

CHARTERED INSTITUTE OF DEVELOPMENT AND SOCIAL STUDIES

BILL, 2018

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A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF DEVELOPMENT AND SOCIAL STUDIES TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND PROMOTE THE PRACTICE OF DEVELOPMENT AND SOCIAL STUDIES IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Edward Gyang Pwajok

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF
2 DEVELOPMENT AND SOCIAL STUDIES

3 1.-(1) There is established the Chartered Institute of Development
4 and Social Studies (in this Act referred to as "the Institute").

Establishment
of the Chartered
Institute of
Development
and Social Studies

5 (2) The Institute:

6 (a) shall be a body corporate with perpetual succession;

7 (b) shall have a common seal which shall be kept in such custody as
8 the Council may authorise; and

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

10 2.-(1) Subject to the provisions of this Act, persons admitted into
11 the Institute shall possess knowledge, experience, and qualifications in
12 development and social studies and other related disciplines determined by
13 the Council, and may be enrolled in the category of:

Membership of
the Institute

14 (a) Fellows;

15 (b) Members;

16 (c) Associate Members;

17 (d) Graduate Members; and

18 (e) Students.

19 (2) Without prejudice to the provisions of this Act, persons

1 registered as members of the Institute are entitled to be enrolled:

2 (a) as Fellows, if they satisfy the Council that for the period of at least
3 five years immediately preceding the date of their application in that behalf
4 they:

5 (i) are fit and proper persons,

6 (ii) are holders of approved academic qualifications,

7 (iii) have satisfied the Council in their dissertations, and

8 (iv) have been continuously active in the practice of development and
9 social studies in either public or private sector of the economy and as members
10 of the Institute;

11 (b) as members, if, for the period of at least three years immediately
12 preceding the date of their application in that behalf, they have been enrolled as
13 graduate members and are otherwise fit and proper persons, and as may be
14 approved in the discretion of the Council;

15 (b) as Associate members, if, for the period of at least two years
16 immediately preceding the date of their application in that behalf, they have
17 been enrolled as graduate members and are otherwise fit and proper persons,
18 and as may be approved in the discretion of the
19 Council;

20 (c) as Graduate members, if they satisfy the Council that they have
21 fulfilled all requirements prescribed (passed the mandatory examinations
22 conducted) by the Institute, hold equivalent qualifications from recognised
23 institutions of higher education and are found to be fit and proper persons by
24 the Council.

25 (3) The following are other precedence and designated titular
26 abbreviations for:

27 (a) a Fellow of the Chartered Institute of Development and Social
28 Studies who shall have the right to use the designatory letters m.dss
29 immediately after his name;

30 (b) a member of the Chartered Institute of Development and Social

1 Studies who shall have the right to use the designatory letters m.dss
2 immediately after his name;

3 (c) an Associate member of the Chartered Institute of Development
4 and Social Studies who shall have the right to use the designatory letters
5 A.dss immediately after his name; and

6 (d) a Licentiate member of the Chartered Institute of Development
7 and Social Studies who shall have the right to use the designatory letters
8 L.dss immediately after his name.

9 (4) Graduates and Students registered for training shall become
10 professional practising members only after satisfying specified
11 qualification requirements for membership in any of the categories as may
12 be prescribed by the Council or bye-laws of the Institute.

13 (5) In this section, "licentiate member" means any member granted
14 a licence by a recognised institution of higher education to practise this
15 profession, and "licensesure" shall be construed accordingly.

16 3. The Institute shall:

Functions of the
Institute

17 (a) organise and provide professional training In the areas of social
18 studies and development;

19 (b) regulate and control the practice of the profession in all
20 ramifications.

21 (c) build capacity for leadership and, a desire to make a difference
22 in organisations and the nation at large;

23 (d) promote the art and philosophy of developing nation;

24 (e) educate and promote public etiquette, conduct and approach to
25 public issues;

26 (f) build a bridge between public, private and organised sectors of
27 the economy;

28 (g) seek internal and external relationship between States and other
29 arms of government;

30 (h) integrate culture with modernisation;

Establishment
of the Institute
of Board of
Trustees

1 (i) promote business, government ethics and inter-governmental
2 relations;

3 (j) determine the standards of knowledge and skills to be attained by a
4 person seeking to become a member of the profession (in this Act referred to as
5 "the profession") and reviewing those standards as circumstances may require;

6 4.-(1) There is established for the Institute the Board of Trustees (in
7 this Act referred to as "the Board") which membership shall:

8 (a) exercise oversight on the Council;

9 (b) from time to time advise the Council on general matters of
10 administration;

11 (c) not be subjected to any election;

12 (d) ensure that in the event of death or incapacity of a member, the
13 Board shall appoint a successor; and

14 (e) be of indefinite term

15 (2) The Board shall consist of:

16 (a) the Chairman;

17 (b) the Deputy Chairman;

18 (c) the Secretary;

19 (d) other members of the Board

20 The Board of Trustees of the Institute shall be the highest law making body of
21 the Institute and it shall hear and determine complaints that be brought before it
22 by members (who are in arrears of their subscriptions and levies) its decision on
23 any issue is not subjected to any further debate.

24 Members of the Board of Trustees shall hold office for life.

25 (3) The Chairman of the Board of Trustees shall be such person as
26 may be designated by the members of Board of Trustees. The Chairman shall
27 serve for a period of five years and shall be eligible for re-appointment for
28 successive periods of five years after which another member shall be appointed
29 for the chairmanship position and the former Chairman default to membership
30 of the Board.

1 (4) The Board shall hold its meetings from time to time as maybe
2 scheduled by the Board and shall have powers to regulate its proceedings

3 (5) At least three members of the Board shall be present at the
4 meeting of the Council

5 (6) The members of the Board of Trustees shall receive
6 remuneration for their activities, such as which amount shall be reviewed
7 from time to time. They are, however, entitled to reimbursement of the
8 expenses made in the exercise of their duties.

9 (7) No member of the Board shall dispose any policy matter except
10 with prior approval of the Board.

11 (8) where disciplinary committee is unable to resolve any matter
12 brought before it shall refer the matter to the Council. In the event that the
13 Council is unable to resolve same, it shall in turn refer it to the Board and any
14 decision taken on the matter shall be final.

15 5.-(1) The Principal Officers of the Institute are the:

16 (a) President;

17 (b) 1st Vice-President;

18 (c) 2nd Vice-President;

19 (d) National Secretary;

20 (e) Director Membership Services;

21 (f) National Treasurer; and

22 (g) Registrar/CEO.

23 (2) The Principal Officers listed in subsection (1) shall be:

24 (a) financial members of the Institute in the grades of fellows, full
25 members, associate members and licentiate members; and

26 (b) elected to office biennially at the second Council meeting after
27 another term of two years, and no more.

28 (3) The President shall be the Chairman of the meetings of the
29 Institute, but in the event of his incapacity, death or inability to perform the
30 duties imposed on him under this subsection, the Vice President shall

Election of
principal Officers
of the Institute

1 discharge such duties for the unexpired portion of the term of office of the
2 President.

3 (4) If any of the officers listed under subsection (1) of this section
4 ceases to be a member of the Institute, he shall cease to hold any of the
5 designated offices.

Establishment
and composition
of the Governing
Council

6 6.-(1) There is established for the Institute the Governing Council (in
7 this Act referred to as "the Council") which shall be responsible for the
8 administration and general management of the Institute.

9 (2) The Council shall consist of:

10 (a) the President of the Institute, as the Chairman;

11 (c) the 1st Vice-President of the Institute, as the Deputy Chairman;

12 (d) the 2nd Vice-President of the Institute, as a member;

13 (e) Director Membership Services as a member;

14 (e) the Registrar/CEO as Secretary;

15 (d) 12 members nominated by the Institute from the six geo-political
16 zones of the Federation;

17 (e) two persons who shall be members of the Institute, to represent
18 institutions of higher education in Nigeria offering courses leading to an
19 approved qualification, to be appointed in rotation;

20 (e) the immediate past President of the Institute;

21 (f) Members of the Board of Trustees;

22 (g) DG or Provost of ICRDSS;

23 (h) one person each, not below the rank of a Director, to represent the
24 Federal Ministry of:

25 (i) Budget and Planning,

26 (ii) Youth and Social Development;

27 (iii) Education.

First Schedule

28 (3) The provisions of the First Schedule to this Act shall have effect
29 with respect to the supplementary provisions of the Council, qualifications,

1 tenure of office of members of the Council, and other matters mentioned in
2 the Schedule.

3 7.-(1) A Board of Fellows shall be appointed annually to coordinate
4 the activities of Fellows of the Institute and recommend to the Council, on
5 yearly basis, admission of members of the Fellows.

Appointment of
the Board of
Trustees

6 (2) The Board of Fellows shall consist of persons who have been
7 duly elected as Fellows of the Institute, and shall have a chairman who shall
8 preside over the activities of the Board.

9 PART II - FINANCIAL PROVISIONS

10 8.-(1) The Council shall establish and maintain a Fund for the
11 Institute, the management and control of which shall be under the authority
12 of the Council, into which shall be paid:

Establishment of
Fund and
expenditure

13 (a) all money received by the Council under this Act;

14 (b) all subscriptions and fees under this Act;

15 (c) such money as may be provided by the Federal, State or Local
16 Government by way of grants and subventions or loans; and

17 (d) all money raised for the purposes of the Institute by way of gifts,
18 donations, grants-in-aid, testamentary dispositions from individuals,
19 bodies, corporations or philanthropic organisations.

20 (2) The Council shall apply the proceeds of the Fund of the Institute
21 to:

22 (a) all expenditures incurred by the Institute in the course of the
23 performance of its functions under this Act;

24 (b) the remunerations and allowances of the Registrar and other
25 staff of the Institute;

26 (c) the maintenance of the premises and property owned and
27 vested in the Institute;

28 (d) the payment of travelling allowances and such stipend for
29 members of the Council as may be approved by the Council; and

30 (e) the payment of such other charges as may be reasonably

1 incurred in the performance of the functions of the Institute and the Council.

Act No. 11,
2007

2 (3) For the purposes of companies income tax, any donation made by
3 any company in Nigeria to the Institute shall be a deductible donation within
4 the meaning of the Companies Income Tax Act.

Power to borrow
money

5 9.-(1) The Council may, with the general consent of its members or in
6 accordance with the general guidelines or authority given by the Government
7 of the Federation, borrow, on behalf of the Institute, by way of loan or overdraft
8 from any source, any money required by the Council to meet the obligations of
9 the Institute in order to perform its functions under this Act, and such consent or
10 authority shall be required where the sum or aggregate of the sums involved at
11 any time does not exceed such amount as is, for the time being, projected in
12 relation to the Institute in any particular year.

13 (2) The Council may, subject to the provisions of this Act and
14 conditions of trust in respect of funds held or any property owned by the
15 Institute, invest any but not all of its funds with the same consent or general
16 authority.

Annual estimates,
account and audit

17 10.-(1) The Chairman of the Council shall cause to be prepared, not
18 later than six months before the end of the year, estimates for the recurrent and
19 capital expenditure and income of the Institute during the next financial year
20 which shall be presented to the annual general meeting of the Institute by the
21 Council for approval.

22 (2) The Council shall:

23 (a) keep proper accounts and records; and

24 (b) prepare, in respect of each financial year, a statement of account in
25 such form as the Chairman or the Council shall direct.

26 (3) The Council shall, soon after the end of a financial year, cause the
27 accounts of the Institute and those of the Council to be audited by qualified
28 auditors appointed from the list of auditors and in accordance with the
29 guidelines laid down by the Auditor-General for the Federation.

30 (4) The auditors appointed in subsection (3) shall, on completion of

1 the audit of the accounts of the Institute and the Council for each financial
2 year, prepare and submit to the Council:

3 (a) general report setting out the observations and
4 recommendations of the auditors on the financial affairs of the Institute and
5 the Council for the year, and on any important matter which the auditors may
6 consider necessary to bring to the notice of the Council; and

7 (b) detailed report containing the observations and
8 recommendations of the auditors on all aspects of the operations of the
9 Institute and the Council.

10 There shall exist within the Institute a Training and Research arm called
11 International Centre for Research in Development and Social Studies.

12 The centre shall have a structure similar to those in universities and other
13 research Institutes in Nigeria.

14 It shall perform functions that are not limited to the following:

15 (i) Train deserving candidates admitted by the Institute into her
16 various categories of memberships before their inductions;

17 (ii) Shall award different certificates to those so trained in
18 subsection (i) above;

19 (iii) to undertake all forms of studies and research into problems of
20 development and social studies;

21 (iv) To award diplomas, degrees and postgraduate degrees to all
22 those admitted, trained and deemed to have qualified from the Centre;

23 (v) To disseminate research and other information through
24 publications of books, journals and Newsletters.

25 Appointments into the centre shall be based on guidelines for appointment
26 and promotion developed by the Governing Council and approved by the
27 Board of Trustees.

28 PART III - THE REGISTRAR

29 11.-(1) The Council shall appoint a fit and proper person to be the
30 Registrar of the Institute.

Appointment
and duties of the
Registrar

1 (2) The Registrar appointed under subsection (1) shall be the head of
2 the administration of the Institute and Secretary to the Council.

3 (3) The Registrar shall prepare and maintain a register:

4 (a) of members of the Institute; and

5 (b) which shall consist of four parts, one each in respect of:

6 (i) Fellows.

7 (ii) Full Members;

8 (iii) Associates, and

9 (iv) Licentiates.

10 (4) Subject to the provisions of this subsection, the Council may make
11 rules with respect to the form, keeping of the register and making of entries and,
12 in particular:

13 (a) the making of application for enrolment or registration;

14 (b) providing for notification to the Registrar, by the person to whom
15 registered particulars relate, of any change in those particulars;

16 (c) authorising a registered person to have any qualification, which is
17 in relation to the relevant discipline of the profession for the purpose of this
18 Act, registered in relation to his name in addition to, as he may elect, the
19 substitution for other qualifications so registered;

20 (d) specifying, the fees, including subscription to be paid to the
21 Institute in respect of the entry of names in the register; and

22 (e) specifying anything not specified under this section, but rules
23 made for the purposes of paragraph (d) shall not come into force until they are
24 confirmed at a special meeting of the Institute convened for that purpose, or at
25 the next annual general meeting of the Institute.

26 (5) The Registrar shall:

27 (a) correct, in accordance with the Council's directives, any entry in
28 the register which the Council directs him to correct as being, in the Council's
29 opinion, an entry which was incorrectly made;

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

3 (c) record the names of the members of the Institute who are in
4 default in the payment of the annual subscription, dues or other charges for
5 more than 12 months, and take such action (including removal of the names
6 of the defaulters from the register) as the Council may determine or direct;

7 (d) make any necessary alteration in the registered particulars of
8 registered persons;

9 (e) send by post to any registered person a letter addressed to him at
10 his address on the register enquiring whether the registered particulars
11 relating to him are correct and shall receive a reply to the letter within six
12 months from the date of posting; and

13 (f) upon the expiration of the period specified in paragraph (e) of
14 this subsection, send in like manner to the person in question a second
15 similar letter and where no reply to the letter is received within three months
16 from posting it, then, the Registrar may remove the particulars relating to the
17 person in question from the register, and the Council may direct the
18 Registrar to restore to the appropriate part of the register the particulars
19 removed under this subsection.

20 12.-(1) The Registrar shall:

21 (a) cause the register to be printed, published and put on sale to
22 members of the public not later than two years from the commencement of
23 this Act;

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

26 (c) cause a print of each edition of the register and of each list of
27 corrections to be deposited at the principal offices of the Institute and the
28 Council shall keep the register and the list so deposited available at all
29 reasonable times for inspection by members of the Institute.

30 (2) A document purporting to be a print of an edition of the register

Publication of
register and list
of corrections

1 published under this section by authority of the Registrar or documents
2 purporting to be a print of an edition so printed, shall (without prejudice to any
3 other mode of proof) be admissible in any proceeding as evidence that any
4 person specified in the document or documents read together, as being
5 registered was so registered at the date of the edition or of list of corrections, as
6 the case may be, and that any person not so specified was not registered.

7 (3) Where in accordance with subsection (2), a person is, in any
8 proceeding, shown to have been, or not to have been, registered at a particular
9 date, he shall, unless the contrary is proved, be taken for the purposes of those
10 proceedings as having at all material times thereafter continued to be, or not to
11 be, so registered.

Registration

12 13.-(1) Subject to the rules made by the Council under section 10 (4)
13 of this Act, a person whether or not a member of a professional Development
14 and Social Studies body recognised by an Act of the National Assembly is
15 entitled to be enrolled or registered as a Member of Chartered Institute of
16 Development and Social Studies if he:

17 (a) passes the qualifying examination of membership conducted by
18 the Council under this Act and completes the practical training prescribed; or

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

23 (2) An applicant for registration shall, in addition to evidence of
24 qualification, satisfy the Council that he:

25 (a) is of good character;

26 (b) has attained the age of 21; and

27 (c) has not been convicted of a criminal offence involving fraud or
28 dishonesty in Nigeria or elsewhere.

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

1 section and 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 under subsection
4 (4) of this section shall indicate that the registration is provisional, and no
5 entry made in consequence thereof shall be converted to or construed as full
6 registration without explicit consent of the Council made in writing in that
7 behalf.

8 (5) The Council shall publish in the Federal Government Gazette
9 particulars of qualifications for the time being accepted.

10 14.-(1) The Council may approve an institution for the purposes of
11 this Act and may approve any:

Approval of
qualification

12 (a) course of training at any institution which is intended for
13 persons who are seeking to become members and which the Council
14 considers as necessary to confer on persons completing the course sufficient
15 knowledge and skill for admission to the Institute; and

16 (b) qualification which, as a result of an examination taken in
17 conjunction with a course of training approved by the Council under this
18 section, is granted to candidates reaching a standard at the examination
19 indicating, in the opinion of the members of the Council, that the candidates
20 have sufficient knowledge and skill to practise as a professional.

21 (2) The Council may, if it deems fit, withdraw any approval given
22 under this section in respect of any course, qualification or institution, but
23 before withdrawing such an approval, the Council shall:

24 (a) give notice that it proposes to do so to persons in Nigeria
25 appearing to the Council to be persons by whom the course is conducted or
26 the qualification is granted or the institution is controlled, as the case may
27 be;

28 (b) afford each person an opportunity of making representations to
29 the Council with regard to the proposal; and

30 (c) take into consideration any representation made with respect to

1 the proposal in paragraph (b).

2 (3) Where the approval of the Council under this section for a course,
3 qualification or institution is withdrawn, the course, qualification or institution
4 shall not be treated as approved under this section, but the withdrawal of any
5 such approval shall not prejudice the registration or eligibility for registration
6 of any person who, by virtue of the approval was registered or eligible for
7 registration immediately before the approval was withdrawn.

8 (4) The giving or withdrawal of an approval under this section shall
9 have effect from such date, either before or after the execution of the
10 instrument signifying the giving or withdrawal of the approval, as the Council
11 may specify in that instrument, and the Council shall:

12 (a) publish, as soon as possible, a copy of every such instrument in the
13 Federal Government Gazette; and

14 (b) not later than seven days before its publication, send a copy of the
15 instrument to the Minister.

16 **15.-(1)** The members of the Council of the Institute shall keep
17 themselves informed of the nature of the:

18 (a) instructions given at approved institutions to persons attending
19 approved training; and

20 (b) examination as a result of which approved qualification are
21 granted, and for the purpose of performing that duty, the Council may appoint,
22 either from among its own members or otherwise, a person to visit approved
23 institutions or to attend such examination.

24 (2) The visitor appointed in this section shall report to the Council on:

25 (a) the sufficiency of the instructions given to persons attending
26 approved courses of training at institutions visited by him;

27 (b) the conduct and adequacy of the examination observed by him;

28 and

29 (c) any other matter relating to the instructions or examinations on
30 which the Council may, either generally or in a particular case, request him to

1 report, but no visitor shall interfere with the giving of any instruction or the
2 conduct of any examination.

3 (3) On receiving a report made in this section, the Council may, if it
4 deems fit, and shall, if so required by the Institution, send a copy of the report
5 to the person appearing to the Council to be in charge of the institution or
6 which the Disciplinary Tribunal has cognisance under this Act as
7 responsible for the examination of which the report relates requesting that
8 person to make an observation on the report to the Council within such
9 period as may be specified in the request, not less than one month, beginning
10 with the date of the request.

11 PART IV - PROFESSIONAL DISCIPLINE

12 16.-(1) There is established the Chartered Institute of Development
13 and Social Studies Investigating Panel (in this Act referred to as "the
14 Investigating Panel") charged with the duty of:

Establishment,
composition and
duties of
Investigating Panel
and Disciplinary
Tribunal

15 (a) conducting a preliminary investigation into any case where it is
16 alleged that a member has misbehaved in his capacity as a developing
17 manager or should, for any other reason, be the subject of proceeding before
18 the Disciplinary Tribunal; and

19 (b) deciding whether the case should be referred to the Disciplinary
20 Tribunal.

21 (2) The Investigating Panel shall be constituted by the Council and
22 shall consist of four members of the Council and one person who is not a
23 member of the Council.

24 (3) There is established the Chartered Institute of Development and
25 Social Studies Disciplinary Tribunal (in this Act, referred to as "the
26 Disciplinary Tribunal") charged with the duty of considering and
27 determining any case referred to it by the Investigating Panel established in
28 subsection (1) of this section, and any other case of investigation, of which
29 the Disciplinary Tribunal has cognisance under this Act.

30 (4) The Disciplinary Tribunal shall consist of the Chairman of the

Second Schedule

1 Council and six other members of the Council.

2 (5) The provisions of the Second Schedule to this Act shall, so far as
3 applicable to the Disciplinary Tribunal and Investigating Panel respectively,
4 have effect with respect to the bodies.

5 (6) The Council may make rules consistent with this Act as to acts
6 which constitute professional misconduct.

Penalties for
unprofessional
conduct

7 17.-(1) Where:

8 (a) a member is judged by the Disciplinary Tribunal to be guilty of
9 infamous conduct in any professional respect;

10 (b) a member is convicted, by any court or tribunal in Nigeria or
11 elsewhere, having power to award imprisonment, of an offence or (whether or
12 not punishable with imprisonment) which, in the opinion of the Disciplinary
13 Tribunal, is incompatible with the status of a Development and Social Studies
14 practitioner, or

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

19 (2) The Disciplinary Tribunal may, if it deems fit, defer its decisions
20 as to the giving of a direction in subsection (1) until a subsequent meeting of the
21 Disciplinary Tribunal but no:

22 (a) decision shall be deferred under this subsection for a period
23 exceeding two years on the aggregate; and

24 (b) person shall be a member of the Disciplinary Tribunal for
25 purposes of reaching a decision which has been deferred or further deferred,
26 unless he was present as a member of the Disciplinary Tribunal when the
27 decision was deferred.

28 (3) For the purposes of subsection (1) (b), a person shall not be treated
29 as convicted unless the conviction stands at a time when no appeal or further
30 appeal is pending or may (without extension of time) be brought in connection

1 with the conviction.

2 (4) When the Disciplinary Tribunal gives a direction under
3 subsection (1), the Disciplinary Tribunal shall cause notice of the direction
4 to be served on the person to whom it relates.

5 (5) A person whose name is struck off the register on the direction
6 of the Disciplinary Tribunal under this section is not entitled to be enrolled
7 or registered again except on the direction of the Disciplinary Tribunal on
8 the application of the person, and a direction under this section for the
9 removal of a person's name from the register may prohibit an application
10 under this subsection by that person until the expiration of such period from
11 the date of the direction (and where he has duly made such an application,
12 from the date of his last application) as may be specified in the direction.

13 PART V - MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

14 **18.-(1)** The Council may make rules:

15 (a) for the training of suitable persons in development methods and
16 practice;

17 (b) for the supervision and regulation of the engagement, training
18 and transfer of such persons;

19 (c) prescribing the amount and the due for payment of annual
20 subscription, and for such purpose different amounts may be prescribed by
21 the rules according to whether the person is enrolled as a fellow, associate
22 member, a graduate member, licentiate member or student;

23 (d) prescribing the form of licence to practise to be issued annually
24 or, if the Council deems fit, by endorsement on any existing licence; and

25 (e) restricting the right to practise in default of payment of the
26 amount of annual subscription where the default continues for longer than
27 such period as may be prescribed by the rules.

28 (2) Rules when made under this section shall, if the Chairman of
29 the Council so directs, be published in the Federal Government Gazette.

Rules as to
professional
practice and fees

Provision of
library facilities

- 1 **19.** The Institute shall:
- 2 (a) provide and maintain a Library comprising books and publications
- 3 for the advancement of knowledge of Social studies and development, and
- 4 such other books and publications as the Council may deem necessary for that
- 5 purpose; and
- 6 (b) encourage research into development and social studies methods
- 7 and allied subjects to the extent that the Council may consider necessary.

Offences

8 **20.**-(1) If any person, for the purpose of procuring the registration of

9 any name, qualification or other matter:

10 (a) makes a statement which he believes is false, or

11 (b) recklessly makes a statement which is false, the person commits

12 an offence.

13 (2) Where, on or after the relevant date, any person, not a member of

14 the Institute, who practises or holds himself out to practise development and

15 social studies for or in expectation of reward or takes or uses any name, title,

16 addition or description implying that he is in the practise of development and

17 social studies, the person commits an offence under this Act, provided that in

18 the case of person falling within section 17 of this Act:

19 (a) this subsection shall not apply in respect of anything done by him

20 during the period mentioned in that section; and

21 (b) if, within that period, he duly applies for membership of the

22 Institute, then, unless within that period he is notified that his application has

23 not been approved, this subsection shall not apply in respect of anything done

24 by him between the end of that period and the date on which he is enrolled or

25 registered or is notified.

26 (3) If the Registrar or any other person employed by or on behalf of

27 the Institute wilfully makes any falsification in any matter relating to the

28 register, he commits an offence.

29 (4) A person who commits an offence under this section is liable:

30 (a) on summary conviction, to a fine not exceeding N50,000; and

1 (b) on conviction on indictment, to a fine not exceeding N100,000
2 or to imprisonment for a term not exceeding two years or to both.

3 (5) Where an offence under this section which has been committed
4 by a body corporate is proven to have been committed with the consent or
5 connivance of, or to be attributed to any neglect on the part of any director,
6 manager, secretary or other similar officer of the body corporate or any
7 person purporting to act in any such capacity, he, as well as the body
8 corporate, shall be deemed to have committed that offence and shall be
9 liable to be prosecuted and punished accordingly.

10 (6) In this section, "the relevant date" means the third anniversary
11 of the appointed day or such earlier date as may be prescribed for the purpose
12 of this section by order of the Minister published in the Federal Government
13 Gazette.

14 21.-(1) Any regulation made under this Act shall be published in
15 the Federal Government Gazette as soon as may be after they are made and a
16 copy of such regulations shall be sent to the Minister, not later than seven
17 days before they are so published.

Rules and
regulations

18 (2) Rules made for the purposes of this Act shall be subject to
19 confirmation by the Institute at its next general meeting or at any special
20 meeting of the Institute convened for that purpose, and, if then annulled,
21 shall cease to have effect on the day after the date of annulment, but without
22 prejudice to anything done in pursuance or intended pursuance of such rules.

23 22. In this Act:

Interpretation

24 "Institute" means Chartered Institute of Development and Social Studies
25 established under section 1 (1) of this Act;

26 "Council" means the Council established as the governing body of the
27 Institute under section 5 (1) of this Act;

28 "Disciplinary Tribunal" means the Chartered Institute of Development and
29 Social Studies Disciplinary Tribunal established under section 15 (3) of this
30 Act;

1 "enrolled" relates to a fellow, an associate member, a graduate member or a
 2 licentiate member, as the case may be;
 3 "fees" includes annual subscription;
 4 "Investigating Panel" means the Chartered Institute of Development and
 5 Social Studies Investigating Panel established under section 15 (1) of this Act;
 6 "Minister" means the Minister charged with the responsibility for matters
 7 relating to finance;
 8 "President and Vice-President" means respectively the office holders under
 9 those names in the Institute;
 10 "profession" means the profession of development and social studies; and
 11 "register" means the Register maintained under section 10 (3) of this Act.

Citation

12 23. This Bill may be cited as the Chartered Institute of Development
 13 and Social Studies Bill, 2018.

14 SCHEDULES

15 FIRST SCHEDULE

16 Section 5 (3)

17 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

18 *Qualifications and tenure of members*

19 1.-(1) Subject to the provisions of this paragraph, a member of the
 20 Council shall hold office for a period of two years beginning with the date of his
 21 appointment or election.

22 (2) A member of the Institute who ceases to be a member shall, if he is
 23 also a member of the Council, cease to hold office on the Council.

24 (3) An elected member may, by notice in writing under his hand
 25 addressed to the President, resign his office, and any appointed member may
 26 likewise resign his appointment.

27 (4) A person who retires from or otherwise ceases to be an elected
 28 member of the Council is eligible again to become a member of the Council,
 29 and any appointed member may be reappointed.

30 (5) Members of the Council shall, at a meeting before the annual

1 general meeting of the Institute, arrange for five members of the Council
2 appointed or elected, and those who are longest in office shall retire at that
3 annual general meeting.

4 (6) Elections to the Institute shall be held in such manners as may
5 be prescribed by rules made by the Council and, until so prescribed, they
6 shall be decided in a secret balloting process.

7 (7) If, for any reason, there is a vacation of office by a member and
8 such member was:

9 (a) appointed by the Minister or any other body corporate, the
10 Minister or the body corporate shall appoint another fit person to occupy the
11 office in which the vacancy occurs; or

12 (b) elected, the Council may, if the period between the unexpired
13 portion of the tenure of office and the next general meeting of the Institute
14 appears to warrant the prompt filling of the vacancy, co-opt another fit
15 person for such period.

Powers of the Council

16
17 2. The Council shall have powers to do anything which in its
18 opinion is calculated to facilitate the activities of the Institute.

Proceedings of the Council

19
20 3.-(1) Subject to the provisions of this Act, the Council may, in the
21 name of the Institute, make standing orders regulating the proceedings of the
22 Institute or of the Council, and, in the exercise of its powers under this Act,
23 may set up committees in the general interest of the Institute and make
24 standing orders.

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

28 (3) Standing orders made for a committee shall provide that the
29 committee shall report back to the Council on any matter not within its
30 competence to be decided upon.

1 the Council shall be summoned by the Minister who may give such
2 directions as he deems fit as to the procedure which shall be followed at the
3 meeting.

4 *Committees*

5 7.-(1) The Council may set up one or more committees to carry out,
6 on behalf of the Institute or Council, such functions as the Council may
7 determine.

8 (2) A committee set up under this paragraph shall consist of a
9 number of persons determined by the Council, and a person other than a
10 member of the Council shall hold office on the committee in accordance
11 with the terms of the instrument by which he is appointed.

12 (3) Any recommendation of a committee shall be of no effect until
13 it is approved by the Council.

14 *Miscellaneous*

15 8.-(1) The fixing of the seal of the Institute shall be authenticated
16 by the signature of the President or other member of the Council authorised
17 generally by the Institute to act for that purpose.

18 (2) Any contract or instrument, which if made or executed by a
19 person not being a body corporate would not be required to be under seal,
20 may be made or executed on behalf of the Institute or Council, as the case
21 may require, by any person generally or specially authorised to act for the
22 purpose by the Council.

23 (3) Any document purporting to be a document duly executed
24 under the seal of the Institute shall be received in evidence and shall, unless
25 the contrary is proved, be deemed to be so executed.

26 (4) The validity of any proceeding of the Institute, Council or a
27 committee of the Council shall not be affected by:

28 (a) any vacancy in the membership;

29 (b) any defect in the appointment of a member of the Institute or
30 Council; or

1 (c) reason that a person not entitled to serve on the Committee took
2 part in the proceedings.

3 (5) A member of the Institute or Council and any person holding office
4 on a committee of the Council who has a personal interest in the Council or a
5 committee shall disclose his interest to the President or Council, as the case
6 may be, and shall not vote on any question relating to the contract or
7 arrangement.

8 (6) A person shall not, by reason only of his membership of the
9 Institute, be required to disclose any interest relating solely to the audit of the
10 accounts of the Institute.

11 SECOND SCHEDULE

12 *Section 15 (5)*

13 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

14 TRIBUNAL AND INVESTIGATING PANEL

15 *The Disciplinary Tribunal*

16 1. The quorum of the Disciplinary Tribunal shall be three of whom, at
17 least two, shall be professional Development and Social practitioners.

18 2.-(1) The Chief Justice of Nigeria shall make rules as to the selection
19 of members of the Disciplinary Tribunal for the purposes of any proceeding,
20 the procedures to be followed and the rules of evidence to be observed in the
21 proceedings before the Disciplinary Tribunal:

22 (a) for securing that notice of the proceedings shall be given at such
23 time and manner as may be specified by the rules to the person who is the
24 subject of the proceeding;

25 (b) for determining who, in addition, shall be a party to the
26 proceedings;

27 (c) for securing that any party to the proceedings shall, if he so
28 requires, be entitled to be heard by the Disciplinary Tribunal;

29 (d) for enabling any party to the proceedings to be represented by a
30 legal practitioner;

1 (e) subject to the provisions of section 16 (5) of this Act, as to the
2 costs of proceedings before the Disciplinary Tribunal;

3 (f) for requiring, in a case where it is alleged that the person who is
4 subject of the proceedings is guilty of infamous conduct in any professional
5 respect, that where the Disciplinary Tribunal adjudges that the allegation has
6 not been proved, it shall record a finding that the person is not guilty of such
7 conduct in respect of the matters to which the allegation relates; and

8 (g) for publishing in the media notice of any direction of the
9 Disciplinary Tribunal which has taken effect providing that a person's name
10 shall be struck off a register.

11 3. For the purposes of any proceeding before the Disciplinary
12 Tribunal, any member of the Tribunal may administer oaths and any party to
13 the proceedings may issue through the Supreme Court writs of *subpoena ad*
14 *testificandum and duces tecum*, but no person appearing before the
15 Disciplinary Tribunal shall be compelled to:

16 (a) make any statement before the Disciplinary Tribunal tending to
17 incriminate himself; and

18 (b) produce any document under such a writ which he could be
19 compelled to produce at the trial of an action.

20 4.-(1) For the purposes of advising the Disciplinary Tribunal on
21 questions of law arising in the proceedings before it, there shall, in all such
22 proceedings, be an assessor to the Disciplinary Tribunal who shall be
23 appointed by the Council on the nomination of the Chief Justice of Nigeria
24 and shall be a legal practitioner of at least seven years standing.

25 (2) The Chief Justice of Nigeria may make rules as to the functions
26 of assessors appointed under this paragraph and, in particular, such rules
27 shall contain provisions for securing that:

28 (a) where an assessor advises the Disciplinary Tribunal on any
29 question of law as to evidence, procedure or any matter specified in the
30 rules, he shall do so in the presence of every party or person representing a

1 party to the proceedings who appears or, if the advice is tendered while the
2 Disciplinary Tribunal is deliberating in private, that every such party or
3 persons are present; and

4 (b) every such party or person shall be informed if in any case the
5 Disciplinary Tribunal does not accept the advice of the assessor on such a
6 question.

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

11 *The Investigating Panel*

12 5. The quorum of the Investigating Panel shall be two.

13 6.-(1) The Investigating Panel may, at any of its sittings attended by
14 all its members, make standing orders with respect to the Investigating
15 Panel.

16 (2) Subject to the provisions of any such standing order, the
17 Investigating Panel may regulate its own procedure.

18 *Miscellaneous*

19 7.-(1) A person ceasing to be a member of the Disciplinary Tribunal or
20 the Investigating Panel is eligible for reappointment as a member of that body.

21 (2) A person may, if otherwise eligible, be a member of both the
22 Disciplinary Tribunal and the Investigating Panel, but no person who acted as a
23 member of the Investigating Panel with respect to any case shall act as a
24 member of the Disciplinary Tribunal with respect to that case.

25 8. The Disciplinary Tribunal or the Investigating Panel may act
26 notwithstanding any vacancy in its membership, and the proceedings of either
27 body shall not be invalidated by any irregularity in the appointment of a
28 member of that body, or (subject to paragraph 7 (2) of this Schedule) by reason
29 of the fact that any person who was not entitled to do so took part in the
30 proceedings of the body.

1 9. Any document authorised or required by virtue of this Act to be
2 served on the Disciplinary Tribunal or the Investigating Panel shall be
3 served on the Registrar of this Institute.

4 10. Any expense of the Disciplinary Tribunal or the Investigating
5 Panel shall be defrayed by the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Development and Social Studies to provide for the control of its membership and advancing the science and the practice of development and social studies in Nigeria.

