

Extraordinary



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A BILL

FOR

AN ACT TO AMEND THE PUBLIC COMPLAINTS COMMISSION ACT CAP P 37
LFN 2004 AND FOR OTHER RELATED MATTERS

Sponsored by Senator Albert Bassey Akpan

[] Commencement

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

- | | |
|---|--|
| <p>1 1. The Public Complaints Commission Act, Cap. P37 LFN 2004</p> <p>2 (in this Bill referred to as "the Principal Act") is amended as set out in this</p> <p>3 Bill.</p> | <p>Amendment of
the Public
Complaints
Commission Act</p> |
| <p>4 2. The Principal Act is amended in section 5(3)b by deleting the</p> <p>5 entire paragraph and replacing it with a new paragraph 5(3)b as follows;</p> <p>6 "every Commissioner shall publish and notify the public of his action or</p> <p>7 intended action in every particular case" as set out in this Bill:</p> | <p>Amendment of
Section 5(3)b</p> |
| <p>8 3. The Principal Act is further amended in section 6(1)d by adding</p> <p>9 the words "except matters relating to anything done or purported to be done</p> <p>10 in respect of a non-member of the armed forces in Nigeria or the Nigeria</p> <p>11 Police Force" immediately after the phrase "as the case may be" in line seven</p> <p>12 of that subsection as set out in this Bill:</p> | <p>Amendment of
Section 6(1)d</p> |
| <p>13 4. The Principal Act is further amended in section 6(1)e by</p> <p>14 deleting the entire paragraph in line nine of that subsection for being</p> <p>15 ambiguous as set out in this Bill:</p> | <p>Amendment of
Section 6(1)e</p> |
| <p>16 5. The Principal Act is further amended in section 7(4) by inserting</p> <p>17 the phrase "Provided that, within a period of 60 days from the receipt of such</p> <p>18 report and if nothing is done by the said authority, the Commissioner shall</p> <p>19 prepare a report to the extent of non-compliance by the respondent authority</p> <p>20 and shall send same to the National Assembly for consideration"</p> | <p>Amendment of
Section 7(4)</p> |

	1	immediately after the word "circumstances" in line three of that subsection as
	2	set out in this Bill:
Amendment of Section 8(1)	3	6. The Principal Act is further amended in section 8(1) by inserting
	4	the words "N500,000" immediately after the words "fine of" in line three of that
	5	subsection and "seven years" immediately after the words "term of" in line
	6	three of that subsection as set out in this Bill:
Citation	7	7. This Bill may be cited as the Public Complaints Commission Act
	8	(Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Public Complaints Commission Act, Cap. P37 LFN 2004 to provide for additional Powers for the Public Complaints Commission, ensure compliance with the Commission's recommendations by respondents, create adequate awareness as well as precision on the Commission's functions, restrictions and the regulatory powers of the National Assembly.

CHARTERED INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERING
OF NIGERIA BILL, 2021
ARRANGEMENT OF CLAUSES

Clause:

1. Establishment of Chartered Institute of Electrical and Electronic Engineering of Nigeria
2. Provisions of Bill not unlawful
3. Membership of the Institute
4. Election of President, Deputy President and Vice-Presidents of the institute
5. Membership of Governing Council of the Institute, etc
6. Power of the Council & Tenure
7. Financial Provisions
8. Appointment of Registrar etc
9. Publication of Register and List of Corrections etc.
10. Registration of Members
11. Use of Words, Initials, Acronyms, etc
12. Approval of Qualifications, etc.
13. Supervision of Instructions and Examinations Leading to Approved Qualifications
14. Establishment of Investigating Panel and Disciplinary Tribunal
15. Penalties for Unprofessional Conduct
16. Application of this Bill to Yet-to-be-Registered Persons
17. Practice as a Member of the Electrical and Electronic Engineering Profession
18. Rules as to Practice
19. Provision of Library Facilities, etc
20. Offences and Penalties.
21. Regulations.

22. Aligning all Existing Engineering Related Acts to the CIEEEN Act

23. Interpretation

24. Citation

FIRST SCHEDULE

Qualification for Membership Categories

SECOND SCHEDULE

Supplementary Provisions Related to the Council

THIRD SCHEDULE

Supplementary Provisions Relating to the Disciplinary Tribunal and Investigating Panel.

A BILL

FOR

AN ACT TO PROVIDE FOR ESTABLISHMENT OF THE CHARTERED INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERING OF NIGERIA TO CERTIFY, REGULATE AND DETERMINE THE STANDARDS OF KNOWLEDGE AND PRACTICE TO BE ATTAINED BY PERSONS SEEKING TO BECOME CHARTERED ELECTRICAL AND ELECTRONIC ENGINEERING PERSONNEL; AND FOR RELATED MATTERS

Sponsored by Senator

[] Commencement

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

- | | |
|--|---|
| <p>1 1.-(1) There is established a body to be known as the Chartered</p> <p>2 Institute of Electrical and Electronic Engineering of Nigeria (in this Bill</p> <p>3 referred to as "the Institute").</p> <p>4 (2) The Institute-</p> <p>5 (a) Shall be a body corporate with perpetual Succession and a</p> <p>6 common seal;</p> <p>7 (b) May sue and be sued in its corporate name; and may acquire,</p> <p>8 hold and dispose of any property, movable and immovable.</p> <p>9 (c) Shall comprise of all personnel in the field of electric power</p> <p>10 engineering, electronic engineering, clean energy engineering,</p> <p>11 telecommunications engineering, systems engineering, computer</p> <p>12 engineering, radio-frequency engineering, signal processing, broadcasting,</p> <p>13 instrumentation, optics and photonics, hardware engineering, power</p> <p>14 electronics, electromagnetics and waves, microwave engineering,</p> <p>15 nanotechnology, electrochemistry, mechatronics, biomedical engineering,</p> <p>16 electrical materials science, robotics, artificial intelligence, machine</p> <p>17 learning, control and automation, avionics, quantum engineering,</p> | <p>Establishment
of Chartered
Institute of
Electrical and
Electronic
Engineering of
Nigeria</p> |
|--|---|

1 embedded/emerging technologies which cover Internet of Things, Big Data,
2 blockchain technology, Electrical Manufacturing Industry, Electrical
3 Maintenance, Construction and Contracting Industries. Application of
4 electricity and electronics to medical science aeronautics, maritime,
5 automobiles; Study, teaching, research and development pertaining to any
6 field of engineering or applied sciences of Electricity and Electronics;

7 (d) Shall be charged with the duty of:

8 (i) Determining what standards of knowledge and skill are to be
9 attained by persons seeking to become members of the Electrical and
10 Electronic Engineering profession and raising those standards, from time to
11 time, as circumstances may permit;

12 (ii) Provide for the registration, certification and standardisation,
13 where required, of professional Electrical and Electronic engineering
14 personnel;

15 (iii) Register, certify and standardize the practice, education, services,
16 equipment/systems, products and qualifications;

17 (iv) Register, certify and standardize corporations, partnerships,
18 limited liability partnerships and limited partnerships, etc;

19 (v) Securing in accordance with the provisions of this Bill, the
20 establishment and maintenance of the register of electrical and electronic
21 engineering personnel entitled to practice as electrical and electronic
22 engineering personnel and the publication, from time to time, of lists of those
23 persons;

24 (vi) Conducting examinations leading to the award of professional
25 competency certificates as may be prescribed by the Institute and in conformity
26 with international standards;

27 (vii) Ensuring synergy between the industry and academia in
28 electrical and electronics engineering field; and

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

1 **2.-(1) Any Chartered Electrical and Electronic Engineering** Membership of
2 Personnel and firm practicing under this Act is eligible to be registered by the Institute
3 the Institute in any of the following categories-

- 4 (i) Engineer;
5 (ii) Technologist;
6 (iii) Technician;
7 (iv) Craftsman;
8 (v) Corporate Firms

9 (2) The privileges and entitlements of members of the institute
10 shall be-

11 (a) affixing of a suffix after their names according to the following
12 categories:

- 13 (i) Engineer- CEE;
14 (ii) Technologist - CET;
15 (iii) Technician- CEEt;
16 (iv) Craftsman- CEC;
17 (v) Corporate Firms - CEF.

(b) The right to affix a member's seal and stamp on every document endorsed by or emanating from them. The seal shall bear the member's name, membership number and his area of specialization.

(3) The provisions of the first schedule to this Bill shall, so far as applicable to the question of admission to the Institute, have effect with respect to the categories of members listed in sub-clause (1) of this clause.

24 **3.-(1)** There shall be a President and a Vice President of the
25 Council, who shall be fellows of the profession, to be elected by the
26 members of the Council by simple majority and shall hold office each for a
27 term of two years from the date of election.

Election of
President, Vice-
President and other
Officers of the
Institute

(2) The President shall be the Chairman at meetings of the Council, so however that, in the event of the death, incapacity or inability, for any reason of the President, the Vice-President shall act in his stead for the

1 unexpired portion of the term of office, or as the case may require, and
2 references in this Act to the President shall be construed accordingly.

3 (3) The President and the Vice-President shall respectively be
4 Chairman and Vice-Chairman of the Council and of meetings of the registered
5 members.

6 (4) If the President or the Vice-President ceases to be a member of the
7 Institute he shall cease to hold any of the offices designated under this Bill.

Membership of
Governing Council
of the Institute,
etc.

8 **4.-(1)** There is established for the Institute a Governing Council (in
9 this Bill referred to as "the Council") which shall be charged with the
10 responsibility for providing the guiding policy administration of the Institute
11 and setting the standards therein.

12 (2) The Council shall consist of the following members being fellows
13 or members of the profession as follows:

14 1. President

15 2. Vice President

16 3. The Registrar

17 4. One representative of each of the Certification and Standardization
18 Board of the Nigerian Institute of Electrical and Electronic Engineers
19 (NIEEE) listed below:

20 (i) Electronic and Computing engineering certification and
21 standardization Board;

22 (ii) Power and Clean Energy engineering certification and
23 standardization Board;

24 (iii) Information and Communications Technology engineering
25 certification and standardization Board;

26 (iv) Instrumentation /Automation and Control engineering
27 certification and standardization Board;

28 (v) Avionic and Space engineering certification and standardization
29 Board;

30 (vi) Embedded/Emerging Technologies [AI, Robotics, ML, Drones

1 etc] certification and standardization Board

2 5. One representative each of the EEE technologist, technician and
3 craftsman categories.

4 6. Three representative of NIEEE

5 7. One representative each from COREN, NUC, OEM, SON,
6 NCC, NBC, NBTE and NERC.

7 **5.-(1)** The Council shall exercise the responsibilities for policy Power of the
8 formulation and direct organs of the Institute for the execution and general Council
9 administration.

10 (2) The Council shall create a conducive atmosphere to enable it to
11 be consulted by industry stakeholders as it relates to electrical and electronic
12 engineering practice and training.

13 (3) The Council shall have power to-

14 (a) manage and superintend the affairs of the Institute;

15 (b) make rules and regulations for the proper functioning of the
16 Institute;

17 (c) appoint, promote, discipline and pay the staff of the Institute
18 appropriate remuneration commensurate in scale with that of staff in
19 organizations of similar stature; and

20 (d) enter into any negotiation, agreement and contractual
21 relationship as may be necessary or expedient for the discharge of the
22 functions of the Institute.

23 (4) The Council shall sit every quarter to consider issues brought
24 before it.

25 (5) The Council shall perform the other functions conferred on it by
26 this Act.

27 **6.** Subject to the provisions of this Act, the Chairman and members Tenure of Council
28 of the Council shall each hold office: of Members

29 (1) for a term of two years and may be re-elected or re-appointed
30 for a further term of two years and no more;

- 1 (2) A person shall cease to hold office as a member of the Council if -
2 (a) he dies;
3 (b) he becomes bankrupt;
4 (c) he is convicted of a felony or any offence involving dishonesty or
5 fraud;
6 (d) he becomes of unsound mind or is incapable for any reason of
7 carrying out his duties;
8 (e) he is guilty of a serious misconduct in relation to his duties;
9 (f) in the case of a person dispossessed of a professional qualification,
10 he is disqualified or suspended, other than at his own request, from practising
11 his profession in any part of the world by an order of a competent authority
12 made in respect of that member; or
13 (g) he resigns his appointment by written notice under his hand to the
14 Council Chairman (Institute President).
15 7.-(1) There shall be no funding to the Institute from the Federal
16 Government, States or its Agencies save for grants, donations, gifts, etc in
17 support of its statutory activities
18 (2) The Council shall establish and maintain a fund, the management
19 and control of which shall be in the hands of the Council, and into which shall
20 be paid-
21 (a) all subventions, fees, fines, penalties and charges for services
22 rendered or publications made by the Council;
23 (b) gifts, endowments, bequests, loans, donations, grants or aids;
24 (c) foreign aids and assistance from bilateral and multilateral agencies
25 such as affiliated bodies on electrical engineering; donations charges and
26 monies payable to the institute in pursuance of this Bill,
27 (d) Such other monies as may be received by the institute in the course
28 of its operations or in relation to the exercise of any of the functions under this
29 Act.
30 (3) There shall be paid out of the fund of the Institute-

1 (a) The remuneration and allowance of the Institute's Council
2 members and other employees of the institute;

3 (b) Such reasonable travelling and subsistence allowance of
4 members of the council in respect of the time spent on the business of the
5 council as the council may determine; and

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

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

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

14 (6) All the members shall cause to be paid to the fund, an annual
15 dues and levies as may be agreed by the council from time-to-time.

16 **8.-(1)** The council shall on behalf of the Institute keep proper books
17 of accounts in respect of each year and proper records concerning these
18 accounts and the council shall cause the accounts to be audited by an
19 external auditor and when audited the accounts shall be submitted annually
20 to the members of the institute for approval at a General Assembly of the
21 institute. Such annual audited account shall be deemed to have fulfill the
22 requirement of the Financial Reporting standards.

Proper account
keeping and
annual audited
institute account

23 (2.)The audit of the Institute's books shall be in accordance with the
24 provisions of the subsisting Constitution of the Federal Republic of Nigeria.

25 **9.-(1)**The Council shall appoint a fit and proper person who shall
26 be a member of the Institute to be the Registrar, and such other persons as the
27 council may from time to time, deem necessary to assist the registrar in the
28 performance of this functions under this Bill.

Appointment of
Registrar, Tenure,
Remuneration, etc.

29 (2) The Registrar shall in addition to his other functions under this
30 Act, be the Secretary to the Council and shall keep minutes of proceedings of

1 all meetings of the Council.

2 (3) The Registrar shall be the Chief Executive Officer and Accounting
3 Officer to the Institute. He/She is to be responsible for the day to day
4 administration of the Institute and responsible to the Council for the execution
5 of policies and directives thereof.

6 (4) a graduate of Electrical and Electronic Engineering as in 1(2)(c)
7 with at least 20 years work experience.

8 (5) The Registrar-

9 (a) shall be appointed for a 3-year term in the first instance; and

10 (b) may be re-appointed for another three years and no more.

11 (6) The Registrar shall be paid such remuneration as may be specified
12 in his letter of appointment or as determined by the Council using a scale
13 commensurate with that of organizations of similar stature.

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

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

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

20 (a) to prepare and maintain in accordance with rules made by the
21 council, a Register of names, addresses and approved qualifications and of
22 such other particulars, as may be specified in the rules of all persons who are
23 entitled in accordance with the provisions of this Bill to be registered as
24 members of the Institute;

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

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

30 (d) to record the names of members of the institute who are in debt for

1 more than One year in the payment of annual or practicing fee and to take
2 such action in relation thereto including removal of the name of defaulter
3 from the register as the council may direct or require;

4 (10) Subject to the following provisions of this clause, the Council
5 shall make rules with respect to the form and keeping of the Register and the
6 making of entries therein, and in particular-

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

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

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

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

21 (e) specifying anything failing to be specified under the foregoing
22 provisions of this clause, but rules made for the purposes of paragraph (d) of
23 this sub-clause shall not come into force until they are confirmed at a special
24 meeting of the Institute convened for the purpose thereafter, or at the next
25 annual general assembly, as the case may be.

26 **10.-(1)** The Council may approve any qualification for the purpose
27 of this Bill and may, for such purpose, approve-

Approval of
qualifications, etc.

28 (a) any course of training at any approved institution which is
29 intended for persons seeking to become members of the Electrical and
30 Electronic Engineering profession and which the Council consider is

1 designed to confer on persons completing it, sufficient knowledge and skill for
2 registration with the Institute;

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

8 (2) The Council may, if it thinks fit, withdraw any approval given
9 under this clause in respect of any course, qualification of the Institution, but
10 before withdrawing such approval the council shall-

11 (a) give notice that it proposes to do so, to each person in Nigeria
12 appearing to the Council to be a person by whom the course is conducted or the
13 qualification is granted or the institution is controlled, as the case may be;

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

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

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

21 (4) Notwithstanding the provisions sub-clause (3) of this clause, the
22 withdrawal of an approval under sub-clause (2) of this clause shall not
23 prejudice the registration or eligibility for registration of any person who, by
24 virtue of the approval, was registered or was eligible for registration (either
25 unconditionally or subject to the obtaining a certificate or experience)
26 immediately before the approval was withdrawn.

27 (5) The granting or withdrawal of an approval under this clause shall
28 have effect from such date whether before or after the execution of the
29 instrument signifying the giving or withdrawal of the approval, as the Council
30 may specify in the instrument and the Council shall-

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

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

5 **11.-(1)** It shall be the duty of the council to keep itself informed of
6 the nature of -

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

9 (b) the examination as a result of which approved qualifications are
10 granted and for the purposes of performing that duty, the council may
11 appoint, either from among its members or otherwise, persons to visit
12 approved institute or observe such examinations.

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

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

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

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

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

29 **12.-(1)** There shall be constituted a body to be known as the chartered
30 Institute of Electrical and Electronic Engineering of Nigeria investigating

Supervision of
instructions and
examinations
leading to approved
qualifications that
indicates competency
candidates as
Electrical and
Electronic
Engineering
personnel

Establishment of
Investigating Panel
and Disciplinary
Tribunal

1 panel (in this Bill referred to as "Investigating panel") which shall be charged
2 with the duty to-

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

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

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

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

13 (b) Three members of the institute who are not members of the
14 council.

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

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

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

23 (7) There shall be established the Chartered Institute of Electrical and
24 Electronic Engineering of Nigeria Disciplinary Tribunal (in this Bill referred to
25 as "The Disciplinary Tribunal") which shall be charged with the duty of
26 considering and determining any case referred to it by the Investigating Panel
27 constituted.

28 (8) The Disciplinary Tribunal shall be appointed by the council and
29 shall consist of a Vice- President of the institute who shall be the Chairman,
30 three other members of the council and three members of the Institute who are

1 not members of the council.

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

5 **13.-(1) Where-**

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

Penalties for
unprofessional
conduct

8 (b) A person is convicted, by any court or tribunal in jurisdiction in
9 Nigeria or elsewhere having the power to award imprisonment for an
10 offence (where or not punishment with imprisonment) which in the opinion
11 of the tribunal is incompatible with the conduct required of a member of the
12 Electrical and Electronic Engineering profession; or

13 (c) The Disciplinary Tribunal is satisfied that the name of the
14 person has been fraudulently registered, and the person involved has been
15 given opportunity for a fair hearing to defend his/herself before the Tribunal.
16 The Tribunal shall, after receiving the confirmation of its decision from the
17 council, convey a direction to the person concerned reprimanding that
18 person ordering the registrar to strike his name off the relevant part of the
19 registered.

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

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

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

29 (b) No person shall be a member of the Disciplinary Tribunal to
30 reach a decision which has been deferred or further deferred unless he was

1 present as a member of the Disciplinary Tribunal when the decision was
2 deferred.

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

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

10 (6) The person to whom such a direction relates may, at any time
11 within twenty-eight days from the date of service on him/her of the notice of
12 the direction, appeal against the direction to the Federal High Court and where
13 necessary to the Court of appeal and the Disciplinary Tribunal shall appear as
14 the respondent to the appeal and, to enable directions to be given as to the costs
15 of the appeal and of proceeding before the Federal High Court of appeal the
16 Disciplinary Tribunal shall be deemed to be a party thereto, whether or not it
17 appeals the hearing of the appeal.

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

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

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

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

27 (8) A person whose name is struck off the register in pursuance of a
28 direction of the Disciplinary Tribunal under this clause shall not be entitled to
29 be registered again, except, in pursuance of a directive in that behalf and a
30 direction under this clause for the striking off of a person's name from the

1 register prohibit him from making an application for membership or
 2 restoration of his membership until after the period specified by the
 3 direction that his name should be struck off, and if he makes an application
 4 during the currency of the prohibition such as application shall be invalid.

5 **14.** A person who is not a member of any Engineering professional
 6 body establish before the commencement of this Bill who but for this Bill, is
 7 qualified to apply for membership of the Chartered Institute of Electrical
 8 and Electronic Engineering established by this Bill, in such manner as may
 9 be prescribed by rules made by the Council, shall be given such opportunity
 10 to be registered in the category of membership appropriate in the current
 11 period for holders of the qualification he/she possesses.

Application of
 this Bill to yet
 to be Registered
 Engineering Persons

12 **15.** A person other than a registered member of the Institute shall
 13 be deemed to practice as a member of the Engineering profession if, in
 14 consideration of remuneration received or to receive and whether by himself
 15 or in partnership with any other person-

Practice as a
 member of the
 Electrical and
 Electronic
 Engineering
 profession

16 (a) he engages himself in the practice of Electrical and Electronic
 17 Engineering services or holds himself out to the public as a member of the
 18 Electrical and Electronic Engineering profession;

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

21 (c) he renders any other service which may be by regulations made
 22 by the Council, be designated as service constituting practice as a member of
 23 the Electrical and Electronic Engineering profession.

24 **16.-(1)** The Council may make rules to guide training in Electrical
 25 and Electronic Engineering methods and practice.

Rules as to
 Practice etc.

26 (2) The Council may also make rules-

27 (a) prescribing the amount and date for payment of the annual
 28 subscription and such purposes, a different amount may be prescribed by the
 29 rules according to the category of registration;

30 (b) Restricting the right to membership of the Institute in default of

1 payment of the amount of the annual subscription where the default continues
2 for more than one year or such period as may be prescribed by the rules;

3 (c) to annual subscription as may be prescribed, the Institute shall be
4 obliged to the Issue annual practicing certificate for all registered personnel in
5 the Institute's register, spanning 12 calendar months upon the payment of the
6 prescribed fee.

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

9 (4) Any member of the institute who fails to pay the annual practicing
10 fee for one year or such period as may be prescribed by the council may have
11 his name removed from the register of members.

Provision of
Library facilities
etc.

12 **17.** The Institute shall-

13 (a) provide and maintain a library comprising books and online
14 publications across the spectrum of Electrical and Electronic Engineering
15 practice under the care of the Institutes' Registrar until at such a time when a
16 professional librarian would be engaged for professional service;

17 (b) encourage research into Electrical and Electronic Engineering
18 theory and practice and allied subjects to the extent that the council may, from
19 time-to-time, consider necessary;

20 (c) subscribe to international libraries to access information towards
21 standards development and adoption.

Offences and
penalties, etc.

22 **18.-(1)** A person for the purpose of procuring the registration of any
23 name, qualification or other matter who-

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

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

28 (2) If, on or after the relevant date, any person who is not a member of
29 the Institute practices or holds himself out to practices as an Electrical and
30 Electronic Engineering personnel for or in expectation of reward or takes or

1 use the name, titles, addition or description implying that he is in practice as
2 an Electrical and Electronic Engineering personnel, he shall be guilty of an
3 offence and be liable to prosecution under this Bill:

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

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

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

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

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

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

28 **19.**-(1) Any regulations, made pursuant to this Bill shall be Regulations
29 published in the Institute's Journal or website.

30 (2) Rules made for the purpose of this Bill shall be subject to

1 confirmation by the council at its next General Assembly or any special
2 Meeting of the Institute convened for the purpose, and if annulled shall cease to
3 have effect on the day after the date of annulment, but without prejudice
4 anything is done in pursuance or intended pursuance of any such rules.

Interpretation 5 **20. In this Bill-**

6 In this bill, the words imparting singular shall include plural and vice versa, and
7 the words imparting masculine shall include the feminine and vice versa;
8 "Bill" shall mean Chartered Institute of Electrical and Electronic Engineering
9 of Nigeria, Bill, 2021;
10 "Chartered Electrical and Electronic Engineering Personnel" means a person
11 who has passed the professional competence examinations in his area of
12 specialty and category of the Chartered Institute of Electrical and Electronic
13 Engineering of Nigeria(CIEEN);
14 CIEEEN shall be the official abbreviation of the Chartered Institute of
15 Electrical and Electronic Engineering of Nigeria;
16 "The Profession" shall mean Electrical and Electronic Engineering;
17 The generic name "Electrical and Electronic Engineering shall include among
18 others the following fields engineering and engineering science: power
19 engineering, electronics, clean energy, telecommunications, systems
20 engineering, computer engineering, radio-frequency engineering, signal
21 processing, broadcasting, instrumentation, optics and photonics, hardware
22 engineering, power electronics, electromagnetics and waves, microwave
23 engineering, nanotechnology, electrochemistry, mechatronics, biomedical
24 engineering, electrical materials science, robotics, artificial intelligence,
25 machine learning, control and automation, avionics, quantum engineering,
26 embedded/emerging technologies which cover Internet of Things, Big Data,
27 blockchain technology, Electrical Manufacturing Industry, Electrical
28 Maintenance, Construction and Contracting Industries. Application of
29 electricity and electronics to medical science aeronautics, maritime,
30 automobiles; Study, teaching, research and development pertaining to any

1 field of engineering or applied sciences of Electricity and
2 Electronics."Certificate" means a certificate to practice as a chartered
3 Electrical and Electronic Engineering Personnel issued by the institute;
4 "Council" means the council established as the governing body of the
5 institute under clause 5 (1);
6 "Disciplinary Tribunal" means the chartered Institute of Electrical and
7 Electronic Engineering of Nigeria Disciplinary Tribunal established under
8 clause 14;
9 "Fees" includes Registration and annual practicing Certificate;
10 "Fit Person" means a person of good character, who is not an undercharged
11 bankrupt and has not been convicted in Nigeria or elsewhere of any offence
12 involving fraud or dishonesty or has not been so convicted since a period to
13 be specified from time to time by the council;
14 "the Institute" means the Chartered Institute of Electrical and Electronic
15 Engineering of Nigeria (CIEEEN) established under clause 1;
16 "Investigation panel" means the chartered Institute of Electrical and
17 Electronic Engineering of Nigeria (CIEEEN) Investigation Panel
18 established under clause 13;
19 "Member of The Electrical and Electronic Engineering" means a person
20 registered by the institute as a member in his area of specialty and category;
21 "President" and "Vice President" means the office holders under those
22 names in the Electrical and Electronic Engineering Institute respectively;
23 "Profession" Means the Electrical and Electronic Engineering profession;
24 "Register" means the register kept in pursuance of clause 9(9)(a) of this Act.

25 **21.** This Bill may be cited as the Chartered Institute of Electrical Citation
26 and Electronic Engineering of Nigeria Bill, 2021.

1 EXPLANATORY MEMORANDUM

2 This Bill seeks to establish the Chartered Institute of Electrical and Electronic
3 Engineering of Nigeria and charges it with the responsibility to register, certify
4 and standardize the practice, education, services, equipment/systems, products
5 and qualifications;

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

1 FIRST SCHEDULE

2 *Clause 3 (5)*

3 *Qualification for Membership Categories*

4 A person registered under this Bill is enrolled in any of the following
5 categories:

- 6 1. Engineer
- 7 2. Technologist
- 8 3. Technician
- 9 4. Craftsman
- 10 5. Corporate Firm
- 11 1. Engineer; Qualifications for registration as engineer (viz
12 B.Eng, B.Sc and B.Tech)
- 13 2. Technologist; Qualifications for registration as technologist
14 [HND]
- 15 3. Technician; Qualifications for registration as technician [OND]
- 16 4. Craftsman; Qualifications for registration as craftsman [TTC]
- 17 5. Corporate Firm; a company in which the director or one of the
18 board of directors must be an electrical or electronic engineer as in 1(2)(c).

19 SECOND SCHEDULE

20 *[Clause 5 (3)]*

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

22 1.-(1) Subject to the provisions of this paragraph, a member of the
23 council shall hold office for a period of two (2) years beginning with the date
24 of his appointment or election.

25 (2) A member of the Institute who ceases to be a member thereof
26 shall, if he is also a member of the Council cease to hold office in the
27 Council.

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

30 (4) Member of the council shall at its meeting next before the

1 general meeting of the Institute, arrange for the replacement of elected
2 members of the council who are longest in office to retire at that general
3 meeting.

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

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

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

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

15 *Power of the Council*

16 2. The Council shall have power to carry out the activities of the
17 Institute within the scope of this bill.

18 *Standing Orders*

19 3.-(1) Subject to the provision of this Bill, the Council may in the
20 name of the Institute make standing orders regulating the proceedings of the
21 Institute or the Council, and in the exercise of its power under this Bill, may set
22 up committees in the general interest of the institute and make standing orders
23 thereof.

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

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

30 (4) The quorum of the Council shall be nine and the quorum of a

1 committee of the council shall be fixed by the council.

2 *General Assembly of the Institute*

3 4.-(1) The Council shall convene the annual General Assembly of
4 the Institute as may be determined by the council.

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

8 (2) A special general meeting of the Institute may be convened by
9 the council at any time and if not less than twenty members of the institute so
10 require, by notice in writing addressed to the chairman of the council setting
11 out the object of the proposed meeting, the chairman of the council shall
12 convene a special general meeting of the institute.

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

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

18 *Meeting of the Council*

19 5.-(1) Subject to the provisions of any standing order of the
20 council, the council shall meet whenever it is summoned by the council and
21 if the chairman is required to do so, by notice in writing given to him by no
22 less than five other members, he shall summon a meeting of the council to be
23 held within fourteen days from that date on which the notice is given.

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

30 (3) Where the Council desires to obtain the service of any person

1 on a matter, the council may co-opt him as a member for such period as the
2 council may think fit, but a person who is a member under sub-paragraph shall
3 not count towards a quorum.

4 *Committee*

5 6.-(1) The Council may appoint one or more committees to carry out
6 on behalf of the institute or council such function as the council may determine.

7 (2) A committee appointed under this paragraph shall consist of the
8 number of persons determined by the council, of whom not more than one-third
9 may be the persons who are not members of the council and a person other than
10 a member of the council shall hold office on the committee in accordance with
11 the terms of the letter by which he/she is appointed.

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

14 *Miscellaneous*

15 7.-(1) The fixed seal of the institute shall be authenticated by the
16 signature of the Registrar or some other member of the council authorized
17 generally or specially by the institute to act for that purpose.

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

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

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

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

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

THIRD SCHEDULE

[Clause14 (9)]

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

TRIBUNAL AND INVESTIGATING PANEL

The Disciplinary Tribunal

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

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

(2) The rules shall in particular provide:

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

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

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

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

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

3 (f) For requiring, in any case where it is alleged that the person who is
4 the subject of the proceedings involved himself in unprofessional conduct in
5 any professional respect, that where the Disciplinary Tribunal adjudges that the
6 alleged has not been provided, it shall record a finding that the person is not
7 guilty of such conduct in respect of the matter to which the allegation relates;
8 and

9 (g) For publishing notice of any direction of the Tribunal which has
10 taken effect, providing that a person's name shall be struck off a register.

11 3. For any proceedings before the Tribunal, any member of the
12 Tribunal may administer oaths and any party to the proceedings may issue out
13 of the registry of the Federal High Court writs of *subpoena and testudinium*
14 *and deuces tecum*, but no person appearing before the Disciplinary Tribunal
15 shall be compelled-

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

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

20 4.-(1) To advise the Tribunal on the question of law arising in the
21 proceedings before it, there shall in all such proceedings by an assessor to the
22 Disciplinary Tribunal who shall be appointed by the Council on the nomination
23 of the Attorney-General of the Federation and shall be a legal practitioner of
24 not less than seven years standing.

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

28 (a) Where an assessor advises the Disciplinary Tribunal on any
29 question of law as to evidence, procedure or any other matters specified by the
30 rules, he shall do so in the presence of every party or a person representing a

1 party to the proceedings who appears there or if the advice is tendered while
2 the Tribunal is deliberating in private that every such party or person as
3 aforesaid shall be informed of the assessor on such a question as aforesaid;

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

7 (3) An Assessor may be appointed under this paragraph either
8 generally or for any particular proceedings or class proceedings and shall
9 hold and vacate office in accordance with the terms of the letter by which he
10 was appointed.

11 *The Investigation Panel*

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

13 6.-(1) The Investigation panel may, at any of its meetings attended
14 by all the members of the investigating panel, make standing orders
15 concerning the Investigation Panel.

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

18 *Miscellaneous*

19 7.-(1) A person ceasing to be a member of the investigation panel of
20 the Disciplinary Tribunal shall be eligible for re-appointment as a member
21 of the Investigation Panel or Disciplinary Tribunal as the case may be;
22 however, nobody shall serve in the Investigation Panel for more than two
23 consecutive terms totaling four years.

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

28 8. The Investigating Panel or the Disciplinary Tribunal may act,
29 notwithstanding any vacancy in its membership, and the proceedings of
30 either body shall be invalidated by any irregularity in the appointment of a

1 member of that body or subject to paragraph 7 (2) of this schedule by reason of
2 the fact that any person who was not entitled to do so took part in the
3 proceedings of that body.

4 9. Any document authorized or required by virtue of this Act to be
5 served on the Disciplinary Tribunal or the Investigating Panel shall be served
6 on the Registrar.

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

RECOVERY OF PREMISES BILL, 2021

ARRANGEMENT OF SECTIONS

Section

PART I - PRELIMINARY

Short title and interpretation

1. Short title and application
2. Interpretation

Jurisdiction

3. General Jurisdiction
4. Cost in High Court
5. Jurisdiction of magistrate in case of title of third person
6. Jurisdiction in respect of rent other than in money

Obligations of Landlord and tenant

7. Obligations of the Tenant
8. Obligations of the Landlord

PART II - PROCEEDINGS LEADING UP TO JUDGMENT NOTICE TO QUIT

AND OF INTENTION TO RECOVER POSSESSION

9. Notice to quit
10. Length of notice to determine certain terms
11. Giving of notice and expiry thereof
12. Tenant in default of payment of rent

Summons

13. Institution of proceedings
14. Obligation of sub-tenant to give notice to his immediate landlord
15. Landlord may claim for mesne profits
16. Claim for arrears of rent and mesne profits
17. Tenant's title to compensation
18. Consent of Landlord
19. Court may hear counter-claim with claim to recover land
20. Expeditious trial and adjournments

Appraisers

- 21. Court may appoint person to value improvements
- 22. Report of appraisers to be evidence

Hearing and Judgment

- 23. Hearing of Summons
- 24. Warrant of possession may issue at any time

PART III - EJECTMENT

- 25. Enforcement of order of court
- 26. Form and purpose of warrant of possession
- 27. Warrants of possession to be in force for three months
- 28. Warrant of possession justifies entry on premises
- 29. Protection of officers of the court
- 30. Penalty for resisting or assaulting officers
- 31. Penalty on person unlawfully retaking possession

PART IV - MISCELLANEOUS

Service

- 32. Service of process

Landlord's Liability to Special Damages

- 33. Landlord's liability to special damages.

Appeal

- 34. Appeal from order of possession in all cases Forms
- 35. Use of forms
- 36. Repeal

Schedule

A BILL

FOR

AN ACT TO REPEAL THE RECOVERY OF PREMISES ACT, 1945 AND ENACT THE RECOVERY OF PREMISES ACT, 2021 TO PROVIDE A COMPREHENSIVE LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE RECOVERY OF PREMISES IN NIGERIA AND OTHER RELATED MATTERS

[] Commencement

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

1 PART I - PRELIMINARY

2 1.-(1) This Bill may be cited as the Recovery of Premises Bill, Short title
3 2021.

4 (2) The Minister may, from time to time by order, declare that the
5 provisions of this Act shall not apply to an area specified in the order and the
6 order coming into force the provisions of this Act shall cease to apply to such
7 areas as may be specified in the order.

8 (3) proceeding instituted prior to and which is pending at the date
9 of the coming into force of the order and which is in respect of any premises
10 in an area referred to in the order may be continued and carried through to
11 completion, notwithstanding the order, in all respects as if this Act still
12 applied to the area in which are situate the premises in question.

13 (4) Where the provisions of this Act are withdrawn from any area
14 by order as aforesaid the withdrawal shall remain operative only so long as
15 there is in force an order effecting the withdrawal.

16 2.-(1) In this Act, unless the context otherwise requires- Interpretation
17 "Agent" means any person usually employed by the landlord in the letting of
18 premises or in the collection of the rents thereof or specially authorized to
19 act in a particular manner by writing under the hand of the landlord;

1 "Court" includes the High Court and magistrates' courts but does not include a
2 customary court;

3 "Landlord" in relation to any premises means the person entitled to the
4 immediate reversion of the premises or if the property therein is held in joint
5 tenancy or tenancy in common, any of the persons entitled to the immediate
6 reversion, and includes the attorney or agent of the landlord, and also any
7 person appointed to act on behalf of the State in dealing with any land,
8 building, premises or corporeal or incorporeal hereditament vested in the State;

9 "mesne profits" means the rents and profits which a tenant who holds over or a
10 trespasser has or might have received during his occupation of the premises
11 and which he is liable to pay as compensation to the person entitled to
12 possession;

13 "Minister" means the Minister charged with responsibility for the
14 administration of the Federal Capital Territory, Abuja;

15 "premises" includes-

16 (a) a house or building or any part thereof together with its grounds or
17 other appurtenances, and

18 (b) land without any building thereon;

19 "rent" includes any part of any crop rendered, or any equivalent given in kind or
20 in labour, in consideration of which a landlord has permitted any person to use
21 and occupy any land, house, premises, or other corporeal hereditament;

22 "rules" means the rules for the time being in force relating to the practice and
23 procedure of the courts in the exercise of their respective civil jurisdiction
24 made under the law by which the courts were established or any law amending
25 those laws;

26 "tenant" includes any person occupying premises whether on payment of rent
27 or otherwise but does not include a person occupying premises under a bona
28 fide claim to be the owner of the premises.

Forms. Schedule

29 (2) A reference to a Form means a reference to that Form as set out in
30 the Schedule to this Act.

1 3. Proceedings under this Act may be brought in any court of Jurisdiction
2 competent jurisdiction.

3 4. Where proceedings under this Act are brought in the High Court
4 and the amount recovered or the value of the rent as ascertained does not
5 exceed an amount which could have been recovered without any set set-off
6 or with an admitted set-off in a magistrate's court the plaintiff shall not be
7 allowed costs in excess of those which he could have recovered had he
8 brought the action in a magistrate's court provided that when-

9 (a) the proceedings were in respect of a bona fide claim of right set
10 up by the defendant under section 5 of this Act; or

11 (b) the court certifies that there was a question of law involved
12 which rendered it advisable for a decision there-on to be made by the High
13 Court,

14 the court may award costs on the scale applicable to actions brought in the
15 High Court.

16 5. The jurisdiction of a magistrate shall not be ousted by the Jurisdiction of
17 defendant bona fide setting up the title of a third person, unless he holds magistrate in
18 under, or claims through, that third person. cases of title of
third person

19 *Obligations of Landlord and tenant*

20 6. Subject to any provision to the contrary in the tenancy Obligation of
21 agreement between the parties, the tenant shall be obliged to do the the Tenant
22 following:

23 (a) Permit the landlord and his authorized agents during the
24 pendency of the tenancy at all reasonable hours in the day time by written
25 notice, to view the condition of the premises and to effect repairs where
26 necessary;

27 (b) Not to make any alterations or additions to the premises without
28 the prior written consent of the landlord;

29 (c) Keep the premises in good and tenantable repair, reasonable
30 wear and tear excepted;

1 (d) Notify the landlord where structural or substantial damage has
2 occurred to any part of the premises as soon as practicable;

3 (e) Not to assign or sublet any part of the premises without the prior
4 written consent of the landlord;

5 (f) Pay all existing and future rates and charges not applicable to the
6 landlord by law;

7 (g) Pay the rents at the times and in the manner stipulated.

8 **7.** Subject to any provision to the contrary in the tenancy agreement
9 between the parties, the landlord shall be obliged to do the following:

10 (a) Not to seize or interfere with the tenant's access to his personal
11 property save in a manner authorized by law;

12 (b) Effect repairs and maintain the external and common parts of the
13 premises;

14 (c) Keep the premises insured against loss or damage;

15 (d) Not to disturb the tenant's quiet and peaceable possession and
16 enjoyment of the premises;

17 (e) Pay all rates and charges as stipulated by law which are applicable
18 to the landlord;

19 (f) Not to terminate or restrict a common facility or service for the use
20 of the premises.

Jurisdiction in
respect of rent
other than in
money

21 **8.-(1)** Where the rent includes a part of a crop or a value given in kind
22 or in labour or any amount which is not specified as by a precise monetary
23 value proceedings under this Act may be brought in a magistrate's court.

24 (2) If during the hearing it appears that the amount of the claim is a
25 sum exceeding the rate of Five Million Naira a year, the plaintiff may abandon
26 the excess and proceed and thereupon the magistrate's court shall have
27 jurisdiction to hear and determine the action, so however that-

28 (a) subject to the provisions of any law limiting the jurisdiction of the
29 magistrate hearing the action, the Plaintiff shall not recover in the action a sum
30 greater Five Million Naira; and

(b) the judgment of the court shall be in full discharge of all demands in respect of the particular cause of action.

PART II - PROCEEDINGS LEADING UP TO JUDGMENT

9. When and so soon as the term or interest of the tenant of any premises, held by him at will or for any term either with or without being liable to the payment of any rent, ends or is duly determined by a written notice to quit as in Form B, C or D, whichever is applicable to the case, or is otherwise duly determined, and the tenant, or, if the tenant does not actually occupy the premises or only occupies a part thereof, a person by whom the premises or any part thereof is actually occupied, neglects or refuses to quit and deliver up possession of the premises or of such part thereof respectively, the landlord of the premises or his agent may cause the person so neglecting or refusing to quit and deliver up possession to be served, in the manner hereinafter mentioned, with a written notice, as in Form E signed by the landlord or his agent, of the landlord's intention to proceed to recover possession on a date not less than seven days from the date of service of the notice.

Notices to Quit
and Intention to
Recover Possession.
Form B, C or D.
Form E

10.-(1) Where there is no express stipulation as to the notice to be given by either party to determine the tenancy, the following periods of time shall be given-

Length of notice
to determine
certain term

(a) in the case of a tenancy at will or a weekly tenancy, a week's notice;

(b) in the case of a monthly tenancy, a month's notice;

(c) in the case of a quarterly tenancy, three month's notice;

(d) subject to subsection (2) of this section in the case of a yearly tenancy, three month's notice:

(2) the case of a yearly tenancy the tenancy shall not expire before the time when any crops growing on the land, the subject of the tenancy, would in the ordinary course be taken, gathered, or reaped if such crops were crops which are normally reaped within one year of planting and such

	1	planting was done by the tenant prior to the giving of the notice.
	2	(3) The nature of a tenancy shall, in the absence of any evidence to the
	3	contrary, be determined by reference to the time when the rent is paid or
	4	demand.
Giving of notice and expiry thereof	5	11. Notices referred to in section 8 of this Act may be given at any
	6	time prior to the date of termination of the current terms of tenancies, but they
	7	shall not be effective if the time between the giving of the notice and the time
	8	when the tenancy is to be determined is less than the respective periods set out
	9	in section 8 of this Act.
Tenant default of payment of rent	10	12. Without prejudice to the provisions of section 9 of this Act,
	11	(1) In the case of monthly tenant, where the tenant is in arrears of rent
	12	for two (2) months, whether in whole or in part, the tenancy shall be determined
	13	and the Court shall make an order for possession and arrears of rent upon proof
	14	of the arrears by the landlord.
	15	(2) In the case of a quarterly or half-yearly tenant, where the tenant is
	16	in arrears of rent for three (3) months, whether in whole or in part, the tenancy
	17	shall be determined and the Court shall make an order for possession and
	18	arrears of rent upon proof of the arrears by the landlord.
	19	(3) In the case of a yearly tenant, where the tenant is in arrears of rent
	20	for three (4) months, whether in whole or in part, the tenancy shall be
	21	determined and the Court shall make an order for possession and arrears of rent
	22	upon proof of the arrears by the landlord.
	23	(4) The tenant shall be entitled to a seven days notice of owner's
	24	intention to apply to recover possession and the Notice under subsection (1),
	25	(2) and (3) of this Section need not terminate on the anniversary of the tenancy
	26	but may terminate on or after the date of expiration of the tenancy.
	27	(5) In the case of a tenancy for a fixed term, no notice to quit shall be
	28	required once the tenancy has been determined by effluxion of time and where
	29	the landlord intends to proceed to Court to recover possession, he shall serve a
	30	seven (7) days written notice of his intention to apply to recover possession as

1 in Form "E" in the Schedule of this Act.

2 **13.**-(1) On the expiration of the time stated in a notice of the
3 landlord's intention to recover possession, if the tenant or any person
4 holding or claiming by, through or under him, neglects or refuses to quit and
5 deliver up possession accordingly, the landlord may apply, according to
6 whether he is taking action in the High Court or a magistrate's court, for the
7 issue of a writ or enter a plaint, as in Form F, at his option either against the
8 tenant or against the person so neglecting or refusing, in the court of the
9 division or district, as the case may be, in which the premises are situate for
10 the recovery of the premises and thereupon a summons as in Form G shall
11 issue to such tenant or person so neglecting

Summons,
Institution of
proceedings,
Form F, Form G,
Form J

12 (2) If mesne profits are claimed and the writ or plaint shows that the
13 rate at which the mesne profits are claimed is the same as the rent of the
14 premises, judgment shall be entered for the ascertained amount as a
15 liquidated claim and if mesne profits are claimed at the rate of the rent up to
16 the time of obtaining possession the judgment shall be extended to include
17 that claim and shall be as in the second alternative in Form J.

18 **14.**-(1) Where any summons for the recovery of any premises as is
19 hereinbefore specified is served on or comes to the knowledge of any sub-
20 tenant of the plaintiff's immediate tenant, the sub-tenant being an occupier
21 of the whole or of a part of the premises sought to be recovered, he shall
22 forthwith give notice thereof to his immediate landlord.

Obligation of
sub-tenant to give
notice to his
immediate
landlord

23 (2) Failure to give notice shall render the sub-tenant rendering him
24 liable to forfeit such sum as the court may consider just but not exceeding
25 three years' rent of the premises held by the sub-tenant to such landlord.

26 (3) The sum to be recoverable, whatever the amount thereof, by the
27 landlord by action in the court from which the summons shall have issued,
28 and the landlord, on the receipt of such notice, if not originally a defendant,
29 may be added or substituted as a defendant to defend possession of the
30 premises in question.

Landlord may claim for mesne profits	1	15. The landlord may, either together with his writ or plaint for the
	2	recovery of the premises or in answer to a claim or counter-claim made in
	3	respect of any unexhausted improvements as hereinafter provided, claim to
	4	recover, or to set-off, rent or mesne profits, or both, accruing in respect of the
	5	premises since the ending or determination of the tenancy down to the day
	6	appointed for the hearing, or to a preceding day named in the plaint.
Claims for arrears of rent and mesne profits	7	16. The amount claimed under any writ or plaint for arrears of rent
	8	and mesne profits shall be treated as one claim.
Tenant's title to compensation	9	17. Where a tenant executes on his holding any improvements he shall
	10	be entitled, subject to the provisions of section 18 of this Act, at the termination
	11	of the tenancy, on quitting his holding. To receive compensation from his
	12	landlord in respect of any such improvement which continues unexhausted.
Consent of landlord	13	18. A tenant shall not be entitled to compensation in respect of any
	14	improvement, unless he has executed it with the previous consent in writing of
	15	the landlord.
Court may hear counter-claim with claim to recover the land	16	19. A tenant may at any time make any claim, or counter-claim before
	17	a court against the landlord in respect of any unexhausted improvement, and
	18	the court may, if it thinks it expedient, hear and determine any counter-claim,
	19	together with any claim to recover possession of the holding in respect of which
	20	the counter-claim is made provided that-
	21	(a) in the case of a counter-claim, notice in writing of the particulars of
	22	the counter-claim shall be given to the landlord three clear days before the day
	23	fixed for the hearing of the claim to recover possession, and
	24	(b) the court at the hearing shall have power to enlarge the time for the
	25	delivery of the notice, or for the hearing of the counter-claim.
Expeditious trial and adjournments	26	20.-(1) A Court shall hear and determine matters relating to recovery
	27	of premises under this Act expeditiously and ensure that the number of
	28	adjournments in any suit or proceeding under this Act is curtailed.
	29	(2) No party in any matter under this Act shall be entitled to more than
	30	five adjournments from trial to final judgment:

1 Provided that the interval between each adjournment shall not
2 exceed fourteen working days.

(3) In all circumstances, the court may award reasonable costs in order to discourage frivolous adjournments.

5 **21.-(1)** A court may-

(a) from time to time, and at any time, appoint by writing as in Form H one or more persons to estimate the value of any unexhausted improvements in respect of which a claim or counter-claim is made, and to report in writing as in Form I to the court thereon, and

10 (b) make such order as it thinks fit in respect of the expenses and
11 remuneration of those persons.

12 (2) The provisions of the Stamp Duties Act shall not apply to
13 persons appointed by the court under this section.

14 **22.** A report in writing, purporting to be signed by the person, or
15 persons, appointed by the court under section 17 of this Act, shall be
16 received in evidence in all courts, until it is shown that the report was not so
17 signed.

Appraisers,
Form H, Form I

Report of Appraisers to be evidence

18 *Hearing and Judgment*

19 *Hearing of summons*

20 *Form J, K or L. Form M.*

21 **23.-(1)** If the defendant shall not at the time named in the summons
22 or an adjournment thereof, show good cause to the contrary, then on proof-

23 (a) of the defendant still neglecting or refusing to deliver up the
24 premises;

25 (b) of the accrued rent of the premises;

26 (c) of the holding;

(d) of the expiration or other determination of the tenancy with the time and manner thereof;

29 (e) of the title of the landlord, if the title has accrued since the
30 letting of the premises; and

	1	(f) of the service of the summons, if the defendant does not appear
	2	thereto,
	3	the court may order as in Form J, K or L, whichever is applicable to the case,
	4	that possession of the premises mentioned in the plaint be given by the
	5	defendant to the plaintiff either forthwith or on or before such day as the court
	6	shall think fit to specify.
	7	(2) If the plaintiff at the time named in the summons or at any
	8	adjournment thereof fails to obtain an order under subsection (1) of this section
	9	the defendant shall be entitled to judgment and may be awarded costs, the
	10	judgment and award being as in Form M.
Issue of Warrant of possession	11	24. Where a landlord is entitled to possession of any premises, then
	12	the court may issue a warrant of possession, notwithstanding that the counter-
	13	claim is undetermined or unsatisfied.
	14	PART III - EJECTMENT
Enforcement of order of Court	15	25. If the order of the court given under section 23 of this Act-
	16	(a) is not obeyed, the court, whether the order can be proved to have
	17	been served on the defendant or not, at instance of the plaintiff, issue a warrant
	18	of possession; and
	19	(b) is that possession of the premises be given forthwith by the
	20	defendant to the plaintiff, the court shall, at the instance and cost of the plaintiff,
	21	issue a warrant of possession forthwith.
Form and purpose of warrant of possession, Form N, Form O	22	26. A warrant of possession shall entitle the plaintiff to be put in
	23	possession of the premises to which the warrant relates and be as in Form N and
	24	the certificate of execution thereof shall be as in Form O.
Warrant of possession to be in force for three months	25	27. Every warrant of possession shall, on whatever day it may be
	26	issued, bear date of the day next after the last day named by the court in the
	27	order for the delivery of possession of the premises in question, and continue in
	28	force for three months from that date and no longer, but no order for delivery of
	29	possession need be drawn up or served.

1	28. Any warrant to give possession of premises shall justify the	Warrant of possession justifies entry on premises
2	person named therein or to whom it is directed in entering upon the premises	
3	named therein, with such assistance as he shall deem necessary, and in	
4	giving possession accordingly but no entry upon such warrant shall be made	
5	on a Sunday or public holiday or at any time except between the hours of six	
6	o'clock in the morning and six o'clock in the afternoon.	
7	29. No action and no prosecution may be brought against the	Protection of officers of the court
8	judge, magistrate or other officer of the court by whom a warrant of	
9	possession was issued, or against any sheriff or other person by whom the	
10	warrant may be executed, or document affixed, for issuing the warrant or	
11	executing the warrant respectively, or affixing such document, by reason	
12	that the person by whom the same shall be sued out had not lawful right to	
13	the possession of the premises.	
14	30. A person who resists, molests, assaults or in any way obstruct	Penalty for resisting or assaulting officers
15	any officer when engaged in the execution of such warrant as aforesaid, or	
16	any person appointed under section 17 of this Act and engaged in carrying	
17	out an order of a court is guilty of an offence under this Act and liable, on	
18	summary conviction, to a fine of one hundred naira or to imprisonment for	
19	six months or to both such fine and imprisonment.	
20	31. A person, who has been put out of possession under a warrant	Penalty on person unlawfully retaking possession
21	of possession, and unlawfully retakes possession of the premises after	
22	possession has been given to the landlord, is guilty of an offence against this	
23	Act and liable, on summary conviction, to a fine of one million naira or to	
24	imprisonment for six months or to both such fine and imprisonment.	
25	PART IV - MISCELLANEOUS	
26	<i>Service</i>	
27	32. Service of a notice of determination of a tenancy or of a notice	Service of process
28	to quit or any summons, warrant or other process shall be effected in	
29	accordance with the provisions of the law for the time being in force relating	
30	to the service of the civil process of magistrate's courts and if the defendant	

1 cannot be found, and his place of dwelling is either not be known, or admission
 2 thereto cannot be obtained for serving the process, a copy of the process shall
 3 be posted on some conspicuous part of the premises sought to be recovered, or
 4 sent to a verifiable mail or other electronic addresses belonging to the
 5 defendant and the posting or such mail or electronic service, shall be deemed
 6 good service on the defendant.

Landlord's
 Liability to
 Special Damages

7 **33.-(1)** Where the landlord at the time of applying for a warrant of
 8 possession as aforesaid had lawful right to the possession of the premises, or of
 9 the part thereof, so held over as aforesaid, neither said landlord nor his agent,
 10 nor any other person acting on his behalf, shall be deemed to be a trespasser by
 11 reason merely of any irregularity or informality in the mode of proceeding for
 12 obtaining possession under the authority of this Act, but the party aggrieved
 13 may if he think fit bring an action for such irregularity or informality, in which
 14 the damage alleged to be sustained thereby shall be specially claimed, and may
 15 recover full satisfaction for such special damage with costs of suit.

16 (2) If the special damage claimed is not proved, the defendant shall be
 17 entitled to a judgment, and if proved, but assessed by the court at any sum not
 18 exceeding fifty thousand naira, the plaintiff shall recover no more costs than
 19 damages, unless the court before which the trial action was brought shall
 20 certify on the record that full costs ought to be allowed.

21 *Appeal*

Appeal from
 order of possession
 in all cases

22 **34.** Either party to a proceeding to recover possession of any premises
 23 under this Act may appeal from the decision of the court to the appropriate
 24 court of appeal whatever may be the value of the subject matter in dispute.

25 *Forms*

Use of Forms,
 Schedule

26 **35.-(1)** Subject to the express provisions, if any, of the rules, the forms
 27 contained in the Schedule to this Act may, in accordance with any instruction
 28 contained in the forms, and with such variations as the circumstances of the
 29 particular case may require, be used in the cases to which they apply, and, when
 30 so used, shall be good and sufficient in law.

(2) The forms may be added to, repealed, replaced or varied by rules made as aforesaid in all respects as if the forms had originally been so made.

36.-(1) The Recovery of Premises Act, 1945 is repealed.

(2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Act specified in subsection (1) of this section shall not affect anything done under or pursuant to the Act. Repeal

SCHEDULE

FORM A

Section 2(2) and 35

General Form of Title of Proceedings (FOR USE IN THE HIGH COURT)

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA

In the High Court of theJudicial

Division

Suit No.....20.....

Between:

..... Plaintiff

And

..... Defendant.

(FOR USE IN MAGISTRATE'S COURTS)

IN THE MAGISTRATE'S COURT

In the Magistrate's Court of the Magisterial

District

Suit No..... 20

Between:

..... Plaintiff

And

..... Defendant.

FORM B

Section 9

Notice to Quit signed by the Landlord himself

To C.D.

Sir.

I hereby give you notice to quit and deliver up possession of the [house or farmland] and premises, with the appurtenances situate at in the town [or District] ofwhich you hold of me as tenant thereof, on theday of 20..... next [or at the expiration of your tenancy which shall expire next after the end of months from the service of this notice]

Dated the..... day of.....20.....

Yours, etc.

FORM C

Section 9

Notice to Quit, given by an Agent or Legal Practitioner of the Landlord

To C.D.

Sir.

I hereby, as agent [or Legal Practitioner] for [AB], your landlord, and on his behalf give you notice to quit and deliver up possession of the [house or farmland] and premises, with the appurtenances situate at in the town [or District] ofwhich you hold of me as tenant thereof, on theday of 20 next [or at the expiration of your tenancy which shall expire next after the end of months from the service of this notice]

Dated the..... day of..... 20.....

Signed

Agent [or Legal Practitioner] for the abovenamed A.B.

FORM D**Section 9***Notice by Landlord to Quit Lodgings*

To C.D.

Sir,

I hereby give you notice to quit and deliver up on,
theday of..... 20..... the rooms or apartments with
the appurtenances in my house [.....] which you hold of me

Dated this day of 20....

Signed A.B

FORM E**Section 9***Notice to Tenant of Owner's Intention to apply to recover Possession*

To C.D

Sir,

I,[owner, or agent totheowner, as the case
may be] do hereby give you notice that unless peaceable possession of the premises
[*shortly describe*], situate at, which were held of me [*or of the
said as the case may be*] under a tenancy from year to year [*or as the
case may be*] which expired [or was determined by notice to quit *pr as the case may
be*] from the said, [or otherwise as the case may be] on
the.....day of, and which premises are now held over and
detained from the saidbe given
to.....[the owner or agent] on or before the expiration of seven clear
days from the service of this notice, I,shall
onnext, the.....day
ofatO' clock of same day, at.....apply to the
court to issue a warrant directing an appropriate person to enter and take possession of
the said premises, and to eject any person therefrom.

Dated thisday of20.....

Signed.....
Owner or Agent

FORM F

Section 13

Writ or Plaint against Tenant or Person refusing to deliver up Possession

APPROPRIATE GENERAL TITLE - FORM A) The plaintiff is entitled to the possession of premises [describe shortly] situate

at which were let by the plaintiff to the defendant for under the rent of ?, which said tenancy expired [or was determined by notice to quit [or *as the case may be*], given by the plaintiff [as the case may be] on the day of 20....., and on the day of a notice in writing of intention to apply to recover possession of the said premises (a duplicate of which notice is hereto annexed), by [*describe the mode in which the service was effected*]; and that notwithstanding the said notice the said defendant refused [or neglected] to deliver up possession of the said premises, and still detains the same.

The plaintiff claims possession and N k for arrears of rent and N k for mesne profits.

Or, the Plaintiff claims possession and N for arrears of rent and mesne profits at the rate of N per, being at the rate of the rent of the said premises, from the day of 20....., until possession is given up.

Signed.....

FORM G

Section 13

*Summons for Recovery of Possession of Tenements
(APPROPRIATE GENERAL TITLE - FORM A)*

You are hereby summoned to appear before the Court at,..... on theday of.....20..... at the hour of in the noon, to answer the plaintiff's claim to recover possession of

.....Situat at within the jurisdiction of this Court on the ground stated in the particulars of claim hereto annexed, and also to recover the sum of?k..... mentioned in the said particulars.

If you dispute the claim or have a counterclaim you should, within..... Days after the service of this summons on you, inclusive of the day of service, send to the Registrar a defence or counter-claim for which the form below may be used.

If you dispute part only of the money claimed you may pay into court the amount admitted.

If you admit the whole or part of the claim and desire time for payment or giving possession you should within the said days send to the Registrar an admission for which the form below may be used.

Claim fee for Plaint. Legal Practitioner's costs.	N	k
Total amount of claim and cost }		

Sending the form to the Registrar does not relieve you from appearing in Court on the day named, but delay in sending a defence or admission or in giving possession or in paying into Court may add to the costs.

To the Defendant.....
.....

Dated thisday of20

.....
Officer issuing Summons

Section 14

Take Notice that if you hold the above -mentioned premises as the tenant of any person other than the plaintiff you must give notice to that person, or to his agent, of this summons immediately it comes to your knowledge. If you fail to do so you will be liable to forfeit three years' rent of the premises to him.

I dispute the plaintiff's claim because (*state facts relied on in support of defence*) or I admit the plaintiff's title and his right to immediate possession and offer to give possession on the day of20..... I admit the claim for N.....[or I admit N..... part thereof] and I ask leave to pay same, with the costs on that amount, on the day of20....., or by instalments of N.....

Because or I have a counterclaim against the plaintiff for N
.....

To be signed here

.....
Defendant

Address to which notices to be sent-

FORM H

Section 21

Appointment of Appraisers

(APPROPRIATE GENERAL TITLE – FORM A)

Upon hearing the plaintiff and the defendant herein it is ordered that B.F., of [or, E.F., of and G.H., of] do enter upon the premises at, in the town (or district) of, lately in the occupation of the plaintiff and do estimate the present value of [*here set out and describe sufficiently for identification the things claimed by the plaintiff as improvements*] and do report to the Court in writing thereon on..... day of 20.....

AND IT IS FURTHER ORDERED that the plaintiff [or the defendant, or the plaintiff and the defendant, or as the case may be] do pay to the said E.F. [and G.H.] [*here set out the terms of remuneration to be made to the appraisers*].

Given under my hand this day of....., 20.....

(Signed)
Judge/Magistrate.

FORM I

Section 21

Report of Appraisers

(APPROPRIATE GENERAL TITLE - FORM A)

1, [We] E.F., of [and G.H., of] the appraiser[s] appointed herein, under an order dated the day of20...., having viewed the premises mentioned in the order aforesaid do appraise and value the same at the sum of ?, as hereinafter detailed, viz-
[*Here set forth the particulars of the valuation.*]

As witness my [our] hand[s], thisday of20....

(Signed) E.F.
[.....G.H.....]

FORM J

Section 23

Judgment for Plaintiff in Action for Recovery of Premises
(APPROPRIATE GENERAL TITLE - FORM A)

IT IS ADJUDGED that the plaintiff do recover against the defendant possession of the premises mentioned in the particulars of claim annexed to the summons in this action that is to say [*here describe the property as set out in the particulars*]

Section 13

And/Or, IT IS [FURTHER] ADJUDGED that the plaintiff do recover against the defendant the sum of? k for rent and mesne profits [*or as the case may be*] and ? k for costs, making together the sum of k

And/or, IT IS FURTHER ADJUDGED that the plaintiff recover from the defendant ? k for rent and mesne profits from theday of.....20....., up to the time of obtaining possession.

AND IT IS ORDERED that the defendant do give the plaintiff possession of the said premises on the day of20....

And/Or, IT IS [FURTHER] ORDERED that the defendant do pay to the Registrar of this Court the total sum above-mentioned, on or before the day of.....20....., or by instalments of? k for everythe first instalment to be paid on theday of20....., [as may be ordered]

Section 13

And/Or, IT IS [FURTHER] ORDERED that the defendant do pay to the Registrar of this Court the sum of? k being arrears of rent and for mesne profits to the date hereof on or before theday of20....., and that the defendant do further pay to the Registrar of this Court mesne profits at the rate of N k per, from the date hereof to the date on which possession of the premises is delivered up within fourteen [or as may be] days of the date of delivery of the said premises.

TAKE NOTICE. - That if possession be not given and payment made as above ordered a warrant, or warrants, may issue requiring an officer of the Court to give possession of the said land to the plaintiff, and to levy the sum of N K above-mentioned, together with further costs.

FORM K

Section 23

Judgment in an Action for Recovery of Premises for Plaintiff whose title has expired before the return day

(APPROPRIATE GENERAL TITLE - FORM A)

IT IS ADJUDGED that the plaintiff was on the Day of20....., and thence until and at the time of the entry of the plaint and of the service of the summons in this action entitled to recover against the defendant possession of the property mentioned in the particulars annexed to the summons in this action: that is to say [*here describe the property as set out in the particulars*] but his title to the same has since that time and before this day expired:

AND IT IS FURTHER ADJUDGED that the plaintiff do recover against the defendant the sum of ? k for costs

AND IT IS ORDERED that the defendant do pay the said sum to the Registrar of this Court on the day of20.....

FORM L

Section 23

Judgment for Plaintiff in Action for Recovery of Premises for NonPayment of Rent

(APPROPRIATE GENERAL TITLE-FORM A)

IT IS ADJUDGED that the plaintiff is entitled to recover against the defendant possession of the premises mentioned in the particulars annexed to the summons in this action, that is to say [*here describe the premises as set out in the particulars*] the rent of the said premises amounting to ? k , being in arrears and the plaintiff having a right of re-entry in respect thereof.

AND IT IS ADJUDGED that the plaintiff do recover against the defendant the sum of ? k for the arrears of rent aforesaid and the sum of? k for costs, amounting together to the sum of N : k

AND IT IS ORDERED that the defendant do pay the said sum of N k to the Registrar of this Court on or before the day of.....20..... [*a date not less than four weeks from the date of the order.*]

AND IT IS ORDERED that the defendant do give to the plaintiff possession of the said Land [*or as the case may be*] on or before the saidday of20.... unless the said rent in arrear and costs be paid into Court before such day of.....20....

TAKE NOTICE that if you do not pay the said sent and cots, or give such possession, a warrant or warrants may issue requiring the bailiff of the court to give possession of the said premises to the plaintiff, and to levy the sum of? k above-mentioned, together with further costs.

FORM M

section 23

Judgment for Defendant in Action for Recovery of Premises

(APPROPRIATE GENERAL TITLE - FORM A)

IT IS ADJUDGED that the plaintiff is not entitled to recover possession of the land mentioned in the particulars annexed to the summons in this action; that is to say [*describe the premises as set out in the particulars*].

AND IT IS ADJUDGED that judgment be entered for the defendant, and that the defendant do recover against the plaintiff the sum of N K for costs.

AND IT IS ORDERED that the plaintiff do pay the same to the Registrar of this Court on or before the day of20

FORM N

Section 26

Warrant for Possession of Premises

(APPROPRIATE GENERAL TITLE - FORM A)

Whereas at a court holden on theday of20...., it was adjudged that the plaintiff was entitled to possession of the premises mentioned in the particulars annexed to the summons in this action; that is to say, [*describe the premises as set out in the particulars*], and it was ordered that the defendant should give the plaintiff possession of the said land [*or premises, as the case may be*] on the day of, 20.....

[*Add, where judgment for forfeiture for non-payment of rent, unless the rent in arrears for the said land [premises], amounting to ? k, were paid into Court on or before theday of20....*]

AND IT WAS ADJUDGED that the plaintiff should recover against the defendant the sum of ? k for rent and mesne profits and N K for costs, making together the sum of ? k, and it was ordered that the defendant should pay the last mentioned sum to the Registrar of this court on theday of20..... [or by instalments of N K for every].]

AND WHEREAS the defendant has not obeyed the said order:

These are therefore to authorise and require you forthwith to give possession of the said premises to the plaintiff.

And these are therefore to require and order you forthwith to make and levy the amount due to the plaintiff under the said judgment [or order] together with the costs of this warrant and the costs of executing the same, by distress and sale of the goods and chattels of the defendant [*if there are more defendants than one, name the defendant against whose goods the execution is issued*] wheresoever they may be found within the district of this court [except the wearing apparel and bedding of him and his family and the tools and implements of his trade to the value of ten thousand naira] and also by seizing and taking away any money, bank notes, cheques, bills of exchange, promissory notes, bonds or other securities for money belonging to the defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and to bring what you shall have so levied into Court, and to make return of what you have done under this warrant immediately upon the execution thereof.

Dated this day of20....

(Signed)
Judge/Magistrate

To [Officer of Court]
[Rent and Mesne Profits]

N k

Costs

Fee for issuing this warrant.....

Total amount to be levied with fees for execution of
warrant as endorsed hereon

Application was made to the Registrar for this warrant at
minutes past the hour of in the noon of the day last abovementioned.

NOTICE. - The goods and chattels are not to be sold until after the end of five days next
following the day on which they were seized, unless they are of a perishable nature or at
the request of the defendant.

FORM O

Section 26

Certificate of execution of warrant of possession (APPROPRIATE GENERAL TITLE - FORM A)

I hereby certify that by virtue of the warrant of possession issued in this action and
numbered I did on theday
of20....., deliver full and peaceable possession to the plaintiff of the
premises named therein, that is to say [copy description from warrant], as required by
the said warrant.

Dated this day of20.....

(Signed)
Person executing the warrant

EXPLANATORY MEMORANDUM

This Bill seeks to Repeal the Recovery of Premises Act, 1945 and Enact the Recovery of Premises Act,
2021 to provide a comprehensive legal and institutional framework for the Recovery of Premises in
Nigeria.