

Extraordinary



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REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2020

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FOR

Sponsored by Senator Wamakko, Aliyu Magatakarda

[] Commencement

1 **1. The objectives of this Bill are:**
2 (a) To regulate and promote Real Estate Business in Nigeria;
3 (b) To create a statutory regulatory Council consisting of
4 professionals and other stakeholders to control and manage Real Estate
5 Development in Nigeria;
6 (c) To regulate the planning, development, construction and
7 transactions of real estate activities;
8 (d) To enforce ethical practices in real estate development and land
9 transactions such as the production, sale, rent or lease of plots, apartments
10 and buildings in Nigeria;
11 (e) To have a data Base of all Developers of Real Estate, Agents,
12 and Real Estate Brokers in Nigeria;
13 (f) To comply with extant laws and regulations on Money
14 Laundering and the combating the financing of Anti-Terrorism and
15 proliferation Finance by Real Estate;
16 (g) Training and retraining of Members in best practices of real
17 estate business to meet international acceptable standards.

Objective of this Bill

Scope of the Act

1 of this Act shall be in addition to, and not in derogation of, the provisions of any
2 other law for the time being in force.

3 (2) The provisions of this Act shall have effect, notwithstanding
4 anything inconsistent in any other law for the time being in force. Provided that
5 where a state has enacted a law for regulation of the real estate sector, and such
6 state law is not inconsistent with this Act, then, the state government, to that
7 extent, may not apply the provisions of this Act in the state. Provided also that
8 no persons in such States shall partake in real estate transactions either as
9 facilitators, agents or Developer without being registered as provided by this
10 Act.

Interpretation

11 3. In this Act, unless the context otherwise requires-
12 "advertisement" means any document described or issued as advertisement
13 through any form of media and includes any notice, circular or other
14 documents offering for sale of a plot, building or apartment or inviting persons
15 to purchase in any manner such plot, building or apartment or to make
16 advances or deposits for such purposes;
17 "allottee" in relation to a real estate project, means the person to whom a plot,
18 apartment or building, as the case may be, has been allotted, sold or otherwise
19 transferred by the Developer, and includes the person who subsequently
20 acquires the said allotment through sale, transfer or otherwise, but does not
21 include a person to whom such plot, apartment or building, as the case may be,
22 is given on rent;
23 "premises" whether called dwelling unit, flat, apartment, suite, tenement, unit
24 or by any other name, means a separate and self-contained part of any
25 immovable property located on one or more floors or any part thereof, in a
26 building or on a plot of land, used or intended to be used for residential
27 purposes, or for any other type of independent use ancillary to the purpose
28 specified and includes any covered garage, whether or not adjacent to the
29 building in which such apartment is located which has been provided by the
30 Developer for the use of the allottee for parking any vehicle, or as the case may

- 1 be, for the residence of any domestic help employed in such apartment;
- 2 "appropriate Government" means in respect of matters relating to-
- 3 (i) Land under the control of the Federal Government- the Federal
- 4 Government;
- 5 (ii) Land under the control of the State Government- the State
- 6 Government;
- 7 (iii) Land in FCT, Abuja- the Minister of the Federal Capital
- 8 Territory, Abuja; or
- 9 (iv) Land under the control of the Local Government Areas- the
- 10 Local Government concerned;
- 11 "Council " means the Real Estate Regulatory Council established
- 12 under this Act;
- 13 "building" includes any structure or erection or part of a structure or erection
- 14 which is intended to be used for residential, commercial, industrial,
- 15 agriculture or other related purposes;
- 16 "carpet area" means the net usable floor area of an apartment, excluding the
- 17 area covered by the walls;
- 18 "Director" means the Director in-charge of the Real Estate Regulatory
- 19 Council appointed under this Act;
- 20 "common areas" mean-
- 21 (i) The part of the site or plot not occupied by buildings;
- 22 (ii) The stair cases, lifts, staircase and lift lobbies, fire escapes and
- 23 common entrances and exits of buildings;
- 24 (iii) The common basements, parks, play areas, parking areas and
- 25 common storage spaces;
- 26 (iv) The premises for the lodging of persons employed for the
- 27 management of the property including accommodation for watch and ward
- 28 staff;
- 29 (v) Installations of central services such as electricity, gas, water
- 30 and sanitation, air-conditioning etc;

1 (vi) The water tanks, pumps, motors, fans, compressors, ducts and all
2 apparatus connected with installations for common use;

3 (vii) Community and commercial facilities as may be provided;

4 (viii) All other portion of the property necessary or convenient for its
5 maintenance, safety, etc., and in common use;

6 "company" means a company incorporated and registered under the
7 Companies and Allied Matters Act now in force, and includes-

8 (a) a corporation established by Law made by the National Assembly
9 or State Law;

10 (b) a development authority or any public authority established by the
11 Government in this behalf under any law for the time being in force;

12 "competent authority" means any authority created under any law made by the
13 appropriate Government which exercises authority over land under its
14 jurisdiction, and has powers to give permission for development of such
15 immovable property;

16 "development" means carrying out the development of immovable property,
17 engineering or other operations in, on, over or under the land or the making of
18 any material change in any immovable property or land and includes re-
19 development;

20 "development works" means the external development works and internal
21 development works on immovable property;

22 "Professional in Built Industry" are persons who are qualified and are involved
23 in the design, construction and other aspects of housing and real estate
24 construction, and as registered with their professional bodies under any law for
25 the time being in force. The professions include Architecture, Land Surveying,
26 Mechanical Engineering, Structural Engineering, Electrical Engineering,
27 Estate Surveyor & Valuers, Town Planning, Builders, Quantity Surveying

28 "estimated cost of real estate project" means the total cost involved in
29 developing the real estate project and includes the land cost;

30 "external development works" includes roads and road systems, landscaping,

- 1 water supply, sewerage and drainage systems, electricity supply
2 transformer, sub-station of any other work which may have to be executed in
3 the periphery of, or outside, an estate/development for its benefit, as may be
4 specified under the rules or bye-laws of the competent authority;
5 "High Court" means High Court of a state or Federal Capital Territory;
6 "immovable property" includes land, buildings, rights of ways, lights or any
7 other benefit arising out of land and things attached to the earth or
8 permanently fastened to anything which is attached to the earth, but not
9 standing timber or trees, standing crops or grass;
10 "interest" means the rates of interest payable by the Developer or the
11 allottee, as the case may be;
12 "internal development works" means roads, footpaths, water supply, sewers,
13 drains, parks, tree planting, street lighting, provision for community
14 buildings and for treatment and disposal of sewage and silage water, social
15 infrastructure such as educational, health and other public amenities or any
16 other work in an estate necessary for its proper development;
17 "local council" / competent authority" means the Federal Capital Territory,
18 Local Government of any State or any other Local Body constituted under
19 any law for the time being in force for providing municipal services or basic
20 services, as the case may be, in respect of areas under its jurisdiction;
21 "Member" means the member of the Real Estate Regulatory Council
22 appointed under this Act and includes the Director;
23 "notification" means a notification published in the Official Gazette and the
24 expression "notify" shall be construed accordingly;
25 "person" includes-
26 (i) an individual;
27 (ii) a Nigerian family;
28 (iii) a company;
29 (iv) a firm;
30 (v) a competent authority;

1 (vi) an association of persons or a body of individuals whether
2 incorporated or not;

3 (vii) a co-operative society registered under any law relating to co-
4 operative societies;

5 (viii) any such other entity as the appropriate Government may, by
6 notification specify in this behalf;

7 "planning area" means a planning area or a development area or a local
8 planning area or a regional development plan area, by whatever name called, or
9 any other area specified as such by the appropriate Government or any
10 competent authority and includes any area designated by the appropriate
11 Government or the competent authority to be a planning area for future planned
12 development, under the law relating to Town Planning for the time being in
13 force;

14 "prescribed" means prescribed by rules made under this Act;

15 "project" means the real estate project under this Act;

16 "Developer" means-

17 A Real Estate Developer (Developer) is an entrepreneur who secures land,
18 finance, labour, resources and builds residential, commercial, or industrial
19 construction development for outright sale, rentals, or lease. In the
20 performance of his operations, he/she shall be assisted by professionals in the
21 built industry;

22 A Real Estate Developer could be either:

23 (a) An individual - Real Estate Developer / Practitioner; or

24 (b) Real Estate Development Company.

25 A developer shall be:

26 (i) a person who constructs or causes to be constructed an independent
27 building or a building consisting of apartments, or converts an existing
28 building or a part thereof into apartments, for the purpose of selling all or some
29 of the apartments to other persons and includes his assignees and also includes
30 a buyer who purchases in bulk for resale; or

1 (ii) a person who develops an Estate for the purpose of selling to
2 other persons all or some of the plots, whether with or without structures
3 thereon; or

4 (iii) any development authority or any other public body in respect
5 of allottees of-

6 (a) buildings or apartments, as the case may be, constructed by
7 such authority or body on lands owned by them or placed at their disposal by
8 the government; or

9 (b) plots owned by such authority or body or placed at their
10 disposal by the Government, for the purpose of selling all or some of the
11 apartments or plots; or

12 (c) any co-operative housing finance society and a primary co-
13 operative housing society which constructs apartments or buildings for its
14 Members or in respect of the allottees of such apartments or buildings; or

15 (d) any other person who acts himself as a builder, estate developer
16 or by any other name or claims to be acting as the holder of a power of
17 attorney from the owner of the land on which the building or apartment is
18 constructed or estate is developed for sale; or

19 (e) such other person who constructs any building or apartment for
20 sale to the general public. For the purposes of this clause, where the person
21 who constructs or converts a building into apartments or develops an estate
22 for sale and the persons who sells apartments or plots are different persons,
23 both of them shall be deemed to be the Developer;

24 "prospectus" means any document described or issued as a prospectus or any
25 notice, circular, leaflet, flyer or other document offering for sale of any real
26 estate project or inviting any person to make advances or deposits for such
27 purposes;

28 "real estate agent" means any person, who negotiates or acts on behalf of one
29 person in a transaction of transfer of his plot, apartment or building, as the
30 case may be, in a real estate project, by way of sale, with another person or

1 transfer of plot, apartment or building, as the case may be, of any other person
 2 to him and receives remuneration or fees or any other charges for his services
 3 whether as a commission or otherwise and includes a person who introduces
 4 prospective buyers and sellers to each other for negotiation for sale or purchase
 5 of plot, apartment or building, as the case may be, and includes property
 6 dealers, brokers, middlemen by whatever name called;

7 "real estate project" means the development of a building or a building
 8 consisting of apartments, or converting an existing building or a part thereof
 9 into apartments, or the development of an estate into plots or apartments, as the
 10 case may be, for the purpose of selling all or some of the said apartments or
 11 plots or buildings and includes the development works thereof;

12 "regulations" means the regulations made by the Council under this Act;

13 "SCUML means Special Control Unit against Money Laundering in Nigeria

14 ESTABLISHMENT OF REAL ESTATE REGULATORY COUNCIL

Establishment
of Real Estate
Regulatory Council

15 **4. -(1)** There is hereby established a Real Estate Regulatory Council
 16 of Nigeria in this Act referred to as Real Estate Developers Council of Nigeria
 17 (REDCON) "{the Council"}).

18 (2) The Council shall be-

19 (a) a body corporate with perpetual succession and a common seal;

20 (b) capable of suing and being sued in its corporate name; and

21 (c) capable of acquiring, holding or disposing of any property,
 22 movable or immovable, for the purpose of carrying out its functions.

23 (3) The headquarters of the Council shall be situated in the Federal
 24 Capital Territory, Abuja, and there may be established an office of the Council
 25 in each State of the Federation.

Composition
of Council

26 **5.** The Council shall consist of the following members, that is-

27 (a) a Chairman who shall be recommended by the National Executive
 28 Council of REDAN and appointed by the Minister in charge of Housing, being
 29 a person who would be capable of making outstanding contributions to the
 30 Real Estate Development in Nigeria;

1 (b) one representative of the Central Bank of Nigeria not below the
2 grade of Director or its equivalent;

3 (c) one representative of the Standard Organization of Nigeria not
4 below the grade of Director or its equivalent;

5 (d) one representative of the Ministry in charge of Housing not
6 below the grade of Director or its equivalent;

7 (e) one representative of the Securities and Exchange Commission
8 not below the grade of Director or its equivalent;

9 (f) one representative of the Architects Registration Council of
10 Nigeria;

11 (g) one representative of the Council of Registered Builders of
12 Nigeria;

13 (h) one representative of the Council for Regulation of
14 Engineering in Nigeria;

15 (i) Quantity Surveyors and Valuers Registration Board of Nigeria;

16 (j) Estate Surveyors and Valuers Registration Board of Nigeria;

17 (k) Surveyors Council of Nigeria;

18 (l) Town Planners Registration Council of Nigeria;

19 (m) Six representatives of the Real Estate Developers Association
20 of Nigeria (REDAN) from each Geopolitical Zone,

21 (n) one representative of SCUML not below the grade of Director
22 or its equivalent or a representative; and

23 (o) The Executive Secretary of the Council.

24 6.-(1) Subject to the provisions of subsection (2) of this section, a Tenure
25 person appointed as a chairman or member of the Council (not being an ex-
26 officio member) shall hold office for four years and shall be eligible for re-
27 appointment for one further term of four years in addition to such other
28 terms and conditions as may be specified in their Letters of Appointment.

29 (2) The Minister in charge of housing may, with the approval of the
30 President of REDAN at any time remove any member of the Council from

1 office if the Minister is of the opinion that it is not in the interest of the Council
2 for the member to continue in office and shall notify the member in writing to
3 that effect:

4 PROVIDED that the member so removed has been given the
5 opportunity of making representations concerning the conduct against him.

6 (3) The members of the Council except the Executive secretary shall
7 be part-time members of the Council.

8 (4) Any member of the Council shall cease to hold office if-

9 (a) he becomes of unsound mind or is incapable of carrying out his
10 duties;

11 (b) he becomes bankrupt or has made arrangement with his creditors;

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

13 (d) he is guilty of serious misconduct in relation to his duties; or

14 (e) in the case of a person possessed of professional qualifications, he
15 is disqualified or suspended from practising his profession in any part of
16 Nigeria by the order of any competent authority made in respect of him
17 personally.

Vacation of
Council seat

18 7.-(1) The seat of a member shall become vacant if-

19 (a) He resigns;

20 (b) He becomes disqualified from membership under section 3 of this
21 Bill;

22 (c) He no longer holds the office by virtue of which he becomes a
23 member;

24 (d) He has been absent from 3 consecutive meetings or 3 quarter of the
25 meetings of Council during a financial year without leave from (i) the Minister
26 in case of the Chairman ; or

27 (e) the Chairman in the case of any other Council member.

28 (2) A vacancy of the seat of a member created by virtue of sections 3
29 and 4 shall be filled not less than 30 days from the date of the occurrence of the
30 vacancy.

1 (3) A person appointed under sub paragraph 2(1) shall hold office
2 for the reminder of the term for which the vacating member was appointed.

3 8. The Chairman and Members of the Council shall be paid such
4 remuneration and allowances as may be approved by the Minister. Remuneration
and Allowance

5 9. The functions of the Council shall, include- Function of
Council

6 (a) to render advice to the appropriate Government in matters
7 relating to the development of real estate sector;

8 (b) to publish and maintain a website of records of all real estate
9 projects for which registration has been given, with such details as may be
10 prescribed, including information provided in the application for which
11 registration has been granted;

12 (c) to maintain a database, on its website, and enter the names of
13 developers as defaulters including the project details, registration for which
14 has been revoked or have been penalized under the Act, with reasons
15 thereof, for access to the general public.

16 (d) to maintain a database, on its website, and enter the names of
17 real estate Developer who have applied and registered under this Act, with
18 such details as may be prescribed, including those whose registration has
19 been rejected or revoked;

20 (e) to ensure compliance of the obligations cast upon the
21 Developers, the allottees under this Act and the rules and regulations made
22 hereunder;

23 (f) to ensure compliance of its regulations or orders or directions
24 made in exercise of its powers under this Act;

25 (g) to perform such other functions as may be entrusted to the
26 Council by the appropriate Government as may be necessary to carry out the
27 provisions of this Act;

28 (h) To ensure compliance by all the members to AML;

29 (i) To impose Administrative sanctions on erring members.

Power of
Council

1 **10.-(i)** The Council shall have powers to impose penalty or interest, in
2 regard to any contravention of obligations cast upon the Developer and
3 allottees under the Act or the rules and regulations made thereunder;

4 (ii) Subject to the other provisions of the Act and the rules made
5 thereunder, the Council shall have powers to regulate its own procedure.

Council
Recommendation
to Government

6 **11.** The Council shall make recommendation to appropriate
7 Government on-

8 (a) protection of interest of the allottees, Developer and real estate
9 agent;

10 (b) creation of a single window system for ensuring time bound
11 project approvals and clearances for timely completion of the project;

12 (c) creation of a transparent and robust grievance redress mechanism
13 against acts of omission and commission of competent authorities and their
14 officials;

15 (d) measures to encourage investment in the real estate sector
16 including measures to increase financial assistance to affordable housing
17 segment;

18 (e) measures to encourage construction of environmentally
19 sustainable and affordable housing, promoting standardization and use of
20 appropriate construction materials, fixtures, fittings and construction
21 techniques;

22 (f) measures to encourage grading of projects on various parameters
23 of development in measures to encourage grading of projects on various
24 parameters of development including grading of Developer;

25 g) measures to facilitate amicable conciliation of disputes between
26 the Developers and the allottees through dispute settlement forums set up by
27 the consumer or Developer associations;

28 (h) measures to facilitate digitization of land records and system
29 towards conclusive property titles with title guarantee;

30 (i) to render advice to the appropriate Government in matters relating

1 to the development of real estate sector;

2 (j) any other issue that the Council may think necessary for the
3 promotion of the real estate sector.

4 **12.-(1)** There shall be appointed by the Council an Executive
5 Secretary who shall have qualifications in the relevant field of Real Estate
6 Development or acquire requisite body of knowledge and has been so
7 qualified for not less than 15 years and in addition, has had experience in
8 Real Estate Development for not less than 15 years.

Appointment of
the Director-
General

9 (2) The Executive Secretary shall be the head of administration and
10 shall be subject to the directives of the Council and shall hold office on such
11 terms and conditions as may be specified in his letter of appointment and on
12 such other terms and conditions as may be determined, from time to time, by
13 the Council with the approval of the Minister.

14 (3) The Chairman of Council shall be the Chief Executive and
15 accounting officer for the purpose of controlling and disbursing amounts
16 from the fund established under this Act.

17 **13.** The Council may appoint such other staff as it may deem
18 necessary for the efficient performance of the functions of the Council under
19 or pursuant to this Act.

Appointment
of Staff

20 **14.** Service in the Council shall be approved service for the purpose
21 of the Pensions Act and accordingly, officers and other persons employed in
22 the Council shall in respect of their service in the Council be entitled to
23 pensions, gratuities and other retirement benefits enjoyed by persons
24 holding equivalent grades in the public service of the Federation, so
25 however that nothing in this Act shall prevent the appointment of a person to
26 any office on terms which preclude the grant of a pension and gratuity in
27 respect of that office.

Service in the
Council to be
pensionable

28 **15.** The Council shall establish a fund which shall consist of such
29 sums as may accrue to it in the discharge of its functions

Fund of the
Council

Expenditure of
the Council

- 1 **16.** The Council may, from time to time, apply the proceeds of the
2 fund established in pursuance of section 15 of this Act-
3 (a) to the cost of administration of the Council;
4 (b) for re-imbursing members of the Council or any Committee set up
5 by the Council for such expenses as may be authorised or approved by the
6 Council, in accordance with the rate approved in that behalf by the Minister;
7 (c) to the payment of salaries, fees or other remuneration or
8 allowances, pensions and gratuities payable to the employees of the Council;
9 (d) for the maintenance of any property acquired or vested in the
10 Council;
11 (e) for, and in connection with, all or any of the functions of the
12 Council under this Bill; and
13 (f) for training and retraining of members

Council to
promote Real
Estate Sector

- 14 **17.** The Council shall in order to facilitate the growth and promotion
15 of a healthy, transparent, efficient and competitive real estate sector make
16 recommendations to the appropriate Government or the competent authority,
17 as the case may be, on-
18 (a) protection of interest of the allottees and developer;
19 (b) measures to improve the processes and procedures for;
20 (c) clearance and sanction of plans and development of projects;
21 (d) measures to encourage construction of environmentally
22 sustainable and affordable housing, promote standardization, including
23 grading and use of appropriate construction materials, fixtures, fittings and
24 construction techniques;
25 (e) measure to facilitate amicable conciliation of disputes between the
26 Developer and the allottees through dispute settlement forums set up by the
27 consumer or Developer associations;
28 (f) any other issue that the Council may think necessary for the
29 promotion of the real estate sector.

- 1 **18.-(i)** The Council shall have powers to register any Developer
2 upon submission of certificate of registration with the Real Estate
3 Developers Association of Nigeria (REDAN);
- 4 (ii) The application for registration of a real Estate Project shall be
5 made by the Developer and shall enclose the following documents along
6 with the application, namely-
- 7 (a) a brief detail of his enterprise including its name, registered
8 address, type of enterprise (proprietorship, societies, partnership,
9 companies, competent authority), and the particulars of registration, and the
10 names and photographs of the Developer;
- 11 (b) a brief detail of the projects launched by him/her, in the past five
12 years, whether already completed or being developed as the case may be,
13 including the current status of the said projects;
- 14 (c) an authenticated copy of the approvals from the competent
15 authority obtained in accordance with the laws as may be applicable for the
16 real estate project mentioned in the application, and where the project is
17 proposed to be developed in phases, an authenticated copy of the approvals
18 from the competent authority for each of such phases;
- 19 (d) the layout plan and specifications of the proposed project or the
20 phase thereof, and the whole project as approved by the competent
21 authority;
- 22 (e) the location details of the project with clear demarcation of land
23 dedicated for the project along-with its boundaries including the latitude and
24 longitude of the end points of the project;
- 25 (f) a declaration, supported by an affidavit, which shall be signed
26 by the Developer or any person authorised by the Developer, stating-
- 27 (i) that he has a legal title to the land on which the development is
28 proposed along with legally valid documents with authentication of such
29 title, if such land is owned by another person;
- 30 (ii) that the land is free from all encumbrances, or as the case may

Registration of
Real Estate Project
and developer

Responsibilities/
Functions/Duties
of Real Estate
Developer

1 be details of the encumbrances on such land including any rights, title, interest
2 or name of any party in or over such land along with details;

3 **19.-(1)** The Developer shall-

4 (a) Be responsible for all obligations, responsibilities and functions
5 under the provisions of this Act, or the rules and regulations made thereunder
6 touching on, pertaining with and or in respect of projects/developments in his
7 name-

8 (i) Provided that the responsibility of the Developer, with respect to
9 the structural defect or any other defect for such period is as specified in the
10 agreement between the parties;

11 (ii) Be responsible to transfer legal title to all allottees according to the
12 terms of contract;

13 (iii) pay all outgoings until he transfers possession of the real estate
14 project to the allottee, as the case may be, which he has collected from the
15 allottees, for the payment of outgoing (including land cost, ground rent or other
16 local taxes, charges for water or electricity, maintenance charges, including
17 mortgage loan and interest on mortgages or other encumbrances and such other
18 liabilities payable to competent authorities, banks and financial institutions,
19 which are related to the project).

20 (2) The Developer shall, upon registration with the council as
21 prescribed under this Act, create his web page on the website of the Council and
22 enter all details of his/her project as provided under sub-section (2) of section
23 18, in all the fields as provided, including-

24 (a) Details of the registration granted by the Council;

25 (b) Quarterly up to date list of number and types of apartments or
26 plots, as the case may be, booked;

27 (c) Up -to-date status of the project, at least twice a year; and

28 Such other information and documents as may be specified by the regulations
29 made by the council.

30 (3) The developer, upon entering into an agreement of sale with the

1 allottee shall be responsible to make available to the allottee:
2 The Site and layout plans along with specifications, approved by the
3 competent authority, by display at the site or such other places as may be
4 specified by the regulations made by the council.

5 (4) The developer shall-

6 (a) Be responsible to obtain a certificate of occupancy from the
7 relevant competent authority as per local laws or other laws for the time
8 being in force and to make it available to the allottees individually or, as the
9 case may be;

10 (b) Be responsible for providing and maintaining the essential
11 services, as may be specified in the service level agreements, on reasonable
12 charges.

13 (5) The Developer shall prepare and maintain all such other details
14 as may be specified, from time to time, by regulations made by the Council.
15 From the commencement of this Act, no Developer shall book, sell or offer
16 for sale, or invite persons to purchase in any manner any plot, apartment or
17 building, as the case may be, in any real estate project, or part of it, in any
18 planning area, without registering the real estate project with the Real Estate
19 Regulatory Council established under this Act:

20 Provided however that no such registration shall be required-

21 (a) where the Developer has received all requisite approvals for the
22 development of the real estate project prior to commencement of this Act:

23 Provided however that all existing promoters prior to this Act shall register
24 their project within 6 months from the commencement of this Act;

25 (b) For the purpose of renovation or repair or re-development
26 which does not involve re-allotment and marketing of the real estate project.

27 **20.-(1)** A Real Estate Developer shall be registered by the Real
28 Estate Developers Association of Nigeria (REDAN).

Capacity
Development

29 (2) In order to realize the mandate of the Council and given the fact
30 that Real estate business is a multi-disciplinary endeavour, requiring and

	1	cutting across all the professions in the built industry, it shall be mandatory for
	2	Developers, in the Real Estate industry to embark on continuous training on
	3	Project finance, Project management, land acquisition, pre-construction,
	4	construction and post-construction dynamics in construction. Loan packaging,
	5	Off-Taker profiling, understanding of loan cycle, Bank loan matrix and
	6	building design.
	7	(3) In respect of capacity development, the Real Estate Developers
	8	Association of Nigeria (REDAN) shall coordinate and issue necessary
	9	Certifications on behalf of Council.
Transitional Provisions	10	21. In line with requirement for registration, existing Developers will
	11	be given a window of at least 180 days from the commencement of this Act to
	12	attend capacity development training requisite to practice Real Estate Business
	13	in Nigeria.
	14	New Developers to be registered by the umbrella Association, the Real Estate
	15	Developers Association of Nigeria (REDAN) shall be required to have
	16	acquired the requisite capacity development course(s).
Provision of Registration Number and Log-in Identity	17	22.-(1) On receipt of the application under sub-section (2) of section
	18	18, the Council shall within a period of 30 days-
	19	(a) grant registration subject to the provisions of this Act and the rules
	20	and regulations made hereunder, and provide a registration number and log-in
	21	password to the applicant for accessing the website of the Council and to create
	22	his web page and to fill therein the details of the proposed project; or
	23	(b) reject the application for reasons to be recorded in writing, if such
	24	application does not conform to the provisions of this Act or the rules or
	25	regulations made hereunder:
	26	Provided that no application shall be rejected unless the applicant has
	27	been given an opportunity of being heard in the matter.
	28	(2) If the Council fails to grant the registration or reject the
	29	application, as the case may be, as provided under sub-section (1), the project
	30	shall be deemed to have been registered, and the Council shall within 35 days

1 of the expiry of the said 30 days, provide a registration number and a Login
2 Identity and password to the Developer for accessing the website of the
3 Council and to create his web page and to fill therein the details of the
4 proposed project.

5 (3) The registration granted under this section shall be valid for a
6 period declared by the Council.

7 **23.** The registration granted under this Act may be extended by the
8 Council on an application made by the Developer under such conditions as
9 may be prescribed and in such form and on payment of such fee as may be
10 specified by the regulations made by the Council;

Extension of
Registration

11 Provided that no application for extension of registration shall be
12 rejected unless the applicant has been given an opportunity of being heard in
13 the matter.

14 **24.-(1)** The Council may, on receipt of a complaint in this behalf or
15 on the recommendation of the competent authority, revoke the registration
16 granted, after being satisfied that -

Revocation of
Registration

17 (a) the Developer makes willful default in doing anything required
18 of him by or under the Act or the rules or the regulations made hereunder;

19 (b) the Developer violates any of the terms or conditions of the
20 approval given by the competent authority;

21 (c) the Developer is involved in any kind of unfair practice or
22 irregularities. For purposes of this clause, the term "unfair practice" means a
23 practice which, for the purpose of promoting the sale or development of any
24 real estate project adopts any unfair method or unfair or deceptive practice
25 including any of the following practices, namely-

26 the practice of making any statement, whether orally or written or by visible
27 representation which-

28 (a) falsely represents that the services are of a particular standard or
29 grade;

30 (b) represents that the Developer has approval or affiliation which

1 such Developer does not have;

2 (c) makes a false or misleading representation concerning the
3 services; or

4 (d) the Developer permits the publication of any advertisement or
5 prospectus whether in any newspaper or otherwise of services that are not
6 intended to be offered.

7 (2) The registration granted to the Developer under this Act shall not
8 be revoked unless the Council has given to the Developer not less than 30 days'
9 notice, in writing, stating the grounds on which it is proposed to revoke the
10 registration, and has considered any cause shown by the Developer within the
11 period of that notice against the proposed revocation.

12 (3) The Council may, instead of revoking the registration under sub-
13 section (1), permit it to remain in force subject to such further terms and
14 conditions as it thinks fit to impose in the interest of the allottees, and any such
15 terms and conditions so imposed shall be binding upon the Developer.

16 (4) Upon the revocation of the registration, the Council-

17 (a) shall debar the Developer from accessing its website in relation to
18 that project and specify his name in the list of defaulters on its website and also
19 inform the State Offices including the FCT about such cancellation;

20 (b) may recommend to the competent authority to facilitate the
21 balance of the development works to be carried out in accordance with the
22 provisions of section 10 of this Act.

23 (c) shall protect the interest of prospective buyers or in the public
24 interest, issue such directions as it may deem necessary.

Consultation
with appropriate
Government

25 **25.** Upon lapse of the registration or on revocation of the registration
26 under this Act, the Council, may consult the appropriate Government to take
27 such action as it may deem fit including the carrying out of the remaining
28 development works by competent authority or by the association of allottees or
29 in any other manner, as may be determined by the Council:

30 Provided that no direction, decision or order of the Council under this

1 Act shall take effect until the expiry of the period for fair hearing as provided
2 under this Act.

3 **26.** Where any person makes an advance or a deposit on the basis
4 of the information contained in the advertisement or prospectus and sustains
5 any loss or damage by reason of any incorrect, false statement included
6 therein, he shall be compensated by the Developer in the manner as provided
7 under this Act, provided that if the person affected by such incorrect, false
8 statement contained in the advertisement or prospectus, intends to withdraw
9 from the proposed project, he shall be refunded his entire investment along
10 with interest at such rate as may be prescribed.

Developer to
compensate
consumers

11 **27.-(1)** A Developer shall not accept a sum more than Five percent
12 of the cost of the apartment, plot, or building, as the case may be, as an
13 advance payment from a person without first entering into a written
14 agreement for sale with such person.

Prior written
agreement required
before collecting
deposit

15 (2) The agreement referred to in sub-section (1) shall be in such
16 form as may be prescribed and specify the particulars of development of the
17 project including the construction of building and apartments, along with
18 specifications and external development works, the dates and the manner by
19 which payments towards the cost of the apartment, plot, or building, as the
20 case may be, are to be made by the allottees and the likely date on which the
21 possession of the apartment, plot, or building is to be handed over and such
22 other particulars, as may be prescribed.

23 **28.-(a)** The proposed project shall be developed and completed by
24 the Developer in accordance with the architectural and engineering designs
25 and specifications as approved by the competent authorities;

Project comply
with plans and
structural design

26 (b) Where any major structural defect in such development is
27 brought to the notice of the Developer within a period of 1 year including the
28 rainy season by the allottee from the date of handing over possession, it shall
29 be the duty of the Developer to rectify such defects without further charge,
30 within reasonable time, and in the event of Developer's failure to rectify

Refund of amount
and compensation

1 such defects within such time, the aggrieved allottees shall be entitled to
2 receive appropriate compensation in the manner as provided under this Act.

3 **29.-(1)** Where the Developer fails to complete or is unable to give
4 possession of an apartment, plot or building-

5 (a) in accordance with the terms of the agreement or, as the case may
6 be, duly completed by the date specified therein or any further date agreed to by
7 the parties; or

8 (b) due to discontinuance of his business as a Developer on account of
9 suspension or revocation of his registration under this Act or for any other
10 reason, he shall be liable on demand to the allottees, without prejudice to any
11 other remedy available, to return the amount received by him in respect of that
12 apartment, plot, building, as the case may be, with interest at such rate as may
13 be prescribed on this behalf including compensation in the manner as provided
14 under this Act.

15 (2) If the Developer fails to discharge any other obligations imposed
16 on him under this Act or the rules or regulations made hereunder, he shall be
17 liable to pay such compensation to the allottees, in the manner as provided
18 under this Act.

Rights and Duties
of Allottee

19 **30.-(1)** The allottee shall be entitled to obtain the information relating
20 to site and layout plans along with the specifications, approved by the
21 competent authority and such other information as provided in this Act or the
22 rules and the regulations made thereunder or the agreement signed with the
23 Developer.

24 (2) Every allottee, who has entered into an agreement of sale to take
25 an apartment, plot or building, as the case may be, shall be responsible to make
26 necessary payments in the manner and within the time as specified in the said
27 agreement and shall pay at the proper time and place, the proportionate share of
28 the registration charges, or local taxes, water and electricity charges,
29 maintenance charges, ground rent, and other charges, if any, in accordance with
30 such agreement.

1 (3) The allottee shall be liable to pay interest, at such rate as may be
2 prescribed, for any delay in payment towards any amount or charges to be
3 paid under the agreement within the parties and or the Act.

4 (4) The obligations of the allottee and the liability towards interest
5 under the Act may be reduced when mutually agreed to between the
6 Developer and such allottee.

7 **31.** The meetings and proceedings of the Council shall be specified Meeting of the
8 by regulation made pursuant to this Act. Council

9 **32.**-(1) Where the Council considers it expedient to do so, on a Conduct
10 complaint relating to the Act or the rules or regulations made hereunder, it Investigations
11 may, by order in writing, call upon any Developer or allottee, as the case may
12 be, at any time to furnish in writing such information or explanation relating
13 to its affairs as the Council may require and appoint one or more persons to
14 make an inquiry in relation to the affairs of any Developer or allottee, as the
15 case may be.

16 (2) The Council may, for the purpose of discharging its functions
17 under the provisions of this Act or the rules or the regulations made
18 hereunder, issue such directions from time to time, to the Developer and
19 allottees or, as the case may be, as it may consider necessary and such
20 directions shall be binding on all concerned.

21 **33.**-(1) The Council shall have powers to impose penalty or Power to impose
22 interest, in regard to any contravention of obligations cast upon the punishment
23 Developer and allottees under this Act or the rules and the regulations made
24 hereunder.

25 (2) The Council shall be guided by the principles of natural justice
26 and, subject to the other provisions of this Act and the rules made hereunder,
27 the Council shall have powers to regulate its own procedure.

28 (3) If a Developer or an allottee, as the case may be, fails to pay any
29 interest or penalty or compensation imposed on him under this Act, it shall

	1	be recoverable from such Developer or allottee, in such manner as may be
	2	prescribed.
	3	(4) If a Developer fail to comply with the provisions of SCUML
	4	regulations, guidelines and circulars
Penalty for Contravention	5	34. -(1) If any Developer contravenes any provision of this Act, he
	6	shall be liable to a fine by the Council.
	7	(2) If any Developer knowingly provides false information or
	8	contravenes the provisions of this Act, he shall be liable to a fine by the
	9	Council.
	10	(3) If any real estate Developer wilfully fails to comply with or
	11	contravenes the provisions of this Act, he shall be liable to a fine.
	12	(4) Any Developer, who wilfully fails to comply with, or contravenes
	13	any of the orders or directions of the Council, shall be liable to a fine.
	14	(5) An allottee that wilfully fails to comply with, or contravenes any
	15	of the orders, decisions or directions of the Council shall be liable to a fine.
	16	(6) Administrative sanctions for failure to comply with AML/CT
	17	laws and regulations
Power of appropriate government to make rules	18	35. -(1) The appropriate Government may, by notification, make rules
	19	for carrying out the provisions of this Act.
	20	(2) In particular, and without prejudice to the generality of the
	21	foregoing power, such rules may provide for all or any of the following matters
	22	as provided under this Act, namely-
	23	(a) the information and documents for application to Council for
	24	registration;
	25	(b) the conditions under which registration of a Developer may be
	26	renewed;
	27	(c) the form and manner of making an application and fee and
	28	documents to be accompanied with such application;
	29	(d) the period, manner and conditions under which the registration is
	30	to be granted;

- 1 (e) the validity of the period of registration and the manner and fee
2 for renewal;
- 3 (f) the maintenance and preservation of books of account, records
4 and documents;
- 5 (g) the rate of interest payable;
- 6 (h) the form and particulars of agreement to be made by the
7 Developer;
- 8 (i) the salaries and allowances payable to, and the other terms and
9 conditions of service of, the Chairman and other Members of the Council;
- 10 (j) the administrative powers of the Chairman;
- 11 (k) the salaries and allowances payable to, and the other terms and
12 conditions of service of, the officers and other employees of the Council;
- 13 (l) the details to be published and maintained on the website;
- 14 (m) the additional functions which may be performed by the
15 Council;
- 16 (n) the manner of recovery of interest, penalty and compensation;
17 and
- 18 (o) such other decisions as may be deemed appropriate to make
19 under this Act.

20 **36.** Where any of the provisions of this Act or its application to any
21 person or circumstance is held invalid in any court having jurisdiction, the
22 invalidity will not affect other provisions or applications of this Act that can
23 be given effect without the invalid provision or application.

Court with
Jurisdiction

24 **38.** This Act does not restrict any person from complying with
25 Federal Law or regulations and in the event of a conflict between this Act
26 and other Federal, State or Local laws or regulations concerning real estate
27 project, the provisions of this Act shall apply.

Conflicting Laws

28 **39.** The provisions of this Act shall take effect upon signature of
29 the President.

Effective Date

Short title

1 **40.** This Bill may be cited as the Real Estate (Regulation and
2 Development) Bill, 2020.

0 EXPLANATORY MEMORANDUM

This Bill seeks to provide a regulatory framework to regulate and promote the real estate sector and to ensure that the development, sales and lease of plot, apartment or building (landed property) as the case may be, is done in a transparent manner, especially the protection of consumers in the real estate sector.

A BILL

FOR

AN ACT TO PROVIDE FOR ESTABLISHMENT OF THE CHARTERED INSTITUTE OF POWER ENGINEERS OF NIGERIA TO REGULATE, CONTROL AND DETERMINE THE STANDARDS OF KNOWLEDGE TO BE ATTAINED BY PEOPLE SEEKING TO BECOME CHARTERED POWER ENGINEERS; AND FOR RELATED MATTERS

Sponsored by Senator Gabriel Suswan

[] 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 Power Engineers of Nigeria (in this Bill referred to as "the
3 Institute")
- 4 (2) The Institute-
- 5 (a) Shall be a body corporate with perpetual Succession and a
6 common seal;
- 7 (b) May sue and be sued in its corporate name; and may acquire,
8 hold and dispose of any property, movable and immovable.
- 9 (c) shall be charged with the duty of-
- 10 (i) determining what standards of knowledge and skill are to be
11 attained by persons seeking to become members of the Power Engineering
12 profession and raising those standards, from time to time, as circumstances
13 may permit;
- 14 (ii) securing in accordance with the provisions of this Bill, the
15 establishment and maintenance of the register of fellows, associates and
16 registered power engineers entitled to practice as power engineers and the
17 publication, from time to time, of lists of those persons;
- 18 (iii) conducting examinations leading to the award of professional

Establishment
of Chartered
Institute of Power
Engineers of Nigeria

Membership of
the Institute

1 competency certificates as may be prescribed by the institute and in conformity
2 with international best practices;

3 (iv) ensuring the furtherance, maintenance and observance of ethical
4 standards and professionalism among Power Engineers in Nigeria;

5 (v) ensuring detailed synergy between the industry and academia in
6 the power industry; and

7 (vi) performing through the Council under this Bill the functions
8 conferred on it by this Bill.

9 **2.-(1)** Membership of the Institute shall be in two categories of
10 corporate and Associates.

11 (2) Any person employed in any public or private Institution in
12 Nigeria is eligible to be registered by the Institute in any of the following
13 categories-

14 (i) Fellows;

15 (ii) Power Engineers (Members);

16 (iii) Power Engineering Technologist (Associate Power Engineers);

17 (iv) Power Engineering Technicians;

18 (v) Power Engineering Craftsmen;

19 (vi) Power Engineering Corporate Firms;

20 (vii) Power Engineering Graduates.

21 (3) In furtherance to sub-clause (1) of this clause, all corporate
22 members shall cause their staff to register with the institute to foster ethical
23 standards, professionalism and self - regulation in the Power Engineering
24 Industry.

25 (4) The privileges and entitlements of members of the institute shall
26 be-

27 (a) The use of abbreviation Chartered Institute of Power Engineers of
28 Nigeria (CIPEN) written as CPE;

29 (b) The right to affix a member seal and stamp on every document
30 endorsed by or emanating from them;

1 (c) Members in the class of fellow shall be entitled to use the
2 abbreviation of "FCPE";

3 (e) members registered into the category of Corporate Member
4 shall be entitled to use initials "MCPE";

5 (f) members registered into the category of power engineering
6 technologist (Associate Power Engineer) Member shall be entitled to use
7 initials "ACPE";

8 (g) members registered into the category of power engineering
9 Technician Member shall be entitled to use initials "PET";

10 (h) Members registered into the category of power engineering
11 Craftsman Member shall be entitled to use initials "PEC".

12 (5) The provisions of the first schedule to this Bill shall, so far as
13 applicable to the question of admission to the institute, have effect with
14 respect to the categories of members listed in sub-clause (1) and (2) of this
15 clause.

16 3.-(1) There shall be a President, Deputy President and Four vice-
17 Presidents of the institute who shall be outstanding fellows of the Institute
18 and shall be elected at the annual general meeting of the institute and shall
19 each hold office for a term of Two years from the date of the election.

Election of
President, Deputy
Presidents, Vice-
Presidents and
other officers of
the Institute

20 (2) There other elected officers of Institute who shall be
21 outstanding fellows or corporate members of the Institute and shall be
22 elected at the annual general meeting (AGM) of the institute and shall each
23 hold office for a term of Two years from the date of the election too.
24 Together, all elected officers at the Institute's AGM constitute to form the
25 Executive Committee

26 (3) The Vice Presidents elected under sub-clause (1) shall each
27 represent the four [4] distinct arms of the profession-

28 (i) Generation Services;

29 (ii) Transmission Services;

30 (iii) Distribution Services;

1 (iv) Power Business (Regulation, Gas issues, Training, Finance,
2 Legislation, Legal, Policy, etc.).

3 (4) The President shall preside at meetings of the institute, so however
4 that, in the event of the death, incapacity or inability for any reason of the
5 president, the deputy president shall act in his stead for the unexpired portion of
6 the term of office, or as the case may require, and references in this Bill to the
7 president shall be construed accordingly.

8 (5) In furtherance to the provisions of sub-clause (3), a bye-election
9 within the Council shall be conducted to elect one of the Vice-presidents to
10 serve as Acting Deputy President and the Council shall appoint one of its
11 members to assume the vacant post of Vice President for the period before the
12 next annual general meeting.

13 (6) The president and deputy-president shall respectively be
14 chairman and vice-chairman of the Council under this Bill.

15 (7) If the president or the vice-president ceases to be a member of the
16 Institute he shall cease to hold any of the offices designated under this Bill.

Membership of
governing council
of the institute, etc.

17 4.-(1) There is established for the institute a governing council (in this
18 Bill referred to as "the Council") which shall be charged with the responsibility
19 for providing the guiding policy administration of the institute, oversee the
20 activities of the executive committee and setting the standards of education
21 therein.

22 (2) The Council shall consist of the following members being fellows
23 or members, as follows (Elected and nominated persons made up the council)-

24 (a) A Chairman ;

25 (b) Deputy Chairman;

26 (c) Four (4) Vice Chairmen (each represent the four (4) distinct arms
27 of the profession);

28 (d) A National Treasurer;

29 (e) Ten (10) Persons elected at the Institute's AGM to represent the
30 known technical units of the profession;

1 (f) Immediate Past Presidents of the Institute ;

2 (g) A representative of the Federal Ministry of Power who must be
3 a practicing power engineer and shall not be below the rank of Deputy
4 Director;

5 (i) A representative from Government tertiary Training and
6 research Institution on Power engineering;

7 (j) Two (2) persons nominated to represent all licensed power
8 engineering contractors and consultants in rotation;

9 (k) Six Persons representing the Chapters of Institutes in each zone
10 of the federation and such other zone as may be created by the council from
11 time-to-time; and

12 (3) The provisions of the second schedule to this Bill shall have
13 effect with respect to the qualifications and tenure of office of the member of
14 the council and the other matters.

15 (4) There shall be an Executive Committee of the Institute and shall
16 consist of all elected members of the Institute (i.e 5 -(2a) to (2f) as captured
17 above.

Membership of
Executive Committee
Members of the
Institute, etc.

18 The Executive Committee of the Institute shall be responsible to
19 Council. Its core functions is to, alongside the Registrar, overseeing the day
20 to day management and administration of the Institute's affairs.

Functions of the
Executive Committee
of the Institute

21 5.-(1) The Council shall exercise the responsibilities for policy
22 formulation and direct organs of the Institute for the execution and general
23 administration by the executive Committee.

Power of the
Council

24 (2) The Council shall exercise the responsibilities establishing
25 (create) Chapters of Institutes in such location (Town & cities) across the
26 federation from time-to-time.

27 (3) The Council shall create a conducive atmosphere to enable it to
28 be consulted by industry (NESI) stakeholders as it relates to power
29 engineering practice and Training.

30 (4) The Council shall have power to-

Tenure of Council
Members

- 1 (a) manage and superintend the affairs of the Institute;
- 2 (b) make rules and regulations for the proper functioning of the
- 3 Institute;
- 4 (c) employ and pay the staff of the Institute appropriate remuneration
- 5 commensurate in scale with that of staff in organizations of similar stature; and
- 6 (d) enter into any negotiation, agreement and contractual relationship
- 7 as may be necessary or expedient for the discharge of the functions of the
- 8 Institute.
- 9 (5) The Council shall sit every quarter to consider issues brought
- 10 before it by the Executive Committee of the Institute and other sundry bodies,
- 11 etc.
- 12 (6) The Council shall perform the other functions conferred on the
- 13 Council by this Act.
- 14 (7). Subject to the provisions of this Act, the Chairman and members
- 15 of the Council shall each hold office-
- 16 (1) for a term of Two years and may be re-elected or re-appointed for a
- 17 further term of two years and no more;
- 18 (2) A person shall cease to hold office as a member of the Council if-
- 19 (a) he dies;
- 20 (b) he becomes bankrupt;
- 21 (c) he is convicted of a felony or any offence involving dishonesty or
- 22 fraud;
- 23 (d) he becomes of unsound mind or is incapable for any reason of
- 24 carrying out his duties;
- 25 (e) he is guilty of a serious misconduct in relation to his duties;
- 26 (f) in the case of a person possessed of a professional qualification, he
- 27 is disqualified or suspended, other than at his own request, from practising his
- 28 profession in any part of the world by an order of a competent authority made in
- 29 respect of that member; or
- 30 (g) he resigns his appointment by written notice under his hand to the

1 Council Chairman (Institute President).

2 6.-(1) There shall be no funding to the Institute from the Federal Financial
3 Government, States or its Agencies save for grants, donations, gifts, etc in Provisions
4 support of its statutory activities

5 (2)The Council shall establish and maintain a fund, the
6 management and control of which shall be in the hands of the Council, and
7 into which shall be paid-

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

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

11 (c) foreign aids and assistance from bilateral and multilateral
12 agencies such as affiliated bodies on power engineering; donations charges
13 and monies payable to the institute in pursuance of this Bill,

14 (d) Such other monies as may be received by the institute in the
15 course of its operations or in relation to the exercise of any of the functions
16 under this Act.

17 (3) There shall be paid out of the fund of the institute-

18 (a) The remuneration and allowance of the institute's Council
19 members and other employees of the institute;

20 (b) Such reasonable travelling and subsistence allowance of
21 members of the council in respect of the time spent on the business of the
22 council as the council may determine; and

23 (c) Any other expenses incurred by the council in the discharged of
24 its functions under this Bill.

25 (4) The council may invest monies from the fund in any security
26 created or insured by or on behalf of the Federal Republic of Nigeria or in
27 any other securities in Nigeria approved by the council.

28 (5) The council may from time-to-time, borrow money for the
29 Institute and any interest payable on monies so borrowed shall be paid out of
30 the fund.

	1	(6) All the corporate members in Nigeria shall cause to be paid to the
	2	fund, an annual dues and levies as may be agreed by the council from time-to-
	3	time.
Proper account keeping and annual audited institute account	4	(7)(a) The council shall on behalf of the institute keep proper books of
	5	accounts in respect of each year and proper records concerning these accounts
	6	and the council shall cause the accounts to be audited by an external auditor and
	7	when audited the accounts shall be submitted to the members of the institute for
	8	approval at a general meeting of the institute. Such annual audited account
	9	shall be deemed to have fulfill the requirement of the Financial Reporting
	10	standards;
	11	(b) The audit of the Institute's books shall be in accordance with the
	12	provisions of the Constitution of the Federal Republic of Nigeria, 1999.
Appointment of Registrar, Tenure, Remuneration, etc.	13	7.-(1) The Council shall appoint a fit and proper person who shall be a
	14	member of the institute to be the registrar, and such other persons as the council
	15	may from time to time, deem necessary to assist the registrar in the
	16	performance of this functions under this Bill.
	17	(2) The registrar shall in addition to his other functions under this Act,
	18	be the secretary to the council and shall keep minutes of the proceedings of all
	19	meetings of the council.
	20	(3) The Registrar shall be the Chief Executive Officer and Accounting
	21	Officer to the Council. He/She is to be responsible for the day to day
	22	administration of the Institute and responsible to the Council for the executive
	23	of the policies directives thereof.
	24	(4) a graduate of Electrical Engineering with at least 18 years cognate
	25	experience in the Nigeria Electric Power industry.
	26	(5) The Registrar
	27	(a) shall be appointed for a term of Three (3) years in the first instance;
	28	and
	29	(b) may be appointed for a further term of three years and no more.
	30	(6) The Registrar shall be paid such remuneration as may be specified

1 in his letter of appointment or as determined by the Council using the scale
2 applicable in the Nigeria Electric Power industry.

3 (7) The Registrar shall cease to hold office if any of the conditions
4 specified in clause 15 (1) a - c pertaining to cessation of membership of the
5 Institute and Council applies to him.

6 (8) The Registrar may resign his appointment by a written notice
7 under his hand delivered to the Council Chairman (Institute's President).

8 (9) It shall be the duty of the Registrar-

9 (a) to prepare and maintain in accordance with rules made by the
10 council, a registrar of names, addresses and approved qualifications and of
11 such other particulars, as may be specified in the rules of all persons who are
12 entitled in accordance with the provisions of this Bill to be registered as
13 members of the institute;

14 (b) to correct, in accordance with the direction of the council, any
15 entry in the register, which the council, directs him to correct as being in the
16 opinion of the council an entry, which was incorrectly made;

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

19 (d) to record the names of members of the institute who are in debt
20 for more than One year in the payment of annual or practicing fee and to take
21 such action in relation thereto including removal of the name of defaulter
22 from the register as the council may be direct or require;

23 (e) to cause the register to be printed, published and put out on sale
24 to members of the public not later than two years from the commencement
25 of this Bill;

26 (f) to remove from the register the name of a deceased member

27 (g) in each year after that in which a register is first published under
28 paragraph (d) of this sub-clause, to cause to be printed, published and put on
29 sale as afore said, either a corrected edition of the register or list of
30 alterations made to the register since it was last printed; and

1 (h) to cause a print of each edition of the register and of each list,
2 corrections to be deposited at the headquarters of the institute, and it shall be
3 the duty of the council to keep the register and list so deposited, available at all
4 reasonable times for inspection by members of the public.

5 (5) There shall be for the purpose of this Bill, two Registers, of which
6 one shall be for members and the other shall be for corporate firms.

7 (6) Subject to sub-clause (5)-

8 (a) The register of members shall consist of Six (6) parts in respect of:

9 (i) Fellows;

10 (ii) Power Engineers (Members);

11 (iii) Power Engineering Technologist (Associate Power Engineer)
12 members;

13 (iv) Power Engineering Technician Members;

14 (v) Power Engineering Craftsmen members;

15 (vi) Power Engineering graduate members.

16 (b) The register of Corporate Firms shall consist of Six (6) parts, in
17 respect of:

18 (i) Consulting Engineering in the power industry;

19 (ii) Engineering Contracting in the power industry;

20 (iii) Manufacturing in the power industry;

21 (iv) Engineering Services in the power industry;

22 (v) Vendors of Machinery, Equipment and Engineering Materials in
23 the power industry;

24 (vi). Maintenance/Repairs and Fabrication in the power industry;

25 (6) Subject to the following provisions of this clause, the Council
26 shall make rules with respect to the form and keeping of the register and the
27 making of entries therein, and in particular-

28 (a) regulating the making of applications for enrolment or registration
29 as the case may be, and providing for the evidence to be produced in support of
30 applications;

1 (b) providing for the notification to the registrar, by the person to
2 whom any registered particulars relate, of any change in those particulars;

3 (c) authorising a registered person to have any qualification which
4 is, in relation to the relevant division of the profession, either an approved
5 qualification or an accepted qualification for purposes of this Bill, registered
6 in relation to his name in addition to or, as he may elect, in substitution for
7 any other qualifications so registered;

8 (d) specifying the fees, including any annual subscription, to be
9 paid to the Institute in respect of the entry of names on the register, and
10 authorising the registrar to refuse to enter a name on the register until any fee
11 specified for the entry has been paid;

12 (e) specifying anything falling to be specified under the foregoing
13 provisions of this clause, but rules made for the purposes of paragraph (d) of
14 this sub-clause shall not come into force until they are confirmed at a special
15 meeting of the Institute convened for the purpose thereafter, or at the next
16 annual general meeting, as the case may be.

17 (7) If the registrar-

18 (a) Sends by post to any registered person a letter addressed and
19 deliver to him at his address usually on the register enquiring whether the
20 registered particulars relating to him are correct and receives no reply to the
21 letter within seven months from the date of posting it; and

22 (b) Upon the expiration of the period, send, in the like manner to
23 the person in question a second similar letter and receives no reply to the
24 letter within three months from the date of posting it, the registrar may
25 include the name of such person in the list of special cases under this sub-
26 clause for the council consideration and may if directed by the council
27 remove the particulars relating to the person in question from the registrar.
28 Provided that, the council may direct the registrar to restore to the
29 appropriate part of the register any particulars removed therefrom pursuant
30 to this subjection.

Publication of
Register and list
of corrections etc.

- 1 **8.-(1)** It shall be the duty of the Registrar to:
- 2 (a) cause the register to be printed, published and put on sale to
- 3 members of the public not later than two years from the commencement of the
- 4 Bill;
- 5 (b) thereafter in each year, to cause to be printed, published and put on
- 6 sale as aforementioned, either a corrected edition of the register or list of
- 7 corrections made to the register, since it was last printed;
- 8 (c) cause print of each edition of the register and of each list of
- 9 corrections to be deposited at the principal office of the institute; and
- 10 (d) keep the register and list so deposited and to make the register and
- 11 such list available to members of the public at all reasonable times for
- 12 inspection.
- 13 (2) A document purporting to be a print of an edition of a register
- 14 published under this clause by the authority of the registrar or documents
- 15 purporting to be prints of an edition of a register so published and of the list of
- 16 corrections to that edition so published, shall (without prejudice to any other
- 17 made of proof) be admissible in any proceeding as evidence that any person
- 18 specified in the document or the document read together, as being registered,
- 19 was so registered at the date of the edition or of the list of correction as the case
- 20 may be, and the person not so specified was not so registered.
- 21 (3) Where in accordance with sub-clause (2) of this clause, a person
- 22 is, in any proceeding, shown to have been or not to have been registered at a
- 23 particular date, he shall, unless the contrary is proved, be taken for the purposes
- 24 of those proceedings as having at material times thereafter continued to be or
- 25 not to be so registered.

Registration of
members

- 26 **9.-(1)** An individual, other than the one whose membership has been
- 27 suspended by a directive of the disciplinary tribunal shall be entitled to be
- 28 registered as a member in the following categories:
- 29 (a) Power Engineering Graduate member, where the person-
- 30 (i) works in a power engineering organization and is a holder of a

1 degree or such equivalent qualification or the minimum qualification
2 prescribed by the council; or

3 (i) Has passed the associate ship examination specified by the
4 council but has not had the period on the job practical experience prescribed
5 by the council;

6 (ii) Not being a member of the institute at the time of application
7 for membership has passed the qualifying examinations of an institute of
8 Power Engineering in any other country acceptable to the council;

9 (iii) Has not been elected a fellow or an associate by recognized
10 foreign Institute of Power Engineers; or

11 (iv) Satisfy any other condition which the council may, from time
12 to time, approve;

13 (b) Power Engineering Technologist (Associate Engineer)
14 member, where the person-

15 (i) has passed the associate ship examination specified by the
16 council;

17 (ii) not being a member of the institute at the time of application for
18 membership, has passed the qualifying examinations of an institute of
19 Power Engineers in any other country acceptable to the council;

20 (iii) has had a period of on the job practical experience not less than
21 the minimum period prescribed by the council for the category of
22 membership sought; or

23 (iv) has been elected by any recognized foreign institute to that
24 category of membership;

25 (c) Power Engineering Technician Member, where the Person-

26 (i) does not satisfy the conditions for registration as an associate or
27 fellow specified in paragraphs (d) and (g) of this sub-clause, but has
28 obtained the academic qualifications prescribed by the council for
29 Engineering Technician membership; and

30 (ii) is engaged in active service in a power engineering activity in a

- 1 reputable institution/ organization or tertiary educational institution, etc;
- 2 (d) Power Engineering Craftsman Member, where the person-
- 3 (iii) does not satisfy the conditions for registration as an associate or
- 4 fellow specified in paragraphs (d) and (g) of this sub-clause, but has obtained
- 5 the academic qualifications prescribed by the council for Engineering
- 6 Craftsman membership; and
- 7 (iv) engaged in active service in power engineering activities in
- 8 reputable institution or organization, etc;
- 9 (e) Fellow of Institute, where the person-
- 10 (i) has contributed greatly to the growth of the Power Engineering
- 11 industry and the institute;
- 12 (ii) is considered by the Board of fellows and the council as a fit and
- 13 proper person to be awarded the fellowship of the institute;
- 14 (iii) satisfies the council that he/she is a fit and proper person to be so
- 15 registered and has for years (to be specified by the council) been a corporate
- 16 member and has been active in the institute's activities and up to date in
- 17 dues/levies;
- 18 (iv) occupies a senior management position in a reputable institution/
- 19 organization or tertiary educational institution and must have been practising
- 20 in the ESI for a minimum of 15 consecutive years;
- 21 (v) satisfies all other criteria as may be specified by the council from
- 22 time to time.
- 23 (2) An applicant for registration shall in addition to evidence of
- 24 prescribed academic qualification(s), and on the relevant ESI experience,
- 25 satisfy the council that-
- 26 (a) he is of good character; and
- 27 (b) he has not been convicted in Nigeria or elsewhere of an offence
- 28 involving fraud or dishonesty or both;
- 29 (c) he has satisfied any other condition which the council may from
- 30 time-to-time approve;

1 (3) A firm other than the one whose membership has been
2 suspended by a directive of the disciplinary tribunal shall be entitled to be
3 registered as a power engineering firm member, where the entity-

4 (a) is a professional institute, a power engineering firm or
5 professional corporation and-

6 (i) is licensed to carry out the business or practice of power
7 engineering in Nigeria; and

8 (ii) must have, registered power engineers, and or CIPEN
9 chartered engineers in her board and management, and also provide the
10 populated organization organogram with roles/responsibilities of holders.

11 (iii) Musts how evidence of portfolio of projects
12 undertaken/executed directly or in joint venture ownership with dates

13 (4) The council shall from time-to-time, publish in the institute's
14 journal, particulars for qualifications of registered members for time being
15 accepted as aforesaid:

16 (a) One or more members may incorporate a professional power
17 engineering firm or corporation to provide the services of a chartered power
18 engineering contracting or consulting firm;

19 (b) Such firm or corporation in (4a) above shall have been
20 incorporated under the Company and Allied Matters Act;

21 (c) A corporation shall not provide the services of a chartered
22 power Engineer firm unless it is registered and licensed under this Bill;

23 (d).A corporation or a firm, shall take or use as part of its name the
24 words "chartered power engineers" or another word, name, title, initials; or
25 description implying or calculated to imply that its members are chartered
26 power engineers with the consent of the institute.

27 **10.** FCPE: Initials and appellation for members registered into the
28 fellow's category of chartered Institute of Power Engineers of Nigeria;

29 MCPE: Initials and appellation for members registered into the corporate
30 members category of chartered Institute of Power Engineers of Nigeria;

Use of words,
initials, acronyms,
etc.

1 ACPE: Initials and appellation for members registered into the Associate
2 engineer category of chartered Institute of Power Engineers of Nigeria (power
3 engineering technologist or Associate Power Engineer);

4 PET: Initials and appellation for members registered into the Technician
5 category of chartered Institute of Power Engineers of Nigeria (power
6 engineering technician);

7 PEC: Initials and appellation for members registered into the craftsmen
8 category of chartered Institute of Power Engineers of Nigeria (power
9 engineering craftsmen);

10 CIPEN: chartered Institute of Power Engineers of Nigeria.;

11 COREN; council for the regulation of engineering in Nigeria;

12 ERA; Engineers Registration Act;

13 CORBON; council for the regulation of Builders in Nigeria;

14 COMEG: council for Nigerian Mining Engineers and Geoscientist;

15 NESI: Nigerian Electricity Supply Industry.

Approval of
qualifications, etc.

16 11.-(1) The Council may approve any qualification for the purpose of
17 this Bill and may, for such purpose, approve-

18 (a) any course of training at any approved institution which is
19 intended for persons seeking to become members of the Power Engineering
20 profession and which the Council consider is designed to confer on persons
21 completing it, sufficient knowledge and skill for registration with the institute;

22 (b) any qualification which as a result of an examination taken in
23 conjunction with a course of training approved by the council under this clause
24 is granted to candidates having reached a standard at the examination,
25 indication in the opinion of the Council that the candidates have sufficient
26 knowledge and skill to be registered with the Institute.

27 (2) The Council may, if it thinks fit, withdraw any approval given
28 under this clause in respect of any course, qualification of the institution, but
29 before withdrawing such approval the council shall-

30 (a) give notice that it proposes to do so, to each person in Nigeria

1 appearing to the Council to be a person by whom the course is conducted or
2 the qualification is granted or the institution is controlled, as the case may
3 be;

4 (b) afford such a person an opportunity of making to the council
5 representations with regard to the proposal; and

6 (c) take into consideration any representations made in respect of
7 the proposal in pursuance of paragraph (b) of this sub-clause.

8 (3) A course, qualification or institution shall not be recognized as
9 approved during any period the approval is withdrawn under sub-clause (2)
10 of this clause.

11 (4) Notwithstanding the provisions sub-clause (3) of this clause,
12 the withdrawal of an approval under sub-clause (2) of this clause shall not
13 prejudice the registration or eligibility for registration of any person who, by
14 virtue of the approval, was registered or was eligible for registration (either
15 unconditionally or subject to the obtaining a certificate or experience)
16 immediately before the approval was withdrawn.

17 (5) The granting or withdrawal of an approval under this clause
18 shall have effect from such date whether before or after the execution of the
19 instrument signifying the giving or withdrawal of the approval, as the
20 council may specify in the instrument and the Council shall-

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

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

25 **12.-(1)** It shall be the duty of the council to keep itself informed of
26 the nature of-

27 (a) the instruction is given at approved institutions to persons
28 attending approved courses of training; and

29 (b) the examination as a result of which approved qualifications are
30 granted and for the purposes of performing that duty, the council may

Supervision of
instructions and
examinations
leading to approved
qualifications that
indicates competency
candidates as power
engineering
practitioners

1 appoint, either from among its members or otherwise, persons to visit approved
2 institute or observe such examinations.

3 (2) It shall be the duty of a person appointed under sub-clause (1) of
4 this clause to report to the council on-

5 (a) the adequacy of the instructions given to the person attending
6 approved courses of training at institution visited by him;

7 (b) the adequacy of the examination attended by him; and

8 (c) any other matter relating to the institutions or examinations on
9 which the council may, either generally or in a particular case, request him to
10 report, but no such person shall interfere with the giving of any instruction or
11 the holding of any examination.

12 (3) On receiving a report made in pursuance of this clause, the council
13 may, if it thinks fit, and shall if so required by the institution, send a copy of the
14 report to the person appearing to the council to be in charge of the institution or
15 responsible for the examinations to which the report relates, requesting that
16 person to make observations on the report to the council within such period as
17 may be specified in the request not being less than once month beginning with
18 the date of the request.

Establishment
of Investigating
Panel and
Disciplinary
Tribunal

19 **13.-(1)** There shall be constituted a body to be known as the chartered
20 Institute of power engineers of Nigeria investigating panel (in this Bill referred
21 to as "Investigating panel") which shall be charged with the duty to-

22 (a) conduct a preliminary investigation into any case where it is
23 alleged a member of the Institute has violated the provisions of the Institute's
24 Code of Conduct or shall for any other reason be the subject of proceeding
25 before the Disciplinary Tribunal;

26 (b) decide whether the case should be referred to the Disciplinary
27 Tribunal or not.

28 (2) The investigating panel shall be appointed by the council and shall
29 consist of five members as follows-

1 (a) two members of the council, one of whom shall be the chairman
2 of the panel; and

3 (b) Three members of the institute who are not members of the
4 council.

5 (4) The tenure of any member of the investigating panel shall be
6 two years renewable for a further period of two years.

7 (5) The Council may make rules not inconsistent with this Bill as
8 regard acts which constitute professional misconduct.

9 (6) The Investigating Panel shall act independently in the receiving
10 and investigation of allegations under sub-clause (1) (a) of this clause and
11 shall have the power to receive complaints directly from any individual or
12 organization.

13 (7) There shall be established the Chartered Institute of Power
14 Engineers of Nigeria Disciplinary Tribunal (in this Bill referred to as "The
15 Disciplinary Tribunal") which shall be charged with the duty of considering
16 and determining any case referred to it by the Investigating Panel
17 constituted.

18 (8) The Disciplinary Tribunal shall be appointed by the council and
19 shall consist of a Vice- President of the institute who shall be the Chairman,
20 three other members of the council and three members of the Institute who
21 are not members of the council.

22 (9) The provisions of the third schedule to this Bill shall, so far as
23 applicable to the Investigating Panel and Disciplinary Tribunal respectively,
24 have affect with respect to all those bodies aforementioned.

25 **14.-(1) Where-**

26 (a) A person is adjudged by the Disciplinary Tribunal to be guilty of
27 unprofessional conduct in any professional respect; or

28 (b) A person is convicted, by any court or tribunal in jurisdiction in
29 Nigeria or elsewhere having the power to award imprisonment for an
30 offence (where or not punishment with imprisonment) which in the opinion

Penalties for
Unprofessional
Conduct

1 of the tribunal is incompatible with the conduct required of a member of the
2 Power Engineering profession; or

3 (c) The Disciplinary Tribunal is satisfied that the name of the person
4 has been fraudulently registered, and the person involved has been given
5 opportunity for a fair hearing to defend his/herself before the Tribunal.

6 The Tribunal shall, after receiving the confirmation of its decision from the
7 council, convey a direction to the person concerned reprimanding that person
8 ordering the registrar to strike his name off the relevant part of the registered.

9 (2) A person who commits an offence and is found guilty by the
10 decisions of the Disciplinary Tribunal shall be liable to the maximum sanction
11 of having his name being struck out from the register of members provided
12 such offence is related to the practice of the profession.

13 (3) The Disciplinary Tribunal may, if deems it fit refer or further defer
14 its decision as to the giving of a direction under sub-clause (1) of this clause
15 until a subsequent meeting of the disciplinary Tribunal, but-

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

18 (b) No person shall be a member of the Disciplinary Tribunal to reach
19 a decision which has been deferred or further deferred unless he was present as
20 a member of the Disciplinary Tribunal when the decision was deferred.

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

25 (5) When the Disciplinary Tribunal gives a direction under sub-clause
26 (1) of this clause, the Disciplinary Tribunal shall cause notice of the direction to
27 be served on the person to whom it relates.

28 (6) The person to whom such a direction relates may, at any time
29 within twenty-eight days from the date of service on him/her of the notice of
30 the direction, appeal against the direction to the Federal High Court and were

1 necessary to the Court of appeal and the Disciplinary Tribunal shall appear
2 as the respondent to the appeal and, to enable directions to be given as to the
3 costs of the appeal and of proceeding before the Federal High Court of
4 appeal the Disciplinary Tribunal shall be deemed to be a party thereto,
5 whether or not it appeals the hearing of the appeal.

6 (7) A direction of the Disciplinary Tribunal given under sub-clause
7 (1) of this clause shall take effect where-

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

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

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

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

23 **15.** A person who is not a member of any Engineering professional
24 body establish before the commencement of this Bill who but for this Bill, is
25 qualified to apply for membership of the Chartered Institute of Power
26 Engineers of Nigeria established by this Bill, in such manner as may be
27 prescribed by rules made by the Council, shall given such opportunity to be
28 registered in the category of membership appropriate in the current period
29 for holders of the qualification he/she possesses.

Application of
this Bill to yet to
be registered
engineering persons

Practice as a
member of the
Power Engineering
profession

1 **16.** A person other than a corporate member of the Institute shall be
2 deemed to practice as a member of the Power Engineering profession if, in
3 consideration of remuneration received or to receive and whether by himself or
4 in partnership with any other person-

5 (a) he engages himself in the practice of Power Engineering services
6 or holds himself out to the public as a member of the power engineering
7 profession;

8 (b) he renders professional service or assistance in or about matters of
9 principle or detail relating to procedures; or

10 (c) he renders any other service which may be by regulations made by
11 the Council, be designated as service constituting practice as a member of the
12 Power Engineering profession.

Rules as to
Practice etc.

13 **17.-(1)** The Council may make rules to guide training in Power
14 Engineering methods and practice.

15 (2) The Council may also make rules-

16 (a) prescribing the amount and date for payment of the annual
17 subscription and such purposes, a different amount may be prescribed by the
18 rules according to whether the person is registered as a Fellow, Power
19 Engineers (Members), Power Engineering Technologist (Associate
20 Engineers), Power Engineering Technicians, Power Engineering Craftmen,
21 Power Engineering Graduates, Corporate Firms and Students;

22 (b) Restricting the right to membership of the Institute in default of
23 payment of the amount of the annual subscription where the default continues
24 for more than one year or such period as may be prescribed by the rules;

25 (c) also, to annual subscription, dues and levies as may be ascribed,
26 the Institute shall be obliged to the Issuance of annual practicing and licensing
27 fee for all registered practitioners in the Institute's register, with annual
28 certificates spanning 12 calendar months upon the payment of the prescribed
29 fee.

1 (3) Rules when made under this clause, shall be published in the
2 institute's journal.

3 (4) Any member of the institute who fails to pay the annual
4 subscription and practitioner license fee for one year or such period as may
5 be prescribed by the council may have his name removed from the register
6 of members.

7 **18.** The Institute shall-

8 (a) provide and maintain a library comprising books and
9 publications across the spectrum of Power industry Engineering practice
10 under the care of the Institutes' Registrar until at such a time when a
11 professional librarian would be engaged for professional service;

Provision of
Library facilities
etc.

12 (b) encourage research into Power Engineering theory and practice
13 and allied subjects to the extent that the council may, from time-to-time,
14 consider necessary.

15 **19.-(1)** A person for the purpose of procuring the registration of any
16 name, qualification or other matter who-

Offences and
penalties, etc.

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

19 (b) recklessly makes a statement which is false in a material
20 particular, is guilty of an offence.

21 (2) If, on or after the relevant date, any person who is not a member
22 of the Institute practices or holds himself out to practices as a power
23 engineering practitioner for or in expectation of reward or takes or use the
24 name, titles, addition or description implying that he is in practice as a power
25 engineering professional, he shall be guilty of an offence and be liable to
26 prosecution under this Bill:

27 Provided that, in the case of a person falling within clause 17 of this
28 Bill-

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

1 (b) If within that period he duly applies for membership of the
2 Institute then, unless within that period he is notified that his application has
3 not been approved, this sub-clause shall not apply in respect of anything done
4 by him between the end of that period and the date on which he is enrolled or
5 registered or is notified as aforesaid.

6 (3) The registrar or any other person employed by or on behalf of the
7 institute who willfully makes any falsification in any matter relating to the
8 register, shall be guilty of an offence.

9 (4) Where an offence under this clause which has been committed by
10 a body corporate is proved to have been committed with the consent or
11 connivance of or to be attributable to any neglect on the part of any director,
12 manager, secretary or other similar officers of the body corporate or any person
13 purporting to act in any such capacity, he, as well as the body corporate, shall be
14 deemed to have committed the offence and is liable on conviction by a court of
15 competent jurisdiction in the case of an individual to the punishment
16 prescribed in sub-clause (4) of this clause and in the case of a body corporate, to
17 a fine of not less than N2,000,000.00

18 (5) A person who shall be guilty of an offence under this clause is
19 liable on conviction to imprisonment for a term not exceeding two years or to a
20 fine not less than N300,000.00 or both imprisonment and fine.

Regulations

21 **20.**-(1) Any regulations, made pursuant to this Bill shall be published
22 in the Institute's Journal.

23 (2) Rules made for the purpose of this Bill shall be subject to
24 confirmation by the council at its next general meeting or any special meeting
25 of the Institute convened for the purpose, and if annulled shall cease to have
26 effect on the day after the date of annulment, but without prejudice anything is
27 done in pursuance or intended pursuance of any such rules.

Alignment of
all existing
Engineering
Regulations Act

28 **21.**-(1) In furtherance to clause 2, where there is conflict with extant
29 Act or law especially as it relates to the Nigerian Electricity Supply Industry

1 (NESI) or Power Engineering Practice or specialty, the triteness of the law
2 stands.

3 (2) The rights, interest obligations and liabilities existing under any
4 existing Act such as any contract or instrument, or in law in equity apart from
5 any contract or instrument, shall by virtue of this Bill be assigned to and
6 vested in the institute established by this Bill.

7 (3) Any contractor instrument provided insub-clause (1) of this
8 clause shall be of the same force and in effect against or in favour of the
9 institute and shall be enforceable fully and effectively.

10 **22. In this Bill-**

Interpretation

11 "Power Engineering" means activities of engineering concerns in the power
12 industry (NESI); operations, maintenance, engineering, procurement,
13 construction, technical audit, plants inspection, etc;

14 "Power Engineer" means a person who has graduated from any engineering
15 school, having the requisite engineering qualifications and duly engaged in
16 the practice of power engineering activities in the NESI but yet to be
17 admitted as a chartered Power Engineering practitioner by the Institute;

18 "Chartered Power Engineer" means a person who has passed the profession
19 competence examinations in power engineering practice and has been
20 elected a Corporate or Associate Member of the Chartered Institute of Power
21 Engineers of Nigeria (CIPEN);

22 "Certificate" means a certificate to practice as a chartered power
23 engineering practitioner issued by the institute;

24 "Firms" means any organisation in Nigeria undertaking Power Engineering
25 activities and or such other functions related;

26 "Corporate Firm Member" means any Power consulting firms, Power
27 Engineering contracting firms, professional power engineering
28 corporations, etc that is duly registered as a firm member with the Institute;

29 "Council" means the council established as the governing body of the
30 institute under clause 5 (1);

- 1 "Executive Committee" means the Institute's established administrative body
2 of the under clause 5 (3);
- 3 "Disciplinary Tribunal" means the chartered Institute of Power Engineers of
4 Nigeria Disciplinary Tribunal established under clause 15;
- 5 "Fees" includes annual subscription;
- 6 "Fit Person" means a person of good character, who is not an undercharged
7 bankrupt and has not been convicted in Nigeria or elsewhere of any offence
8 involving fraud or dishonesty or has not been so convicted since a period to be
9 specified from time to time by the council;
- 10 "Institute" means the Chartered Institute of Power Engineers of Nigeria
11 (CIPEN) established under clause 1;
- 12 "Chapter of the Institute" means the branch of the institute established at any
13 location in Nigeria under clause 1;
- 14 "organs of the Institute" means the various sub administrative units of the
15 institute established to implement its objectives;
- 16 "Investigation panel" means the chartered Institute of Power Engineers of
17 Nigeria (CIPEN) Investigation Panel established under clause 14;
- 18 "Member of The Power Engineering Profession" means a person registered by
19 the institute as a member in the category of a Fellows, Power Engineers
20 (Members), Power Engineering Technologist (Associate Power Engineers),
21 Power Engineering Technicians, Power Engineering Craftsmen, Power
22 Engineering Graduates, Corporate Firms and Students;
- 23 "President" , "Vice president" and National Treasurer" Means the office
24 holders under those names in the institute respectively;
- 25 "Profession" Means the Power Engineering profession;
- 26 "Register" means the register kept in pursuance of clause 8 (4) of this Act;
- 27 "Minister" means the minister responsible for the ministry of power
- 28 **23.** This Bill may be cited as the Chartered Institute of Power
29 Engineers of Nigeria Bill, 2020.

1 EXPLANATORY MEMORANDUM

2 This Bill seeks to establish the Chartered Institute of Power Engineers of
3 Nigeria and charges it with the responsibility for determining the standard of
4 knowledge and skill to be attained by persons seeking to become Chartered
5 Power Engineers.

6 It also seeks to establish the Governing council of the Institute which shall
7 have the responsibility of managing the Institute, its policy directions and
8 setting the standard of education and competence required for its members
9 therein.

1 FIRST SCHEDULE

2 *Clause 3 (5)*3 *Qualification for Membership Categories*4 1. A person registered under this Bill is enrolled to higher membership
5 status in any of the following categories:

6 (a) As a fellow if he-

7 (i) Satisfies the council that he is eligible to be so registered and has
8 for several years (to be specified by the council) had been a Corporate Member
9 or the holder of an approved academic qualifications; and10 (ii) Satisfies all other criteria as may be specified by the council from
11 time to time;12 (iii) Has obtained such academic, professional or other
13 qualification(s) as may be prescribed by the council from time to time;14 (iv) Has held any senior management position in the public or private
15 relevant institution.

16 (b) As a Power Engineer (corporate member) if he-

17 (i) Satisfies the council that he/she is eligible to be so registered;

18 (ii) Has obtained such academic, professional or other
19 qualification(s) as may be prescribed by the council from time to time;20 (iii) Satisfies all other criteria as may be specified by the council from
21 time to time; and22 (iv) Satisfies the council that he/she presently works in a Power
23 Engineering firm or company in the practice of power Engineering.

24 (c) As a Power Engineering Associate member if he-

25 (i) Satisfies the council that he is eligible to be so registered and has
26 passed the associate examination;27 (ii) Has obtained such academic, professional or other
28 qualification(s) as may be prescribed by the council from time to time;29 (iii) Has acquired on the job practical power Engineering experience
30 for such number of years as may be specified by the council;

- 1 (d) As a Power Engineering Technician member if he-
- 2 (i) Satisfies the council that he is eligible to be so registered and has
- 3 passed the requisite professional skill test examination;
- 4 (ii) Has obtained such academic, professional or other
- 5 qualification(s) as may be prescribed by the council from time to time for
- 6 such category;
- 7 (iii) Has acquired on the job practical power engineering
- 8 experience for such number of years as specified by the council.
- 9 (e) As a Power Engineering Craftsman member if he-
- 10 (i) Satisfies the council that he is eligible to be so registered and has
- 11 passed the requisite professional grade examination;
- 12 (ii) Has obtained such academic, professional or other
- 13 qualification(s) as may be prescribed by the council from time to time for
- 14 such category;
- 15 (iii) Has acquired on the job practical power Engineering
- 16 experience for such number of years as may be specified by the council.
- 17 (f) As a power engineering Graduate member if he-
- 18 (i) Satisfies the council that he is eligible to be so registered;
- 19 (ii) Has been a student member; and
- 20 (iii) Has passed associate ship examination but not met other
- 21 conditions specified in paragraph (d) of this sub-clause.
- 22 (g) As a Power Engineering Corporate Firm if the organization-
- 23 (i) Satisfies the council that it is eligible to be so registered; and has
- 24 for several years (to be specified by council) been a engaged in contracting
- 25 or consulting practice in the power industry;
- 26 (ii) Its proponents and management officers have obtained such
- 27 academic, professional or other qualification(s) as may be prescribed by the
- 28 council from time to time;
- 29 (iii) Satisfies all other criteria as may be specified by the council
- 30 from time to time;

1 (iv) Satisfies the council that it is in a Power Engineering firm or
2 company in the practice of power Engineering.

3 SECOND SCHEDULE

4 [clause 5 (3)]

5 *Qualifications and tenure of office of a member of the council*

6 1-(1) Subject to the provisions of this paragraph, a member of the
7 council shall hold office for a period of two (2) years beginning with the date of
8 his appointment or election.

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

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

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

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

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

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

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

26 (b) such member was elected, the Council may, if the time between
27 the unexpired term of office and the next general meeting of the Institute
28 appears to warrant the filling of the vacancy, co-opt some fit person for such
29 time as aforesaid.

1 *Power of the Council*

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

5 *Standing Orders*

6 3.-(1) Subject to the provision of this Bill, the Council may in the
7 name of the Institute make standing orders regulating the proceedings of the
8 Institute or the Council, and in the exercise of its power under this Bill, may
9 set up committees in the general interest of the institute and make standing
10 orders thereof.

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

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

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

20 *General Meeting of the Institute*

21 4.-(1) The Council shall convene the annual general meeting of the
22 Institute on 12th May every year, or on such other day as the council may,
23 from time-to-time, appoint so however, that if the meeting is not held within
24 one year the previous meeting, no more than fifteen months shall elapse
25 between the respective dates of the two meetings:

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

29 (2) A special general meeting of the Institute may be convened by
30 the council at any time and if not less than twenty members of the institute so

1 require, by notice in writing addressed to the chairman of the council setting
2 out the object of the proposed meeting, the chairman of the council shall
3 convene a special general meeting of the institute:

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

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

9 *Meeting of the Council*

5.-(1) Subject to the provisions of any standing order of the council, the council shall meet whenever it is summoned by the council and if the chairman is required to do so, by notice in writing given to him by not less than five other members, he shall summon a meeting of the council to be held within fourteen days from that date on which the notice is given.

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

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

24 *Committee*

25 6.-(1) The Council may appoint one or more committees to carry out
26 on behalf of the institute or council such function as the council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the council, of whom not more than one-third may be the persons who are not members of the council and a person other than a member of the council shall hold office on the committee in accordance

1 with the terms of the letter by which he/she is appointed.

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

4 *Miscellaneous*

5 7.-(1) The fixed of the seal of the institute shall be authenticated by
6 the signature of the chairman or some other member of the council
7 authorized generally or specially by the institute to act for that purpose.

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

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

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

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

28 10. A person shall not by reason only of his membership of the
29 institute be treated as holding an office in the public service of the
30 Federation.

1 THIRD SCHEDULE

2 [clause 14(9)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL
4 AND INVESTIGATING PANEL5 *The Disciplinary Tribunal*

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

7 2.-(1) The Attorney-General of the Federation shall make rules as to
8 the selection of members of the Disciplinary Tribunal for any proceedings and
9 as to the procedure to be followed and the rules of evidence to be observed in
10 proceedings before the Disciplinary Tribunal.

11 (2) The rules shall in particular provide:

12 (a) For securing that notice of the proceeding shall be given at such
13 time and in such manner, as may be specified by the rules, to the person who is
14 the subject of the proceedings;15 (b) For determine who, in addition to the person who is the subject of
16 the proceedings;17 (c) For securing that any party to the proceeding shall, if he so
18 requires, be entitled to be heard by the Tribunal;19 (d) For securing that any party to the proceeding may be represented
20 by a legal practitioner;21 (e) Subject to the provisions of clause 14 (6) of this Bill, as to the cost
22 of proceedings before the Disciplinary Tribunal;23 (f) For requiring, in any case where it is alleged that the person who is
24 the subject of the proceedings involved himself in unprofessional conduct in
25 any professional respect, that where the Disciplinary Tribunal adjudges that the
26 alleged has not been provided, it shall record a finding that the person is not
27 guilty of such conduct in respect of the mater to which the allegation relates;
28 and29 (g) For publishing notice of any direction of the Tribunal which has
30 taken effect, providing that a person's name shall be struck off a register.

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

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

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

10 4.-(1) To advise the Tribunal on the question of law arising in the
11 proceedings before it, there shall in all such proceedings by an assessor to
12 the Disciplinary Tribunal who shall be appointed by the Council on the
13 nomination of the Attorney-General of the Federation and shall be a legal
14 practitioner of not less than seven years standing.

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

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

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

28 (3) An Assessor may be appointed under this paragraph either
29 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
19 of 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.