

A BILL

FOR

AN ACT TO AMEND THE INSTITUTE OF CHARTERED CHEMISTS OF NIGERIA ACT CAP 1.112, LAWS OF THE FEDERATION OF NIGERIA 2004, TO PROVIDE FOR THE ROLE OF THE CHEMIST, THE REGULATION OF PRACTISING FEES BY MEMBERS OF THE INSTITUTE; AND FOR RELATED MATTERS

Sponsored by Hon. Usman Muhammad

[] Commencement

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

1 1. The Institute of Chartered Chemists of Nigeria Act, Cap.1.12,
2 Laws of Federation of Nigeria, 2004, (herein after called "the principal Act")
3 is amended as set out in this Bill.

Amendment of
the Institute of
Chartered Chemist
of Nigeria, Act
LPN, 2004

4 2. Section 1 of the Principal Act is amended by substituting for the
5 existing section 1 (1), new provisions thus:

Amendment of
Section (1)

6 1.-(1) There is established a body to be known as the Institute of
7 Chartered Chemist of Nigeria (in this Act referred to as "the Institute).

8 (2) The Institute shall be a body Corporate with perpetual
9 succession and a common seal which shall be kept in such custody as the
10 Council, may, from time to time authorize.

11 (3) The Institute may sue and be sued in its Corporate name and
12 may, hold, acquire and dispose of any property, movable or immovable.

13 (4) The Institute shall be charged with the general duty of:

Function of the
Institute

14 (a) determining who is a chemist for the purposes of this Act;

15 (b) determining what standards of knowledge and skill are to be
16 attained by persons seeking to become registered as Chemists and raising
17 those standards from time to time as circumstances may permit;

18 (c) securing in accordance with the provisions of this Act, the
19 establishment and maintenance of a Register of Fellows, Members,

1 Corporate Members and Honorary Fellows of the Institute and the publication
2 from time to time of the lists of those persons:

3 (d) reviewing and preparing from time to time, a code of conduct
4 which the Council may consider desirable for the practice of the chemistry
5 profession,

6 (e) regulating and training personnel in industries that make use of
7 chemicals or chemical processes capable of affecting the environment or
8 consumers' health;

9 (f) regulating and training personnel involved in the analysis,
10 formulation and synthesis of any form of chemical and chemical products in all
11 its ramifications;

12 (g) regulating and training personnel involved in the handling, sale,
13 marketing, stocking, distribution, importation, advertisement, management,
14 disposal in any manner, any form of chemical and chemical products other than
15 drugs, in all its aspects and ramifications;

16 (h) assessing, evaluating and registering graduates of chemistry in
17 Nigeria,

18 (i) assessing, evaluating and registering foreign graduates of
19 chemistry who wish to practice in Nigeria,

20 (j) inspecting, regulating and accrediting chemistry departments in
21 Polytechnics and Universities in Nigeria,

22 (k) inspecting, regulating and accrediting chemical laboratories in
23 Nigeria; and

24 (l) performing through the Council established by Section 2 of this
25 Act such other functions as may be conferred on it by this Act."

26 **3.** Section 2 of the Principal Act is amended by substituting for the
27 new existing section 2(1) and (2), new provisions as follows:

28 "2.-(1) There is established for the Institute a Governing Council (in
29 this Act referred to as *the Council*") which shall be charged with

1 responsibility of policy formulation, general administration and
2 management of the Institute”.

3 (2) The Council shall consist of the following members, that is:

4 (a) the President of the Institute, who shall be the Chairman;

5 (b) the Vice-President of the Institute, who shall be the Vice-
6 Chairman;

7 (c) a representative of the Ministry of Health who shall be a
8 registered chemist;

9 (d) twelve (12) members of the Institute to be elected by the
10 Institute reflecting the six geo-political zones at the Annual General
11 Meeting (AGM);

12 (e) two members of the Institute to represent institutions of higher
13 learning in Nigeria offering courses leading to approved qualifications, to be
14 appointed by the Minister of Health in rotation;

15 (f) Immediate Past President of the Institute who shall be entitled to
16 serve on the Council for a maximum period of three years from the
17 expiration of his term of office as President of the Institute;

18 (g) the National President of the Chemical Society of Nigeria
19 (CSN);

20 (h) a representative of the chemical group Manufacturers 1
21 Association of Nigeria (MAN) who shall be a registered chemist;

22 (i) a representative of the Nigerian armed forces, who shall be a
23 registered chemist to be appointed by the Chief of Defence Staff;

24 (j) a representative of the Nigeria Customs Service who shall be a
25 registered chemist to be appointed by the Comptroller-General of Customs;

26 and

27 (k) The Registrar of the Institute who shall also be the secretary to
28 the Council;*

29 4. Section 3 of the Principal Act is amended by substituting for the
30 existing section 3(1), new provisions as follows:

1 "3.-(1), There shall be for the Institute a President and a Vice-
2 President who shall be fellows of the Institute, to be elected by the Council and
3 hold office each for a term of three years from the date of inauguration."

Amendment of
Section 4

4 5. Section 4 of the principal Act is amended by substituting for the
5 existing section 4 (1-4), new provisions as follows:

6 "4.(1)-Subject to the provisions of this Act, persons admitted to the
7 Institute shall:

8 (a) be registered as Chemists in the category of:

9 (i) Fellows;

10 (ii) Members;

11 (iii) Corporate Members;

12 (iv) Honorary Fellows;

13 (b) be registered as Chemists or such other classification of Chemists
14 as the Institute may, from time to time, determine.

15 (2) A person accorded status as a Chemist by the Council established
16 by this Act shall be entitled to the use of that name and be registered as:

17 (a) a Member if:

18 (i) he holds a certificate of the examination conducted by the Institute
19 or has any other qualification approved by the council;

20 (ii) he satisfies the provisions of section 8 of this Act; and

21 (iii) he is otherwise considered by the Council to be a fit person to be
22 registered.

23 (b) a Fellow if:

24 (i) he has been registered as a Member of the Institute;

25 (ii) he has satisfied the conditions stipulated by the Council for the
26 award of fellowship; and

27 (iii) he is otherwise considered by the Council to be a fit person to be
28 registered;

29 (c) a Corporate member - a corporate body shall be a corporate
30 member if in the opinion of the Council, the corporate body has interests in

1 chemistry and chemical technology among other criteria.

2 (3) An honorary fellow of the Institute shall be a person admitted as
3 such by a resolution of the Council.

4 (4) Where a person is enrolled or registered by the Institute, he shall
5 be entitled to the use of such letters after his name as may be authorized by
6 the Council according to whether he is a Fellow, Member, Corporate
7 Member and Honorary Member and when so enrolled or registered, he shall
8 receive a certificate in such form as the Council may, from time to time,
9 approve."

10 6.-(i) Section 6 of the principal Act is amended by substituting for
11 the existing section 6(1), new provisions as follows:

Amendment of
Section 6

12 "6.-(i), It shall be the duty of the Council to appoint:

13 (a) a fit and proper person who shall be a member of the Institute to
14 be the Registrar; and Chief Executive Officer for the purposes of this Act;
15 and

16 (b) such other persons as the Institute may, from time to time, think
17 it necessary.

18 (ii) section 6 of the Principal Act is amended by substituting for the
19 existing section 6(2), new provisions as follows:

20 "6.-(2) It shall be the duty of the Registrar to prepare and maintain,
21 in accordance with rules made by the Council,

22 (a) a register of names, addresses and approved qualifications and
23 of such other particulars, as may be specified in the rules, of all persons who
24 are entitled in accordance with the provisions of this Act to be registered as
25 members of the profession in the category of Fellows, Members, Corporate
26 Members, and Honorary Fellows, who, in the manner prescribed by such
27 rules, apply to be so registered;

28 (b) a register of the Premises where members of the profession
29 engage in their professional practices including the handling, analysis, sale,
30 formulation, manufacturing, distribution, mixing, and storage of chemicals

1 and chemical products."

2 (iii) section 6 of the principal Act is amended by substituting for the
3 existing section 6(3), new provisions as follows:

4 "6. - (3) The register shall consist of five parts of which the first part
5 shall be in respect of members, the second part shall be in respect of fellows, the
6 third shall be in respect of corporate members, the fourth shall be in respect of
7 honorary fellows, and the fifth part in respect of premises."

8 (iv) By substituting the words "annual subscriptions" in Section 6 (6)
9 paragraph (c), the words "practicing fees"

10 (v) Section 6 of the principal Act is amended by substituting section 6
11 (7) paragraph (a), new provisions as follows:

12 "6.-(7) If the Registrar:

13 (a) sends by posts to any registered person a registered letter or
14 electronic transmission addressed to him at his address on the register
15 enquiring whether the registered particulars relating to him are correct and
16 receives no reply to the letter within six months from the date of posting; and"

17 7. Section 9 of the Principal Act is amended by substituting for the
18 existing section 9(1-4), new provisions as follows:

19 "9. -(1) The Council may accredit any institution for that purpose of
20 this Act, and may for that purpose approve:

21 (a) any course of training in chemistry at an accredited institution
22 which is intended for persons who are seeking to become or are already
23 chemists and which the Council considers is designed to confer on persons
24 undergoing it sufficient knowledge and skill as a chemist;

25 (b) any qualification which, as result of examination taken in
26 conjunction with a course of training in chemistry approved by the Council
27 under this section, is granted to candidates attaining a standard at the
28 examination indicating in the opinion of the Council that the candidates have
29 sufficient knowledge and skill for practice as a chemist;

30 (c) any institution in Nigeria which the Council considers properly

1 organized and equipped for conducting the whole or any part of a course of
2 training approved by the Council under this section.

3 (1) The Council may, if it thinks fit, withdraw any approval or
4 accreditation given under this section in respect of any course, qualification
5 or institution but before withdrawing such approval or accreditation, the
6 Council shall:

7 (a) give notice that it proposes to do so to all parties to be affected
8 by the action;

9 (b) afford the parties an opportunity of making representations to
10 the Council with regard to the proposal; and

11 (c) take into consideration any representations made in respect of
12 the proposal pursuant to paragraph (b) of this subsection.

13 (3) In respect any period during which the approval or
14 accreditation of the Council under this section, for a course, qualification or
15 institution is withdrawn, the course, qualification or institution shall not be
16 treated as approved under this section; but the withdrawal of such an
17 approval shall not prejudice the registration or eligibility for registration of
18 any person who, by virtue of the approval or accreditation, was registered or
19 eligible for registration immediately the approval or accreditation was
20 withdrawn.

21 (4) The giving or withdrawal of an approval or accreditation under
22 this section shall have effect from such date, either before or after the
23 execution of the instrument signifying the giving or withdrawal of the
24 approval or accreditation, as the Council may specify in the instrument and
25 the Council shall:

26 (a) as soon as may be, publish a copy of every such instrument in
27 the Gazette; and

28 (b) not later than seven days before its publication, send a copy of
29 the instrument to the Minister of Health."

30 8. Section 11 of the Principal Act is amended by substituting for

Amendment of
Section 11

1 the existing Section 11(2), new provision as follows:

2 "11.-(2) The Tribunal shall consist of the Chairman of the Council and
3 six other members of the Councils appointed by the Council."

Amendment of
Section 13

4 9. Section 13 of the Principal Act is amended by substituting for the
5 existing "13.-(1) and (2), new provisions as follows:

6 "13.-(1) No person shall practice as a chemist in any year unless he
7 has paid to the Institute in respect of that year, the appropriate practicing fee
8 which shall be determined by the Council and the appropriate practicing fee
9 shall be due every January of each year.

10 (2) A registered chemist who has paid his practicing fee as prescribed
11 in subsection (1) of this section shall be entitled to an annual practicing license
12 authorizing him subject to any regulations in force to perform any of the acts
13 listed in Section 14 subsection 1 of this Act.

14 (3) Any Chemist who in respect of any year without paying the
15 practicing fee practices as such is guilty of an offence and is liable on
16 conviction;

17 (a) in the case of a first offence to a fine or twice the prescribed
18 practicing fee; and

19 (b) in the case of second or subsequent offence to a fine of not less than
20 ten times the prescribed practicing fee and if the chemist, is in the employment
21 of any person, the employer is also guilty of an offence punishable in like
22 manner as the chemist, if it is proved that the failure to pay the practicing fee
23 was with his knowledge, consent and connivance."

Amendment of
Section 14

24 10. Section 14 of the Principal Act is amended by substituting for the
25 existing sections 14 (1) (a-c), 14(2), new provisions as well as introduce new
26 subsection (3-5) as follows:

27 "14.-(1) A person or corporate body shall be deemed to practice as a
28 chemist if, in consideration of remuneration to be received, and whether by
29 himself or in partnership with any person or corporate body, he:

30 (i) engages in chemical processes capable of affecting the

- 1 environment and consumers' health;
- 2 (ii) engages in the physico-chemical analysis of water, food, drugs,
- 3 chemicals, cosmetics, medical devices and related products;
- 4 (iii) engages in chemical data analysis;
- 5 (iv) engages in the analysis, formulation and synthesis of any form
- 6 of chemical and chemical products in all its ramifications;
- 7 (v) engages in the audit of chemicals;
- 8 (vi) engages in the classification of chemicals and their uses;
- 9 (vii) engages in the certification of imported and exported
- 10 chemicals;
- 11 (viii) engages in the application for chemical import permit;
- 12 (ix) engages in the invention, research, marketing, stocking,
- 13 distribution, exportation, importation, sale, advertising, management,
- 14 disposal or handling in any manner, any form of chemical and chemical
- 15 products other than drugs in all its aspects and ramifications;
- 16 (x) engages in the training or teaching in or about matters relating
- 17 to chemistry in institutions of higher learning;
- 18 (xi) owns and operates chemical laboratory for commercial
- 19 purposes;
- 20 (xii) renders professional service or assistance in or about matters
- 21 of principles or detail relating to Chemists as contained in this section; and
- 22 (xiii) renders any other service which may by regulations made by
- 23 the Council, with the approval of the Minister, be designated as service
- 24 constituting practice as a Chemist;"

25 .14.-(2) Subject to the provision of this Act, no person not being a

26 fully registered chemist under this Act shall be entitled to hold any

27 appointment in the Public Service of the Federation or state or any public or

28 private establishment, body or institution, if the holding of such

29 appointment involves the performance by him in Nigeria, any of the acts

30 listed in subsection 1 of this section or any act pertaining to the chemistry

1 profession for gain or remuneration.

2 14.-(3) If any person who is not a member of the Institute practices as
3 a chemist or engages in any of the acts listed in Section 14(1) or uses any name,
4 title, addition or description implying that he is in practice as a chemist, guilty
5 of an offence.

6 14.-(4) A person guilty of an offence under subsection 3 of section 14
7 is liable:

8 (a) on summary conviction, to a fine of an amount not exceeding
9 N150, 000; or

10 (b) on conviction or indictment, to a fine of an amount not exceeding
11 N500, 000 or to imprisonment for a term not exceeding two years, or to both
12 such fine and imprisonment.

13 14.-(5) Where an offence under this section has been committed by a
14 body corporate and is proved to have been committed with the consent or
15 connivance of or attributable to any neglect on the part of any director,
16 manager, secretary or other similar officer of the body corporate or any person
17 purporting to act in any such capacity, he, as well as the body corporate, shall be
18 guilty of the offence and shall be liable to be proceeded against and punished
19 accordingly."

Amendment of
Section 15

20 11. Section 15 of the Principal Act is amended by substituting for the
21 existing section 15(2)(a) and (c), new provisions.

22 (a) for the words annual subscription, the words "practicing fee"

23 (c) for the words annual subscription, the word "practicing fee"

Amendment of
Section 19

24 12. Section 19 of the principal Act is amended by deleting the phrase
25 "if, on or after the relevant date" in subsection 2, and substitute for the existing
26 section 19(3), new provisions as follows:

27 "A member shall not hold himself out as a Fellow or use any name,
28 title, addition, or description implying that he is a Fellow unless he is entitled to
29 do so".

30 (i) by substituting in paragraphs (a-b) of section 19 the following

1 subsection 5

2 (a) the amount N1000 with the amount N150, 000;

3 (b) the amount N5000 with the amount N500, 000

4 13. Section 20 of the Principal Act is amended:

Amendment of
Section 20

5 (i) by substituting the interpretation of the word "member" in 4
6 with the following:

7 "member" means a Fellow, Member, Corporate Member or
8 Honorary Fellow of the Institute"

9 (ii) by adding a new interpretation of the word "Chemist" as
10 follows:

11 "Chemist" means a person or corporate body duly registered under
12 the provisions of this Act to perform any of the acts listed in Section 14 (1) of
13 this Act"

14 14. This Bill may be cited as the Institute of Chartered Chemists of
15 Nigeria Act (Amendment) Bill, 2017

Short title

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Institute of Chartered Chemists of Nigeria Act Cap 112 laws of the Federation of Nigeria 2004 to provide for the role of the chemist, to regulate the practicing fees of duly registered members of the Institute in Nigeria and for Related Matters.

