

**DRAFT BILL FOR CHARTERED INSTITUTE FOR TRAINING & DEVELOPMENT
OF NIGERIA (CITDN)**

DRAFT BILL FOR CHARTERED INSTITUTE FOR TRAINING & DEVELOPMENT OF NIGERIA (CITDN)

A bill for Act to establish the Chartered Institute for Training & Development of Nigeria, to enable it regulate the profession of training and development and matters related thereto.

Sponsored by

[] Commencement

BE IT ENACTED by the Legislature of the Federation of Nigeria in the present parliament assembled and by the authority of the same as follows:-

ESTABLISHMENT OF THE CHARTERED INSTITUTE FOR TRAINING AND DEVELOPMENT OF NIGERIA (CITDN).

Establishment of the
Chartered Institute for
Training and Development
of Nigeria.

1. (i) There is hereby established a body to be known as the Chartered Institute for Training and Development of Nigeria (in this Act hereafter referred to as “the institute”) which shall be a body corporate under that name charged with the general duty:-
 - (a) determine what standard of knowledge and skill are to be attained by persons seeking to become Training and Development Practitioners and raising those standards from time to time as circumstances may permit;
 - (b) securing in accordance with the provisions of this Act the establishment and maintenance of a register of members and publication from time to time of lists of those persons or organizations;
 - (c) conducting, encouraging and sponsoring research in the field of training and development and publishing and disseminating such research findings; and
 - (d) organizing, conducting and regulating the education of current and prospective Training and Development Practitioners
 - (e) performing through the Council under this Act the functions conferred on it by this Act.

- (ii) The Institute shall have perpetual succession and common seal which shall be kept in such custody as the Council under this Act may from time to time authorize.
- (iii) The Institute may sue and be sued in its corporate name and may hold, acquire and dispose of any property, whether movable or immovable.
- (iv) Subject to the provisions of this Act, members or organizations admitted to the Institute shall be:-
 - (a) Enrolled in the categories as stipulated below:

Individual Members

- (i) Fellows, or
- (ii) Members, or
- (iii) Associates, or
- (iv) Graduate members, or
- (v) Affiliates, or
- (vi) Students, or

Organisations

Corporate Members.

- (5) Persons accorded by the Council under this Act status as training and development practitioners shall be entitled to the use of appropriate designatory letters as approved by Council from time to time, and:-
 - (a) shall be recorded as Fellows if they:-
 - (i) at the commencement of this Act were Fellows of the Nigerian Institute for Training and Development, a company limited by guarantee and incorporated under the Companies and Allied matters Act, (and in this Act hereinafter referred to as “the former Institute”); or
 - (ii) Posses such qualities and qualifications and have achieved such degree of attainment in the profession of training and development as are prescribed by the Council and have spent at least five years as full members of the Institute;
 - (b) Shall be recorded as Members if they:-
 - (i) at the commencement of this Act were members of the former institute;
or
 - (ii) are adjudged by council to possess an adequate knowledge of training and development and have spent, at least 5 years in the grade of Associates;
 - (c) shall be recorded as Associates if they:-

- (i) at the commencement of this Act were Associates of the former Institute: or
- (ii) possess qualifications which in the view of Council are adequate, or shall have completed a course of training approved by Council under this Act and shall be actively engaged in training and development;

(c) shall be recorded as Graduate members if they:-

- (i) at the commencement of this Act were Graduate members of the former Institute; or
- (ii) possess University degrees or other qualifications acceptable to Council and satisfy the requirements for election to the grade of graduate member stipulated in the rules made under this Act;

(d) shall be recorded as Affiliates if they:-

- (i) at the commencement of this Act were Affiliates of the former Institute; or
- (ii) possess University degrees or other qualifications acceptable to Council and satisfy the requirements from election to the grade of Affiliate stipulated in the rules made under this Act.

(f) shall be recorded as students if they:-

- (i) at the commencement of this Act were Students of the former Institute; or
- (ii) are students of the Institutions of higher learning recognized by Council who are taking courses at the said institutions which the Council considers shall confer on persons completing same, sufficient knowledge and skill for admission to the Institute; or
- (iii) possess qualifications acceptable to Council and are engaged in courses of study run by the institute which are designed to confer on persons completing same, sufficient knowledge and skill for admission to the Institute.

(6) A corporate body incorporated or registered in Nigeria shall be recorded as corporate member if its main object is training and development, has on its fulltime staff at least one financial member of the Institute in the grade of Associate, Member or

(7) Fellow, and it satisfies the requirements for registration as corporate member stipulated in the rules made under this Act.

ELECTION OF PRESIDENT, VICE PRESIDENTS AND NATIONAL TREASURER OF THE INSTITUTE

Election of 2. (1) There shall be a president of the Institute who shall

**President, Vice
President and
National Treasurer
of the Institute**

be a financial member in the grade of Fellow of the Institute, to be elected bi-annually at the general meetings of the Institute and hold the same office for not more than two consecutive terms.

- (2) There shall be a First Vice President and second Vice President of the Institute who shall be financial members in the grades of member or fellow of the Institute to be elected bi-annually at the general meetings of the Institute, and hold the same office for not more than two consecutive terms.
- (3) There shall be a National Treasurer of the Institute who shall be a financial member not less than the grade of Associate of the Institute to be elected bi-annually at general meetings and hold the same office for not more than two consecutive terms.
- (4) The President shall be Chairman at meeting of the Institute, so however that, in the event of the death, incapability or inability for any reason of the President, the First Vice President (or failing him, the Second Vice President) shall act in his place for the unexpired portion of the term of office, or as the case may require, and references in this Act to the President shall be construed accordingly.
- (5) If the President or the First Vice President or the Second Vice President, or National Treasurer ceases to be a member of the Institute, he shall ipso facto cease to hold any of the offices designated under this section.

MEMBERSHIP OF COUNCIL OF THE INSTITUTE

Governing Council 3 (1) There shall be, as the Governing body of the Institute, a Council charged with the setting of policy guidelines, control, targets and appraisal.

(2) The Council shall consist of the following members, being financial members in the grades of Associate, member or fellow of the Institute, nominated or elected as follows, that is:

(a) Elected Members

- President of the Institute who shall be the Chairman;
- First Vice President of the Institute;
- Second Vice President of the Institute;
- National Treasurer;
- 6 other Persons elected as Council Members at the AGM.

(b) Non-Elected Members

(Statutory)

- Registrar/Chief Executive who shall be the Secretary to Council;
- The Immediate Past President;
- Chairman Board of Fellows
- 6 State Chapter Chairman on Zonal Basis on Rotation (each geographical zone being represented).

(c) Co-opted Members

- Representatives of relevant Ministries as may be determined by Council;
- Council shall also co-opt individuals or representatives of organizations/corporate bodies as the need may arise.

(3) The provisions of schedule 1 to this Act shall have effect with respect to the qualifications and tenure of office of

members of the Council and the other matters therein mentioned.

**Appointment of
Board of Fellows**

- (4) (1) There shall be appointed by the Council, a Board of Fellows, 9 in number, whose term shall be as prescribed for elected members of Council and which shall play advisory role to the Council.
- (2) The Board of Fellows shall consist of persons who have been duly elected as Fellows of the Institute.

PART II FINANCIAL PROVISIONS

**Management
of the Institute's
Fund**

- (5) (1) The Council shall establish and maintain a fund, the management and control of which shall be in the hands of the Council and into which shall be paid:
- (a) all monies received by the Council in pursuance of the Act including all monies held by the previous Institute on its ceasing to exist as provided in section 19 of this Act; and such as subscription levies, grants, investment etc.
- (b) such monies as may be provided by donors, benefactors or other external sources.
- (2) There shall be paid out of the fund of the Institute:
- (a) all reasonable expenditure incurred by the Council in the discharge of its functions under this Act;
- (b) the remuneration and allowances of the Registrar and other staff of the Institute; and
- (3) The Council may invest its fund in any security such as treasury bills or any other securities in Nigeria approved by the Council.
- (4) The Council may from time to time, borrow money for the purposes of the Institute and any interest payable on monies so borrowed shall be paid out of the fund.
- (5) The Council shall keep proper accounts on behalf of

the Institute in respect of each financial year and proper records in relation to those accounts; and the Council shall cause the accounts to be audited by an Auditor appointed by the Council.

- (6) The Auditor appointed for the purpose of this section shall not be a member of the Council.

PART III – THE REGISTRAR/CHIEF EXECUTIVE

Appointment and duties of the Registrar and preparation of the Registrar

- 6 (1) It shall be the duty of the Council to appoint a fit person to be the Registrar for the purposes of this Act, and such other persons as the Institute may from time to time think necessary.
- (2) The Registrar shall be the Secretary of the Council and Chief Executive of the Institute.
- (3) It shall be the duty of the Registrar to prepare and maintain, in accordance with the rules made by the Council, a Registrar of the names, addresses, approved qualifications and other relevant particulars as may be specified in the rules, of all persons who are entitled to be enrolled as Fellows, Members, Associates, Graduate Members, Affiliates and Students or Registered as Training and Development Practitioners and who apply to be so registered, and of all corporate bodies registered in accordance with this Act;
- (4) The Registrar shall consist of seven parts of which one part shall be in respect of Fellows, the second part shall be in respect of Members, the third part shall be in respect of Associates, the fourth part shall be in respect of Graduate Members, the fifth part shall be in respect of Affiliates, the sixth part shall be in respect of Students, and the seventh part shall be in respect of Corporate Bodies/Members.
- (5) Subject to the following provisions of this section, the

Council may make rules with respect to the form and keeping of the registers and the making of the entries therein, and in particular:

- (a) the making of applications for enrolment;
 - (b) providing for notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) authorizing a registered person to have any qualification which is in relation to the relevant division of the profession, either an approved qualification or any accepted qualification for the purposes of this Act, registered in relation to his name in addition to or, as he may elect in substitution for any other qualifications so registered.
 - (d) specifying the fees including subscription to be paid to the Institute in respect of the entry of names on the register and authorizing the Registrar to refuse to enter a name on the register until any fees specified for the entry has been paid.
 - (e) specifying anything falling to be specified under the foregoing provisions of this section, but rules made for the purposes of subsection (4) of this section shall not come into force until they are confirmed at a special meeting of the Institute convened for the purposes thereafter, or at the next annual general meeting as the case may be.
- (6) It shall be the duty of the Registrar:
- (a) to correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's option any entry which was

- incorrectly made;
- (b) to make from time to time any necessary alterations in the registered particulars of registered persons;
 - (c) to remove from the register the name of any registered person who has died;
 - (d) to record the names of members of the Institute who are in default for more than six months in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council under this Act may direct or require.
- (7) If the Registrar:
- (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and received no reply to the letter within the period of six months from the date of posting it and
 - (b) upon the expiration of that period sends in the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating to the person in question from the register, and the Council may direct the Registrar to restore the appropriate part of the register any particulars removed there from under this subsection.

**Publication of
Registers and list of
Corrections**

- (1) It shall be the duty of the Registrar:
- (a) to cause the register to be printed,

list of corrections published and put on sale to members of the public not later than two years from the commencement of this Act; and

- (b) in each year after that in which the register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alteration made to the register since it was last printed; and
 - (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Institute, and it shall be the duty of the Council to keep the register and lists so deposited and make same available at all reasonable times for inspection by members of the Institute and the general public.
- (2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar, or document purporting to be prints of an edition of the register so published and of a list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.
- (3) Where in accordance with subsection (2) of this section a person is, in any proceedings, shown to have been, or not to have been registered at a particular date, he shall, unless the contrary is

proved, be taken for the purposes of those proceeding as having at all material times thereafter continued to be, or not to be registered.

PART IV – REGISTRATION

Registration of Training and Development Practitioners

- 8 (1) Subject to section 12 of this Act and to rules made under sections 6 and 15 of this Act, a person shall be entitled to be enrolled or registered as a training and development practitioner if:
- (a) he possesses the relevant qualifications as may be approved from time to time by Council and completes the practical training prescribed by the Institute under the act; or
 - (b) he qualifies for enrolment as member in any of the categories specified under subsection (4) (a) of section 1 of this Act.
- (2) An applicant for registration shall, in addition to evidence of qualification, satisfy the Council that:
- (a) he is of good character;
 - (b) he has attained the age of eighteen years, and
 - (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) The council shall, from time to time, publish particulars or qualifications for the time being accepted by the Council for registration.
- (4) The Council may in its sole discretion personally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the directory.
- (5) Any entry directed to be made in the register under subsection (4) of this section shall show that registration is provisional and no entry so made shall

be converted to full registration without the consent of the Council signified in writing in that behalf.

Approval of 9
Qualifications etc

- (1) The Council may approve any institution for the purposes of this Act, and may for those purposes approve:
 - (a) any course of training at an approved institution which is intended for persons who are seeking to become or are already training and development practitioners and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for admission to the Institute;
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practice the profession.
- (2) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval the Council shall:
 - (a) given notice that it proposes to withdraw such approval to each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be; and
 - (b) afford each person an opportunity of making to the Council representations with regard to the proposal; and
 - (c) take into consideration any representations

made in respect of the proposal in pursuance of the last foregoing paragraph.

- (3) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument; and the Council shall:
- (a) publish as soon as possible a copy of every such instrument in the print media; and
 - (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

**Supervision and 10
Instruction and
Examinations
leading to approved
qualification**

- (1) It shall be the duty of the members of the Council to keep themselves informed of the nature of:
- (a) The instruction given at approved institutions to persons attending approved courses of training; and
 - (b) The examinations as a result of which approved qualifications are granted. And for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions, or to attend such

examinations.

- (2) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall if so required by the Institute, send a copy of the report to the person appearing to Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

PART V – PROFESSIONAL DISCIPLINE

Establishment of Disciplinary Committee and Investigating Panel

- 11 (1) There shall be a body to be known as the Training and Development Practitioners Disciplinary Committee (in this Act hereafter referred to as “the Disciplinary Committee”), which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section, and any other case of which the Disciplinary Committee has cognizance under the following provisions of this Act.
- (2) The Disciplinary Committee shall consist of the Chairman of the Council and six other members appointed by the Council.
- (3) There shall be a body, to be known as the Training and Development Practitioners Investigating Panel (in this Act referred to as “the panel”), which shall be charged with the duty of:
 - (a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a training and development practitioner, or should for any

reason be the subject of proceedings before the Disciplinary Committee; and

(b) deciding whether the case should be referred to the Disciplinary Committee.

(4) The panel shall be appointed by the Council and shall consist of two members of the Council and three registered members who are not members of the Council.

(5) The provisions of the Third Schedule to this Act shall, so far as applicable to the Disciplinary Committee and Panel respectively, have effect with respect to those bodies.

(6) The Council may make rules not inconsistent with this Act as to acts, which constitute professional misconduct.

**Penalties for
Unprofessional
conduct** 12

(1) Where:

(a) a member is adjudged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect; or

(b) a member is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of a training and development practitioners; or

(c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered, the Disciplinary Committee may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.

(2) The Disciplinary Committee may, if it thinks fit, defer or further defer its decision as to the giving of a

direction under the foregoing subsection until a subsequent meeting of the Disciplinary Committee; but

- (a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregates; and
 - (b) so far as possible no person shall be a member of the Disciplinary Committee for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Disciplinary Committee when the decision was deferred.
- (3) For the purpose of subsection (1) (b) of this section, a person shall not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (4) When the Disciplinary Committee gives a direction under subsection (1) of this section, the Disciplinary Committee shall cause notice of the direction to be served on the person to whom it relates.
- (5) The person to whom such a direction relates may, at any time within twenty eight days from the date of service on him of notice of the direction to the Court of Appeal, and the Disciplinary Committee may appear as respondent to the appeal and, for the purposes of enabling directions to be given as to the costs of the appeal and of proceedings before the Disciplinary Committee, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (6) A direction of the Disciplinary Committee under subsection (1) of this section shall take effect:

- (a) Where no appeal under – this section is brought against the direction within the time limited for such an appeal, on the expiration of the time;
 - (b) Where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal.
 - (c) Where such an appeal is brought and is not withdrawn or struck out as aforesaid if and when the appeal is dismissed, and shall not take effect except in accordance with foregoing provisions of this subsection.
- (7) A person whose name is removed from the register in pursuance of a direction of the Disciplinary Committee under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Disciplinary Committee on the application of that person; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

PART VI – MISCELLANEOUS AND GENERAL

Application of Act to enrolled persons 13 At the commencement of this Act, any person not being a member of the former Institute who, but for this Act, would have been qualified to apply and obtain membership of the profession may within the period of three month be with date of the commencement of this Act apply for membership of the Institute in such manner as may be

prescribed by the rules made by the Council and if approved, he shall be enrolled or registered, as the case may be, according to his qualifications.

When person is deemed practitioner in training and development

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A person shall be deemed as a training and development practitioner if, in consideration of remuneration received or to be received and whether by himself or in partnership with any other person:

- (a) he engages himself in the practice of training and development or holds himself out to the public as a training and development practitioners; or
- (b) he renders professional service or assistance in or about matters of principle or detail relating to training and development ;or
- (c) he renders any other service which may by regulations made by the Council be designated as service consulting practice as a training and development practitioner.

Rules as to Practicing Fee

15

(1) The Council may make rules:

- (a) for the training of suitable persons in training and development;
- (b) for the registration and licensing of people to be employed in training and development positions;
- (c) for fees to be paid by training and development practitioners; and
- (d) for restrictions on the right to practice when all prescribed conditions have not been met.

(2) The Council may also make rules prescribing the amount and due date for payment of the annual subscription and for such purposes different amounts may be prescribed by the rules according to membership grades of Fellow, Member, Associate, Graduate, Affiliate, Student, and Corporate.

(3) Rules when made shall, if the Chairman of the

Council so directs, be published in the print media.

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| Honorary
Membership | 16 | The Council shall be free to confer honorary membership and/or Merit Award of the Institute to persons or bodies considered worthy of such honour on terms and conditions prescribed by Council and approved by the Annual General Meeting of the Institute. |
| Provision of
Library Facilities | 17 | <p>The Institute shall:</p> <p>(a) provide and maintain a library comprising books and publications for the advancement of knowledge of training and development and such other books and publications as the Council may think necessary for the purpose;</p> <p>(b) encourage research into training and development methods and allied subjects to the extent that the Council may from time to time consider necessary.</p> |
| Regulations and
Rules | 18 | <p>(1) Any regulations made for the purposes of this Act shall be published in the print media as soon as may be possible after they are made.</p> <p>(2) Rules made for the purposes of this Act shall be subject to confirmation by the Institute at its next annual general meeting or at any special meeting of the Institute conveyed for that purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules;</p> |
| Transfer to
Institute of
Certain Property | 19 | <p>(1) On the commencement of this Act:</p> <p>(a) all property held immediately before that day by or on behalf of the former Institute shall,</p> <p style="padding-left: 40px;">by virtue of this subsection and without further assurance, vest in the Institute and be held by it for purposes of the Institute; and the former Institute shall cease to exist and,</p> |

(b) subject to the next succeeding subsection, any act, matter or thing made or done by the former Institute shall cease to have effect.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to, and to matters arising from, the transfer by this section to the Institute of the property of the former Institute, and with respect to the other matters mentioned in that Schedule.

Offences

20

(1) If any person for the purpose of procuring the registration of any name, qualification or other matter:

(a) makes a statement which he believes to be false in a material particulars; or

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

(2) If, on or after the commencement of this Act, any person not a member of the Institute practices as a registered member of the profession of training and development for or in expiration of reward, or takes or uses any name, title, addition or description implying that he is in practice as a registered member of the profession of training and development he is guilty of an offence; provided that, in the case of a person falling within section 13 of this Act:

(a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and

(b) if within that period he duly applies for membership of the Institute, then, unless within that period he is notified that his application has not been approve, this subsection shall not apply in respect of anything done by him between the end of that period and the date on

which he is enrolled or registered or is notified as aforesaid.

- (3) If, on or after the commencement of this Act, a registered member of the profession holds himself out as a or takes or uses any name, title, addition or description implying that he is a training and development practitioner of a grade other than that which he is enrolled or registered under this Act, he is guilty of an offence.
- (4) If the Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the register, he is guilty of an offence.
- (5) A person guilty of an offence under this section shall be liable:
 - (a) on summary conviction to a fine of an amount not exceeding one thousand naira;
 - (b) on conviction or indictment to a fine of an amount not exceeding five thousand naira or to imprisonment for a term not exceeding two years, or both.
- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officers of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Interpretation

21

In this Act, unless the context otherwise requires:

- (a) "Board" means the Board of Fellows;
- (b) "Council" means the Council established as the

governing body of the Institute under section 4 of the Act.

- (c) “enrolled” in relation to a Fellow, a Member, an Associate, a Graduate member, an Affiliate, a Student or a Corporate member means registered in the part of the register relating to Fellow, Member, Associate, Graduate member, Affiliate, Student or Corporate member as the case may be;
- (d) “fee” include annual subscriptions;
- (e) “Institute” means the Chartered Institute for Training and Development of Nigeria established under 1 of this Act;
- (f) “member” means member of the Institute;
- (g) “President”, “First Vice President” and “Second Vice President” means respectively the office holders under those names in the Institute;
- (h) “Register” means the register maintained in pursuance of section 6 of this Act;
- (i) “Disciplinary Committee” has the meaning assigned to it by section 11 of this Act.

Citation

22 This Act may be cited as the Chartered Institute for Training and Development of Nigeria Act 2002.

SCHEDULES

FIRST SCHEDULE Section 3 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

**Qualification
and Tenure of
Office Member**

1. (1) Subject to the provisions of this paragraph every elected member of Council shall hold office for two years in the first instance and shall be eligible for re-election for one further term of two years provided that no person shall hold the same office for more than two years beginning from the date of his first appointment or election to the office.
- (2) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office on the Council.
- (3) Any elected member may by notice in writing under his hand addressed to the President resign his office, and nay appointed member may, likewise resign his office.
- (4) A person who resigns from or otherwise ceases to be a member of the Council shall be eligible for re-election.
- (5) Members of the Council shall at its meeting next before the annual general meeting of the Institute arrange for the five members of the elected and longest in office to retire at that annual general meeting.
- (6) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council and until so prescribed they shall be decided by secret ballot.
- (7) If for any reason there is a vacation of office by a member and :
 - (a) such member was elected, the Council may, if

the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit person for such time as aforesaid.

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

Proceedings of the Council 3 (1) Subject to the provisions of this Act the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute or of the Council, and in the exercise of its powers under this Act, may set up committees in the general interest of the Institute, and make standing orders therefore.

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

(3) Standing orders made for a committee shall provide that the committee is to report back to the Council on any matter not within its competence to decide.

(4) The quorum of the Council shall be four; and the quorum of a committee of the Council shall be fixed by the Council.

Meetings (a) **of the Institute**

5 (1) The Council shall convene the annual meeting of the Institute in every year on such day as the Council may from time to time appoint, so however that if the meeting is not held within one year after the previous annual meeting, not more than fifteen months shall elapse between the respective dates of the two meetings.

(2) A special meeting of the Institute may be convened

by the Council at any time; and if not less than twenty members of the Institute require it by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Institute.

- (3) The quorum of any general meeting of the Institute shall be ten financial members, and that of any special meeting of the Institute shall be fifteen financial members.

(b) of the Council

- 6 (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so by notice in writing given to him by not less than four other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman or in his absence the Vice Chairman shall preside; but if both are absent, the members present at the meeting shall appoint one of their members to preside at that meeting.
- (3) Where the Council desires to obtain advice from any person on a particular matter, the Council may co-opt him as a member for such period as the Council think fit; but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Council, and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Chairman of Council who may give such directions as he thinks fit as to the

procedure which shall be followed at the meeting.

Committee

- 7
- (1) The Council may appoint one or more committees to carry out on behalf of the Institute or of the Council, such functions as the council may determine.
 - (2) A committee appointed under this paragraph shall consist of the number of persons determine by the council, and a person other than a member of the council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
 - (3) A decision of a committee of the council shall be of no effect until it is confirmed by the Council.

Miscellaneous
authenticated

- 8
- (1) The fixing of the seal of the Institute shall
by the signature of the President or of some other member of the Council authorized generally or specially by the Institute to act for that purpose.
 - (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or of the Council as the case may require, by any person generally or specially authorize to act for that purpose by the Council.
 - (3) Any document purporting to be duly executed under the seal of the Institute shall be received, in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- 9
- The validity of any proceedings of the Institute or the Council or of a committee of the Council shall not be affected by any vacancy in membership, or by any defect in the appointment of a member of the Institute of the Council or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.

- 10 Any member of the Institute or the Council, and 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 on behalf of the Council or a committee thereof, shall forthwith disclose his interest to the President or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.
- 11 A person shall not by reason only of his membership of the Institute be required to disclose any interest relating solely to the audit of the account of the Institute.

SECOND SCHEDULE Section 19 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

**Transfer of
Institute**

- 1 (1) every agreement to which the former Institute was a party immediately before the commencement of this Act, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations there under could be assigned by the former Institute, shall, unless its terms or subject matter is impossible that it should have effect as modified in the manner provide by this subparagraph, have effect from the commencement of this act, so far as it relates to property transferred by this act to the Institute, as if:
- (a) the Institute had been a party to agreement,
 - (b) for any reference (however worded and whether express or implied) to the former Institute there were substituted, as respect any thing falling to be done on or after the commencement of this act, a reference to the Institute and;
 - (c) for any reference (however worded and whether express or implied) to a member or an officer of members of the Council of the former

Institute or the former Institute there were substituted as respects anything failing to be done on or after the commencement of this act, a reference to a member or members of the Council under this act or the officer of the former Institute who corresponds as nearly as may be to be member or officer in question of the Institute.

- (2) Other documents which refer, whether specially or generally, to the former Institute shall be construed in accordance with subparagraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality for the foregoing provisions of the schedule, where, by the operation of any of them or for section 19 of this act any right liability or obligation vests in the Institute, the Institute and all other persons shall, as from the commencement of this Act, have the same rights, powers and remedies (and in particular, the same rights as to the raking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Institute.
- (4) Any legal proceedings or applications to any authority pending at the commencement of this act by or against the former Institute and relating to property transferred by this Act to the Institute may be continued on or after that day by or against the Institute.
- (5) If the law in force at the place when any property transferred by this Act is situated provides for the registration of transfers or property the kind in

question (whether by reference to an instrument of transfer or otherwise) the law shall, so far as it provides for alterations of a register (but not for avoidance of transfer, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid, and it shall be the duty of the Council to furnish the necessary particulars of the transfer to the proper office of the registration authority, and of that officer to register the transfer accordingly.

**Transfer of
function, etc**

- 2
- (1) At its meeting the Council of the Institute shall fix a date (not later than six months) after the commencement of this act, for the annual general meeting of the Institute.
 - (2) The members of the Council of the former Institute shall be deemed to be members of the Council of the Institute until the date determined in pursuance of the forgoing subparagraph when the Institute shall have its first annual general meeting, and they shall cease to hold office at the conclusion of such meeting.
 - (3) Any person who, immediately before the commencement of this Act, held office as the President or First Vice President or Second Vice President of the Council of the former Institute by virtue of the Articles of Association of the Institute shall on that day become the President or as the case may be, the First Vice President or Second Vice President of the Institute, and shall be deemed:
 - (a) to have been appointed to that office in pursuance of the provision of this Act corresponding to the relevant provision in the said Article of Association; and
 - (b) to have been so appointed on the date on which he took office, or last took office, in

pursuance of the relevant provision of those articles.

- (4)The members of the former Institute shall, as from the commencement of this Act, be registered as members of the Institute, and without prejudice to the generally of the provisions of this schedule relating to the transfer of property, any person who immediately before the commencement of this act, was a member of the staff of the former Institute shall on that day become the holder of an appointment with the Institute with the status, designation and functions which correspond as nearly as may be to those which appertained to him in his capacity as a member of that staff.
- (5) Any person being an office holder of, or member of the Council of the former Institute immediately before the commencement of this act and deemed under this paragraph to have been appointed to any like position in the Institute, or the Council of the otherwise than by reason of his misconduct, shall be eligible for appointment to office in the Institute or to membership of the council, as the case may be.
- (6) All regulations, rules and similar instruments made of the purpose of the former Institute and in force immediately before the commencement of this Act, shall, except in so far as they are subsequently revoked or mended by any authority having power in that behalf, have effect, with any necessary modifications, as if duly made for the corresponding purposes of the Institute.

THIRD SCHEDULE **Section 11 (5)**
SUPPLEMENTARY PROVISIONS RELATING TO THE
DISCIPLINARY COMMITTEE AND INVESTIGATING

PANEL

The Disciplinary 1 Committee

The quorum of the Disciplinary Committee shall be four of whom at least two shall be registered members.

2 (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Disciplinary Committee for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceeding before the Disciplinary Committee.

(2) The rules shall in particular provide:

- (a) for securing that notice of the proceedings 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 determining who in addition to the person aforesaid, shall be a party to the proceedings;
- (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Committee;
- (d) for enabling any party to the proceedings to be represented by a legal practitioner;
- (e) subject to the provisions of section 12 of this act, as to costs of proceedings before the Disciplinary Committee;
- (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Committee adjudges that the allegation had not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;

- (g) for publishing in the print media or federal gazette of any decision of the Disciplinary Committee which has taken effect providing that a person's name shall be struck off a register.
- 3. For the purpose of any proceedings before the Disciplinary Committee, any member of the Disciplinary Committee may administer oaths and any party to the proceedings may issue out of the registry of the Supreme Court writs of subpoena and testificandum any duces tecum, but no person appearing before the Disciplinary Committee shall be compelled:
 - a) to make any statement before the Disciplinary Committee tending to incriminate himself, or
 - b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
- 4. (1) For the purpose of advising the Disciplinary Committee on question of law arising in proceeding before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be legal practitioner of no less than seven years standing.
 - (2) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing:
 - (a) that where an assessor advises the Disciplinary Committee on any question of law as to evidence, procedure or any other matters specified by the rules, person representing a party to the proceedings who appears there at or, if the advice is tendered while the

Disciplinary Committee is deliberating in private that every such party or person as aforesaid shall be informed what advice the assessor has tendered.

(b) that every such party or person as aforesaid shall be informed if in any case the Disciplinary Committee does not accept the advice of the assessor on such question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

5 The quorum of the panel shall be three.

6 (1) The panel may, at any meeting of the panel attended by

the members of the panel, make standing orders with respect to the panel.

(2) Subject to the provisions of any such standing orders, the panel may regulate its own procedure.

Miscellaneous

7 (1) A person ceasing to be a member of the Disciplinary Committee or the panel shall be eligible for reappointed as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Disciplinary Committee and the panel, but no person who acted as member of the Disciplinary Committee with respect to the case.

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

- 9 Any document authorized or required by virtue of this act to be served on the Disciplinary Committee or the panel shall be served on the registrar appointed in pursuance of section 6 of this Act.
10. Any expenses of the Disciplinary Committee or the panel shall be defrayed by the Institute.

MADE at Abuja this day of 2002