

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA AND FOR RELATED MATTERS

*Sponsored by Hon. Obinna Chidoka*

[ ] Commencement

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

### PART I - ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA

1           1. -(1) There is hereby established a body to be known as the  
2 Institute of environmental Practitioners of Nigeria (in this bill referred to as  
3 the Institute).

Establishment of the Institute of Environmental Practitioners of Nigeria.

4           (2) The Institute:  
5           (a) shall be a body corporate with perpetual succession and a  
6 common seal;

7           (b) may sue and be sued in its corporate name; and  
8           (c) may for the purpose of carrying out its functions, subject to the  
9 limitations in this Bill and to any law for time being in force, acquire, hold or  
10 dispose of property, whether movable or immovable.

11           2. -(1) There shall be established for the Institute a Governing  
12 Council (the council) charged with the responsibility for the administration  
13 and general management of the Institute.

Establishment of the Governing Council

14           (2) The Council shall consist of:  
15           (a) President of the Institute, who shall be the chairman;  
16           (b) Vice-President of the Institute who shall be the Vice-Chairman;  
17           (c) National Treasurer of the Institute who shall be the treasurer;  
18           (d) Minister of Environment or his representative who shall not be

1 below the rank of a Director;

2 (e) Minister of Petroleum or his representative who shall not be below  
3 the rank of a Director;

4 (f) Minister of Agriculture or his representative who shall not be  
5 below the rank of a Director;

6 (g) the immediate past president of the Institute;

7 (h) five persons appointed by the Institute;

8 (i) Chairmen of branches of the Institute;

9 (j) Chairman board of Fellows; and

10 (k) Chairmen of committees of the Council.

Schedule

11 (3) The provision of the first schedule to this Bill shall regulate the  
12 proceedings of the Council and related matters.

Function of  
the Institute

13 3. The Institute shall:

14 (a) determine what standard of knowledge and skill are to be attained  
15 by persons seeking to become registered as Environmental Practitioners in  
16 Nigeria;

17 (b) secure in accordance with the provisions of this Bill, the  
18 establishment and maintenance of a register of Members and the publication of  
19 a list of such members;

20 (c) regulate and control all aspects of the environmental practice in  
21 Nigeria (Professional Services); and

22 (d) perform through the Council, functions conferred on it by this Bill.

Functions of  
the Council

23 4. The Council shall be responsible for:

24 (a) ensuring the effective and efficient implementation of the function  
25 of the Institute;

26 (b) supervising and monitoring the operations of the Institute;

27 (c) maintaining the highest level of integrity and honesty in the  
28 operations of the Institute;

29 (d) the consideration and approval of the annual budget of the  
30 Institute;

1 (e) presentation of the report and account prepared by the Institute  
2 to the Minister,

3 (f) the approval of the audited accounts and the consideration of the  
4 management letters from the external auditors;

5 (g) appointment and removal of auditors, provision of the  
6 necessary facilities and remuneration; and

7 (h) carrying out such other activities as are necessary and expedient  
8 for achieving the objectives and functions of the Institute.

9 5. A person registered as an environmental Practitioner under the  
10 Institute shall be a:

Grades in the  
Institute

11 (a) Fellow, if the person has:

12 (i) spent at least Ten years as a full member of the institute, or

13 (ii) contribute significantly to the practice and development of  
14 environmental management;

15 (b) Member, if the person has:

16 (i) Spent at least six years as an Associate, and

17 (ii) adjudged by the Council to possess an adequate knowledge of  
18 environmental management; and

19 (c) Associate, if, the person is a:

20 (i) University graduate who has spent at least four years in an  
21 affiliate grade;

22 (ii) holder of university degree in environmental science or any  
23 related discipline, or a person who has performed duties at a senior level in  
24 environmental management continuously for at least six years;

25 (iii) graduate of the Institute who has competently performed  
26 executive or advisory duties at a senior level in environmental management  
27 for at least four years since election to the grade of member and

28 (iv) non-graduate who has spent at least ten years in an affiliate  
29 grade, and possesses standard knowledge and qualities essential for a  
30 successful practice of environmental management.

## 1 PART II - FINANCIAL PROVISIONS

Fund of the  
Institute2 6.-(1) There shall be established for the Institute a Fund, which shall  
3 be managed and controlled by the Council.

4 (2) There shall be paid into the fund:

5 (a) all fees, charges and monies payable to the Institute pursuant to  
6 this Bill;7 (b) all monies provided by the Federal Government to the council by  
8 way of grant or loan or otherwise; and9 (c) other monies received by the Institute in course of its operations or  
10 in relation to the exercise of its function under this Bill.

11 (3) There shall be paid out of the Fund of the institute:

12 (a) remuneration and allowances of the Institute;

13 (b) any money borrowed by the Council on behalf of the Institute and  
14 interest payable on such monies;15 (c) such reasonable expenses and allowances of members of the  
16 Council in discharging their duties for the Institute, as the Council may  
17 determine; and18 (d) any other expenses incurred by the Council in the discharge of its  
19 function under this Bill.20 (4) The Council may invest monies from the fund in any security  
21 created or issued by or on behalf of the Government of the Federation or any  
22 other security in Nigeria as may be approved by the council.23 (5) The Council may on behalf of the Institute, from time to time  
24 borrow money for the purpose of running the Institute, which shall be paid into  
25 the Fund.Annual  
accounts26 7. The Council shall on behalf of the Institute keep proper accounts in  
27 respect of each year, and the Council shall cause the accounts to be audited by  
28 an external auditor appointed in accordance with the guidelines supplied by  
29 the Auditor-General for the Federation, and the audited accounts submitted to  
30 the members at the general meeting of the institute.

## PART III - THE REGISTRATION AND THE REGISTER

8.-(1) The Council shall appoint a Person knowledgeable in environmental practice for not less than Ten years to be the Registrar of the Institute, and such other persons as the Council may from time to time think necessary to assist the Registrar in the performance of his functions under this Bill.

Appointment of  
Registrar, etc and  
preparation of  
Register

(2) The Registrar shall be the Chief Executive officer of the Institute and Secretary to the Council.

(3) The Registrar shall prepare and maintain a Register of names, addresses and approved qualifications and other relevant particulars as may be specified in the rules made by Council, of all categories and classes of members/persons registered as Environmental practitioners in the Country.

(4) The register shall consist of five parts; each part shall be in respect of Fellows, Members, Associates, Affiliates, Graduates and Students.

(5) Subject to the provisions of this section, the Council may make rules with respect to the creation and maintenance of the register including:

(a) the making of applications for enrolment;

(b) notifying the Registrar as to any change in any particulars submitted by any person;

(c) authorizing a registered person to have any qualification relevant to this Bill; and

(d) specifying the fees, including subscription to be paid to the Institute upon the entry of names on the register and authorizing the Registrar to refuse the entry of a name in the register until specified entry fees have been paid.

9. It shall be the duty of the Registrar to:

(a) correct, as directed by the Council, any wrong entry in the register;

(b) update the registered particulars of registered persons;

Duties of the  
Registrar

1 (c) remove from the register the name of any registered person who  
2 has died;

3 (d) record the names of members of the institute who have defaulted  
4 for more than four months in the payment of annual subscriptions;

5 (e) take such action in relation thereto (including removal of the  
6 names of defaulters from the register) as the Council under this Bill, may direct  
7 or require.

Publication of  
Register and  
its correction

8 **10.**-(1) The Registrar shall ensure that:

9 (a) the register or any corrections made therein shall be printed,  
10 published and put on sale for members of the public not later than two years  
11 from the commencement of this Act; and

12 (b) a copy of each edition of the register and a list of any corrections  
13 made, shall be deposited at the principal office of the Institute and made  
14 available to members of the public.

15 (2) A published copy of the Register and any corrections therein shall  
16 be admissible in evidence to prove registration of a person.

17 PART IV - REGISTRATION

Registration of  
Environmental  
Practitioners,  
organisation

18 **11.**-(1) The Council shall register annually all qualified  
19 Environmental Practitioners and organisations.

20 (2) A person, organisation or firm shall not practice as an  
21 Environmental Practitioners or consultant in Nigeria unless registered by the  
22 Council.

23 PART V - PROFESSIONAL DISCIPLINE

Establishment  
of Environmental  
Practitioners  
Disciplinary  
Committee

24 **12.** There shall be established a committee known as Environmental  
25 practitioners Disciplinary Committee, which shall be charged with the duty of  
26 considering and determining any case of discipline against any erring  
27 members.

28 PART VI - MISCELLANEOUS PROVISIONS

Qualification  
for membership  
of the Institute

29 **13.** Persons who possess acceptable qualifications with at least five  
30 years cognate experience shall be admitted as Members of the Institute.

1           14. The Council shall prescribe rules and regulations, including Fees  
2 fees to be paid for registration and other purposes under this Bill; and when  
3 and how such fees shall be paid.

4           15. The Council can admit persons to the Institute as Honorary Honorary  
5 members, provided not more than five (5) persons are admitted for a period membership.  
6 of not less than two (2) years.

7           16. The Institute shall: Library

8           (a) provide and maintain a library comprising of books, research  
9 materials and publications that will build the capacity of the Environmental  
10 Practitioners and other materials approved by the Council;

11           (b) encourage research into environmental and other related  
12 subjects and

13           (c) formulate and make rules and regulations guiding the use of the  
14 library in particular and the Institute in general.

15           17. The Institute may own, register, transfer and receive properties Property of the  
16 in its corporate name. Institute

17           18. In the execution or carrying out of any environmental contract  
18 or job in any area or locality, residents of such area or locality shall be  
19 properly notified and as much as possible allowed to fully participate in such  
20 contract or job.

21           19. An environmental contractor or consultant carrying out an  
22 environmental contract or job in an area or locality shall in all cases ensure  
23 that reasonable number of his staff available for such job come from the area  
24 or locality where the job or contract is to be undertaken and shall set aside  
25 temporary jobs and local supplies for residents of the area or locality  
26 concerned.

27           20. -(1) If any person for the purpose of registration of any name, Offences and  
28 qualification or other matter(s); penalties

29           (a) makes a statement which he believes to be false in a material  
30 particular, or

1 (b) recklessly makes a statement which is false in a material  
2 particular,  
3 he shall be guilty of an offence and shall be liable to a fine of .....or to  
4 imprisonment for.....years or not exceeding ....years, or to both fine and  
5 imprisonment.

6 (2) It shall be an offence under this Bill for anyone who is not a  
7 member and who is not registered with the Institute to solicit, procure, practice  
8 or otherwise undertake an environmental professional job or consultancy  
9 services, including the preparation of Environmental Impact Assessment  
10 (EIA) and Environmental Assessment Reports (EARs) and studies.

11 (3) It shall also be an offence for anyone to award an environmental  
12 job, contract or consultancy services to anyone without first ensuring and  
13 confirming that the contractor or consultant is qualified and registered with the  
14 Institute to practice as an environmental practitioner in Nigeria.

15 (4) If any person, group or organization is found to be in breach of  
16 Sections 18(2) and (3) above, such person, group or organization shall be guilty  
17 of an offence and shall be liable to a fine of .....or to imprisonment for .....years  
18 or not exceeding ....; or to both fine and imprisonment and in the case of an  
19 organization or body corporate, the Director(s) of such an organization or body  
20 corporate shall individually and collectively be vicariously liable.

Interpretation

21 21. In this Bill:

22 "Institute" means the Institute of Environmental Practitioners of Nigeria;

23 "Association" means the Association of Environmental Practitioners;

24 "Minister" means Minister in charge Environment;

25 "Council" means Governing Council of the Institute;

26 "Fees" includes annual subscription;

27 "Member" means a registered member of the Institute;

28 "Practitioners" means environmental Practitioners;

29 "Tribunal" means Environmental Practitioners' Discipline Tribunal;

30 "Register" means register of members; and



1 "Registrar" means chief executive of the Institute.

2 22. This Bill may be cited as the Institute of Environmental Short Title  
3 Practitioners of Nigeria (Establishment) Bill, 2017.

4 SCHEDULE

5 *Clause 3(3)*

6 SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE

7 PROCEEDINGS OF THE COUNCIL

8 1. Subject to provisions of this Bill and other applicable laws,  
9 Council may make orders regulating its proceedings or those of any  
10 committee it sets up

11 2. Where standing orders made under paragraph 1 of this Schedule  
12 provide for the Council to co-opt persons who are not members of the  
13 council, such persons may advise the Council on any matter referred to them  
14 by the Council, but shall not be entitled to vote at a meeting of the Council or  
15 count towards a quorum.

16 3. The Council may appoint one or more committees to carry out  
17 on its behalf such functions as the council may determine.

18 4. A committee appointed under this paragraph shall consist of  
19 such number of persons as may be determined by the Council and a person  
20 shall hold office in accordance with the terms of his appointment.

21 5. A decision of a Committee of the Council shall be of no effect  
22 until it is confirmed by the Council.

23 *Meetings of the Council.*

24 6. The council shall meet whenever it is considered necessary (but  
25 not less than twice a year) by giving notice to all members concerned, at least  
26 seven (7) days before the meeting.

27 7. The Chairman shall preside at every meeting of the Council and  
28 in his absence, the Vice Chairman shall preside.

29 8. Five members of the Council, other than the Chairman shall  
30 form a quorum at the meeting.

1 9. Unless otherwise provided in this Bill, decisions shall be by a  
2 simple majority of the votes of the members present, but in the event that equal  
3 votes are cast, the person presiding shall cast the deciding vote.

4 *Committees*

5 10. Subject to standing orders, the Council may appoint one or more  
6 committees to carry out on its behalf such duties as the Council may determine  
7 and make necessary reports.

8 11. A committee appointed under paragraph 10 of this schedule shall  
9 consist of the number of persons to be determined by the Council and not more  
10 than the one-third of those persons may be persons who are not members of the  
11 Council; a person other than a member of the Council may hold office on the  
12 Committee in accordance with the letter of appointment provided.

13 12. The quorum of any committee set up by the Council shall be  
14 determined by the Council.

15 13. The decision of the committee shall be of no effect until  
16 confirmed by the Council.

17 *Miscellaneous*

18 14. The fixing of the seal of the Institute shall be authenticated by  
19 signature of the Chairman and some other members authorised generally or  
20 specially by the council to act for that purpose.

21 15. A document purporting to be an instrument issued by the Institute  
22 and to be sealed with the seal of the Institute authenticated in the manner  
23 provided by the foregoing paragraph, or to be signed by the Chairman, shall  
24 receive in evidence and shall be deemed to be the instrument without further  
25 proof, unless there is proof otherwise.

26 16. Any contract or instrument which, if made or executed by a  
27 person not being a body corporate, would not be required to be under seal, if  
28 made by or executed on behalf of the Council by any person authorised  
29 generally or specially by the Council to act for that purpose.

1                   17. The validity of a proceeding of the council shall not be affected  
2                   by:  
3                   (a) a vacancy in the membership of the Council;  
4                   (b) by a defect in the appointment of a member of the Council; or  
5                   (c) by reason that a person not entitled to do so took part in the  
6                   proceedings.

7                   18. A member of the Council and a person holding office on a  
8                   committee of the Council, who has a personal interest in a contract or an  
9                   arrangement entered into or proposed to be considered by the Council or the  
10                  committee shall forthwith disclose his interest to the council or committee  
11                  and shall not vote on any question relating to that contract or arrangement.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Institute of Environmental Practitioners of Nigeria, to be charged with the responsibility of regulating and managing environmental practices in Nigeria.

