

# A BILL

## FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF LOCAL GOVERNMENT AND PUBLIC ADMINISTRATION OF NIGERIA IN ORDER TO ENSURE PROFESSIONALISM IN THE SYSTEM AND TO PROVIDE FOR MATTERS RELATED THEREWITH, 2015

Sponsored by Hon. E. Y. Orker Jev

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF LOCAL  
2 GOVERNMENT AND PUBLIC ADMINISTRATION OF NIGERIA

3 1.-(1) There is hereby established a body to be known as the  
4 Chartered Institute of Local Government and public administration of  
5 Nigeria (hereinafter in this Bill referred to as "the Institute").

Establishment of the Chartered Institute

6 (2) The Institute-

7 (a) shall be a body corporate with perpetual succession and a  
8 common seal;

9 (b) may acquire, hold and dispose of real and personal property;  
10 and

11 (c) may sue or be sued in its corporate name.

12 2. The functions of the Institute are to-

Functions of the Institute

13 (a) determine the standards of knowledge and skills attained by  
14 persons seeking to become members of the Institute and improve those  
15 standards from time to time;

16 (b) secure a register of members of the Institute and establishment  
17 of the Chartered Institute;

18 (c) promote research and development of curricula of training of  
19 local government employees and public administrators;

1 (d) Provide consultancy services in appropriate cases; and  
2 (e) carry out such functions that are intended to facilitate the  
3 achievement of the objects contained in this Bill.

4 (f) arranging conferences, seminars, symposia and meetings.

Powers of the  
Institute

5 3. The Institute has power to do all things necessary and convenient  
6 to be done in connection with the performance of its functions and in particular,  
7 may-

8 (a) enter into contracts;

9 (b) charge fees for its services;

10 (c) make regulations for the conferment of charter; and

11 (d) make penal regulations

12 (e) the Institute shall have the power to award honorary membership  
13 of the Institute to persons it deems worthy of such honour on terms and  
14 conditions prescribed by the Council and approved by the Institute in a general  
15 meeting.

Establishment of  
Governing Council  
and Management

16 4.-(1) There is hereby established for the Institute a Governing  
17 Council charged with the administration and management of the Institute,  
18 whose membership shall consist of the followings:

19 (a) the President, elected by Council members amongst themselves;

20 (b) the Vice-President, elected by Council members amongst  
21 themselves;

22 (c) two persons appointed by the minister;

23 (d) six persons elected by the Institute; and

24 (e) an immediate past president of the Institute who entitled to serve  
25 for a further maximum period of three years from the expiration of his tenure as  
26 President.

27 (2) The President and the Vice shall hold office for a term of two (2)  
28 from the date of their elections.

29 (3) The President shall preside at meetings of the Council, and in his  
30 absence, the Vice-President shall preside.

1 Schedule.

2 (4) The provisions set out in the Schedule to this Bill shall have  
3 effect, with respect to operation, qualification, tenure of office of members  
4 of the Council and other matters therein mentioned.

5 PART II - APPOINTMENT OF REGISTRAR, AND  
6 PREPARATION OF REGISTER, ETC.

7 5.-(1)The Council shall appoint the Registrar who shall be the  
8 ChiefExecutive Officer of the Institute.

Appointment of  
Registrar, and  
preparation of  
register

9 (2) A person appointed as the Registrar shall have served the  
10 Institute for a period not less than (2) two years preceding the date of his  
11 appointment.

12 (3) The Registrar shall prepare and maintain in accordance with the  
13 rules and regulations made by the Council, a Register of-

- 14 (a) names;  
15 (b) addresses;  
16 (c) approved qualifications; and  
17 (d) other particulars,

18 of all persons who are entitled to be enrolled as fellows, members, associates  
19 or registered students and who, in the manner prescribed by such rules apply  
20 to be so registered.

21 6. -(1) The Registrar shall be the Secretary to the Council and shall  
22 keep minutes of proceedings at all meetings of the Council.

Functions of the  
Registrar

23 (2) The Registrar shall-

24 (a) in accordance with the directions of the Council, correct any  
25 entry in the register which the Council directs him to correct as being in the  
26 opinion of the Council an entry which was incorrectly made;

27 (b) from time to time, make any necessary alterations to the  
28 particulars of registered members;

29 (c) record the names of the registered members who are in default  
30 for more than six months in the payment of annual subscriptions; and

- 1 (d) remove the names of defaulters from the registers as the Council may direct  
2 or require.
- Other Staff 3 7. -(1) The Council may, on the recommendation of the Registrar  
4 appoint such other staff as it may consider necessary to assist the Registrar in  
5 the discharge of his duties.
- 6 (2) The employment of the Registrar and other staff shall be  
7 pensionable, in accordance with the terms and conditions of service in the  
8 Federal Government of Nigeria.
- Content of the register 9 8. The Register shall be in four parts namely-  
10 (a) fellows;  
11 (b) members;  
12 (c) associates; and  
13 (d) registered students.
- Regulation 14 9. The Council may by regulations provide for the-  
15 (a) manner of making entries in the Register;  
16 (b) manner of application for enrolment or registration in the  
17 Register;  
18 (c) Fees, including annual subscriptions payable to the Institute.
- Publication of the register and list of correction, etc. 19 10. The Registrar shall-  
20 (a) cause the register to be printed and published not later than two  
21 years from the coming into force of this Bill;  
22 (b) thereafter in each year after the register is first published under  
23 paragraph;  
24 (c) cause to be printed, published and put on sale a corrected edition of  
25 the register;  
26 (d) cause a print of each edition of the register and of each list of  
27 corrections to be deposited at the principal office of the Institute; and  
28 (e) Make the register and lists so deposited available at all reasonable  
29 times for inspection by members of the public.

1                   11. A print of an edition of the register published under this section  
2 by the Registrar (without prejudice to any other mode of proof) shall be Evidence of  
3 admissible in any proceeding as evidence that any person specified in the Registration of  
4 register was so registered at the date of the edition, and that any person not so Chartered Local  
5 specified was not so registered. Government and  
Public  
Administrators

6                                   PART III - REGISTRATION OF MEMBERSHIP

7                   12. -(1) A person shall be entitled to be registered as a member of Qualification for  
8 the Institute if- membership

9                                 (a) he passes the qualifying professional examination conducted  
10 by the Council and completes the practical training prescribed;

11                                (b) he holds a qualification accepted by the Council as sufficient  
12 practical experience in Local Government and Public Administration; or

13                               (c) he holds a qualification granted outside Nigeria which is  
14 recognised by the Council and he is by law entitled to practice the profession  
15 for all purpose in the country in which the qualification was granted.

16                               (2) An applicant for registration shall in addition to evidence or  
17 qualification, satisfy the Council that-

18                                 (a) he is of good character;

19                                 (b) he had attained the age of eighteen years; and

20                                 (c) he has not been convicted in Nigeria or elsewhere of an offence  
21 involving dishonesty.

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

26                               (4) An entry made under subsection (3), shall show that the  
27 registration is provisional and such entry may only be converted to full  
28 registration with the Consent of the Council, signified in writing.

29                   13. The Council shall, periodically publish in the Gazette Publication in the  
30 particulars of qualifications acceptable for registration. Gazette

Designation of  
members

- 1                   **14. Members admitted to the Institute shall be:**
- 2                   (a) registered as Chartered Local Government and Public
- 3 Administrators in the categories of:
- 4                   (i) fellows;
- 5                   (ii) members;
- 6                   (iii) associate; or
- 7                   (iv) registered students.
- 8                   (2) Persons accorded by the Council the status of Chartered Local
- 9 Government and Public Administrators, shall be entitled to the use of that name
- 10 and shall be enrolled as-
- 11                   (a) fellows, if they are at least thirty-five years of age and-
- 12                   (i) have ten years relevant work experience in a public organisations;
- 13                   (ii) have, for at least three years in the past ten years, held in relevant
- 14 senior appointments in a public organisation;
- 15                   (iii) are holders of the professional qualifying certificate of the
- 16 Institute; and
- 17                   (iv) are otherwise considered by the Council to be fit and proper
- 18 persons to be so enrolled.
- 19                   (b) members, if they are thirty years of age or above and-
- 20                   (i) have passed a professional qualifying examination of the Institute;
- 21                   (ii) have at least eight years relevant work experience in a public
- 22 Organisation.
- 23                   (c) Associates, if they are twenty-one years of age or above and-
- 24                   (i) have passed the professional qualifying examination of the
- 25 Institute or any equivalent examination recognised by the Institute; or
- 26                   (ii) have at least five years relevant work experience in a Public
- 27 Organization.
- 28                   (d) registered students, if they are eighteen years of age or above and
- 29 have passed with Credits, West African School Certificate or General
- 30 Certificate Examination O/Level or Senior Secondary certificate Examination

1 in five papers at no more than two sittings.

2 15. The designatory letters of the-

Designatory  
letters

3 (a) fellows of the Institute shall be "FCPA";

4 (b) Members of the Institute shall be "MCPA";

5 (c) Associates of the Institute shall be "ACPA".

6 16. The Council may approve any course of training at any  
7 approved Institute which is intended for person seeking to become or are  
8 already engaged in Local Government and Public Administration and which  
9 the Council considers as being designed to confer on persons completing it  
10 sufficient knowledge and skill for admission into the Institute.

Approval for  
qualification, etc.

11 17.-(1) It shall be the duty of the Council to keep itself informed of  
12 the nature of-

Supervision of  
instructions

13 (a) instructions given at approved institutions to persons attending  
14 approved courses of training, and

15 (b) examination, the result of which qualifications are granted, and  
16 for the purpose of performing that duty, the Council may appoint, either  
17 from among its own members or otherwise, persons to visit approved  
18 institutions to observe such instructions or examinations.

19 (2) It shall be the duty of persons appointed under subsection (1) to  
20 report to the Council on the sufficiency or otherwise of the instructions  
21 given to persons attending approved courses of training at institutions  
22 visited by them.

23 18. The President and Registrar shall be the joint signatory to  
24 certificates awarded by the Institute.

Signatory to  
certificates

25 PART IV - FUND FOR THE INSTITUTE

26 19. -(1) The Council shall establish and maintain a fund, to be  
27 applied towards function of the Institute.

Funds for the  
Institute

28 (2) The Institute shall not later than 1st October in each financial  
29 year or soon thereafter submit to the Council for approval, its estimate of  
30 revenue and expenditure in respect of the following year-

1 (i) the Council may from time to time, reasonably borrow money for  
2 purposes of the Institute;

3 (ii) all fees, and other monies payable to the Institute;

4 (iii) all grants, aids and solicited funds received for the Institute;

5 (iv) proceeds from programme and activities.

Expenditure

6 **20.**-(1) There shall be defrayed from the fund the following-

7 (a) the remuneration and allowances of the Registrar and, other  
8 employees of the Institute;

9 (b) such reasonable travelling allowance(as determined by the  
10 Council and its Committees) incurred in the business or official functions of  
11 the Institute;

12 (c) any expense incurred by the Council in the discharge of its duties.

Auditing of  
accounts

13 **21.**-(1) The Council shall keep proper records of the annual accounts  
14 of the Institute in each financial year.

15 (2) The accounts of the Institute shall be audited within six months  
16 after the end of each financial year by auditors appointed by the Council. The  
17 fees of the auditors and the expenses of audit shall be paid from the fund of the  
18 Institute.

19 (3) The audited annual accounts and report shall be submitted by the  
20 Council to the Members of the Institute at the AGM.

Regulations

21 **22.** Any regulations made under this Bill shall be published in the  
22 gazette as soon as they are made and the Minister shall lay a copy of any such  
23 regulation before the National Assembly for consideration and passage into  
24 law.

25 **PART V - PROFESSIONAL DISCIPLINE**

Investigating  
panel

26 **23.**-(1) There shall be an Investigating panel, consisting of three  
27 members and two non-members of the Council all to be appointed by the  
28 Council charged with duty of-

29 (a) conducting preliminary investigation into allegations that a  
30 registered member has misconduct himself in his capacity as a registered



1 member; and

2 (b) deciding whether the allegations should be referred to the  
3 disciplinary committee or not.

4 24. There shall be a Disciplinary Committee consisting of seven  
5 (7) members one of whom shall be the Chairman appointed by the Council,  
6 charged with the duty of investigating and determining any case referred to  
7 it by the Investigating Panel established under section 26(1)(b).

Disciplinary  
Committee

8 25. -(1) Where-

9 (a) a registered person is, adjudged by the Disciplinary Committee  
10 to be guilty of infamous conduct in any professional respect;

Penalties for  
unprofessional  
conduct

11 (b) a registered person is convicted, in Nigeria or elsewhere by any  
12 court of competent jurisdiction; or

13 (c) the Disciplinary Committee determines that the name of any  
14 person has been fraudulently registered.

15 (2) The Disciplinary Committee, may, give a direction  
16 reprimanding that person or ordering the Registrar to strike the person's  
17 name out of the relevant Part of the Register.

18 (3) Disciplinary Committee may, defer or further defer its decision  
19 as to the giving of a direction under subsection two (2) until a subsequent  
20 meeting of the Disciplinary Committee.

21 (4) The Disciplinary Committee may not defer its decision under  
22 subsection (3) for periods exceeding one year.

23 (5) When the Disciplinary Committee gives a direction under  
24 subsection (2), the Disciplinary Committee shall cause notice of the  
25 direction to be served on the Person to whom it relates.

26 (6) The person to whom a direction under subsection (2) relates  
27 may, at any time within twenty-eight days from the date of service on him,  
28 appeal against the direction to the Federal High Court.

29 (7) A person whose name is removed from the register pursuant to a  
30 direction of the Disciplinary Committee, may not be registered again except

1 pursuant to a direction in that respect given by the Disciplinary Committee on  
2 the application of that person.

3 (8) A direction for the removal of a person's name from the register  
4 may prohibit an application under subsection by that person until the expiration  
5 of such period from the date of the direction.

6 PART VI - OFFENCES AND PENALTIES

Offences and  
penalties

7 26. -(1) A person commits an offence, who-

8 (a) holds himself out as a Chartered Local Government and Public  
9 Administrator; or

10 (b) willfully makes falsification in any matter relating to the register.

11 (2) A person who is found guilty of an offence under this section is  
12 liable on-

13 (a) summary conviction, to a fine of an amount not exceeding N1,000  
14 or (6) conviction on indictment to a fine of an amount not exceeding N5,000 to  
15 imprisonment for a term not exceeding two years, or both.

Limitation of  
suits against the  
Council and its  
staff

16 27.-(1) Notwithstanding anything to the contrary contained in any  
17 other enactment, no suit against the Institute, a member or any employee of the  
18 Institute for any act done in pursuance or execution of any enactment or law, or  
19 of any public duty or authority, or in respect of an alleged negligence or default  
20 in the execution of such enactment or law, duty or authority, shall lie or be  
21 instituted in any court unless it is commenced within 12 months next after the  
22 act or neglect complained of or in the case of a continuing damage or injury,  
23 within 12 months next after the ceasing thereof.

24 (2) No suit shall be commenced against the Institute before the  
25 expiration of a period of one month notice of intention to commence the suit  
26 shall have been served upon the Institute by the intending plaintiff or his  
27 authorized agent and the notice shall clearly and explicitly state:

28 (a) the cause of action;

29 (b) the particulars of the claim;

30 (c) the name and place of abode of the intending plaintiff; and

1 (d) the relief which he claims.

2 (3) The notice referred to in subsections (1) and (2) of this section  
3 and any summons, notice or other document required or authorized to be  
4 served upon the Institute under the provisions of this Bill or any other  
5 enactment or law may be served by delivering the same to the President,  
6 Chairman, Governing Council or the Registrar of the Institute and by  
7 sending it by registered post to the principal office of the Institute.

8 28. In this Bill unless the context otherwise requires-

Interpretation

9 "Registered" means enrolled;

10 "Incorporated Institute" means the Institute of Chartered Local Government  
11 and Public Administration incorporated under the Companies and Allied  
12 Matters Act, 2004;

13 "Minister" means the Minister charged with the responsibility of matters  
14 relating to education;

15 29. This Bill may be cited as the Institute of Local Government  
16 and Public Administration Bill, 2015.

Citation

1

## SCHEDULE

2

## SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

3

## PROCEEDING OF THE COUNCIL

4

*Section 4 (4)*

5

6 1. Subject to this Bill and section 27 of the Interpretation Act (which  
7 provides for decision of a statutory body to be taken by a majority of its  
8 members, and for the President to have a second or casting votes) the council  
9 may make standing orders regulating the proceedings of the Council and any  
10 Committee thereof-

11

12 2. If at any time, the office of the President is vacant or the President is  
13 in the opinion of the Council permanently or temporarily unable to perform the  
14 function of his office, the Council may approve one of its Members to perform  
15 such functions and reference in the schedule to the President shall be construed  
16 accordingly.

17

18 3. Every meeting of the Council shall be presided over by the  
19 President and if he is unable to attend a particular meeting the Vice President  
20 shall presides and in the event where both the President and Vice President are  
21 absent, the Member present at the meeting shall elect one of their Members to  
22 preside at the meeting.

23

24 4. The Quorum at a meeting of the Council shall consist of the  
25 President /or in the appropriate case, the person presiding at the meeting and six  
26 other members.

27

28 5. Where upon any special occasion, the Council desire to obtain the  
29 advice of any person may co-opt that person to be member for as many  
30 meetings as may be necessary, and that person while so co-opted shall have all  
the rights and privileges of a member, except that he shall not be entitled to vote  
or count towards a quorum.

29

*Committee*

30

31 6.-(1) Subject to its standing orders, the Council may appoint such  
number of standing or Ad-Hoc Committees as it thinks fit to consider and

1 report on any matter with which the Council is concerned.

2 (2) Every Committee appointed under the provision of  
3 subparagraph (1) of this paragraph, shall be presided over by a member of  
4 the council and shall be made up of a number of persons, not necessarily  
5 members of the council as the council may determine in each case.

6 7. The decision of the Committee shall have no effect until it is  
7 confirmed by the Council.

8 *Miscellaneous*

9 8. The fixing of the seal to the Council shall be authenticated by the  
10 signature of the president and Registrar of the Institute.

11 9. Any contract or instrument, which if made by a person not  
12 being a body corporate, would not be required to be made under seal, may be  
13 made or executed on behalf of the Institute by the Registrar or by any other  
14 person generally or specifically authorised by the council to act for that  
15 purpose.

16 10. Any document purporting to be a contract, instrument or other  
17 document signed or sealed on behalf of the Institute shall be received in  
18 evidence and, unless the contract is proved, be presumed, without further  
19 proof to have been so signed or sealed.

20 11. -(1) The validity of any proceedings of Council or a Committee  
21 thereof, shall or be adversely affected.

22 (2) By any vacancy in the membership of the Council;

23 (3) By any defect in the appointment of a member of the Council or  
24 Committee; or

25 (4) By reason that a person not entitled to do so, took part in the  
26 proceedings.

27 12. Any member of the Council or a Committee thereof, who has a  
28 personal interest in any contract or arrangement entered into or proposed to  
29 be considered by the Council or Committee shall forthwith disclose his  
30 interest to the Council or Committee and shall not vote on any question

1 relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

*(This note does not form part of the above Bill but is intended to  
explain in support)*

This Bill seeks to establish the Institute of Local Government and public Administration and also make provisions for determining the standard of knowledge and skill to be attained by persons seeking to be Chartered Local Government and Public Administrators.