

Extraordinary



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NATIONAL METALLURGICAL TRAINING INSTITUTE, ONITSHA
(ESTABLISHMENT) BILL, 2021
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SCHEDULE

A BILL EXECUTIVE

FOR

AN ACT TO ESTABLISH THE NATIONAL METALLURGICAL TRAINING INSTITUTE, ONITSHA TO PROVIDE FOR THE TRAINING, INFORMATION, SUPERVISION, GUIDANCE AND ADVICE TO STUDENTS, RESEARCHERS AND PERSONNEL IN IRON AND STEEL, AND OIL AND GAS INDUSTRIES FOR NATIONAL DEVELOPMENT AND FOR RELATED MATTERS

[] Commencement

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

1 PART I - ESTABLISHMENT, OBJECTIVES AND FUNCTIONS OF THE

2 NATIONAL METALLURGICAL TRAINING INSTITUTE, ONITSHA

3 1.-(1) There is established the National Metallurgical Training

4 Institute, Onitsha (in this Act referred to as "the Institute").

Establishment
of the National
Metallurgical
Training Institute,
Onitsha

5 (2) The Institute-

6 (a) shall be a body corporate with perpetual succession and a

7 common seal;

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

9 (c) may acquire, hold and dispose of any property for the purpose

10 of carrying out its functions under this Act

11 2. The objectives of the Institute are to-

Objectives of
the Institute

12 (a) establish, organize and run training courses for low and middle

13 level manpower for the iron, gas, oil, steel and related industries in the area

14 of welding technique and maintenance engineering; and

15 (b) minimize the need to send Nigerians overseas for professional

16 training in Metallurgy.

17 3.-(1) There is established for the Institute a Governing Board (in

18 this Act referred to as "the Board") which shall be approved by the president.

Governing Board
of the Institute

19 (2) The Board shall consist of-

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

3 (b) one representative of the-

4 (i) Federal Ministry responsible for Mines and Steel Development,

5 (ii) Federal Ministry responsible for Education,

6 (iii) National Board for Technical Education,

7 (iv) Manufacturer's Association of Nigeria (Steel Group), and

8 (v) Nigerian Metallurgical Society;

9 (c) the Rector of the Institute;

10 (d) two persons to be appointed by the Minister on the approval of the
11 President who by reason of their ability, experience and specialized knowledge
12 of the Metallurgical and Allied Industries are capable of making useful
13 contributions to the work of the Institute; and

14 (e) the Registrar of the Institute who shall also be the Secretary to the
15 Board.

16 (3) The Chairman and members of the Board, who are not ex-officio
17 members, shall be appointed by the President on the recommendation on the
18 Minister.

19 (4) The supplementary provisions set out in the schedule to this Act
20 shall have effect with respect to the proceedings of the Board and other matters
21 contained therein.

Tenure of office
of members of
the Board

22 4.-(1) The Chairman shall hold office for a term of four years and may
23 be re-appointed by the President for a further term of four years and no more.

24 (2) A member of the Board, other than an ex-officio member, shall
25 hold office for a term of four years and may be re-appointed for a further term of
26 four years and no more.

Remuneration
of members of
the Board

27 5.-(1) The Chairman and members of the Board shall be paid such
28 emoluments as may be specified in their letters of appointment.

29 (2) The allowances payable to members of the Board shall be in
30 accordance with such rates as may be specified and approved by the Federal

1 Government from time to time.

6.-(1) The Chairman or any member of the Board may be removed
for misconduct or inability to perform the functions of his office.

Removal from
office of a member
of the Board

(2) Where it appears to the Minister that a member of the Board should be removed on ground of misconduct or inability to perform the functions of his office, the Minister shall make recommendation for such removal to the President.

(3) Where the President, after making such inquiries as he considers necessary approves the recommendation, he shall remove such member from office.

11 (4) A member of the Board may resign his appointment by a letter
12 to the President through the Minister.

| | | |
|----|--|----------------------------|
| 13 | 7. The Functions of the Institute are to - | Functions of the Institute |
|----|--|----------------------------|

(a) engage in the training of low and middle level manpower in metallurgy and related fields in the use of iron, gas, oil and steel industries for national development;

(b) conduct courses in metallurgy and related subjects for students
and provide them with practical exercises;

(c) provide relevant information, supervision guidance and advice to personnel in iron, gas, oil and steel industries; and

(d) carry out other activities as are necessary and expedient for the full discharge of any of its functions under this Act.

23 **8.-(1)** The Board shall- Functions and
24 (a) subject to the provisions of this Act, be charged with the general Board
Powers of the

(a) subject to the provisions of this Act, be charged with the general control and supervision of the policy, staff, finances and property of the Institute;

(b) ensure that the Institute is staffed by persons with competencies in relevant fields;

29 (c) ensure that proper accounts of the Institute are kept and that
30 those accounts are audited annually as specified in this Act;

Powers of the
Institute

1 (d) control courses of study of the Institute and the examinations held
2 in those courses; and

3 (e) do such other things as are necessary for the successful
4 performance of its functions and those of the Institute.

5 (2) The Board may subject to its standing orders, appoint such
6 standing and ad-hoc committees as the Board may think fit, to consider and
7 report on any matter with which the Institute is concerned.

8 (3) A committee appointed pursuant to the provisions of subsection
9 (2) of this section shall be presided over by a member of the Board, and shall
10 consist of such number of persons who are not necessarily members of the
11 Board as the Board may determine.

12 **9.** For the effective carrying out its objectives and functions under this
13 Act, the Institute shall have power to-

14 (a) establish such units and departments within the Institute as may,
15 from time to time, be deemed necessary;

16 (b) institute and award fellowships, scholarships, bursaries, medals,
17 prizes and other awards;

18 (c) provide for the discipline and welfare of the staff and students of
19 the Institute;

20 (d) hold examinations and award diplomas, certificates and other
21 distinctions to persons approved by the Institute as having satisfied the
22 requirements of the Institute;

23 (e) determine and demand from any student or any other person
24 attending the Institute for the purpose of instruction and training, such fees as
25 the Institute may, from time to time fix;

26 (f) enter into contracts, establish trusts, act as trustees solely or jointly
27 with any other person and employ and act through agents;

28 (g) erect, provide, equip and maintain libraries, lecture halls or
29 residences, sports grounds, dining halls and other buildings suitable for the
30 objectives of the Institute;

1 (h) undertake publishing and book sales and liaise with other
2 professional bodies and institutions in respect of book publishing for
3 activities suitable for the objectives of the Institute;

4 (i) subject to any limitations or conditions imposed by this Act,
5 invest any money accruing to the Institute by way of endowment, whether
6 for general or special purposes and such other money as may not be
7 immediately required for current expenditure in investments, securities or in
8 the purchase or improvement of land, with power from time to time to vary
9 such investment;

10 (j) make gifts for any charitable purposes and donations to
11 professional bodies; and

12 (k) do all other things that are necessary and incidental to giving
13 full effect to the provisions of this Act.

14 PART II - STAFF OF THE INSTITUTE

15 **10.-(1)** The Principal Officers of the Institute shall consist of-

Appointment of
Principal Officers
of the Institute

16 (a) the Rector;

17 (b) the Director of Studies;

18 (c) the Registrar;

19 (d) the Bursar;

20 (e) the Librarian; and

21 (f) such other Officers as may from time to time be appointed and
22 removed from office on the approval of the Minister.

23 (2) The Principal Officers of the Institute other than the Rector
24 shall be appointed by the Board.

25 **11.-(1)** There shall be appointed for the Institute by the President)
26 on the recommendation of the Minister) a Rector) who shall be a graduate of
27 a recognized university and has since his qualification been actively
28 employed or engaged in the metallurgical or allied industry in managerial
29 capacity for a continuous period of not less than ten years.

Appointment of
Rector of the
Institute

30 (2) The Rector shall be the Chief Academic and Chief Executive

| | | |
|--------------------------------|----|---|
| | 1 | Officer of the Institute and shall be responsible for the day to day |
| | 2 | administration of the Institute. |
| | 3 | (3) The Rector shall hold office for a term of four years and shall be |
| | 4 | eligible for re- appointment for another term of four years and no more. |
| | 5 | (4) Subject to the provisions of this section) the Rector shall hold |
| | 6 | office on such terms as may be specified in his letter of appointment. |
| The Director of Studies | 7 | 12. -(1) There shall be a Director of Studies who shall be responsible |
| | 8 | to and assist the Rector of the Institute in the execution of his duties. |
| | 9 | (2) Subject to the provisions of subsection (1) of this section, the |
| | 10 | Director of studies shall be in charge of co-coordinating the activities of the |
| | 11 | Heads of Departments in training, collation and publication of course materials |
| | 12 | of the Institute. |
| | 13 | (3) The Director of Studies shall be appointed by the Board on the |
| | 14 | recommendation of the Rector and shall hold office on such terms as may be |
| | 15 | specified in his letter of appointment. |
| The Registrar of the Institute | 16 | 13. There shall be for the Institute, a Registrar who shall be the Head |
| | 17 | of Administration of the Institute and shall be responsible to the Rector for the |
| | 18 | day-to-day administration of the Institute. |
| The Bursar of the Institute | 19 | 14. -(1) The Bursar shall be the Chief Finance Officer of the Institute |
| | 20 | and shall be responsible to the Rector for the day-today administration and |
| | 21 | control of the financial affairs of the Institute. |
| | 22 | (2) Any person to be appointed to the office of the Bursar shall have |
| | 23 | appropriate qualification with cognate experience in financial matters and |
| | 24 | shall be a member of a relevant and recognized professional body. |
| | 25 | (3) The Bursar shall hold office for such period and on such terms and |
| | 26 | conditions as to emoluments as may be specified in his letter of appointment. |
| The Librarian of the Institute | 27 | 15. -(1) The Librarian shall be responsible to the Rector for the |
| | 28 | administration of the Institute's libraries. |
| | 29 | (2) Any person to be appointed to the office of the Librarian shall be a |
| | 30 | certified librarian with cognate experience in Library matters and member of |

1 the Library Council of Nigeria.

2 (3) The Librarian shall hold office for such period and on such
3 terms and conditions as to emoluments as may be specified in his letter of
4 appointment

5 16.-(1) The Board may, from time to time appoint for the Institute, Appointment of
6 such other staff as it may deem necessary, to assist the Rector in the other employees
7 performance of his functions under this Act. of the Institute

8 (2) Without prejudice to the generality of subsection (1) of this
9 section, the Board may appoint persons or employees of the Institute, either
10 by way of transfer or secondment from any of the public services in the
11 federation.

12 17. The remuneration, tenure and condition of service of Condition of
13 employees of the Institute shall be as those applicable to similar tertiary Service of
14 Institutions in Nigeria. employees of
the Institute

15 18.-(1) If it appears to the Board that the Rector should be removed Removal from
16 from office on grounds specified under section 6 of this Act, the Board shall office of the Rector
17 make a recommendation to the Minister, who after making such inquiries as
18 he may deem fit, approve the recommendation.

19 (2) The Minister shall, with the written approval of the President,
20 declare the office of the Rector vacant.

21 19.-(1) If it appears to the Board that there are reasons for believing Removal and
22 that a person employed as a Principal Officer of the Institute, other than the Discipline of
23 Rector, should be removed from office on grounds of misconduct or Principal Officers
24 inability to discharge the functions of his office, the Board through its
25 appropriate committee shall-

26 (a) give notice of those reasons to the person concerned;

27 (b) afford him an opportunity of making representation on the
28 matter to the Board in person; and

29 (c) if the person concerned or any other member of the Board so
30 requests, within the period of one month beginning with the date of the

1 notice, make arrangements-

2 (i) for the Appointments and Promotion Committee of the Board or an
3 Ad-Hoc Committee of the Board to investigate the matter and report to the
4 Board, and

5 (ii) for the person in question to be afforded an opportunity of
6 appearing before and being heard by the investigating committee.

7 (2) Where the Board, after considering the report of the investigating
8 committee, is satisfied that the person in question should be removed, the
9 Board may remove the person concerned by an instrument in writing signed by
10 the Chairman of the Board.

11 (3) For a good cause, an employee may be suspended from office or
12 his appointment may be terminated by the Board.

13 (4) For the purpose of sub-section (3) of this Section, "good cause"
14 means-

15 (a) physical or mental incapacity, which the Board, after obtaining
16 medical advice, considers to be such as to render the person concerned unable
17 to discharge the functions of his office;

18 (b) conduct of a scandalous or other disgraceful nature which the
19 Board considers to be such as to render the person unfit to continue to hold his
20 office; or

21 (c) conduct which the Board considers to be such as to constitute a
22 failure or inability of the person concerned to discharge the functions of his
23 office or to comply with the terms and conditions of his service.

24 (5) A person suspended pursuant to sub-section (3) of this section
25 shall be placed on half pay and the Board shall within six months of suspension
26 come to a decision as to whether to-

27 (a) continue with that person's suspension;

28 (b) reinstate that person to his office, in which case the Board shall
29 restore his full emoluments to him with effect from the date of the suspension;

30 (c) terminate that person's appointment, in which case the person shall

1 not be entitled to the proportion of his emoluments which might have been
2 withheld during the period of suspension; or

3 (d) take such lesser disciplinary action against that person,
4 including the restoration of the proportion of his emoluments which might
5 have been withheld.

6 (6) It shall be the duty of the person who signed the instrument of
7 removal by virtue of sub-section (2) of this section to serve or cause to be
8 served on the person concerned, a copy of the instrument.

9 (7) The Board may make regulations from time to time for the
10 discipline of other categories of employees and workers of the Institute as it
11 may think fit.

12 **20.-(1)** Where a junior member of staff is accused of misconduct or Discipline of
13 inefficiency, the Rector may suspend him for not more than three months Junior Staff
14 and shall refer the matter to the Junior Staff Disciplinary Committee to make
15 recommendations as to the appropriate action to be taken by the Rector.

16 (2) In all cases under this section, the junior member of staff shall
17 be informed in writing of the charges against him and be given reasonable
18 opportunity to defend himself.

19 (3) The Rector may, after considering the recommendation made
20 pursuant to subsection (1) of this section, downgrade, retire or dismiss the
21 junior officer or terminate the appointment.

22 (4) A person aggrieved by a decision of the Rector under sub-
23 section (3) of this section may, within a period of 21 days from the date of
24 receipt of the letter communicating the decision to him, address a petition to
25 the Board to reconsider his case and the Board's decision thereon shall be
26 final.

27 **21.-(1)** Service in the Institute shall be approved service for the Service in the
28 purpose of the Pension Reform Act, and accordingly, officers and other Institute to be
29 persons employed in the Institute shall in respect of their service in the Pensionable
30 Institute, be entitled to pension, and other retirement benefits, provided that

1 nothing in this Act shall prevent the appointment of a person to any office on
2 terms which preclude the grant of a pension in respect of that office.

3 (2) For the purpose of the application of the provisions of the Pension
4 Reform Act, any power exercisable thereunder by a Minister or other authority
5 of the Government of the Federation, other than the power to make regulations
6 under section 23 thereof is hereby vested in and shall be exercisable by the
7 Board and not by any other authority.

8 PART III - ACADEMIC BOARD OF THE INSTITUTE

Establishment
of the Academic
Board of the
Institute

9 **22.**-(1) There is established for the Institute an Academic Board
10 which shall consist of- (a) the Rector of the Institute as Chairman;
11 (b) the Director of Studies;
12 (c) all Heads of Department;
13 (d) two members elected by the Congregation;
14 (e) the Librarian; and
15 (f) the Registrar of the Institute who shall be the Secretary to the
16 Academic Board.

17 (2) The Rector shall preside at the meetings of Academic Board and in
18 his absence the Director of Studies shall preside but in their absence the
19 members present shall elect one of their number to preside at the meeting.

20 (3) The Academic Board shall meet at least once in a semester.

21 (4) Subject to sub sections (2) and (3) of this section, the Academic
22 Board shall regulate its own procedure.

Functions of the
Academic Board

23 **23.** Subject to the provisions of this Act, the Academic Board shall
24 formulate, regulate and continuously evaluate the academic programmes of the
25 Institute including-

26 (a) the organization and control of courses of study and the
27 examination held in connection with those courses;

28 (b) the award of diplomas, certificates and such other qualifications as
29 may be prescribed in connection with examination held as aforesaid.

1 (c) Such other functions as the Board may from time to time assign
2 to it.

3 **24.**-(1) The Institute shall create such departments as may be
4 necessary from time to time. Creation of
Departments

5 (2) Each academic department shall have a Departmental Board.

6 (3) Each academic department shall elect from its members, five
7 members to serve on its Departmental Board, two of such persons being
8 elected as Chairman and Secretary respectively, and all members so elected
9 to the Departmental Board shall each hold office for a period of two
10 academic sessions.

11 (4) Subject to such standing orders that may be made by the
12 Academic Board for that purpose, each Departmental Board may carry out
13 its duties as it deems fit.

14 (5) Each academic Department shall appoint a board of examiners
15 and that board shall be charged with the conduct of examination under this
16 section and thereafter make its recommendations to the Academic Board.

17 (6) Members of the Departmental Board and board of examiners
18 shall not be entitled to any emoluments other than expenses reasonably
19 incurred in the course of the business of the Departmental Board or the board
20 of examiners, respectively.

21 **25.** Any candidate for any examination shall satisfy the appropriate
22 Departmental Board that he is- Candidates for
Examination

23 (a) a registered student of the Institute; and

24 (b) in possession of and is therein named as the holder of a
25 certificate that qualified him for admission to the Institute.

26 **26.** Diplomas and certificates shall be awarded to students of the
27 Institute who are of good character and learning and who have passed the
28 examinations prescribed by the Academic Board for the award of same. Award of Diplomas
and Certificates

29 **27.**-(1) There shall be for the Institute a body known as
30 Congregation which shall consist of- Congregation

1 (a) the Rector;
 2 (b) the Director of Studies;
 3 (c) members of the Academic Boards;
 4 (d) the Registrar;
 5 (e) the Bursar;
 6 (f) the Librarian; and
 7 (g) every member of staff who holds a minimum of Higher National
 8 Diploma or its equivalent from a recognized institution.

9 (2) The Rector shall be the Chairman at all meetings of congregation
 10 when present, and in his absence such other member of congregation present at
 11 the meeting, as congregation may appoint, shall be the Chairman at the
 12 meeting.

13 (3) The quorum of congregation shall be one third (or the number
 14 nearest to one third) of the total number of members of congregation whichever
 15 is less.

16 (4) Subject to the foregoing provisions of this Act congregation may
 17 regulate its own procedure.

18 (5) Congregation shall be entitled to express by resolution or
 19 otherwise its opinion on all matters affecting the interest and welfare of the
 20 Institute and shall have such other functions in addition to the function of
 21 electing a member of the Academic Board.

22 PART IV - FINANCIAL PROVISIONS

Fund of the
Institute

23 **28.**-(1) The Institute shall establish and maintain a fund.

24 (2) There shall be paid and credited to the fund, established pursuant
 25 to sub-section (1) of this section-

26 (a) such monies as may, from time to time, be granted to the Institute
 27 by the government of the federation or of a state or any of their agencies;

28 (b) all monies raised for the purposes of the Institute by way of gifts,
 29 grant-in-aid, testamentary disposition or otherwise;

1 (c) all subscriptions or fees, and charges for services rendered by
2 the Institute;

3 (d) all interests received in respect of monies invested by the
4 Institute; and

5 (e) such other monies as may from time to time accrue to the
6 Institute.

7 (3) The fund shall be managed in accordance with guidelines given
8 by the Minister and without prejudice to the generality of the power to give
9 guidelines under this subsection, the guidelines shall in particular contain
10 such provisions specifying the manner in which the assets of the Institute are
11 to be held, and regulating the making of payments into and out of the fund.

12 **29.** The Institute may, from time to time, apply the Fund Expenditure of
13 established under subsection (1) of this section- the Institute

14 (a) to the cost of administration of the Institute and of any research
15 under the Institute's administration;

16 (b) for reimbursing a member of any Committee set up by the
17 Institute for expenses expressly authorized by the Institute;

18 (c) for the provision of scholarships and other awards for the
19 training of staff of the Institute;

20 (d) for the payment of salaries, fees or other remuneration,
21 allowances, pensions or superannuation payable to the employees of the
22 Institute.

23 (e) for the maintenance of any property vested in the Institute.

24 **30.-(1)** The Institute may accept gifts, legacies and donations of Power of accept
25 land, money or other property, on such terms and conditions, if any, as may gifts
26 be specified by the person or organization making the gift.

27 (2) The Institute shall not accept a gift if the conditions attached by
28 the person or organization making the gift are inconsistent with the
29 objectives and functions of the Institute.

1 **31.-(1)** The Institute may, with the consent of the Minister or in
2 accordance with the general authority given by the Federal Government,
3 borrow by way of loan or overdraft, from any source, any monies required by
4 the Institute for meeting its obligations and discharging its functions under this
5 Act, provided that no such consent or authority shall be required, where the
6 sum or the aggregate of the sums involved at anyone time does not exceed the
7 limit set by the Minister.

(2) Notwithstanding the provisions of subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Institute shall not borrow the sum without the prior approval of the Minister.

Annual Estimate,
Accounts and
Audit

11 **32.**-(1) The Board shall cause to be prepared, not later than 30th
12 September in each year, an estimate of the expenditure and income of the
13 Institute during the next succeeding year, and when prepared, they shall be
14 submitted to the Minister through the Board.

(2) The Board shall cause to be kept proper accounts of the Institute and proper records in relation thereto and when certified by the Board the accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Institute shall be audited within six months after the end of each year by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor General for the Federation, and the fees of the auditors generally shall be paid from the funds of the Institute.

Annual Report 23 **33.** The Board shall, not later than 31st July in each year, submit to the
24 President report, in such form as the President may, from time to time, direct on
25 the activities of the Institute during the preceding year, and shall include in the
26 report the audited accounts of the Institute.

27 PART V - MISCELLANEOUS PROVISIONS

| | | |
|--|----|--|
| Discoveries, Inventions and Improvements | 28 | 34.-(1) Subject to the provisions of this Act, the results of all |
| | 29 | researched discoveries, inventions and improvements in respect of processes, |
| | 30 | apparatus and machines made by- |

1 (a) employees and Student of the Institute; and
2 (b) persons assisting the Institute with any investigation or
3 research, shall vest in the Institute.

4 (2) Where the rights in any discoveries, inventions or
5 improvements are vested in the Institute by virtue of subsection (1) of this
6 section, the Board may award to the person responsible for the discoveries,
7 inventions or improvements such bonus as it deems fit and make provisions
8 for financial participation by him in the profits derived from such
9 discoveries, inventions or improvements to such extent as the Minister may
10 determine.

11 (3) The provisions of this section shall not apply in respect of a
12 discovery or an invention or improvement contemplated in subsection (1) of
13 this section, if in the opinion of the Board such discovery, invention or
14 improvement was not made by the person-

15 (a) in the course of his employment as an employee of the Institute;

16 (b) during the performance of functions in respect of which he has
17 been placed at disposal of the Institute;

18 (c) in the course of any investigation or research in which he
19 assisted the Institute; or

20 (d) in the course of any research in respect of which he receives a
21 bursary or grant-in-aid from the Institute.

22 **35.** The Minister may give to the Institute or the Board, directives
23 of a general nature or relating generally to matters of relating to policy and
24 the performance of any function by the Institute or the Board and it shall be
25 the duty of the Institute or the Board to comply with those directives.

Powers of the
Minister to give
directives

26 **36.-(1)** For the purpose of providing offices and premises
27 necessary for the performance of its functions, the Institute may-

Office and
Premises

28 (a) purchase or take on lease any interest in land, building or
29 property; or

30 (b) build, equip and maintain offices and premises.

| | | |
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| | 1 | (2) The Institute may, subject to the Land Use Act, sell or lease out |
| | 2 | land, office or premises held by it, which is no longer required for the |
| | 3 | performance of its functions under this Act. |
| Provision of Library services | 4 | 37. The Institute shall establish and maintain a library comprising |
| | 5 | such books, records, reports and other publications as may be directed by the |
| | 6 | Board for the advancement of knowledge in the areas of work undertaken by it, |
| | 7 | for research purposes and for other purposes connected with the functions |
| | 8 | conferred on the Institute under this Act. |
| Procedure in respect of suit against the Institute etc. | 9 | 38.-(1) No suit against the Institute, a member of the Board or an |
| | 10 | employee of the Institute for any act done in pursuance or execution of any law |
| | 11 | of any public duties or in respect of any alleged neglect or default in the |
| | 12 | execution of such law or duties shall lie or be instituted in any court unless it is |
| | 13 | commenced within twelve months after the act, neglect or default complained |
| | 14 | of or, in the case of a continuance of damage or injury, within twelve months |
| | 15 | after the ceasing thereof. |
| | 16 | (2) No suit shall be commenced against the Institute before the |
| | 17 | expiration of a period of one month after written notice of intention to |
| | 18 | commence the suit shall have been served upon the Institute by the intending |
| | 19 | plaintiff or his agent, and the notice shall clearly and explicitly state the- |
| | 20 | (a) cause of action; |
| | 21 | (b) particulars of the claim; |
| | 22 | (c) name and place of abode of the intending plaintiff; and |
| | 23 | (d) relief which he claims. |
| Service of documents | 24 | 39. The notice referred to in section 38 (2) of this Act and any |
| | 25 | summons, notice or other document required or authorized to be served upon |
| | 26 | the Institute under the provisions of this Act or any other law may be served by |
| | 27 | delivering the same to the Chairman or the Rector or by sending it by registered |
| | 28 | post addressed to the Rector at the principal office of the Institute. |
| Indemnity of members of the Board and employees of the Institute | 29 | 40. Every member of the Board, agent, auditor or employee for the |
| | 30 | time being of the Institute shall be indemnified out of the assets of the Institute |

1 against any liability incurred by him in defending any proceeding whether
2 civil or criminal, if any such proceeding is brought against him in his
3 capacity as such member, agent, auditor or employee.

4 **41.**-(1) The Board may, with the approval of the Minister, make
5 regulations for giving effect to the provisions of this Act and without
6 prejudice to the foregoing the regulations shall provide for matters including
7 the-

Power to make
regulations

8 (a) entry into and the type of courses and programmes approved by
9 the Institute;

10 (b) duration of the courses and programmes; and

11 (c) degrees, diplomas, or certificates if any to be awarded by the
12 Institute.

13 (2) Any regulations made pursuant to subsection (1) of this section
14 shall be published in the Federal Gazette.

15 **42.**-(1) The Metallurgical Training Institute, Onitsha (in this Act
16 referred to as "the reconstituted Institute") is reconstituted as the National
17 Metallurgical Training Institute, Onitsha in accordance with the provisions
18 of this Act.

Transitional
provisions

19 (2) A person who at the commencement of this Act was a member
20 of staff or an employee of the reconstituted Institute shall as from the
21 commencement of this Act, become the holder of the appointment in the
22 Institute with the status, rank, designation and functions which corresponds
23 as far as possible to those which appertained to him as a member of staff or
24 employee of the Institute.

25 (3) All assets, rights, liabilities and obligations which immediately
26 before the commencement of this Act were assets, rights, liabilities and
27 obligations of reconstituted institute shall by virtue of this Act and without
28 further assurance, vest in or be taken over by the Institute.

29 (4) Anything made or done or having effect as if made before the
30 commencement of this Act by the reconstituted institute and having any

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| | 1 | resulting or continuing effect shall be treated as from the commencement of |
| | 2 | this Act as if it were made or done by the Institute. |
| Interpretation | 3 | 43. In this Act- |
| | 4 | "Act" means the National Metallurgical Training Institute Onitsha, Act; |
| | 5 | "Academic Board" means the Academic Board established pursuant to Section |
| | 6 | 22 of this Act; |
| | 7 | "Board" means the Board of the Institute; |
| | 8 | "Chairman" means the Chairman of the Board of the Institute; |
| | 9 | "Institute" means the National Metallurgical Training Institute, Onitsha, |
| | 10 | established under Section 1 of this Act; |
| | 11 | "maintenance engineering" means mechanical maintenance, industrial |
| | 12 | electrics, instrumentation and control, heavy mobile equipment maintenance |
| | 13 | and industrial metallurgy; |
| | 14 | "Member" means a member of the Board and includes the Chairman. |
| | 15 | "Minister" means the Minister charged with responsibility for metals |
| | 16 | industries; |
| | 17 | "President" means the President of the Federal Republic of Nigeria; |
| | 18 | "Principal Officer" means the Principal Officers of the Institute appointed |
| | 19 | under this Act; |
| | 20 | "Rector" means the Rector of the Institute appointed under this Act. |
| Short title | 21 | 44. This Bill may be cited as the National Metallurgical Training |
| | 22 | Institute, Onitsha (Establishment) Bill, 2021. |

1 SCHEDULE

2 [Section 3 (4)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC

4 *Proceedings of the Board*

5 (1) Subject to the provisions of this Act and Section 27 of the
6 Interpretation Act, the Board shall have power to regulate its proceedings
7 and may make standing orders with respect to holding of its meetings and
8 those of any of its committees, the notice to be given, the proceedings
9 thereat, the keeping of minutes of those proceedings and the custody and
10 production for inspection of the minutes.

11 (2) The quorum of the Board shall be five and the quorum of a
12 committee of the Board shall be determined by the Board.

13 (3) subject to the provisions of any applicable standing orders, the
14 Board shall meet whenever it is summoned by the Chairman and if the
15 Chairman is required so to do by notice given to him by not less than six
16 other members he shall summon a meeting of the Board to be held within
17 twenty one days from the date on which the notice is given.

18 (4) At any meeting of the Board, the Chairman shall preside but if
19 he is absent the members present at the meeting shall appoint one of their
20 number to preside at that meeting.

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

26 *Committees*

27 (6) The Board may appoint one or more committees to carry out on
28 behalf of the Board, such of its functions as the Board may determine.

29 (7) A committee appointed under this schedule shall consist of
30 such number of persons (not necessarily members of the Board) as may be

1 determined by the Board; and a person other than a member of the Board shall
2 hold office on the committee in accordance with the terms of his appointment.

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

5 *Miscellaneous*

6 (9) (1) The fixing of the seal of the Institute shall be authenticated by
7 the signature of the Chairman and the Rector.

8 (2) Any document purporting to be a document duly executed under
9 the seal of the Institute, shall be received in evidence and shall unless the
10 contrary is proved be presumed to be so executed.

11 (10) The validity of the proceedings of the Board or any of its
12 committees shall not be affected by-

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

14 (b) reason that a person not entitled to do so took part in the
15 proceedings; or

16 (c) a defect in the appointment of a member.

17 (11) A member of the Board and a person holding office on a
18 committee of the Board, who has a personal interest in any contract or
19 arrangement entered into or proposed to be considered by the Board or the
20 Committee;

21 (a) Shall forthwith disclose his interest to the Board or Committee, as
22 the case may be; and

23 (b) Shall not vote on any question relating to contract or arrangement.

EXPLANATORY MEMORANDUM

*(This memorandum does not form part of the Bill but is intended
to explain its purport)*

This Bill seeks to reconstitute the Metallurgical Training Institute Onitsha by establishing the National Metallurgical Training Institute, Onitsha, to provide training, information, supervision, guidance and advice to students, researchers and personnel in iron and steel, and oil and gas industries for national development.

EXPLOSIVES BILL, 2021
ARRANGEMENT OF SECTIONS

Section:

PART I - LICENCING

1. Existing Licence, Permit and Certificate holders to carry on business of manufacturing, selling etc of explosives for a certain period
2. Prohibition of manufacture, storage, possession etc of explosives
3. Application for a Licence, Permit or Certificate
4. Grant of a Licence, Permit or Certificate
5. Screening of applicant
6. Renewal of a Licence, Permit or Certificate
7. Variation, Suspension or Revocation of Licence, Permit or Certificate

PART II - STORAGE AND USE OF EXPLOSIVES

8. Storage and use of explosives in surface, underground mining operations, construction works etc
9. Inspections, Inquiries and Investigations

PART III - OFFENCES AND PENALTIES

10. Unlawful importation or exportation of Explosives
11. Unlawful manufacturing of explosives
12. Unlawful usage or storage of explosives
13. Unlawful transportation of explosives
14. Unlawful sales, marketing or purchase of explosives
15. Unlawful possession of explosives
16. Theft of explosives
17. Act of negligence and or conspiracy to steal
18. Offence by a body corporate
19. Other offences
20. Trial of offenders under other laws

PART IV - MISCELLANEOUS

21. Regulations
22. Repeal of Cap E18 LFN 2004
23. Interpretation
24. Short title

A BILL EXECUTIVE

FOR

AN ACT TO REPEAL THE EXPLOSIVES ACT 1964 AND ENACT THE
EXPLOSIVES ACT, TO REGULATE THE MANUFACTURE, STORAGE,
POSSESSION, USE, DISTRIBUTION, PURCHASE, SALE, TRANSPORTATION,
IMPORTATION AND EXPORTATION OF EXPLOSIVES AND FOR RELATED
MATTERS

[] Commencement

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

1 PART I - LICENCING

2 1. From the commencement of this Act, any person, carrying on
3 the business of manufacturing, selling, transportation, importation or
4 exportation of explosives for which Licence, Permit or Certificate has
5 already been granted shall continue to carry on such business-

Existing Licence,
Permit and
Certificate holders
to carry on business
of manufacturing,
selling etc of
explosives for a
certain period

6 (a) for a period of 6 months; and

7 (b) where before the expiration of the period specified in paragraph

8 (a) of this section, such person makes an application for the grant of a
9 Licence, Permit or Certificate under this Act, until the final disposal of his
10 application.

11 2.-(1) The Minister may, by an order published in the official
12 gazette, prohibit the manufacture, storage, possession, use, distribution,
13 purchase, sale, transportation, importation or exportation of any explosives
14 except as authorized in the order.

Prohibition of
manufacture,
storage, possession
etc of explosives

15 (2) An order issued under subsection (1) of this section, shall be
16 enforced by the Nigeria Custom Service and the Nigeria Police Explosives
17 Ordinance Disposal Unit at the point of entry.

18 (3) Notwithstanding the provision of subsection (1) of this section,
19 no person who-

- 1 (a) is less than 18 years of age;
- 2 (b) has been convicted of an offence involving dishonesty or violence
- 3 for a term of not less than six months, at any time during a period of five years
- 4 after the expiration of the sentence; or
- 5 (c) is under a bond for keeping the peace or for good behavior under
- 6 the Criminal Code, shall manufacture, store, be in possession, use, distribute,
- 7 purchase, sell, transport, import or export any explosives.
- 8 (4) No person shall sell, deliver or dispatch any explosives to a person
- 9 whom he knows or has reason to believe at the time of such sale, delivery or
- 10 dispatch, to be-
- 11 (a) prohibited from the manufacturing, storage, possession, use,
- 12 distribution, purchase, sale, transportation, importation, exportation of such
- 13 explosives under subsection (1) of this section; or
- 14 (b) of unsound mind.
- 15 **3.-(1)** An application for a Licence, Permit or Certificate shall be
- 16 made to the Minister.
- 17 (2) An applicant shall pay such application and processing fees as
- 18 may be prescribed by Regulations made pursuant to this Act.
- 19 (3) The Minister shall inform an applicant in writing of his decision to
- 20 grant or refuse to grant a Licence, Permit or Certificate within 3 months of
- 21 receipt of an application.
- 22 (4) A Licence, Permit or Certificate shall be issued upon payment of
- 23 the prescribed fee.
- 24 (5) A Licence, Permit or Certificate shall be valid for a period of 1 year
- 25 from the date of its issuance.
- 26 (6) An applicant who is not satisfied with the decision of the Minister
- 27 may challenge such decision in the Court.
- 28 (7) An Appeal against the decision of the Minister to the Court shall be
- 29 filed within 90 days from the date the letter conveying the decisions of the
- 30 Minister is received by the applicant.

Application for
a Licence, Permit
or Certificate

- 1 4.-(1) Subject to the provisions of this Act, no person shall Grant of a Licence,
2 undertake any business in respect of explosives unless he has been granted Permit or Certificate
3 anyone or more of the following Licences, Permits or Certificates-
- 4 (a) Magazine Licence;
5 (b) Manufacturing Licence;
6 (c) Mobile Pump Truck (Bulk Explosives) Licence;
7 (d) Permit to Export Explosives
8 (e) Permit to Import Explosives;
9 (f) Permit to Buy Explosives;
10 (g) Permit to Transfer Explosives;
11 (h) Permit to Mix and Use Ammonium Nitrate and Fuel Oil
12 (ANFO);
13 (i) Special Permit to Blast Outside Quarry;
14 (j) Approved Responsible Person Certificate; or
15 (k) Blasting Certificate.
- 16 (2) A Licence, Permit or Certificate issued under this Act shall be
17 subject to such conditions as may be specified in the Licence, Permit or
18 Certificate or prescribed by Regulations made under this Act.
- 19 5.-(1) An applicant for a Licence, Permit or Certificate under this Screening of
20 Act shall upon the request of the Minister be screened by the appropriate applicant
21 Security Agency to carry out such screening.
- 22 (2) The appropriate Security Agency shall screen the applicant and
23 furnish the Minister with a report in respect of the following-
- 24 (a) whether the applicant for the grant or renewal of a Licence,
25 Permit or Certificate has been found guilty or convicted of an offence in any
26 part of Nigeria or elsewhere;
27 (b) whether the applicant is the subject of a firearms prohibition
28 order within the meaning of the firearms Act Cap F.28 LFN, 2004;
29 (c) whether the applicant is of good character or repute;

| | | |
|---|----|--|
| | 1 | (d) whether the applicant has a history of violence or threat to |
| | 2 | violence; |
| | 3 | (e) whether the applicant has good reason for requiring the Licence, |
| | 4 | Permit or Certificate; |
| | 5 | (f) whether the applicant can be trusted to handle explosives in the |
| | 6 | manner authorized by the Licence, Permit or Certificate without any danger to |
| | 7 | public peace, safety and security; and |
| | 8 | (g) such other matters as the Minister may request or the Security |
| | 9 | Agency may consider necessary to bring to the notice of the Minister. |
| Renewal of a Licence, Permit or Certificate | 10 | 6.-(1) An application for the renewal of a Licence, Permit or |
| | 11 | Certificate shall be made to the Minister at least 1 month before the expiration |
| | 12 | of the Licence. Permit or Certificate. |
| | 13 | (2) The application shall be accompanied by evidence of payment of |
| | 14 | the prescribed Licence, Permit or Certificate renewal fee and all other |
| | 15 | requirements prescribed under the Regulations made under this Act. |
| Variation, Suspension or Revocation of Licence, Permit or Certificate | 16 | 7.-(1) The Minister may suspend or revoke a Licence, Permit or |
| | 17 | Certificate where- |
| | 18 | (a) the Licence, Permit or Certificate holder has contravened any of |
| | 19 | the provisions of this Act, Regulations made under this Act or any other law; |
| | 20 | (b) the Licence, Permit or Certificate was obtained by the suppression |
| | 21 | of material evidence which if brought to the notice of the Minister, would have |
| | 22 | persuaded him from granting the Licence, Permit or Certificate; |
| | 23 | (c) any fee or levy due to be paid by the Licence, Permit or Certificate |
| | 24 | holder has not been paid; |
| | 25 | (d) the Licence, Permit or Certificate holder has violated any safety |
| | 26 | requirements; or |
| | 27 | (e) in the opinion of the Minister, it is in the interest of public safety or |
| | 28 | security for the Licence, Permit or Certificate to be varied, suspended or |
| | 29 | revoked. |
| | 30 | (2) A Licence, Permit or Certificate holder whose Licence, Permit or |

1 Certificate is varied, suspended or revoked shall be informed of such
2 variation, suspension or revocation.

3 PART II - STORAGE AND USE OF EXPLOSIVES

4 8.-(1) A surface magazine shall be surrounded by a fence approved
5 by the Minister accessible through a gate which shall be kept securely
6 locked when not in use.

Storage and use
of explosives in
surface, underground
mining operations,
construction works
etc.

7 (2) A surface magazine shall be erected in accordance with the
8 approved plan and specifications and other such conditions as the Minister
9 may determine.

10 (3) An explosives magazine shall be in the care of an approved
11 person acquainted with the nature of explosives, whose name shall be
12 entered into the explosives index register.

13 (4) The person referred to in subsection (3) of this section shall be
14 responsible for-

15 (a) the proper receipt, storing, and distribution of the explosives;
16 and

17 (b) Keeping full particulars of all receipts and deliveries in the
18 explosives index register which shall be kept in the magazine.

19 (5) Underground mining operation shall, where necessary be fitted
20 with a well regulated magazine for the storage, transportation and use of
21 explosives.

22 (6) An underground explosives magazine shall be in the custody of
23 an approved responsible person acquainted with the nature of explosives,
24 whose names shall be entered in the explosives index register.

25 (7) The person referred to in subsection (6) of this section shall be
26 responsible for-

27 (a) the proper receipt, storage and distribution of the explosives;
28 and

29 (b) keeping full particulars of all receipts and deliveries in the
30 explosives index register, which shall be kept in the magazine.

1 (8) Any construction work that requires the use of explosives shall be
2 fitted with a well regulated storage box in the custody of an approved person.

3 (9) Explosives shall be in care of an approved person certified to have
4 basic knowledge as to the use of explosives, whose name shall be entered into
5 the explosives index register.

6 (10) The person referred to in sub-section (9) of this section shall be
7 responsible for-

8 (a) the proper receipt, storage, and distribution of the explosives; and

9 (b) keeping full particulars of all receipts and deliveries in the
10 explosives index register which shall be kept in a magazine.

11 (11) Contract blasting shall be conducted by a registered company
12 which shall-

13 (a) have in its employment a mining engineer registered by Council of
14 Nigerian Mining Engineers and Geoscientists; and

15 (b) fulfill such requirements as to enable it purchase, store, transfer
16 explosives, conduct blasting operations in Mines, Quarries and such other civil
17 engineering locations in accordance with this Act and Regulations made under
18 this Act.

Inspections.
Inquiries and
Investigations

19 9.-(1) The Minister shall make Regulations consistent with this Act
20 authorizing any officer either by name or by virtue of his office to-

21 (a) enter, inspect and examine any place, aircraft, carriage or vessel in
22 which an explosives is being manufactured, stored, used, sold, transported,
23 imported or exported under a Licence, Permit or Certificate granted under this
24 Act;

25 (b) enter into any place where he has reason to believe that an
26 explosives is being manufactured, stored, used, sold, transported, imported or
27 exported in contravention of this Act or Regulations made under this Act;

28 (c) take samples, seize, detain or remove any explosives or its
29 components found in the premises; and

30 (d) arrest anyone found in such place or premises and if necessary

1 destroy such explosives or its components.

2 (2) The Provisions of Part 13 of the Criminal Procedure Act, Cap.
3 C41, Laws of the Federation of Nigeria, 2004 relating to search warrants
4 under that Act shall, so far as the same are applicable, apply to searches by
5 persons authorized by Regulations made under this section.

6 (3) Where an accident occurs in any place where explosives are
7 manufactured, stored, sold, used or in any aircraft, carriage or vessel
8 conveying an explosives resulting in the loss of human life, serious injury to
9 person or property, the occupier of the place or the master of the aircraft or
10 vessel shall within such a time and in such manner as may be prescribed by
11 Regulation made, under this Act give notice thereof to the-

12 (a) Minister;

13 (b) Inspector of Explosives in charge of the place where the
14 accident occurred;

15 (c) officer in charge of the nearest Police Station.

16 (4) The Minister may make Regulations to-

17 (a) regulate the procedure at inquires under this section;

18 (b) ensure that parties under investigation are given fair hearing;

19 (c) prescribe the manner in which and the time within which the
20 notice under subsection (3) of this section shall be given.

21 (5) Where an accident occurs in connection with any building,
22 place, aircraft, carriage or vessel under the control of a Licence, Permit or
23 Certificate holder, the appointed Inspector of Explosives in conjunction
24 with the Nigeria Police Explosives Ordinance Disposal Unit and the
25 Department of State Services shall investigate the cause of such accident.

26 (6) The appropriate investigating officers appointed under sub-
27 section 1 of this section shall submit a report of its investigation to the
28 Minister stating the causes of the accident and its circumstances.

29 (7) Theft of explosives and explosives precursors should be
30 reported by the approved person to the Mines Inspectorate Department and

| | | |
|---|----|--|
| | 1 | the nearest Police Station for investigation and possible prosecution. |
| Manufacturing, possession etc of explosives by the Armed Forces | 2 | 10.-(1) Nothing in this Act shall apply to the manufacturing, |
| | 3 | possession, use, transportation and importation of any explosives by- |
| | 4 | (a) Armed Forces of the Federal Republic of Nigeria; |
| | 5 | (b) Defence Factories; and |
| | 6 | (c) any person employed by the Federal Government in execution of |
| | 7 | this Act. |
| | 8 | (2) The Minister may by an order in the official gazette, exempt |
| | 9 | absolutely or subject to such condition, any explosives or any person or class of |
| | 10 | persons from all or any of the provisions of this Act or Regulations made under |
| | 11 | this Act. |
| | 12 | PART III - OFFENCES AND PENALTIES |
| Unlawful importation or exportation of Explosives | 13 | 11. Any person, who unlawfully imports any explosives into Nigeria |
| | 14 | or exports explosives from Nigeria commits an offence and is liable on |
| | 15 | conviction to life imprisonment without option of fine. |
| Unlawful manufacturing of explosives | 16 | 12. Any person, who unlawfully manufactures any explosives, |
| | 17 | commits an offence and is liable on conviction to life imprisonment without |
| | 18 | option of fine. |
| Unlawful usage or storage of explosives | 19 | 13. Any person, who unlawfully uses or stores any explosives, |
| | 20 | commits an offence and is liable on conviction to a fine of not less than 40 |
| | 21 | million naira or imprisonment for a term of not less than 20 years or both. |
| Unlawful transportation of explosives | 22 | 14. Any person, who unlawfully transports any explosives, commits |
| | 23 | an offence and is liable on conviction to a fine of not less than 20 million naira |
| | 24 | or imprisonment for a term of not less than 10 years or both. |
| Unlawful sales, marketing or purchase of explosives | 25 | 15. Any person, who unlawfully sells or markets any explosives |
| | 26 | commits an offence and is liable on conviction to a fine of not less than 40 |
| | 27 | million naira or imprisonment for a term of not less than 20 years or both. |
| Unlawful possession of explosives | 28 | 16. Any person, who is in unlawful possession of any explosives, |
| | 29 | commits an offence and is liable on conviction to a fine of not less than 20 |
| | 30 | million naira or imprisonment for a term of not less than 10 years or both. |

| | | |
|----|---|--|
| 1 | 17. Any person who steals any explosives from a store, magazine, | Theft of explosives |
| 2 | cargo, vessel, or aircraft while in stock or during transit or blasting commits | |
| 3 | an offence and shall be liable on conviction to life imprisonment without | |
| 4 | option of fine- | |
| 5 | 18. Any person (s) who negligently allows any explosives to be | Act of negligence and or conspiracy to steal |
| 6 | stolen from any store, magazine, cargo, vessel, or aircraft commits an | |
| 7 | offence and is liable on conviction to a fine of not less than 20 million naira | |
| 8 | or imprisonment for a term of not less than 10 years or both. | |
| 9 | 19.-(1) Where an offence under this Act is committed by a body | Offence by a body corporate |
| 10 | corporate, any person who, at the time the offence was committed, was in | |
| 11 | charge of or responsible for the conduct of the business of the body corporate | |
| 12 | shall be charged with the same offence as the body corporate and liable on | |
| 13 | conviction to- | |
| 14 | (a) a penalty of not less than 40 million naira: or | |
| 15 | (b) Imprisonment for a term of not less than 20 years, or both. | |
| 16 | (2) Where an offence under this section is proved to have been | |
| 17 | committed with the connivance of or is attributable to any neglect on the part | |
| 18 | of any officer of the corporate body, such officer shall be deemed to have | |
| 19 | committed the offence and is liable on conviction to a fine of not less than 40 | |
| 20 | million naira or imprisonment for a term of not less than 20 years or both. | |
| 21 | (3) It shall be a defence for a person charged under this section | |
| 22 | where such person proves that the offence for which he was charged was | |
| 23 | committed without his knowledge or that he exercised all due diligence to | |
| 24 | prevent the commission of the offence. | |
| 25 | 20.-(1) Any person, who fails to give notice or report an accident | Other offences |
| 26 | under section 9(3) of this Act, commits an offence and is liable on conviction | |
| 27 | to a fine of not less than 10 million naira or imprisonment for a term of not | |
| 28 | less than 5 years. | |
| 29 | (2) Where, for an offence committed under section 11 of this Act, | |
| 30 | the importation or exportation is done- | |

1 (a) through the sea, the owner and master of the vessel; or

2 (b) by air, the owner and master of the aircraft,

3 shall be liable on conviction to a fine of not less than 80 million naira.

4 (3) The court may for the purpose of compelling the payment of the
5 fine referred to in subsection (2) of this section by an owner or master of an
6 aircraft or vessel, direct that the aircraft or vessel be levied by Distress or Sale.

7 (4) Any person who contravenes the provisions of any Regulations
8 made under this Act, commits an offence and is liable on conviction to such
9 penalties as may be prescribed under the Regulations.

10 (5) Where a person is convicted of an offence under this Act or
11 Regulations made under this Act, the court may direct that the explosives,
12 ingredients or substances used in the commission of the offence and receptacle
13 containing such explosives, ingredients or substances be forfeited to the
14 Federal Government.

15 (6) Where a Licence, Permit or Certificate holder contravenes any of
16 the provisions of this Act, Regulations made under this Act or any other law, the
17 court may, in addition to any penalty stipulated for the offence, make such an
18 order for the variation, suspension or revocation of the Licence, Permit or
19 Certificate holder's Licence, Permit or Certificate.

Trial of offenders
under other laws

20 **21.** Nothing in this Act shall prevent any person from being
21 prosecuted under any other law for an act or omission which constitutes an
22 offence under this Act from being liable under that other law to any other or
23 higher punishment or penalty than that provided under this Act, provided no
24 person shall be punished twice for the same offence.

25 PART IV - MISCELLANEOUS

Regulations

26 **22.**-(1) The Minister may, make Regulations generally to give full
27 effect to the provisions of this Act.

28 (2) Regulations made under sub-section (1) of this section may
29 provide for the-

30 (a) fees to be charged for a Licence, Permit or Certificate;

1 (b) manner in which applications for a Licence, Permit or
2 Certificate shall be made and the matters to be specified in such
3 applications;

4 (c) conditions upon which a Licence, Permit or Certificate shall be
5 granted;

6 (d) form in which applications shall be made;

7 (e) circumstances under which fees may be refunded;

8 (f) total quantity of explosives that a Licence, Permit or Certificate
9 holder can purchase in a given period of time;

10 (g) fees to be charged in connections with the manufacturing,
11 transportation, importation or exportation of explosives;

12 (h) procurement of End User Certificate (EUC) from the Office of
13 the National Security Adviser (NSA) to clear imported explosives;

14 (i) security requirement of explosives during transportation and
15 around the storage facilities to be provided by the Nigerian Police Force-
16 Explosives Ordinance Disposal Unit;

17 (j) exemptions absolutely of any persons or class of persons from
18 the operations of the Regulations;

19 (k) procedure for vetting by the Department of State Services;

20 (l) use of permissible explosives for coal mining; and

21 (m) accountability and establishment of a framework for the
22 control of Ammonium Nitrate.

23 **23.-(1)** The Explosives Act Cap E18 LFN 2004 is repealed.

Repeal of
Cap E18 LFN
2004

24 (2) Any person who, before the commencement of this Act, was a
25 holder of a Licence, Permit or Certificate under the repealed Act shall
26 continue to hold such Licence, Permit or Certificate in accordance with the
27 provisions of section 1 of this Act.

28 **24.** In this Act, unless the context otherwise requires-

Interpretation

29 "Aircraft" means any machine which can derive support in the atmosphere
30 from the reaction of the air, other than the balloons, whether fixed or free,

- 1 airships, kits, gliders and flying machines;
- 2 "Appropriate Security Agencies" means the Nigeria Police Explosive
3 Ordinance Disposal Command and the Department of State Security Services;
- 4 "Carriage" includes any carriage, wagon, cart, truck, vehicle or other means of
5 conveying goods or passenger by land, in whatever manner the same may be
6 propelled;
- 7 "Court" means Federal High Court;
- 8 "Explosives" includes, Nitroglycerine, Nitro glycol, Nitrocellulose, Di-nitro-
9 toluene (DNT), Tri-nitro-toluene (TNT), Tri-nitro-phenol (TNP), Di-nitro-
10 phenol, Tri-nitro- restrame, Penta-erthritol-tetra nitrate (PETN), Cyclo-
11 trimethylene-trinitramine (RDX), Lead azide, Lead Styhynate, Gelignite,
12 Seismic shaped charges, safety fuse, Detonating cord, Ammonium nitrate,
13 Hydrocarbon, Non-detonating expansive mortar, Fulminate of mercury or any
14 other Metal diazo-di-nitrophenol, Coloured fires or any other substance
15 whether a single chemical compound or a mixture of substances, whether solid
16 or liquid or gaseous used or manufactured with a view to produce a practical
17 effect by explosion or pyrotechnic effect; and includes fuses, detonators of all
18 description and every adaptation of preparation of an explosives as defined in
19 this clause;
- 20 "Explosives Magazine" means any building licensed under this Act for the
21 storage of explosives;
- 22 "Export" means taking out to a place outside Nigeria by land, sea or air;
- 23 "Import" means to bring in from a place outside Nigeria by land, sea or air;
- 24 "Manufacture" in relation to an explosives includes the process of-
- 25 (a) dividing the explosives into its component parts or otherwise
26 breaking up or unmaking the explosives, or making fit for use any damaged
27 explosives, and
- 28 (b) re-making, altering or repairing the explosives;
- 29 "Master"-
- 30 (a) in relation to any vessel or aircraft means any person, other than a

1 pilot, harbor master, assistant harbor master or berthing master, having
2 for the time being in charge or control of such vessel or aircraft, as the
3 case may be; and

4 (b) in relation to any boat belonging to a ship, means the master
5 of that ship;

6 "Marked" in relation to a plastic explosives and accessories means the
7 introduction of a detection agent into the plastic explosives in accordance
8 with the International Technical Convention;

9 "Minister" means Minister responsible for Mines and Steel
10 Development;

11 "Premises" includes a place, aircraft, carriage or vessel;

12 "Prescribed" means as by Regulations made under this Act;

13 "Vessel" includes any ship, boat, sailing vessel, or other description of
14 vessel used in navigation whether propelled by cars or otherwise and
15 anything made for the conveyance, mainly by water, of human beings or
16 of goods and a caisson; and

17 "EUC" means End User Certificate to clear imported explosives.

18 **23.** This Bill may be cited as the Explosives Bill, 2021.

Short title

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Explosives Act 1964 and enact the Explosives Act, to regulate the manufacture, storage, possession, use, distribution, purchase, sale, transportation, importation and exportation of explosives.

CONTROL OF SMALL ARMS AND LIGHT WEAPONS BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

PART I - OBJECTIVE AND APPLICATION

1. Objectives of this Act
2. Application

PART II - ESTABLISHMENT OF THE NATIONAL CENTRE FOR THE
CONTROL OF SMALL ARMS AND LIGHT WEAPONS

3. Establishment of the National Centre for the Control of Small Arms and Light Weapons
4. Functions and powers of the National Centre

PART III - POSSESSION, SALE AND TRANSFER OF FIREARMS

5. Possession of firearms
6. Personal firearms
7. Muzzle-loading firearms
8. Grant licences and permits
9. Safe custody of firearms
10. Ammunition
11. Prohibition of dealing in arms or ammunition
12. Registered dealer's armouries
13. Sale or transfer of firearms or ammunition
14. Stamping of all firearms sold
15. Collection and storage of small arms and light weapons
16. Management and security of stockpiles

PART IV - REGISTER OF SMALL ARMS AND LIGHT WEAPONS

17. Establishment of Register of Small Arms and Light Weapons
18. Register of Arms for Peace Operations
19. Small Arms Registry

PART V - CONTROL OF THE MANUFACTURE OF SMALL ARMS

AND LIGHT WEAPONS

- 20. Control of the manufacture of small arms and light weapons
- 21. Measures for the control of manufacture of small arms and light weapons
- 22. Tracing

PART VI - MISCELLANEOUS

- 23. Offences and penalties
- 24. Public education and awareness programme
- 25. Directives of the President
- 26. Regulations
- 27. Dissolution of the Presidential Committee for the control of Small Arms and Light Weapons
- 28. Savings and transitional provisions
- 29. Interpretation
- 30. Short title

Functions and
powers of the
National Centre

- 1 (i) policy formulation, coordination and monitoring of effort to
- 2 address small arms and light weapons related issues within Nigeria,
- 3 (ii) monitoring of effort to prevent, combat and eradicate the illicit
- 4 trade in small arms and light weapons, and
- 5 (iii) providing regular briefings and reports to the Government on the
- 6 progress and challenges of the implementation of the national policy and
- 7 strategy on small arms and light weapons, with the aim of facilitating the
- 8 necessary political will, understanding and support for activities and
- 9 programmes dealing with small arms and light weapons.
- 10 **4. The National Centre shall-**
- 11 (a) implement strategies, plans and policies for the eradication of
- 12 proliferation of small arms and light weapons;
- 13 (b) supervise the implementation of the strategies, plan and policies
- 14 for the eradication of proliferation of small arms and light weapons, by law
- 15 enforcement agencies and other relevant Ministries, Departments and
- 16 Agencies in Nigeria;
- 17 (c) receive from the Nigeria Police Force, reports of activities on
- 18 registration and licensing of fire arms and ammunition for the purposes of
- 19 updating the national database;
- 20 (d) register and securely store or destroy small arms-
- 21 (i) collected from the Nigeria Police Force, Armed Forces and other
- 22 security agencies, and
- 23 (ii) seized or recovered from criminal's, terrorist, insurgents and any
- 24 other person in possession of illegal small arms and light weapons;
- 25 (e) organize programmes of action to prevent, control, combat and
- 26 eradicate the illegal trade in small arms and light weapons;
- 27 (f) coordinate the design and implementation of an effective public
- 28 education and awareness campaign relative to small arms and light weapons;
- 29 (g) create and maintain a national database of all small arms and light
- 30 weapons (SALW);

(h) update the register of small arms and light weapons and transmit same to the United Nations (UN), African Union (AU), the Economic Community of West Africa States (ECOWAS) and any other international organization that may so require;

(i) advise the Economic Community of West Africa States (ECOWAS), the African Union (AU) and United Nations (UN) on exemptions to be granted to member states for weapons of categories 1, 2 and 3 of the ECOWAS Protocol on SALW to meet legitimate national defence and security needs, or to participate in peace keeping or other operations in accordance with the decisions of the United Nations, African Union, Economic Community of West African States or other regional or sub-regional body of which it is a member;

(j) liaise with the Economic Community of West African States, African Union, United Nations in all matters relating to the eradication of proliferation of small arms and light weapons in general at the regional, continental and global levels;

(k) initiate and develop mechanisms for exchanging information and experience with the National Centres, Commissions or National coordinating bodies for the eradication of proliferation of small arms and light weapons of other member states of the Economic Community of West African States, African Union and United Nations;

(l) conduct periodic research, studies and surveys to gather accurate information on impacts of interventions, to track the mutating dimension of the problem of small arms and light weapons and the lessons learned; and to use such information; and

(m) perform such other functions that may be assigned to it by Federal Government of Nigeria.

PART III - POSSESSION SALE AND TRANSFER OF FIREARMS

5. A person shall not have in his possession or under his control any firearm, or ammunition for any firearm or any component part of such

Possession of
firearms

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|----------------------------------|----|--|
| | 1 | ammunition, in the following categories except in accordance with a licence |
| | 2 | granted by the President acting on the advice of the National Centre- |
| | 3 | (a) lethal barreled weapon of any description from which any shot, |
| | 4 | bullet or other missile can be discharged; |
| | 5 | (b) muzzle loading firearm of any category; |
| | 6 | (c) component of any firearms; |
| | 7 | (d) weapon from which a shot is discharged; or |
| | 8 | (e) weapon, rifle or pistol from which a projectile can be fired. |
| Personal firearms | 9 | 6.-(1) A person shall not have in his possession or under his control |
| | 10 | any firearm of one of the categories specified in section 5 of this Act ("personal |
| | 11 | firearm") except in accordance with a licence granted in respect of it by the |
| | 12 | Inspector-General of Police, which licence shall be granted or refused in |
| | 13 | accordance with guidelines specified by the President on the advice of the |
| | 14 | National Centre. |
| | 15 | (2) The Inspector-General of Police shall provide to the National |
| | 16 | Centre- |
| | 17 | (a) details of all licensed personal firearms; and |
| | 18 | (b) monthly analysis on seizures of illegal weapons. |
| Muzzle-loading firearms | 19 | 7.-(1) The Commissioner of Police of a State, with the consent of the |
| | 20 | Governor of the state may grant license for the possession or control of muzzle- |
| | 21 | loading firearm. |
| | 22 | (2) The Commissioner of Police of a state shall give monthly report of |
| | 23 | firearms licenced under the provisions of subsection (1) of this section to the |
| | 24 | National Centre. |
| | 25 | (3) The grant of a licence in respect of a muzzle-loading firearm in |
| | 26 | respect of which application has been duly made shall not be refused except for |
| | 27 | one of any reason specified by the President. |
| Grant of licences and permits | 28 | 8.-(1) Subject to the provisions of section 7 of this Act and the |
| | 29 | Firearms Act, the authority having the function of granting a licence or permit |
| | 30 | may grant licence or permit to a person deemed fit. |

1 (2) The authority having the function of granting a licence or
2 permit may, subject to the provisions of any regulations made under this Act-

3 (a) impose such terms or conditions as deemed fit; or

4 (b) revoke a licence or permit for such cause as he may consider
5 appropriate.

6 (3) A person whose application for licence or permit is refused by
7 the Police authority other than a decision by the President, may appeal in
8 writing to the President through the National Centre, whose decision shall
9 be final.

10 (4) Notwithstanding the provisions of sections 6 and 7 of this Act,
11 no licence or permit under the provisions of this Act shall be granted if there
12 is reason to believe that the applicant or holder of the licence-

13 (a) is under the age of 21;

14 (b) is of unsound mind;

15 (c) is not fit to have possession of the firearm in question on
16 account of defective eyesight;

17 (d) is a person of intemperate habits; or

18 (e) has been previously convicted of an offence involving violence
19 or the threat of violence.

20 (5) The Inspector General of Police or the Commissioner of Police
21 of a state shall provide details of-

22 (a) rejected applications for licence or permit to the National
23 Centre within 1 month of the rejection; and

24 (b) revoked licences to the National Centre within 1 month of the
25 revocation.

26 **9.-(1)** The owner of a firearm in respect of which a licence or
27 permit has been granted in accordance with the provisions of this Act shall
28 be responsible for the safe custody of the firearm to which the licence or
29 permit relates.

Safe custody of
firearms

30 (2) The owner of a firearm! in the case of loss, theft or destruction

1 of the firearm! shall-

2 (a) notify such loss! theft or destruction and the circumstances of it
3 within 14 days to the authority who issued the licence or permit, surrender the
4 licence or permit; and

5 (b) do such other action as the authority may consider necessary.

6 (3) Where the holder of a licence or permit dies! a person lawfully in
7 possession of the chattels of the deceased or a person to whom a firearm or
8 ammunition of the deceased has been bequeathed may notwithstanding any
9 other provision of this Act, lawfully have in his possession a firearm or
10 ammunition in respect of which the deceased person held a licence or permit
11 for a period of 14 days after such death.

12 (4) Notwithstanding the provisions of subsection (3) of this section,
13 the Inspector-General of Police may, if he deems fit, seize the firearm or
14 ammunition and retain or deposit same in a public armoury as provided in the
15 Firearms Act, until a licence or permit is granted in respect of such firearm.

16 (5) The occurrence of any of the situation provided in subsection (2),
17 (3) and (4) of this section, shall be reported to the National Centre within 30
18 days for record and analysis.

Ammunition

19 **10.-(1)** A person shall not have in his possession or under his control
20 any ammunition for any firearm and any component part of any ammunition or
21 gun powder or trade powder intended or used as a component part, except in
22 accordance with the terms of a license or permit granted to him and in respect of
23 such firearm.

24 (2) The provisions of sub-section (1) of this section shall apply in
25 respect of all ammunition, except-

26 (a) lead shot for use only as a weight; or

27 (b) blank cartridges other than those for humane killers not exceeding
28 2.54 centimeters in diameter.

Prohibition of
dealing in arms
or ammunition

29 **11.-(1)** A person shall not buy, sell, transfer, expose for sale or transfer,
30 or have in his possession for sale or transfer, any firearm unless the person is

1 registered as a firearms dealer.

2 (2) Notwithstanding the provisions of any other law, any
3 application for registration as a firearm dealer shall be confirmed by the
4 National Centre before approval.

5 (3) The National Centre shall maintain a database of registered
6 firearms dealers in Nigeria.

7 (4) A person shall not buy, sell, transfer or expose for sale or
8 transfer or have in his possession for sale or transfer any ammunition,
9 except-

10 (a) the ammunition specified at section 5 (b) of this Act or Part 11 of
11 the Firearms Act; and

12 (b) he is registered as a firearms dealer.

13 (5) The President may, upon the advice of the National Centre
14 direct-

15 (a) the registration of any person as a dealer in firearms; and

16 (b) that any such registration of a dealer be cancelled.

17 **12.-(1)** A registered firearms dealer shall-

Registered dealer's
armouries

18 (a) construct, in accordance with the requirements prescribed by
19 Regulations pursuant to the Firearms Act, and maintain in proper repair, an
20 armoury at each place in respect of which he carries on business;

21 (b) keep an up to date records of transactions at each place where he
22 carries on business, and shall make such returns in respect of the records as
23 may be prescribed by the National Centre;

24 (c) in the case of loss, theft or destruction of a firearm in his
25 possession, shall notify such loss, theft or destruction within 7 days of the
26 occurrence to the Inspector-General of Police and the National Centre, for
27 record and analysis; and

28 (d) A registered firearms dealer shall permit inspection of each
29 place where he carries on business and the records maintained, by a police
30 officer, upon production by such police officer of the written authority of the

| | | |
|--|----|--|
| | 1 | Inspector-General of Police. |
| | 2 | (2) The National Centre- |
| | 3 | (a) may conduct periodic inspection of registered firearms dealers |
| | 4 | armoury across Nigeria; and |
| | 5 | (b) shall keep records of all registered dealers armoury across |
| | 6 | Nigeria. |
| Sale or transfer of firearms or ammunition | 7 | 13. -(1) A person, whether a registered firearms dealer or not, shall not |
| | 8 | sell or transfer any firearm or ammunition to any person, except- |
| | 9 | (a) another registered firearms dealer; or |
| | 10 | (b) the person produced a licence or permit authorizing him to possess |
| | 11 | such firearm or ammunition. |
| | 12 | (2) Any regulations made under this Act and pursuant to the Firearms |
| | 13 | Act may permit the sale or transfer of a firearm or ammunition by a registered |
| | 14 | firearms dealer to a person who is not the holder of a licence or permit intending |
| | 15 | to obtain such licence, upon conditions to be prescribed in such regulations. |
| Stamping of all firearms sold | 16 | 14. -(1) A person, whether a registered firearms dealer or not, shall not |
| | 17 | sell or transfer any firearm unless- |
| | 18 | (a) there is stamped permanently on it, the maker's name and number |
| | 19 | or such other particulars as may be prescribed; and |
| | 20 | (b) the name or number is specified in any licence or permit produced |
| | 21 | in accordance with section 11 of the Firearms Act. |
| | 22 | (2) A person, whether a registered firearms dealer or not, shall not |
| | 23 | alter or render illegible the maker's name or number or other prescribed |
| | 24 | particulars stamped upon a firearm without the consent in writing of the |
| | 25 | Inspector General of Police. |
| | 26 | (3) Where the provisions of subsection (2) of this section is |
| | 27 | contravened, the inspector General of Police shall notify the National Centre |
| | 28 | for record and analysis. |

| | | |
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| 1 | 15. -(1) The National Centre shall have power to collect- | Collection and storage of small arms and light weapons |
| 2 | (a) small arms which are surplus to the national needs or have | |
| 3 | become obsolete; | |
| 4 | (b) seized light weapons; | |
| 5 | (c) unmarked light weapons; | |
| 6 | (d) illegally held light weapons; and | |
| 7 | (e) small arms collected in the implementation of peace accords or | |
| 8 | programmes for the voluntary handing over of the weapons. | |
| 9 | (2) A small arm or light weapon collected pursuant to the | Management and security of stockpiles |
| 10 | provisions of subsection (1) of this section shall be registered and securely | |
| 11 | stored or destroyed. | |
| 12 | (3) The National Centre shall promote and carry out programmes | |
| 13 | of voluntary handing over of small arms and light weapons. | |
| 14 | 16. -(1) The National Centre shall take the necessary measures to | |
| 15 | ensure the safe and effective management, storage and security of national | |
| 16 | stocks of small arms and light weapons. | |
| 17 | (2) The National Centre shall, pursuance to the provisions of | |
| 18 | subsection (1) of this section, establish effective standards and procedures | |
| 19 | for stockpile management, storage and security, including- | |
| 20 | (a) appropriate site; | |
| 21 | (b) physical security measures of storage facilities; | |
| 22 | (c) inventory management and record keeping; | |
| 23 | (d) staff training; | |
| 24 | (e) security during manufacture and transportation; and | |
| 25 | (f) sanctions in case of theft or loss. | |
| 26 | (3) The National Centre shall ensure that stockpiles of small arms | |
| 27 | and light weapons by manufacturers, dealers as well as individuals are | |
| 28 | securely stored in accordance with the appropriate standards and | |
| 29 | procedures. | |

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| | 1 | PART IV - REGISTER OF SMALL ARMS AND LIGHT WEAPONS |
| Establishment of register of small arms and light weapons | 2 | 17.-(1) The National Centre shall keep and maintain a computerised |
| | 3 | register of small arms and light weapons and a comprehensive national |
| | 4 | database, in which shall be recorded the following information- |
| | 5 | (a) description of the product (type, model and caliber) and quality |
| | 6 | (where it concerns a batch); |
| | 7 | (b) content of the marking; |
| | 8 | (c) names and addresses of the former and current owners and, where |
| | 9 | possible, successive owners; |
| | 10 | (d) date of registration; and |
| | 11 | (e) information concerning each transaction, including- |
| | 12 | (i) the name and address of the shipper, the intermediary (where |
| | 13 | applicable), the consignee and the user indicated on the end-user-certificate, |
| | 14 | (ii) the point of departure, transit and destination, as well as the |
| | 15 | customs references and the dates of departure, transit and delivery to the end- |
| | 16 | user, |
| | 17 | (iii) the export, transit and import licence (quantities and batches |
| | 18 | corresponding to the same licence as well as the validity of the licence), |
| | 19 | (iv) full details concerning the method of transport and the |
| | 20 | transporter, |
| | 21 | (v) the controlling agency or agencies at point of departure, transit and |
| | 22 | entry, |
| | 23 | (vi) the nature of the transaction, whether commercial, non- |
| | 24 | commercial, private or public, conversion, repair, and |
| | 25 | (vii) where applicable, the insurer and the financial institution |
| | 26 | intervening in the transaction. |
| | 27 | (2) The records in the Register of the National Centre shall also be |
| | 28 | kept in the custody of designated agencies. |
| Register of arms for peace operations | 29 | 18.-(1) The National Centre shall- |
| | 30 | (a) keep and maintain a register of small arms and light weapons |

1 destined for use in peacekeeping operations both within and outside the
2 ECOWAS or AU territory to ensure the control of movements of small arms
3 and light weapons and their effective withdrawal at the end of peace
4 operations in which member;

5 (b) declare to the executive secretariat of ECOWAS, AU and UN
6 organization of all small arms and light weapons-

7 (i) used in peace keeping operations, or

8 (ii) seized, collected or destroyed during peace keeping operations
9 in Nigeria and in the ECOWAS or AU region.

10 (2) For the purpose of implementing the provisions of sub section
11 (1) of this section-

12 (a) the Armed Forces, the Police and any other security agency
13 engaged in peace keeping operations shall-

14 (i) prior to the commencement of the operation, submit to the
15 National Centre a register or record of small arms and light weapons to be
16 used in the operation, and

17 (ii) after the operation, submit to the National Centre a register or
18 record of small arms and light weapons used in the operations or seized,
19 collected or destroyed during the operations;

20 (b) the National Centre may at any time necessary, request from the
21 Armed Forces, the Police or any other security agency engaged in peace
22 keeping operations, a register or record of small arms and light weapons to
23 be used, used, seized, collected or destroyed during the operations;

24 (c) a register of small arms and light weapons used by arms bearing
25 agencies shall be forwarded to the National Centre quarterly; and

26 (d) a list of ammunitions before and after a peace keeping mission
27 by arms bearing agencies shall be forwarded to the National Centre.

28 **19.** The National Centre shall establish a National Small Arms
29 Registry to be managed by an arms Registrar who shall-

Small arms
registry

30 (a) keep, maintain and update, from time to time, the Registers

1 established under this Act;

2 (b) transmit the Registers to the secretariat of the ECOWAS in
3 accordance with the provisions of ECOWAS Convention; and

4 (c) carry out any other responsibility in respect of small arms and light
5 weapon record and documentation in the Nigeria.

6 PART V - CONTROL OF THE MANUFACTURE OF SMALL ARMS
7 AND LIGHT WEAPONS

Control of the
manufacture of
small arms and
light weapons

8 **20.**-(1) The National Centre shall-

9 (a) control the manufacture of small arms and light weapons in
10 Nigeria;

11 (b) regulate the activities of local and artisanal small arms and light
12 weapons manufacturers; and

13 (c) adopt strategies and policies for the reduction or limitation of the
14 manufacture of small arms and light weapons so as to control the local
15 manufacture as well as their market within ECOWAS.

16 (2) The National Centre shall prepare and maintain an exhaustive list
17 of local manufacturers of small arms and light weapons and ensure their
18 registration in the Register of Small Arms and Light Weapons established
19 under section 17 of this Act.

Measures for
the control of
manufacture of
small arms and
light weapons

20 **21.** The National Centre shall not grant a request for the manufacture
21 of small arms and light weapons except the manufacturer gives information
22 relating to-

23 (a) details of the arms to be manufactured and the quantity, exact type
24 and kind of arms using ECOWAS classification system, including all serial
25 numbers and other markings;

26 (b) the procedure for marking and entering details of each small arm
27 and light weapon into the Register of Small Arms and Light Weapons
28 established under section 17 of this Act; and

29 (c) information on the storage and management of the small arms and
30 light weapons after manufacture.

- 1 **22.**-(1) The National Centre shall exchange with other ECOWAS, Tracing
2 AU and UN State Parties, information on-
- 3 (a) illegal small arms and light weapons;
4 (b) seized small arms and light weapons; and
5 (c) trafficking in weapons that contravene international law or the
6 internal laws of the States in which the operations take place, including
7 condemnation of the person or institution implicated, sanctions, disposal,
8 destruction methods and neutralization.
- 9 (2) The National Centre shall, in the case of other small arms and
10 light weapons, exchange the following data on a regular basis with the
11 bodies mentioned in subsection (1) of this section-
- 12 (a) manufacture, marking system and techniques used, and
13 authorized manufacturers;
14 (b) transfers, exports to and imports from all other states, and
15 transits;
16 (c) information available concerning national legislation, existing
17 practices and controls, authorized dealers and brokers; and
18 (d) existing stockpiles, management, inventory, security, surplus,
19 loss, theft and destruction.
- 20 (3) The National Centre may initiate a tracing request through
21 ECOWAS, AU or UN in relation to small arms and light weapons found
22 within Nigeria that it considers to be illegal.
- 23 (4) A request by the National Centre for assistance in tracing illegal
24 small arms or light weapons shall contain sufficient information, including-
- 25 (a) information describing the illegal nature of the small arms and
26 light weapons, its legal justification and circumstances under which the
27 small arms and light weapons were found;
28 (b) marking, type, caliber and other relevant information; and
29 (c) intended use of the information being sought.
- 30 (5) Where the National Centre receives through the ECOWAS, AU

1 or UN request for assistance in tracing illegal small arms and light weapons
 2 found in the requesting member state, the National Centre shall acknowledge
 3 its receipt within a reasonable time frame.

4 (6) A request from a member state received under subsection (5) of
 5 this section shall contain the information set out in subsection (4) of this section
 6 and any other information as may be specified by the National Centre.

7 (7) The National Centre shall provide reliable responses to tracing
 8 requests made by other member states within 1 month from the date of receipt
 9 of the request.

10 (8) In responding to a tracing request, the National Centre shall
 11 provide all available information sought by the requesting member state that is
 12 relevant for the purposes of tracing illegal small arms and light weapons.

13 (9) The National Centre may seek additional information from the
 14 requesting member state where a tracing request does not contain the
 15 information required under this section

16 PART VI - MISCELLANEOUS

Offences and
penalties

17 **23.**-(1) Any person in possession of firearms or ammunition without a
 18 licence shall on conviction be liable to 2 years imprisonment or a fine of not
 19 less than N1,000,000.00 or both where the person has no previous criminal
 20 record.

21 (2) Any person with previous criminal records found in possession of
 22 firearms without a licence shall on conviction be liable to 5 years imprisonment
 23 without fine.

24 (3) Where a person commits an act of violence with a firearm that is
 25 not licenced such person shall on conviction be liable to 6 years imprisonment.

26 (4) A person who commits an offence under this Act for which no
 27 penalty is prescribed shall be liable on conviction to not less than 1 year
 28 imprisonment or a fine of not less than N500, 000.00 or both.

Public education
and awareness
programme

29 **24.**-(1) The National Centre shall, in the interest of promoting peace,
 30 design public and community education and awareness programmes at

1 national, state and local levels in order to involve Nigerians in the efforts to
2 control the proliferation of small arms and light weapons.

3 (2) The National Centre shall, in pursuance of subsection (1) of
4 this section, develop and partner with civil society organizations at national,
5 state and local levels, including women, youth and other organisations, for
6 better information and public awareness on the danger of proliferation of
7 small arms and light weapons.

8 **25.** The President may give to the National Centre such directives
9 of a general nature or relating specifically to matters of policy, with regards
10 to the exercise of the functions of the National Centre as he may consider
11 necessary and the National Centre shall comply with the directives.

Directives of
the President

12 **26.** The National Centre may make regulations and issue
13 guidelines as are necessary or expedient for the effective and efficient
14 implementation of the provisions of this Act.

Regulations

15 **27.** As from the commencement of this Act, the Presidential
16 Committee for the Control of Small Arms and light Weapons (PRESCOM)
17 constituted by the President is dissolved.

Dissolution of
the Presidential
Committee for
the Control of
Small Arms and
Light Weapons

18 **28.-(1)** The dissolution of PRESCOM as specified in section 27 of
19 this Act shall not affect anything done or purported to have been done by the
20 PRESCOM.

Savings and
transitional
provisions

21 (2) The right, interest, obligation, proceedings, assets and liability
22 of the PRESCOM existing before the commencement of this Act shall by
23 virtue of this Act be deemed to be that of the National Centre, to the extent
24 that they are not inconsistent with any of the provisions of this Act.

25 (3) Any reference to the PRESCOM or any person under its control
26 or a document issued in the name of the PRESCOM shall be read, unless the
27 context otherwise requires, as a reference to the National Centre established
28 under this Act.

29 **29.** In this Act-

Interpretation

30 "ammunition" means devices designed to be shot or projected through the

- 1 means of firearms, including-
- 2 (a) cartridges,
- 3 (b) projectiles and missiles for light weapons, and
- 4 (c) mobile containers with missiles or projectiles for anti-aircraft or
- 5 anti-tank single action systems;
- 6 "AU" means the African Union;
- 7 "Convention" means the Economic Community of West African States
- 8 Convention on Small Arms and Light Weapons, their Ammunition and Other
- 9 Related Materials, done at Abuja on 14th June, 2006;
- 10 "ECQWAS" means the Economic Community of West African States;
- 11 "illicit" means all that is carried out in violation of this Act and the Convention;
- 12 "light weapons" means portable arms designed to be used by several persons
- 13 working together in a team and include notably-
- 14 (a) heavy machine guns,
- 15 (b) portable grenade launchers, mobile or mounted,
- 16 (c) portable anti-aircraft cannons,
- 17 (d) portable anti-tank cannons, non-recoil guns,
- 18 (e) portable anti-tank missile launchers or rocket launchers, and
- 19 (f) mortars with a caliber of less than one hundred millimeters;
- 20 "marking" means inscriptions permitting the identification of arms covered by
- 21 this Act and the Convention;
- 22 "muzzle-loading firearm" means firearms into which the projectile and usually
- 23 the propellant charge is loaded from the muzzle of the gun, including Dane-
- 24 guns, Flint-lock guns and Cap-guns;
- 25 "National Centre" means National Centre for the Control of Small Arms and
- 26 Light Weapons established under section 3 of this Act;
- 27 "other related materials" means all components, parts or spare parts for small
- 28 arms or light weapons or ammunition necessary for its functioning; or any
- 29 chemical substance serving as active material used as propelling or explosive
- 30 agent;

- 1 "small arms" means arms used by one person and include-
- 2 (a) firearms and other destructive arms or devises such as an
- 3 exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket
- 4 launcher, a missile system or landmine,
- 5 (b) revolvers and pistols with automatic loading,
- 6 (c) riffles and carbines,
- 7 (d) machine guns,
- 8 (e) assault rifles, and
- 9 (f) light machine guns;
- 10 "small arms and light weapons" includes ammunition and other related
- 11 materials;
- 12 "tracing" includes the systematic monitoring of the movement of small arms
- 13 and light weapons and their ammunition and other related materials, from
- 14 the manufacturer until the end user, with a view to helping members states or
- 15 competent authorities to detect illegal manufacture and trading; and
- 16 "weapons of categories 1, 2 and 3" means light weapons, small arms and
- 17 ammunition, respectively.
- 18 **30.** This Bill may be cited as the Control of Small Arms and Light Short title
- 19 Weapons Bill, 2021.

EXPLANATORY MEMORANDUM

*(This memorandum does not form part of the Bill but is intended
to explain its purport)*

This Bill seeks to provide for the control of small arms and light weapons in Nigeria and the establishment of National coordination body at ONSA to coordinate and implement activities to combat the problem of the proliferation of small arms and light weapons in Nigeria in line with the UN, AU, ECOWAS Convention and other international instruments and Protocols on small arms and light weapons.

CHARTERED INSTITUTE OF FORENSIC AND CERTIFIED FRAUD ANALYSTS
OF NIGERIA (EST. ETC.) BILL, 2021

ARRANGEMENT OF SECTIONS

PART I - ESTABLISHMENT OF CHARTERED INSTITUTE OF FORENSIC
AND CERTIFIED FRAUD ANALYSTS OF NIGERIA.

1. Establishment of Chartered Institute of Forensic and Certified Fraud Analysts of Nigeria.
2. Categories of Membership

PART II - FUNCTIONS AND RESPONSIBILITIES OF THE INSTITUTE

3. Functions and responsibilities of the Institute.

PART III - ELECTION OF PRESIDENT, FIRST AND SECOND VICE-
PRESIDENTS AND OTHER PRINCIPAL OFFICERS OF THE INSTITUTE.

4. Election of President, qualifications and tenure of office.

PART IV - ESTABLISHMENT OF GOVERNING COUNCIL, ITS
MEMBERSHIP AND FUNCTIONS

5. Governing Council, its membership and functions.

PART V - FINANCIAL PROVISIONS

6. Fund of the Institute.

PART VI - APPOINTMENT OF REGISTRAR AND
PREPARATION OF REGISTER

7. Appointment of Registrar and preparation of register
8. Publication of register of members
9. Registration of members of the Institute
10. Approval of qualifications, etc.
11. Supervision of instructions and examinations leading to approved qualifications

PART VII - PROFESSIONAL DISCIPLINE

12. Establishment of Investigating Panel and Disciplinary Tribunal.

PART VIII - MISCELLANEOUS

13. Penalties for professional misconduct.

14. Rules as to practice, etc.
 15. Provision of library facilities, etc.
 16. Regulations and rules.
 17. Offences and penalties.
 18. Transfer to the Institute of certain assets and liabilities.
 19. Interpretation.
 20. Short Title
- Schedules

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF FORENSIC AND CERTIFIED FRAUD ANALYSTS OF NIGERIA CHARGED WITH THE RESPONSIBILITY OF PROMOTING FORENSIC INVESTIGATION, ENFORCEMENT OF ETHICAL CONDUCTS OF MEMBERS OF THE INSTITUTE AND DETERMINATION OF THE KNOWLEDGE AND SKILLS TO BE ATTAINED BY PERSONS SEEKING TO BECOME REGISTERED MEMBERS; AND FOR RELATED MATTERS

Sponsored by Senator Sadiq Umar

[] Commencement

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

1 PART I - ESTABLISHMENT OF CHARTERED INSTITUTE OF FORENSIC
2 AND CERTIFIED FRAUD ANALYSTS OF NIGERIA

3 1.-(1) There is established the Chartered Institute of Forensic and
4 Certified Fraud Analysts of Nigeria (in this Bill referred to as 'the Institute').

Establishment
of Chartered
Institute of Forensic
and Certified Fraud
Analysts of Nigeria

5 (2) The Institute-

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

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

9 (c) may acquire, hold and dispose of any property, movable and
10 immovable.

11 2.-(1) Subject to this Act, a person admitted to membership of the
12 Institute shall be registered as a member in the categories of -

Categories of
Membership

13 (a) Fellow, Chartered Institute of Forensic and Investigative
14 Professionals of Nigeria (FCFIP);

15 (b) Chartered Member, Chartered Institute of Forensic and
16 Certified Fraud Analysts (CFCFA);

1 (c) Associate Member, Chartered Institute of Forensic and Certified
2 Fraud Analysts (AFCFA);

3 (d) Graduate Member, Chartered Institute of Forensic and Certified
4 Fraud Analysts of Nigeria (GFCfA);

5 (e) Student Member, Chartered Institute of Forensic and Certified
6 Fraud Analyst of Nigeria (SFCA), and

7 (f) Honorary Fellow, Chartered Institute of Forensic and Certified
8 Fraud Analysts (HFFIP): Provided they meet the criteria set by the Council for
9 registration in the Categories of Membership respective category from time to
10 time.

11 (2) A person registered under this Bill as a forensic and Certified fraud
12 Analysts is entitled to be enrolled as-

13 (a) a Fellow, if he-

14 (i) satisfies the Council that for the period of 10 years immediately
15 preceding the date of application he has been a financial and chartered member
16 of the Institute;

17 (ii) has attended the national conference of the Institute for at least
18 six times, and have participated in the (iii);

19 (iii) mandatory continuing education for 10 years, has been
20 nominated by the Council or he is a fellow of any reputable forensic body in
21 Nigeria or abroad as may be recognized by the Council through a Circular;

22 (iv) has held senior management positions in organization either in
23 the private or public sector for at least 10 years:

24 (a) satisfies all other criteria as may be specified by the Council;

25 (b) a Chartered Member, if he-

26 (i) holds a university degree or its equivalent in computer forensics,
27 cyber forensics, cybercrimes, forensic accounting, accountancy, finance, law,
28 criminology, taxation, economics, psychology or such other disciplines as may
29 be approved by the Council;

30 (ii) holds professional qualification in law, criminology, economics,

1 finance, psychology, computer forensic, system audit, with at least five
2 years post professional experience;

3 (iii) possess practical experience as a forensic investigator in fraud
4 detection and prevention for at least five years immediately preceding the
5 date of application to be enrolled as chartered member; or

6 (iv) satisfies the Council that he has passed relevant examination
7 prescribed or accepted by the Institute.

8 (c) an Associate Member, if he-

9 (i) holds university degree in the relevant field as may be deemed
10 fit by the Council;

11 (ii) satisfies the Council that he has passed relevant examination
12 prescribed or accepted by the Institute;

13 (iii) is an associate member or its equivalent of any reputable and
14 professional forensic bodies as set out in the Fourth Schedule and
15 recognized by the Council through a circular, or Fourth Schedule;

16 (iv) is otherwise considered by the Council;

17 (v) is otherwise considered eligible to be so enrolled.

18 (d) a Graduate Member, if he-

19 (i) holds a university degree in computer forensics, cyber
20 forensics, law, finance, criminology, accounting, taxation, economics,
21 psychology, information technology and received the approved training and
22 passed the relevant examinations prescribed by the Institute; or

23 (ii) is otherwise considered by the Institute to be eligible to be so
24 controlled or registered;

25 (e) a Student Member, if he-

26 (i) passed a preliminary qualifying examination or has reached a
27 standard of education prescribed by the Council, or

28 (ii) is undergoing a degree programme or its equivalent in
29 computer forensics, accountancy, forensic accounting, finance,

1 criminology, psychology or other approved course acceptable to the Council
2 for enrollment;

3 (f) an Honorary Fellow if, in the opinion of the Council, he has-

4 (i) rendered outstanding support to advance forensics and the course
5 of forensic investigators in Nigeria or abroad, and

6 (ii) been found worthy to be invited by the Council to be so enrolled.

7 (3) A member of the Institute is entitled to receive from the Council a
8 letter of registration of membership for the category of membership and-

9 (a) a member registered into the category of Student Member is
10 entitled to use the initial, SFIP;

11 (b) a member registered into the category of Graduate Member is
12 entitled to use the initial, GFIP;

13 (c) a member registered into the category of Member Associate is
14 entitled to use the initial, AFIP;

15 (d) a member registered into the category of Chartered Member is
16 entitled to use the initial, CFIP;

17 (e) a member registered into the category of Fellow is entitled to use
18 the initial, FCFIP, and;

19 (f) a member registered into the category of Honorary Fellow is
20 entitled to use the initial, HFFIP, after his name as may be authorized by the
21 Council.

22 **PART II - FUNCTIONS AND RESPONSIBILITIES OF THE INSTITUTE**

Functions and
responsibilities
of the Institute

23 **3.-(1) The Institute shall-**

24 (a) promote and advance the forensic sciences and enhance capacity
25 for fraud prevention, detection and investigation in public and private
26 organizations that engender integrity, objectivity and trust in forensic reporting
27 process to inspire public confidence in the Nigerian economy;

28 (b) determine the standards of knowledge and skill to be attained by
29 persons seeking to become registered members of the Institute, and review
30 those standards;

1 (c) offer platform for energetic and practical professionals to learn
2 the techniques that go beyond the basic and traditional knowledge of crimes
3 and fraud detection;

4 (d) provide excellent opportunities on national and international
5 level to deliver the skills and techniques of forensic investigation that
6 engender transparency, accountability in anti-fraud and fraud investigation;

7 (e) promote and maintain high standard professional etiquette and
8 conduct of its members in tune with global best practices;

9 (f) promote and facilitate the training, education and examination
10 of persons desiring to become professional forensic investigators, fraud
11 investigators, and cybercrime forensic specialist according to the provisions
12 of this Bill;

13 (g) develop and improve the technique and practice of forensic
14 investigations in all ramifications and to promote the study of, and provide
15 instruction in, forensic investigation;

16 (h) collaborate with relevant government organizations in the
17 training of professionals on forensic investigation, forensic auditing, white
18 collar crimes investigation, fraud prevention, detection and investigation;

19 (i) promote a specialized and professional training for qualified
20 and experienced forensic investigators, criminal investigators, fraud
21 investigators, and forensic students and to do such other that may be
22 necessary or desirable to maintain and advance the status and interest of the
23 profession;

24 (j) promote knowledge, proficiency, professional skills of its
25 students and members in private practice, service and employment of
26 government and semi-government, municipal, industrial, financial
27 institutions and commercial organization;

28 (k) provide a professional certification for forensic investigators,
29 that will further enhance anti-fraud and forensic training and education
30 amongst members, cyber-crime forensic specialists, etc.;

1 (l) promote and maintain high standards of professional etiquette and
2 conduct;

3 (m) require Chartered Forensic and Investigative Professionals and
4 Chartered Cyber Forensic Specialists (CFIP/CCFS) members to adhere to a
5 strict code of professional conduct and ethics;

6 (n) provide skills and professional certification for forensic and
7 investigative professionals, cyber-crimes forensic specialists, forensic
8 investigators and as a whole, through knowledge based for forensic and
9 investigative professionals.

10 (o) instill professionalism in all its members working in both the
11 private and public sector of the economy for efficiency and effectiveness in line
12 with global best practices

13 (p) provide bona fide qualifications for chartered forensic
14 investigators, forensic and chartered cyber forensic specialists through
15 administration of appropriate professional examination;

16 (q) Certify its members as forensic investigators including those that
17 shall be involved in white collar crime investigation in Nigeria, after passing
18 the prescribed examination or test;

19 (r) to regulate the professional conduct and ethics of its members in
20 the discharge of their functions through the issuance of professional code of
21 conduct for its members with the intention to ensure that the profession is not
22 brought to disrepute;

23 (s) provide capacity building programmes to public and private
24 organizations on forensic evidence and forensic investigation;

25 (t) offer advice to government at all levels on matters of policy
26 relating forensics and forensic investigations;

27 (u) Organize conferences, seminars, symposia, trainings, workshops
28 and meetings for discussion of forensic investigation, cyber-crime forensic
29 specialist and related disciplines as part of measures to keep members abreast
30 of development in the field of forensic investigations

1 (v) perform such other functions as are incidental to the objects or
2 as the Council may deem necessary for the attainment of all or any of the
3 objectives of the Institute, from time to time.

4 (2) From the commencement of this Bill, members of the Institute
5 shall receive professional development and certification in various areas of
6 forensic investigation including-

7 (a) Cyber Security and Digital Forensic:

8 (i) fraud prevention, detection and investigation;

9 (ii) Forensic Engineering.

10 (b) cyber and computer forensics(including digital and multimedia
11 forensics);

12 (c) forensic and trace evidence analysis;

13 C, Forensic Auditing and investigation

14 (d) forensic linguistics;

15 (e)crime scene investigation;

16 E, NDA Analysis

17 (f) forensic deontology

18 (g) cyber-crimes forensic;

19 G, Forensic Phshology

20 (h) litigation support and expert witness;

21 (i) cyber security forensic;

22 (j) Forensic Finger print and signature analysis

23 (k) forensic voice and facial recognition;

24 (l) forensic sciences;

25 (i) Forensic Crime Scene Investigation

26 (m) forensic investigations;

27 m, Forensic Sociology

28 (n) Digital Forensics and cybercrime, forensic science;

29 (o) Forensic entomology and forensic, linguistics

30 (p) forensic pathology, anthropology and toxicology; and

Election of
President, First
and Second Vice-
Presidents and
other Principal
Officers of the
Institute

1 (q) other areas as may be approved by the Council in accordance with
2 the provisions of this Bill or as may be stipulated by an Act of National
3 Assembly.

4 **PART III - ELECTION OF PRESIDENT, FIRST AND SECOND**
5 **VICE-PRESIDENTS AND OTHER PRINCIPAL OFFICERS OF THE INSTITUTE**

6 **4.-(1)** There is established the offices of the President and the 1st and
7 2nd Vice-Presidents of the Institute who shall be Fellows of the Institute.

8 (2) The President and Vice-Presidents are elected at the Annual
9 General Meeting (AGM) of the Institute and shall each hold office for two
10 years from the date of the election with the option for re-election for another
11 two years or for such duration as the Council may approve.

12 (3) The President shall be the Chairman of the Council established
13 under section 5 of this Bill.

14 (4) The President shall preside at all meetings of the Institute and, in
15 the event of his absence, death, permanent incapacity or disability, the First
16 Vice-President or, in the absence of the First Vice-President, the Second Vice-
17 President shall preside.

18 (5) The First Vice-President shall, in the event of death, permanent
19 incapacity or disability of the President, act for the unexpired term of office of
20 the President and the Second Vice-President shall assume the office of the First
21 Vice-President, and the Council shall appoint one of its members to assume the
22 post of the Second Vice-President and reference in this Bill to the President
23 shall be construed accordingly.

24 (6) The President shall be a fellow of the Institute and shall possess a
25 degree in forensic science or related disciplines as may be approved by the
26 Council and shall have been fully involved in the activities of the Institute and a
27 financial member for at least five years to be qualified for nomination as
28 President of the Institute.

29 (7) The tenure of office of the President is two years, but in the case of
30 the founding or pioneer President, it is three tenures in office as President from

1 the date of commencement of this Act.

2 (8) If the President or any of the Vice-Presidents cease to be a
3 member of the Institute he shall ipso facto cease to hold any of the offices
4 designated under his section.

5 (9) The President shall hold office until his successor is elected to
6 take over from him at the Annual General Meeting of the Institute.

7 (10) The principal officers of the Institute are the-

8 (a) President;

9 (b) First and Second Vice-Presidents;

10 (c) Registrar;

11 (d) Secretary;

12 (e) Treasurer; and

13 (f) Legal Adviser.

14 (11) The principal officers listed under subsection (10) shall be
15 financial members of the Institute in the grades of Fellows, Associate
16 Members and Licentiate Members and is elected to office biennially at the
17 second Council meeting for another two years in accordance with the
18 provisions of this Bill.

19 PART IV - ESTABLISHMENT OF GOVERNING COUNCIL OF

20 THE INSTITUTE, ITS MEMBERSHIP AND FUNCTIONS

21 **5.-(1)** There is established for the Institute, a Governing Council
22 (in this Act referred to as "the Council") charged with responsibility for
23 policy making, and general guidance of the institute.

Governing Council,
its membership
and functions

24 (2) The Council shall consist of-

25 (a) the President of the Institute, who is the Chairman of the
26 Council;

27 (b) First and Second Vice-Presidents;

28 (c) the immediate past President of the Institute;

29 (d) eight Fellows of the Institute who shall be experts in forensic
30 investigation practice and financially active;

1 (e) the Registrar of the Institute, who is also the Secretary of the
2 Council; and

3 (f) the Pioneer President.

4 (3) The President and members of the Council shall be paid such
5 emoluments; allowances as may be prescribed by the Council.

6 (4) The supplementary provisions set in the First Schedule to this Bill
7 shall have effect with respect to the qualifications and tenure of office of
8 members of the Council.

9 **PART V - FINANCIAL PROVISIONS**

Fund of the
Institute

10 **6.-(1)** There shall be established for the Institute a fund (in this Act
11 referred to as "the Fund"), which shall be managed and controlled by the
12 Council.

13 (2) There shall be paid into the Fund-

14 (a) all fees, charges and monies payable to the Institute under this Bill;
15 and

16 (b) such other money as may be received by the Institute in the course
17 of its operation or in relation to the performance of any of its functions under
18 this Bill.

19 (3) There shall be paid out of the Fund of the Institute-

20 (a) the remuneration of the Registrar and other employees of the
21 Institute;

22 (b) such reasonable travelling and subsistence allowances of
23 members of the Council in respect of time spent on the business of the Council
24 as the Council may determine; and

25 (c) any other expenses incurred by the Council in the performance of
26 its functions under this Bill.

27 (4) The Council may invest money from the Fund in any security
28 created or issued by or on behalf of the Federal Republic of Nigeria or in any
29 other security in Nigeria approved by the Council.

30 (5) The Council may borrow money for the purposes of the Institute at

1 an interest agreed by the Council, which shall be paid out of the Fund.

2 (6) All the Members in Nigeria shall cause to be paid to the Fund,
3 an annual subscription as may be agreed by the Council.

4 (7) The Institute shall, not later than 31st December of each year,
5 approve the estimate of its expenditure and income for the next succeeding
6 year as may be prepared by the President and lay before the Council for
7 approval.

8 (8) The Institute shall accept money in form of gift, loans, grants-
9 in-aid, intervention from government, national, international, bilateral and
10 multilateral agencies or otherwise.

11 (9) The Council shall, on behalf of the Institute-

12 (a) keep proper books of accounts in respect of each financial year
13 and proper records in relation to those accounts; and

14 (b) cause the accounts to be audited after the end of the year, to
15 which the account relates by a firm of auditors approved by the Institute and,
16 when audited, the account shall be submitted to the members of the Institute
17 for approval at an Annual General Meeting of the Institute.

18 PART VI - APPOINTMENT OF REGISTRAR AND PREPARATION

19 OF REGISTER

20 7.-(1) There shall be a Registrar of the Institute who shall be an
21 appointed by the Council and shall be-

Appointment of
Registrar and
preparation of
register

22 (a) a Fellow of the Institute and possess other qualifications as
23 Stipulated under this Bill; and

24 (b) in charge of the Registry of the Institute, and receive directives
25 from the Council through the President.

26 (2) The Registrar shall in addition to other functions under this Bill,
27 be the Secretary of the Council and shall keep minutes of the proceedings of
28 all meetings of the Council.

29 (3) A person is qualified to be appointed to the office of the
30 Registrar of the Institute if he-

- 1 (a) is a citizen of Nigeria,
2 (b) possesses a minimum qualification of second degree in the
3 relevant field from a recognized institution of higher learning,
4 (c) has at least 10 years' cognate experience, and
5 (d) Possess any professional qualification as the Council may deem
6 fit.

7 (4) If the Registrar retires or resigns from office, a qualified member
8 of the Institute shall be appointed by the Council as the Registrar of the Institute
9 and shall be in charge of affairs from that moment.

10 (5) The Registrar shall prepare and maintain, in accordance with rules
11 made by the Council, a register of the names, addresses, approved
12 qualifications, and of such other qualifications and particulars as may be
13 specified in the rules of all persons who are entitled in accordance with the
14 provisions of this Bill to be registered as members of the Institute and who, in
15 the manner prescribed by such rules, apply to be so registered.

16 (6) There shall be other staff of the Institute who shall be appointed by
17 the Registrar with the approval of the Council to assist the Registrar in the
18 running of the Institute.

19 (7) There shall be for the purpose of this Bill, the register of members
20 which shall consist of-

- 21 (a) the first part in respect of Student Members;
22 (b) the second part in respect of Graduate Members;
23 (c) the third part in respect of Associate members;
24 (d) the forth part in respect of Chartered Members;
25 (e) the fifth part in respect of Fellows; and
26 (f) the sixth part in respect of Honorary Fellows.

27 (8) Subject to the provisions of this section, the Council shall make
28 rules with respect to the form and keeping of the register and the making of
29 entries in it, and in particular:

- 30 (a) regulate the making of applications for registration, as the case or

1 may be, and provide for the evidence to be produced in support of such
2 applications;

3 (b) provide for the notification to the Registrar, by the person to
4 whom any registered particulars relate, of any change in those particulars;

5 (c) Authorize a registered person to have any qualification which is
6 in relation to the relevant division of the profession, either an approved
7 qualification or accepted qualification for the purpose of this Act, entered in
8 relation to his name in addition or to as he may elect, in substitution to any
9 other qualification so registered;

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

14 (e) keep all Institute's documents, seal, and other security
15 documents: Provided that the rules made for the purpose of this subsection
16 shall not come into effect until they are confirmed at a special meeting of the
17 Institute convened for the purpose or at the next Annual General Meeting, as
18 the case may be.

19 (9) The Registrar shall-

20 (a) correct any entry in the register in accordance with the Council's
21 rules;

22 (b) make any necessary alteration in respect of the particulars of
23 registered members;

24 (c) remove from the register the name of deceased member;

25 (d) record the names of members of the Institute who are in default
26 for more than 12 months in the payment of annual subscriptions, and to take
27 such action in relation thereto, including removal of the names of defaulters
28 from the register as the Council may direct or require; and

29 (e) re-register members whose name is removed from the register
30 for being in default of payment of subscription for one year, subject to

1 payment of outstanding subscriptions and re-registration fees as may be
2 approved by the Council.

3 (10) If the Registrar-

4 (a) sends by post to any registered person, a letter addressed and
5 delivered to him at his address usually on the register enquiring whether the
6 registered particulars relating to him are in correct and receives no reply to the
7 letter within six months from the date of posting it; and

8 (b) upon the expiration of six months in paragraph (a), sends in the
9 like manner to the person in question, a second similar letter and receives no
10 reply to that letter within three months from the date of posting it, the Registrar
11 may include the name of the person in the list of special cases under this
12 subsection for the Council's consideration and may if directed by the Council
13 remove the particulars relating to the person in question from the register:
14 Provided that the Council may direct the Registrar to restore to the appropriate
15 part of the register any particulars removed from it under this subsection.

Publication of
register of members

16 **8.-(1)** The Registrar shall-

17 (a) cause the register to be printed, published and put on sale to
18 members of the public not later than two years from the commencement of this
19 Act;

20 (b) thereafter in each year, cause to be printed, published and put on
21 sale, either a corrected edition of the register or list of corrections made to the
22 register, since it was last printed;

23 (c) cause a print of each edition of the register and of each list of
24 corrections to be deposited at the principal office of the Institute; and

25 (d) keep the register and lists so deposited and make the register and
26 such lists available to members of the public at all reasonable times for
27 inspection.

28 (2) A document purporting to be a print of an edition of a register
29 published under this section by the Registrar or document s purporting to be
30 prints of an edition of a register so published, shall (without prejudice to any

1 other mode of proof) be admissible in any proceeding as evidence that any
 2 person specified in the document or the documents read together, as being
 3 registered, was so registered at the date of the edition or of the list of
 4 corrections as the case may be, and that any person not so specified was not
 5 so registered.

6 (3) Where in accordance to subsection (2), a person is, in any
 7 proceeding, shown to have been or not have been registered at a particular
 8 date, he shall, unless the contrary is proved, be taken for the purpose of those
 9 proceedings as having at all material times continued to be or not to be so
 10 registered.

11 9.-(1) Subject to the provisions of section 7 (6) of this Bill, a person
 12 is entitled to be registered as a member of the Institute if-

Registration of
 members of the
 Institute

13 (a) he passes the qualifying examination for registration
 14 recognized or conducted by the Council under this Act and completes the
 15 practical training prescribed; or

16 (b) he holds a qualification granted and for the time being accepted
 17 by the Institute and satisfies the Council that he has had sufficient practical
 18 experience either as a member of the profession or in other related
 19 profession in the private and public sectors; or

20 (c) he holds a qualification granted outside Nigeria and for the time
 21 being accepted by the Institute and is by law entitled to practice for all
 22 purposes as a professional forensic and investigative auditor in the country
 23 in which the qualification was granted.

24 (4) An applicant for registration under this Act shall, in addition to
 25 evidence of qualification, satisfy the Council that-

26 (a) he is of good character;

27 (b) he has attained the age of 21 years;

28 (c) he has not been convicted in Nigeria or elsewhere of an offence
 29 involving fraud or dishonesty;

30 (d) he fulfils his financial obligations to the Institute; and

1 (f) pass the prescribed examinations of the Institute.

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

5 (6) Any entry directed to be made in the register under subsection (3)
6 shall show that the registration is provisional and no entry so made is converted
7 to full registration without the consent of the Council signified in writing in that
8 behalf.

9 (7) The Council shall publish, in the Federal Government Gazette,
10 particulars of qualifications for the time being acceptable for registration by the
11 Institute.

Approval of
qualifications,
etc.

12 **10.** -(1) The Council may approve an institution which shall be
13 offering courses relevant to forensic and investigative profession as follows-

14 (a) any course of training at the approved institution which is intended
15 for persons seeking to become or are already members of Institute and which in
16 the opinion of the Council is designed to confer on persons with sufficient
17 knowledge and skill for the practice of the profession; and

18 (b) any qualification which, as a result of an examination taken in
19 conjunction with a course of training approved by the Council under this
20 section, is granted to candidates reaching a standard at the examination
21 indicating in the opinion of the Council, that the candidates have sufficient
22 knowledge and skill for the practice of forensic investigation.

23 (2) The Council may, if it deems fit, withdraw any approval given
24 under this section in respect of any course or qualification but before
25 withdrawing such an approval, the Council shall-

26 (a) give notice that it proposes to do so to persons in Nigeria appearing
27 to the Council to be persons by whom the course is conducted or the
28 qualification is granted or controlled, as the case may be;

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

1 (c) take into consideration any representation made as respects the
2 proposal under paragraph (b).

3 (3) A course or qualification shall not be treated as approved during
4 any period the approval is withdrawn under subsection (2).

5 (4) Notwithstanding subsection (3), the withdrawal of an approval
6 under subsection (2) shall not prejudice the registration or eligibility for
7 registration of any person who by virtue of the approval, was registered or
8 was eligible for registration (either unconditionally or subject to his
9 obtaining a certificate of experience) immediately before the approval was
10 withdrawn.

11 (5) The giving or withdrawal of an approval under this section shall
12 have effect from such date, either before or after the execution of the
13 instrument signifying the giving or withdrawal of the approval, as the
14 Council may specify in the instrument, and the Council shall-

15 (a) immediately, publish a copy of every such instrument in the
16 Federal Government Gazette; and

17 (b) not later than seven days before its publication, send a copy of
18 the instrument to the Minister.

19 (6) The functions of the Institute under this section are intended to
20 ensure professionalism and attract fit and proper persons as members of the
21 Institute and are without prejudice to the powers and functions of the
22 National Universities Commission, National Commission for Colleges of
23 Education, and the National Board for Technical Education under their
24 respective enabling Act.

25 **11. -(1)** The Council shall keep itself informed of the nature of-

26 (a) the instruction given at approved institutions to persons
27 attending approved courses of training; and Supervision of instructions and
28 examinations leading to approved qualifications;

29 (b) the examinations as a result of which approved qualifications
30 are granted and, for the purposes of discharging that duty, the Council may

Supervision of
instruction and
examinations
leading to approved
qualifications

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

3 (2) It is the duty of a person appointed under this section to report to
4 the Council on-

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

7 (b) the adequacy of the examinations 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 under this section, the Council may, if
13 it deems fit, and shall, if so required by the institution, send a copy of the report
14 to the person appearing to the Council to be in charge of the institution or
15 responsible for the examination to which the report relates, requesting that
16 person to make an observation on the report to the Council within such period
17 as may be specified in the request, not being less than one month beginning
18 with the date of the request.

19 PART VII - PROFESSIONAL DISCIPLINE

Establishment
of Investigating
Panel and
Disciplinary
Tribunal

20 **12.-(1)** There is established Chartered Institute of Forensic and
21 Investigative Professionals of Nigeria the Investigating Panel (in this Act
22 referred to "the Panel") charged with the duties of-

23 (a) conducting a preliminary investigation into any case where it is
24 alleged that a member has committed an act of professional misconduct, or
25 shall for any other reason be the subject of proceedings before the Tribunal; and

26 (b) deciding whether the case shall be referred to the Tribunal after
27 affording such a member an opportunity of being heard either personally or by
28 a legal practitioner of his own choice in Nigeria.

29 (2) The Panel shall be appointed by the Council and shall consist of
30 five members-

1 (a) two members of the Council, one of whom shall be the
2 Chairman of the Panel; and

3 (b) three members of the Institute who are not members of the
4 Council or the Tribunal.

5 (3) The Panel shall act independently in receiving and
6 investigating allegations under subsection (3) (a) and shall have power to
7 receive complaints directly from any individual or organization.

8 (4) There is established the Chartered Institute of Forensic and
9 Certified Fraud Analysts of Nigeria Disciplinary Tribunal (in this Act
10 referred to as "the Tribunal") charged with the duty of considering and
11 determining any case referred to it by the Panel established under subsection
12 (3), and any other case which the Tribunal takes cognisance under this Act.

13 (5) The Tribunal shall be constituted by the Council and shall
14 consist of seven members-

15 (a) the Vice-President of the Institute who shall be the Chairman;

16 (b) two Council members; and

17 (c) four members of the Institute who are not members of the
18 Council.

19 (6) A person shall not be appointed as a member of the Tribunal or
20 of the Panel unless such a person is a Fellow of the Institute.

21 (7) The provisions of Second Schedule to this Bill shall have effect
22 with respect to the Tribunal and Panel.

23 (8) The Council shall not make rules that are consistent with this
24 Act as to acts, conducts or omissions, which constitute professional
25 misconduct.

26 **PART VIII - MISCELLANEOUS PROVISIONS**

27 **13.-(1) Where-**

28 (a) a person is adjudged by the Tribunal to be guilty of
29 unprofessional conduct in any professional respect, or
30 professional misconduct.

Penalties for
professional
misconduct

1 (b) a person is convicted by any court or tribunal in Nigeria or
2 elsewhere having power to award imprisonment for an offence (whether or not
3 punishable with imprisonment) which in the opinion of the Tribunal, is
4 incompatible with the conduct required of a member of the profession, or

5 (c) the Disciplinary Tribunal is satisfied that the name of the person
6 has been fraudulently registered, the Tribunal shall, after receiving the
7 confirmation of its decision from the Council, convey a direction to the person
8 concerned reprimanding that person, or ordering the Registrar to strike his
9 name off the relevant part of the register.

10 (2) A person who commits an offence or act of professional
11 misconduct and is found guilty by a court of competent jurisdiction is liable to
12 his name struck out from the register of members.

13 (3) The Tribunal may, if it deems fit, defer or further defer its decision
14 as to the giving of a direction under subsection (1) until a subsequent meeting
15 of the Tribunal, but no-

16 (a) decision shall be deferred under this subsection for periods
17 exceeding three months from the conclusion of proceedings in the case; and

18 (b) person shall be a member of the Tribunal for the purposes of
19 reaching a decision which has been deferred or further deferred, unless he was
20 present as a member of the Disciplinary Tribunal when the decision was
21 deferred.

22 (4) For the purposes of subsection (1) (b), a person shall not be treated
23 as guilty as therein mentioned, unless the guilt stands at a time when no appeal
24 or further appeal is pending or may, without extension of time, be brought in
25 connection with the direction.

26 (5) When the Tribunal gives a direction under subsection (1), the
27 Tribunal shall cause notice of the direction to be served on the person to whom
28 it relates.

29 (6) The person to whom such a direction relates may, at any time
30 within 28 days from the date of service on him of the notice of the direction,

1 appeal against the direction to the Federal High Court and where necessary
2 to the Court of Appeal, and the Tribunal shall appear as respondent to the
3 appeal and, for the purpose of enabling directions to be given as to the costs
4 of the appeal and proceedings before the Federal High Court or Court of
5 Appeal, the Tribunal is deemed to be a party thereto whether or not it appears
6 at the hearing of the Appeal.

7 **14.**-(1) The Council may make rules for-

Rules as to
practice, etc.

8 (a) the training with registered members of the profession of
9 suitable persons in computing methods and the use of computational
10 machinery and the techniques related thereto; and

11 (b) the supervision and the regulation for the engagement, training
12 and transfer of such persons.

13 (2) The Council may also make rules-

14 (a) prescribing the amount, date, due for payment of the annual
15 subscription and or such purpose, different amounts may be prescribed by
16 the rules according to whether the person is enrolled as a fellow, chartered
17 member or associate member, etc.;

18 (b) prescribing the form of license to be issued annually or, if the
19 Council thinks fit, by endorsement on an existing license upon payment of
20 prescribed annual membership fee; and

21 (c) restricting the right to practice as a forensic and Certified Fraud
22 Analysts in default of payment of the annual practicing fee where the default
23 continues for longer than such period as may be prescribed by the rules.

24 (3) Rules made under this section shall be published in the official
25 Gazette after such rules have been confirmed by the Council.

26 **15.** The Council shall-

Provision of
library facilities,
etc.

27 (a) provide and maintain a library facility comprising books and
28 publications for the promotion and advancement of the knowledge of the
29 profession and such other books and publications as the council may deem
30 necessary for the purpose;

| | | |
|---------------------------|----|--|
| | 1 | (b) encourage research into forensic and fraud analysis methods and |
| | 2 | allied subjects to the extent that the Council may, from time to time, consider |
| | 3 | necessary. |
| Regulations and Rules | 4 | 16. -(1) The Council shall have power to make all such regulations, as |
| | 5 | it may deem necessary or expedient for giving full effect to the provision of this |
| | 6 | Bill and for the administration thereof. |
| | 7 | (2) Any power to make regulations, rules and orders under this section |
| | 8 | shall include power: |
| | 9 | (a) to make provision for such incidental or supplemental matters as |
| | 10 | the Council considers expedient for the purpose of the instrument; and |
| | 11 | (b) to make different provision for different circumstances. |
| | 12 | (3) Any regulations, made under this Bill shall be published in the |
| | 13 | Gazette soon after they are made; and a copy of any such regulations shall be |
| | 14 | sent to the Registrar not later than seven days before they are so published. |
| Offences and penalties | 15 | 17. -(1) Any person, not being a member of the Institute, who- |
| | 16 | (a) for or in expectation of reward, practices or hold himself out to |
| | 17 | practice as a licensed member of the Institute; or |
| | 18 | (b) without reasonable excuse takes or uses any name, title, addition |
| | 19 | or description implying that he is a licensed or enrolled member of the Institute, |
| | 20 | commits an offence. |
| | 21 | (2) Any person, who for the purpose of procuring the registration of |
| | 22 | any name, or obtaining any qualification recognized under this Bill or other |
| | 23 | related privileges- |
| | 24 | (a) makes a statement which he believes to be false in a material |
| | 25 | particular or, |
| | 26 | (b) recklessly make a statement, which is false in any material respect, |
| | 27 | commits an offence. |
| | 28 | (3) The Registrar or any person employed by the Council, who |
| | 29 | willfully makes any falsification in any matter relating to the Register of |
| | 30 | members recognized by the provisions of the Bill, commit an offence. |

1 (4) A person who commits an offence under this Bill is liable on
2 conviction to a fine not exceeding N1.500,000 or an imprisonment term not
3 exceeding two years or to both such fine and term of imprisonment.

4 (5) Where an offence under this section has been committed by a
5 body corporate and is proved to have been committed with the consent or
6 connivance of, or to be attributable to any neglect on the part of any director,
7 manager, secretary, or any person purporting to act on behalf of a body
8 corporate, he as well as the body corporate, shall be deemed to have
9 committed that offence and is liable to be proceeded against and punished
10 accordingly.

11 **18.-(1)** From the Commencement of this Bill-

Transfer to the
Institute of certain
assets and liabilities

12 (a) all assets and liabilities held or incurred immediately before the
13 commencement date by or on behalf of the Incorporated Institute shall by
14 virtue of this Bill vested in the Institute and held by it for purposes of the
15 Institute established;

16 (b) the incorporated Institute shall cease to exist;

17 (c) subject to subsection (2) of this section, any act or thing made or
18 done by the incorporated Institute is deemed to have been made or done by
19 the Institute herein established.

20 (2) The supplementary provisions in the Third Schedule to this Bill
21 shall have effect with respect to matters arising from the transfer by this Bill
22 to the Institute of the property of the Incorporated Institute and with respect
23 to other related matters.

24 **19.-(1)** In this Bill-

Interpretation

25 "approved qualification" means a university degree or its equivalent in
26 Computer Forensics, Cyber Forensics, Accountancy, Finance, Law,
27 Criminology, Psychology, Criminal Justice Administration or such other
28 disciplines as may be approved by the Council" "fees" includes annual
29 practicing fees payable by members of the Institute pursuant to the
30 provisions of this Bill;

1 "Forensic and fraud analyst professional" means and includes any person
2 registered as a Fellow, Chartered member, Associate, graduate or student
3 member, honorary member pursuant to the provisions of this Bill and who
4 deploys cutting edge technologies or other forensic skills to investigate and
5 procure or unravel concealed evidence necessary for the prosecution of fraud
6 or other crimes;

7 "Registrar" means the Registrar of the Institute appointed by the Council
8 pursuant to the provisions of this Bill;

9 "register" means the Register of Members of the Institute maintained under this
10 Bill and "registered" shall be construed accordingly;

11 "the Council" means the Governing Council of the Chartered Institute of
12 Forensic and certified fraud analysts of Nigeria established under section 2 of
13 this Bill;

14 "the Institute" means Chartered Institute of Forensic and certified fraud
15 analysts of Nigeria;

16 "Minister" means the Honorable Minister of Justice and Attorney - General of
17 the Federation.

Citation

18 **20.** This Bill may be cited as the Chartered Institute of Forensic and
19 Certified Fraud Analysts of Nigeria (Est. Etc.) Bill, 2021.

1 SCHEDULES

2 FIRST SCHEDULE

3 *Section 5 (4)*

4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL,

5 *Qualifications and tenure of office of members of the Council*

6 1.-(1) Subject to this paragraph, a member of the Council shall hold
7 office for two years beginning from the date of his nomination.

8 (2) A Council member shall be a holder of M.Sc. or MBA in
9 accounting or finance or related fields, a fellow of the institute and
10 professional qualification in forensic body from oversea and shall have been
11 a financial member of the Institute for at least 10 years or as may be
12 determined by the Council.

13 (3) Any member of the Institute who ceases to be a member shall, if
14 he is also a member of the Council, cease to hold office on the Council.

15 (4) Any member may, by notice in writing under his hand
16 addressed to the President of the Institute, resign his office.

17 (5) A person, who retires from or otherwise ceases to be an elected
18 member of the Council, is eligible again to become a member of the Council
19 and any appointed member may be re-appointed.

20 (6) Members of the Council shall, at its meeting next before the
21 Annual General Meeting of the Institute, arrange for the two members of the
22 Council appointed or elected and longest in office to retire at that Annual
23 General Meeting.

24 (7) President shall be nominated from the principal officers of the
25 Institute according to the arrangement.

26 (8) Elections or nomination to the Council shall be held in such
27 manner as may be prescribed by rules made by the Council, and until so
28 prescribed; they shall be decided by a show of hands.

29 (9) If for any reason there is a vacation of office by a member and
30 such member was-

1 (a) appointed by the Council or any other body, the Council or that
2 body may appoint another fit and proper person from the area in respect of
3 which the vacancy occurs; or

4 (b) elected, the Council may, if the time between the unexpired
5 portion of the term of office and the next general meeting of the Institute
6 appears to warrant the filling of the vacancy, co-opt some fit and proper person
7 for such time.

8 *Powers of the Council*

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

11 *Standing orders*

12 3.-(1) Subject to this Act, the Council may, in the name of the Institute,
13 make standing orders regulating the proceedings of the Institute or Council,
14 and in the exercise of its powers under this Bill, may set up committees in the
15 general interest of the Institute and make standing orders thereof.

16 (2) The standing orders shall provide for decisions to be taken by a
17 majority of the members, and in the event of equality of votes, the President of
18 the Institute or the Chairman, as the case may be, shall have a casting vote.

19 (3) The standing orders made for a committee shall provide for
20 committee to report back to the Council on any matter referred to it by the
21 Council.

22 (4) The quorum of the Council is five and the quorum of a committee
23 of the Council is determined by the Council.

24 (5) The Council shall make regulations for the Institute which shall be
25 used by the Council and the State branches

26 (6) The Council shall establish offices and forensic laboratory in the
27 36 States of the Federation and Abuja as the headquarters.

28 (7) The President and other Council members shall be entitled to such
29 other fringe benefits as may be approved by the Council.

General Meeting of the Institute

4.-(1) The Council shall convene the Annual General Meeting of the Institute on 30 June in every year or on such other day as the Council may appoint but if the meeting is not held within one year after the previous Annual General Meeting, not more than 15 months shall elapse between the respective dates of the two meetings:

provided that, notice of the Annual General Meeting shall be given to all members of the Association not later than 21 days from the date of the meeting.

(2) A special meeting of the Institute may be convened by the Council at any time and if at least 20 members of the Institute so require, by notice in writing addressed to the Chairman of the Council setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Institute: Provided that, notice of the Annual General Meeting shall be given to all members of the Institute not later than 21 days from the date of the meeting.

(3) The quorum of any Annual General Meeting shall be 18 members and that of any special meeting of the Institute shall be 9 members.

Meetings 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 Chairman, and if the Chairman is required to do so by notice in writing given to him by at least five other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Council, the Chairman or, in his absence, the First Vice Chairman shall preside, or in the absence of the First Vice Chairman, the Second Vice Chairman shall preside.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council deems fit; but a person who is a member by virtue of this

1 subparagraph is not entitled to vote at any meeting of the Council or count
2 towards a quorum.

3 (4) Notwithstanding this paragraph, the first meeting of the Council
4 shall be summoned by the President of the Institute.

5 (5) The executive meeting shall consist of the President, the two Vice-
6 Presidents, Treasurer, Secretary and the Legal Adviser of the Institute.

7 *Committees*

8 6.-(1) The Council may set up one or more committees to perform, on
9 behalf of the Institute or of the Council, such functions as the Council may
10 determine.

11 (2) A committee set up under this paragraph shall consist of the
12 number of persons determined by the Council, of whom not more than one-
13 third shall be persons who are not members of the Council and a person other
14 than a member of the Council shall hold office on the Committee in accordance
15 with the terms of the instrument by which he is appointed.

16 (3) A decision of a committee of the Council is of no effect until it is
17 confirmed by the Council.

18 *Miscellaneous*

19 7.-(1) The fixing of the seal of the Institute shall be authenticated by
20 the signature of the President of the Institute, the pioneer President or some
21 other member of the Council authorized generally or specially by the Institute
22 to act for that purpose.

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

28 (3) The quorum of the Tribunal shall be four of whom at least shall be
29 members of the profession.

30 (4) (1) The Council shall make rules as to the-

1 (a) selection of members of the Tribunal for the purposes of any
2 proceedings;

3 (b) procedure to be followed; and

4 (c) rules of evidence to be observed in proceedings before the
5 Tribunal.

6 (2) The rules shall, in particular, provide-

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

10 (b) for determining who in addition to the person, shall be party to
11 the proceedings;

12 (c) for securing that any party to the proceedings is, if so required,
13 entitled to be heard by the Tribunal;

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

16 (e) subject to section 13 (6) of this Bill, as to the costs of
17 proceedings before the Tribunal;

18 (f) for requiring, in a case where it is alleged that the person who is
19 subject of the proceedings is guilty of unprofessional conduct in any
20 professional respect, that where the Tribunal adjudges that the allegation has
21 not been proved, it shall record a finding that the person is not guilty of such
22 conduct in respect of the matters to which the allegation relates; and

23 (g) for publishing notice of any direction of the Tribunal which has
24 taken effect providing that a person's name shall be struck off the register.
25 Any person generally or specially authorized to act for that purpose by the
26 Council.

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

30 8. The validity of any proceeding of the Institute, Council or a ee of

1 committee of the Council is not adversely affected by-
2 (a) any vacancy in membership;
3 (b) any defect in the appointment of a member of the Institute or of the
4 Council or of a person to serve on the Committee; or
5 (c) reason that a person not entitled to do so took part in the
6 proceedings.

7 9. Any member of the Institute or of the Council, and any person
8 holding office on a committee of the Council, who has a personal interest in any
9 contract or arrangement entered into or proposed to be considered by the
10 Council on behalf of the Institute, or Council or a committee, shall immediately
11 disclose his interest to the President of the Institute or to the Council, as the case
12 may be, and shall not vote on any question relating to the contract or
13 arrangement.

14 10. A person shall not, by reason only of his membership of the
15 Institute, be treated as holding an office in the Public Service of the Federation.

16 SECOND SCHEDULE

17 *Section 12 (7)*

18 SUPPLEMENTARY PROVISIONS RELATING TO THE INVESTIGATING

19 PANEL AND DISCIPLINARY TRIBUNAL

20 *The Investigative Panel*

21 1. The quorum of the Panel is three.

22 2.-(1) The Panel may, at any meeting attended by all the members of
23 the Panel, make standing orders with respect to the Panel.

24 (2) Subject to the provisions of such standing orders, the Panel may
25 regulate its own proceedings.

26 *The Disciplinary Tribunal*

27 5. For the purposes of any proceeding before the Tribunal, any
28 member of the Tribunal may administer oaths and any party to the proceedings
29 may issue out of the Registry of Federal High Courts writs of
30 subpoenaed testificandum and duces tecum, but no person appearing before the

1 Tribunal is compelled to-

2 (a) make any statement before the Tribunal tending to incriminate
3 himself; or

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

6 6.-(1) For the purpose of advising the Tribunal on questions of law
7 arising in the proceedings before it, there shall, in all proceedings, be an
8 assessor to the Tribunal who shall be-

9 (a) appointed by the Council; and

10 (b) a legal practitioner of at least seven years standing.

11 (2) The Council shall make rules as to the functions of the assessor
12 appointed under this paragraph, and in particular, such rules shall contain
13 provisions for securing that-

14 (a) where an assessor advises the Tribunal on any question of law
15 as to evidence, procedure or any other matters specified by the rules, he shall
16 do so in the presence of every party or person representing a party to the
17 proceedings who appears there or, if the advice is tendered while the
18 Tribunal is deliberating in private, that every such party or person shall be
19 informed on what advice the Assessor has tendered; and

20 (b) every such party or person shall be informed if in any case the
21 Tribunal does not accept the advice of the assessor on such a question.

22 (3) An assessor-

23 (a) may be appointed under this paragraph either generally or for
24 any particular proceedings or class of proceeding; and

25 (b) shall hold and vacate office in accordance with the terms of the
26 instrument by which he is appointed.

27 *Miscellaneous*

28 7.-(1) A person ceasing to be a member of the Tribunal or Panel is
29 eligible for reappointment as a member of the Panel or Tribunal as the case

1 may be, but nobody shall serve in the Panel for more than two consecutive
2 terms.

3 (2) A person may, if otherwise eligible, be a member of both the
4 Tribunal and Panel, but no person who acted as a member of the Panel with
5 respect to any case shall act as a member of the Tribunal with respect to that
6 case.

7 8. The Tribunal or Panel may act notwithstanding any vacancy in its
8 membership, and the proceedings of either body shall not be invalidated by any
9 irregularity in the appointment of a member of that body, or subject to
10 paragraph 7 (2) of this Schedule by reason of the fact that any person who was
11 not entitled to do so took part in the proceedings of that body.

12 9. Any document authorized or required by virtue of this Act to be
13 served on the Tribunal or Panel shall be served on the Registrar.

14 10. Any expenses of the Tribunal or Panel shall be defrayed by the Institute.

15 **THIRD SCHEDULE**

16 *Section 19 (2)*

17 **TRANSITIONAL PROVISIONS AS TO ASSETS AND LIABILITIES**

18 *Transfer of Assets and Liabilities*

19 1.-(1) Every agreement to which the Incorporated Institute was a
20 party immediately before the commencement of this Act, whether in writing or
21 not and whether or not of such a nature that the rights, liabilities and obligations
22 there under could be assigned by the Incorporated Institute, shall, unless its
23 terms or subject matter make it impossible that it should have effect as
24 modified in the manner provided by these sub-paragraphs, have effect from the
25 commencement of this Bill if it relates to assets and liabilities transferred by
26 this Act to the Institute, as if-

27 (a) the Institute had been a party to the agreement;

28 (b) for any reference, however worded and whether expressed or
29 implied, to the Incorporated Institute, there were substituted as respects
30 anything falling to be done on or after the commencement of this Act a

1 reference to the Institute; and

2 (c) for any reference, however worded and whether express or
3 implied, to a member or members of the Council of the Incorporated
4 Institute or an officer of the Incorporated Institute, there were substituted, as
5 respects anything falling to be done on or after the commencement of this
6 Act, a reference to a member or members of the Council under this Act or the
7 officer of the Incorporated Institute corresponds as nearly as may be to the
8 member or officer in question of the Incorporated Institute.

9 (2) Other documents which refer, whether specially or generally, to
10 the Incorporated Institute shall be considered in accordance with
11 subparagraph (1) if applicable.

12 (3) Without prejudice to this Schedule, where, by the operation of
13 section 19 of this Act, any right, liability or obligation vests in the Institute,
14 the Institute and all other persons shall, as from the commencement of this
15 Act, have the same rights, powers and remedies (and, in particular, the same
16 rights as to the taking or resisting of legal proceedings or the making or
17 resisting of applications to any authority) for ascertaining, perfecting or
18 enforcing that right, liability or obligation as they would have if it had at all
19 times been a right, liability or obligation of the Institute.

20 (4) Any legal proceeding or application to any authority pending
21 on the commencement of this Act by or against the Incorporated Institute
22 and relating to assets or liabilities transferred by this Act to the Institute may
23 be continued on or after that day by or against the Institute.

24 2. At the commencement of this Act, any person holding any paid
25 appointment in the Incorporated Institute shall hold a corresponding
26 appointment in the Institute on the same terms and conditions as to tenure
27 and otherwise but is not entitled to receive remuneration both from the
28 Incorporated Institute and from the Institute in respect of the same period of
29 service.

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