

A BILL

FOR

AN ACT TO ESTABLISH THE INSTITUTE OF CHARTERED SALES PROFESSIONALS OF NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Sylvester Ogbaga

[] Commencement

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

PART 1 - ESTABLISHMENTS

1 1.-(1) There shall be established a body to be known as the Institute
2 of Chartered Sales Professionals of Nigeria (in this Bill referred to as "the
3 Sales Institute").

Establishment
of the Institute

4 (2) the Sales Institute shall be a body corporate and shall in addition
5 to other duties:

6 (a) determine the standard of knowledge and skills to be attained by
7 persons seeking to be registered in the sales profession in Nigeria and raising
8 those standards from time to time as circumstances may permit;

9 (b) secure in accordance with the provisions of this Bill, the
10 establishment and maintenance of a register subdivided into grades in line
11 with this Bill, of persons entitled and qualified to practice as Professional
12 salesmen in Nigeria under this Bill and the publication from time to time of
13 the list of such persons.

14 2.-(1) There shall be established for the Sales Institute, a governing
15 body to be known as "the Council" which shall have the responsibility for
16 the administration and general management of the Institute.

Governing Board
of the State

17 (2) the Council shall consist of the following members:

18 (a) the President of the Sales Institute who shall be the Chairman;

19 (b) the Vice President of the Sales Institute who shall be the Deputy
20 Chairman;

1 (c) six persons nominated by the Sales Institute from the six geo-
2 political zones of the country;

3 (d) two persons who shall be members of the Sales Institute to
4 represent Institutions of Higher Education in Nigeria offering courses leading
5 to approved qualification;

6 (e) the immediate past President of the Sales Institute;

7 (f) one ex officio member; and

8 (g) the Registrar who shall be the Chief Executive Officer of the Sales
9 institute

Tenure of Office

10 3.-(1) A member of the Council shall hold office for a term of 2 years
11 and, subject to the provisions of sub-section (2) and shall be eligible once again
12 for re-appointment or re-election as the case may be and no more.

13 (2) the office of a member shall become vacant if-

14 (a) he resigns his office by notice in writing under his hand, addressed
15 to the President of the Council, or

16 (b) the Council is satisfied that it is not in the interest of the Institute
17 for the person appointed to continue in office and notifies the member in
18 writing to that effect.

19 (c) the Council certifies that the person is no longer capable of
20 performing his role for whatever reasons.

21 (3) Where a vacancy, occurs in respect of the membership specified in
22 sub-section 2 of this Bill, it shall be filled by the appointment of a successor to
23 hold office for the remainder of the term of the predecessor in office, so that the
24 successor shall represent the same interest as the predecessor.

25 (4) The Council may act, notwithstanding any vacancy in its
26 membership or any defect in the appointment of a member or the absence of a
27 member. The Council shall meet for the conduct of business at such times,
28 places and on such days as the Chairman may appoint but shall meet not less
29 than once in every six months.

30 (5) The Chairman may at any time and shall at the request in writing of

1 not less than six members, convene a meeting of the Council.

2 (6) At any meeting of the Council, the Chairman shall preside and
3 in his absence the Vice Chairman but in his absence of both of them
4 members present shall elect one of their members to preside at the meeting.

5 (7) Where the Council desires to obtain the advice of any person on
6 any particular matter, the Council may co-opt persons who are not members
7 of the Council, and the persons co-opted shall not be entitled to vote at the
8 meeting of the Council.

9 4. It shall be the duty of the Council:

Duties of the
Council

10 (a) to uphold the public interest respecting the practice of
11 professional salesmanship in Nigeria by-

12 (i) ensuring the competence, independence, professional conduct
13 and integrity of members of the Sales Institute;

14 (ii) ensuring that every person engaged - in the practice of
15 professional salesmanship in Nigeria is accountable to the Sales Institute.

16 (b) to establish, monitor and enforce codes of ethics and standards
17 for the practice of professional salesmanship in Nigeria;

18 (c) to establish, monitor and enforce standards of education and
19 qualification for enrollment, registration and continued membership of the
20 Sales Institute;

21 (d) to govern its members in accordance with this Bill;

22 (e) to promote public awareness of the role of the Sales Institute
23 and the work of sales professionals and to communicate and cooperate with
24 other professional bodies for the advancement of the best interests of the
25 Sales Institute;

26 (f) to promote the development of public policies especially with
27 respect to changes in the practice of the sales profession in Nigeria.

28 PART 2 - POWERS OF THE SALES INSTITUTE AND THE COUNCIL

29 5.-(1) In furtherance to Section 3 above, the Sales Institute shall
30 have the power to:

Powers of the
Institute

- 1 (a) regulate the practice of professional salesmanship in Nigeria
2 including establishment of:
- 3 (i) standards of practice and codes of ethics governing the conduct of
4 its members;
- 5 (ii) standards for the use of a member's signature, stamp or seal;
- 6 (iii) procedures for the issuance, display and return to the Institute of
7 certificates of registration, professional seals and stamps;
- 8 (iv) quality assurance programmes in areas such as continuing
9 education and peer and practice reviews;
- 10 (b) the qualifications as to education, character, and experience
11 required by any before being registered to practice professional salesmanship
12 in Nigeria including mandatory continuing education for members as a
13 condition for maintaining registration and establish and define fields of
14 specialization and qualification necessary to practice thereof;
- 15 (c) provisions for the determination, by examination or other means,
16 of the competency of persons seeking to be registered to practice professional
17 salesmanship and to grant certificate of registration to persons qualified to
18 practice, including the right to practice on a temporary basis;
- 19 (d) categories of membership of the Sales Institute and prescribe the
20 privileges, obligations, scope of practice and conditions of membership;
- 21 (e) an official register of members registered to practice professional
22 salesmanship and the grades of their membership;
- 23 (f) call and regulate meetings including fixing the quorum, the
24 method of voting, the time, place and conduct for same;
- 25 (g) provisions for the eligibility, nomination, election, number and
26 term of office of members of the Council, except the office of the Registrar,
27 including the appointment and removal of persons as ex-officio or honorary
28 members of the Council; and
- 29 (h) provisions for the establishment of committees by the Sales
30 Institute or Council and to prescribe their powers, duties, method of operation,

1 procedures for meetings and filling vacancies, the form and frequency of
2 reports to the Sales Institute or Council and to provide for the delegation of
3 powers or duties of the Council.

4 (2) the powers of the Sales Institute under this Section shall be
5 exercised by the Council.

6 PART 3 - OFFICES AND APPOINTMENTS

7 6.-(1) There shall be a Registrar of the Sales Institute (hereafter
8 referred to as "the Registrar") who shall be appointed by the Council.

Appointment of
Registrar

9 (2) (a) subject to the general control of the Council, the Registrar
10 shall be the Chief Executive of the Sales Institute and shall be charged with
11 general responsibility for matters relating to the day to day management and
12 operation of the Sales institute;

13 (b) to qualify for appointment as the Registrar under this Section, a
14 person must have:

15 (i) worked in the Sales Department of a reputable commercial or
16 financial organization or institution for a period of not less than 10 years; or

17 (ii) been in the teaching profession in the area of Sales or
18 Marketing or any related discipline and not below the rank of a Senior
19 Lecturer if still serving or did not retire below that rank if retired.

20 7.-(1) the Registrar shall in addition to other duties herein set out:

Duties of the
Registrar

21 (a) keep records and conduct the correspondences of the Council;
22 and

23 (b) perform such other duties as the President of the Council may,
24 from time to time, direct.

25 (2) The Council may appoint such other persons to be employees of
26 the Sales Institute as the Council may determine, to assist the Registrar in the
27 exercise of his functions under this Bill.

28 (3) The remuneration and tenure of office and conditions of service
29 of the Registrar and other employees of the Sales Institute shall be
30 determined by the Council in accordance with existing laws of the Federal

1 Republic of Nigeria.

Register of the
Council

2 8.-(1) The Registrar shall:

3 (a) cause the register of the Sales Institute to be printed, published and
4 put on sale to the members of the public not later than two years from the
5 commencement of this Bill;

6 (b) thereafter in each year to cause to be printed, published and put on
7 sale as aforesaid, a corrected edition of the register since it was last printed; and

8 (c) cause a print of each edition of the register and each list of
9 correction to be deposited at the principal office of the Sales Institute.

10 (2) A document purporting to be print of an edition of the register
11 published pursuant to this section shall without prejudice to any other mode of
12 proof, be admissible in any proceeding as evidence that any person specified in
13 the document or the documents read together, as being register was so
14 registered at the date of the edition or of the list of correction as the case may be,
15 and that any person not so specified was not so registered.

16 (3) Where in accordance with subsection 2 of this section, a person is,
17 in any proceeding shown to have been or not to have been registered at a
18 particular date, he shall, unless the contrary is proved, be taken for the purposes
19 of those proceedings as having at all material times thereafter continued to be
20 or not to have been so registered.

21 PART 4 - COMMITTEES

Appointment
of Committees

22 9.-(1) The Council may appoint one or more committees to advise it
23 on the exercise and performance of its functions under this Bill.

24 (2) The Council shall, in particular, appoint the following
25 committees:

26 (a) Finance and General Purposes Committee;

27 (b) Tenders Committee;

28 (c) Planning And Development Committee;

29 (d) Professional And Academic Committee.

30 (3) Each committee shall have a chairman appointed by the Council

1 from among members of the Committee.

2 (4) The Council shall establish a committee to be known as the
3 Steering Committee which shall coordinate the function of the other
4 committees of the Council established under this Bill.

5 (5) The Steering Committee shall consist of the President of the
6 Council who shall be the chairman, and five other members elected by the
7 Council from amongst its own members.

8 (6) If the Steering Committee wishes to obtain the advice of any
9 person on any point, it may co-opt him as a member for such period as the
10 Council may determine, but a person who is a member of the committee by
11 virtue of this section shall not vote or count towards a quorum.

12 PART 5 - MEMBERSHIP AND GENERAL

13 10.-(1) Subject to the rules made by the Council, a person whether
14 or not a member of the Institute of Chartered Sales Professional shall be
15 entitled to be registered or enrolled as a member of the Sales Institute, if:

Membership of
the Council

16 (a) he passes the qualifying examination for membership
17 conducted by the Council under this Bill and completes the practical training
18 prescribed; or

19 (b) he holds a qualification granted outside Nigeria and for the time
20 being accepted by the Sales Institute and, if the Council so requires, satisfies
21 the Council that he had sufficient practical experience as a Sales
22 Professional.

23 (2) An application for registration shall in addition to evidence of
24 qualification, satisfy the Council as follows:

25 (a) that the applicant is of good character;

26 (b) that the applicant has attained the age of eighteen years; and

27 (c) that the applicant has not been convicted of a criminal offence
28 involving fraud or dishonesty.

29 (3) The Council may, in its discretion, provisionally accept a
30 qualification presented in respect of an application for registration under

1 this section, or direct that the application be renewed within such period as may
2 be specified in the direction

3 (4) Any entry directed to be made in the register in terms of sub-
4 section (3) of this section shall indicate that the regulation is provisional and no
5 entry made in consequence thereof shall be converted to, construed as, full
6 registration without explicit consent of the Council made in writing in that
7 behalf.

8 (5) The Council shall from time to time publish in the Federal
9 Government Gazette particulars for the time being accepted as aforesaid.

Qualification
for membership

10 11. Any person who satisfies the Council as to his qualification for
11 admission shall be accorded the status which his qualification in line with this
12 Bill entitles him to.

Certification

13 12. A person enrolled in the Sales Institute as a member shall be
14 entitled to receive a certificate in such form as the Sales Institute may approve
15 for the purpose.

Powers to the
Council

16 13.-(1) In furtherance of its powers the Council shall do anything
17 which in its opinion is calculated to facilitate the carrying out of the objects of
18 the Sales Institute and promote its best interest.

19 (2) Without prejudice to the generality of the provisions of the sub-
20 section (1) of this section, the Council shall have and exercise the following
21 powers to:

22 (a) establish and maintain such schools, extra-mural departments and
23 other teaching units within the Sales Institute as the Council may from time to
24 time decide;

25 (b) provide such courses of instruction either alone or in association
26 with such Universities and other Institutions, whether in Nigeria or not, as the
27 Council may determine, and to conduct examinations and award such
28 diplomas and certificates to those reaching a certain standard as a result of
29 those examinations as may seem appropriate to the Council;

1 (c) institute and award honours, fellowships, medals, prizes and
2 other titles;

3 (d) mount exhibitions and displays designed to foster an
4 appreciation of trends in, and the scope and requirements of, sales
5 management or commercial function;

6 (e) erect, provide, equip and maintain such sales management or
7 commercial function, recreational and residential facilities as the Sales
8 Institute may require;

9 (f) create lectureship and other academic posts and offices and to
10 make appointments thereto; and

11 (g) encourage and make provisions for research in the Sales
12 Institute.

13 14.-(1) For the purpose of providing offices and premises Power to acquire
land
14 necessary for the performance of its functions, the Council may:

15 (a) purchase or take on lease any land and;

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

17 (2) The Council may sell or lease any land, offices or premises held
18 by it and no longer required for the performance of its functions.

19 PART 6 - FINANCIAL PROVISIONS

20 15.-(1) The Council shall establish and maintain a fund into which Funds of the
Council
21 shall be paid:

22 (a) all monies received by the Council in pursuance of this Bill;

23 (b) all subscriptions, fees and donations, gifts, grants in aid and
24 testamentary dispositions; and

25 (c) such money as may be provided by the Federal, State or Local
26 government from time to time by way of grant, subvention or loan

27 (2) The Council shall from time to time apply the proceeds of the
28 fund to:

29 (a) all expenditure incurred in the discharge of the functions of the
30 Sales Institute;

1 (b) the remuneration and allowances of the Registrar and other staff of
2 the Institute;

3 (c) the payment of travelling allowances and such stipends for the
4 members of the Council;

5 (d) the payment of such other charges as may be reasonably incurred
6 in the performance of the functions of the Sales Institute and the Council

7 (3) The Council may accept gifts or land, money or other property
8 upon such terms and conditions, if any, as may be specified by the person
9 making the gift provided that such terms and conditions are not inconsistent
10 with the functions of the Council.

Annual Estimates

11 16.-(1) The Chairman of Council shall cause to be prepared and not
12 later than six months before the end of the financial year, estimates for the
13 recurrent and capital expenditure, if any, and income of the Sales Institute
14 during the succeeding financial year which shall be presented to the Annual
15 General Meeting of the Sales Institute for approval.

16 (2) The Council shall keep proper accounts of its receipts, payments,
17 assets and liabilities and shall in respect of each year cause the accounts to be
18 audited by certified auditors.

19 (3) The Council shall prepare and submit to the Annual General
20 Meeting of the Sales Institute not later than 30th June in each financial year a
21 report in such form as the activities of the council during the immediately
22 preceding year, and shall include in the report a copy of the audited accounts of
23 the Council for that year and of the auditors' report on the accounts.

24 PART 7 - PROFESSIONAL DISCIPLINE

Regulations

25 17.-(1) The Council may make rules providing for a proper person to
26 conduct inquiries into alleged breaches of discipline (including lack of
27 diligence) by students/members and such rules may make different provisions
28 for different circumstances.

29 (2) The rules shall provide for the procedure to be followed and the
30 evidence to be observed at enquiries under this section.

1 (3) The Council may, if it finds the allegations proved, impose on
2 the student/member concerned one or more of the following penalties:

3 (a) expulsion from all or any of the institutions controlled by the Council;

4 (b) suspension for a specified period of his entitlement to use any of
5 the facilities controlled by the Council;

6 (c) A fine in an amount not exceeding N100,000.00; and shall
7 publish the report in at least one national daily newspaper.

8 (4) Any student/member to whom any of the penalties provided for
9 in sub-section (3) above is imposed may, at any time within twenty eight
10 days from the date of imposition of such penalty, appeal for a review to the
11 Council within a specific period.

12 (5) The decision of the Council shall have effect from the date of
13 making of the decision unless reversed on appeal.

14 **18.** If any person, for the purpose of procuring the registration of Discipline
15 any name, qualification or other matter:

16 (a) makes a statement which he knows to be false in a material
17 particular;

18 (b) recklessly makes a statement which is false and misleading in a
19 material particular; he shall be guilty of an offence and liable to a fine of
20 three hundred thousand naira or imprisonment for two years or both;

21 (c) if a person employed by or on behalf of the Sales Institute
22 willfully makes any falsification in any material particular, he shall be guilty
23 of an offence liable to a fine of five hundred thousand or upon conviction to a
24 term of imprisonment of 14 years.

25 **19.** This Bill may be cited as the Institute of Chartered Sales Citation
26 Professionals of Nigeria Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to provide, among other things, for the establishment of the Institute of Chartered Sales Professionals of Nigeria, the regulation of the standards of practice of Salesmanship in Nigeria.

