member of the Council, cease to be a member of the
11 Council.

12 3. Any elected member may, by notice in writing under his hand
13 addressed to the President, resign his office, and any nominated member may,
14 with the consent of the nominating authority, likewise so resign his office.

15 4. A person who retires from or otherwise ceases to be an elected
16 member of the Council shall be eligible again to become a member of the
17 Council, and any nominated member may be likewise re-appointed.

18 5. Member of the Council shall at its meeting next before the Annual
19 General Meeting of the Institute arrange for the Four (4) members of the
20 Council elected and longest in office to retire at the Annual General Meeting.

21 6. Election to the Council shall be held in such manner as may be
22 prescribed by Rules and Regulations made by the Council and until so
23 prescribed they shall be decided by a show of hands.

24 7. If for any reason there is a vacation of office by a member and:

25 (a) such member was appointed by the appointing authority, that
26 appointing authority shall appoint another person from the establishment in
27 respect of which the vacancy occurs; or

28 (b) such member was elected, the Council may, if the time between
29 the unexpired portion of the term of office and the next general meeting of the
30 Institute appears to warrant the filling of the vacancy, co-opt another member

1 for such time as aforesaid.

2 *Powers of Council*

3 The Council shall have power to do anything which in its opinion is
4 considered to facilitate the carrying on of the functions of the Institute.

5 *Quorum of the Council and Committees*

6 The quorum of the Council shall be Nine (9); and the quorum of a
7 Committee of the Council shall be as determined by the Council.

8 *Meetings of the Institute*

9 1. The Council shall convene the Annual General Meeting of the
10 Institute not later than six (6) months after the year end or on such other days
11 as the Council may, from time to time, determine, in so far as not more than
12 fifteen (15) months shall elapse between the respective dates of the two
13 meetings.

14 2. An extraordinary general meeting of the Institute may be
15 convened by the Council at any time; and if not less than twenty (20)
16 members of the Institute require it by notice in writing addressed to the
17 President of the Institute setting out the objects of the proposed meeting, the
18 President of the Institute shall convene an extraordinary general meeting
19 of the Institute for the purpose.

20 3. The quorum of any general meeting of the Institute shall be
21 twenty (20) members, and that of any extraordinary general meeting of the
22 Institute shall be twenty-five (25) members.

23 4. The notice of any general meeting of the Institute shall be 21
24 days and that of any extraordinary general meeting shall be 14 days.

25 5. Notices and reports may be issued and served on members
26 electronically.

27 *Meeting of the Council*

28 1. Subject to the provisions of the Rules and Regulations of the
29 Institute, the Council shall have its regular meetings whenever it is
30 summoned by the Chairman; if notice in writing is given to the Chairman by

1 not less than five (5) members of Council, the Chairman is required to summon
2 a meeting of the Council to be held within seven (7) days from the date on
3 which the notice is given,

4 2. At any meeting of the Council, the Chairman or in his absence, 1st
5 Vice Chairman shall preside; or in the absence of the 1st Vice Chairman, the
6 2nd Vice Chairman; but if all are absent after 30 minutes from the time the
7 meeting is scheduled to commence, the members present at the meeting shall
8 appoint one of their members to preside at that meeting.

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

14 4. Notwithstanding anything in the foregoing provisions of this
15 paragraph, the first meeting of the Council shall be summoned by the
16 Chairman, and the Council shall approve such directions as it deems fit as to the
17 procedure which shall be followed at the meetings.

18 *Committees*

19 1. The Council may appoint one or more Committees to carry out on
20 behalf of the Institute or the Council, such functions as the Council may
21 determine.

22 2. A Committee appointed under this paragraph shall any defect in
23 the appointment of a member of the Institute or of the Council or of a
24 Committee, or by reason that a person not entitled to do so took part in the
25 proceedings.

26 3. Any member of the Institute or of the Council, and any person
27 holding office on a Committee of the Council, who has a personal interest in
28 any contract, investigation, complaint, investigation or other related matters or
29 arrangements entered into or under consideration by the Council on behalf of
30 the Institute, or on behalf of the Council or a Committee thereof, shall forthwith

1 disclose his interest in writing to the President, the Council through the
2 Director General or the Chairman of the Committee as the case may be, and
3 shall not vote on any question relating to the matter, contract or arrangement.

4 4. A person shall not by reason only of his membership of the
5 Institute be required to disclose any interest relating solely to the audit of the
6 accounts of the Institute.

7 5. The Council shall have power to formulate policies on
8 governance, including conflict of interest, Council charter, whistle blowing,
9 etc. consist of the number of persons (including such non-members of
10 Council) determined by the Council, such persons shall hold office on the
11 Committee in accordance with the terms of the instrument of their
12 appointment.

13 6. A decision of a Committee of the Council shall be of no effect
14 until it is laid before and confirmed by the Council.

15 *Miscellaneous*

16 1. The fixing of the seal of the Institute shall be authenticated by
17 the signature of the President and the Secretary of the Institute or of some
18 other member of the Council authorized generally or specially by the
19 Institute to act for that purpose.

20 2. Any contract or instrument which, if made or executed by a
21 person not being a body corporate, would not be required to be under seal,
22 may be made or executed on behalf of the Institute or of the Council, as the
23 case may be, by any person generally or specially
24 authorised to act for that purpose by the Council.

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

28 4. The validity of any proceedings of the Institute or the Council or
29 a Committee of the Council shall not be affected by any vacancy in the
30 membership or by Council.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Chartered Institute of Directors of Nigeria, to serve as a regulatory body for persons serving as Directors in both public and private sectors, to determining the standards of knowledge and skills to be attained by persons seeking to become directors, to make provision for continuous training and development of the Directors, to ensure professionalism and promote corporate governance values by the Directors.