

ENVIRONMENTAL MANAGERS REGISTRATION COUNCIL OF
NIGERIA BILL, 2015
ARRANGEMENT OF CLAUSES

Clause:

PART I — ESTABLISHMENT OF THE ENVIRONMENTAL MANAGERS
REGISTRATION COUNCIL OF NIGERIA

1. Establishment of the Environmental Managers Registration Council of Nigeria
2. Functions of the Council
3. Membership of the Council
4. Financial Provisions

PART II — THE REGISTRAR

5. Appointment of Registrar, Preparation and maintenance of a register.
6. Publication of the Register and list of corrections.

PART III — REGISTRATION

7. Registration of Environmental Managers
8. Approval of institutions, courses of training and qualifications by council
9. Supervision of instructors and examinations leading to approved qualifications
10. Certificate of Professional Competence
11. Registrar to notify institutions of entries in the register

PART IV — PROFESSIONAL DISCIPLINE

12. Disciplinary Power of the Council
13. Penalties for unprofessional conduct, etc.

PART V — MISCELLANEOUS AND GENERAL

14. Temporary registration of persons not citizens of Nigeria.
15. Offence
16. Supplementary Provisions
17. Control of Council by Minister
18. Regulations, rules and orders
19. Interpretation
20. Citation

SCHEDULES

A BILL

FOR

AN ACT TO ESTABLISH THE ENVIRONMENTAL MANAGERS REGISTRATION COUNCIL OF NIGERIA AS A BODY CORPORATE AND TO EMPOWER THE COUNCIL, INTER ALIA TO DETERMINE PERSONS, WHAT STANDARD OF KNOWLEDGE AND SKILL TO BE ATTAINED BY SUCH PERSONS; AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

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

1 PART I — ESTABLISHMENT OF THE ENVIRONMENTAL MANAGERS

2 REGISTRATION COUNCIL OF NIGERIA

3 1.—(1) There is hereby established a body to be known as the
4 Environmental Managers Registration Council of Nigerian (in this Bill
5 referred to as “the Council”).

Establishment of
the Environmental
Managers
Registration
Council of
Nigeria

6 (2) The Council —

7 (a) Shall be a body corporate with—

8 (i) perpetual succession

9 (ii) a common seal; and

10 (b) may sue and be sued in its corporate name:

11 2. The Council is charge with the general duty of—

Functions of the
Council

12 (a) determining who are environmental managers for the purpose
13 of this Bill;

14 (b) determining what standards of knowledge and skill are to be
15 attained by persons seeking to become registered as environmental
16 managers and reviewing such standards from time to time for the purpose of
17 raising them;

18 (c) securing, in accordance with the provisions of this Bill, the

1 establishment and maintenance of a register of person entitled to practice as
2 environmental managers and the publication from time to time of the list of
3 such persons;

4 (d) regulating and controlling the practice of environment
5 management (in this Bill referred to as “the profession”) in all its aspects and
6 ramifications; and

7 (e) performing other functions conferred on the council by this Bill.

Membership of
the Council

8 3.—(1) Subject to the provision of this Bill, the Council shall consist
9 of the following—

10 (a) one person who shall be appointed as President of the Council,

11 (b) four persons appointed by the Minister charged with
12 responsibility for matter relating to the environmental (in this Bill referred to
13 as “the Minister”) of whom at least one person shall be employed by the
14 Ministry under his control, and the other interest in the field environmental
15 management covered by this Bill, which in his opinion are not adequately
16 represented;

17 (c) six person appointed by the Minister to represent the states in
18 rotation for two years at a time, no two of whom shall come from the same state;

19 (d) six persons elected by the Environmental Management
20 Association (in this Bill referred to as “the Association”) in the manner for the
21 time being provided by the constitution of the Association; and

22 (e) two persons to represent the Universities and other institutions
23 of higher education offering courses leading to approved qualification for
24 environmental management in institution of higher education referred to in
25 this paragraph shall have more than one representative at a time.

26 (2) The provisions of the First Schedule to this Bill shall have effect
27 with respect to the qualification and tenure of office members of the Council,
28 powers and procedure of the Council and the other matters therein mentioned.

Financial
Provisions

29 4.—(1) The Council shall prepare and submit to the Minister not later
30 than the 31st day of December of each year in which this subsection comes into

1 force (so however, that for that year the Minister may if it considers it
2 necessary extend the period) and of each subsequent year an estimated of its
3 expenditure and income during the next succeeding financial year.

4 (2) The Council shall keep proper records in respect of each
5 financial year and proper records in relation to those accounts, and shall
6 cause its accounts to be audited as soon as may be after the end of the
7 financial year to which the accounts related, by a firm of auditors approved
8 as respects that year by the Minister.

9 PART II — THE REGISTRAR

10 5.—(1) The Council shall appoint a fit and proper person to be
11 Registrar for the purpose of this Bill.

Appointment of
Registrar,
Preparation and
Maintenance of
a Register

12 (2) The Registrar shall prepare and maintain, in accordance with
13 the rules made by the Council under this section, a register of environmental
14 managers (in this Bill referred to as “the register”).

15 (3) The register shall contain the names, address approved
16 qualifications and such other particulars as may be specified by the Council,
17 of all persons who are entitle, in accordance with the provisions of the Bill,
18 to be registered as environmental manager (and who apply in the specified
19 manner to be so registered.

20 (4) The register shall consist of two parts of which one shall be
21 respect of fully registered persons and the other in respect of provisionally
22 registered persons.

23 (5) Subject to the following provision of this section, he Council
24 shall make rules with respect to the form and keeping of the register and the
25 making of entries therein, and in particular—

26 (a) regulating the making of applications for registration and
27 providing for the evidence to be produced in support of application;

28 (b) providing for the notification to the Registrar, by the person to
29 whom the registered particulars relate, of any change in those particular,

30 (c) authorizing a registered person to have any qualification which

1 is registered in relation to his name in addition to or, as he may elect, in
2 substitution for any other qualifications so registered,

3 (d) specifying anything falling to be specified under the provisions of
4 this section.

5 (6) The Registrar shall—

6 (a) correct, in accordance with the Council's direction, any entry in
7 the register which the Council directs him to correct as being in the
8 Council's an entry which was incorrectly made;

9 (b) make, from time to time, any necessary alteration to the
10 registered particulars of registered persons;

11 (c) remove from the relevant part of the register the name of any
12 registered person who has died, or as the case may be, has ceased to be
13 entitled to be registered.

14 (7) If the Registrar—

15 (a) sends by post to any registered person a letter addressed to
16 him at his address on the register enquiring whether the registered particular
17 relating to him are correct and receives on reply to the letter within the period
18 of six months from the date of posting it; and

19 (b) upon the expiration of that period sends in like manner to the
20 person in question a second similar letter and receive no reply to that letter
21 within three months from the date of posting, it, the registrar may remove the
22 particular relating to the person in question from the relevant part of the
23 register.

24 (8) The Council may for any reason which seems to be sufficient,
25 direct the registrar to restore to the appropriate part of the register any particular
26 remove there from under this subsection.

27 6.—(1) The Registrar shall—

28 (a) cause a list of persons whose name and qualifications are indicated
29 in the register to be printed, published and put sale to members of the
30 public not later than two years from the beginning of the year in which Bill

1 comes into force;

2 (b) in each year after that in which a register is first published under
3 paragraph (a) of this subsection, cause to be printed, published and put on
4 sale as either a corrected edition of the register or a list of alterations made
5 to the register since it was last printed; and

6 (c) cause a print of each edition of the register and of each list of
7 correction to be deposited at the principal office of the Council, and the
8 Council shall keep the register and list so deposited open at all reasonable
9 times for inspection by members of the public.

10 (2) A document purporting to be a print of an edition of a register
11 published under this section by authority of the Registrar in the current year,
12 or documents purporting to be prints of an edition of a register so published
13 in a previous year and a list of corrections to that edition so published in the
14 current year, shall, without prejudice to any other mode of proof, be
15 admissible in any proceeding as evidence that a person specified in the
16 document, or the documents read together, as being fully or provisionally
17 registered, is so registered, and that any person not so specified is not so
18 registered.

19 PART III — REGISTRATION

20 7.—(1) Subject to the provision of this Bill and to rules made under
21 Section 6, a person shall not be entitled to be fully or provisionally registered
22 under this Bill as an environmental manager unless—

Registration of
Environmental
Managers

23 (a) he has attended a course of training approved by the Council
24 under section 9 of this Bill,

25 (b) the course was conducted at an institution so approved, or
26 partly at one such institution and partly at another or other;

27 (c) he holds a qualification so approved;

28 (d) he has passed the professional practice competence
29 examination conducted by the Association; and

30 (e) he is a member of the Association.

1 (2) An applicant for registration under this Bill shall, in addition to the
2 evidence of qualification, satisfy the Council that—

3 (a) he is of good character;

4 (b) he has attained the age of twenty-one years;

5 (c) he has not been convicted in Nigeria or elsewhere of an offence
6 involving fraud or dishonesty.

7 (3) A fully registered environmental manager shall be entitled to a
8 seal from the Council but any seal presented in pursuant of this subsection
9 may be withdraw by the Council from such a member on—

10 (a) his ceasing to become a registered member;

11 (b) being convicted of an offence under this Bill;

12 (c) disciplinary grounds; and

13 (d) his ceasing to become a member of the Association.

14 (4) The Council may in its discretion provisionally accept a
15 qualification produced in respect of an application for registration under this
16 section, or direct that the application be renewed within such period as may
17 be specified in the direction.

18 (5) The Council shall from time to time, publish in the Federal Gazette
19 particulars of the qualification for the time being accepted for registration
20 under this Bill.

21 (6) The Council may, impose further conditions for the purpose of any
22 registration under this Bill but such conditions shall not come into force until
23 published in the Federal Gazette.

24 8.—(1) Subject to Subsection (2) of this section, the Council may
25 approve for the purpose of Section 7 of this Bill—

26 (a) any course of training which is intended for persons who are
27 seeking to become, or are already qualified as, environmental manager;

28 (b) any institution, either in Nigeria or elsewhere which the Council
29 on the recommendations of the Association considers properly organized and
30 equipped for conducting the whole or any part of a course of training

1 approved by the Council under this section;

2 (c) any qualification which as a result of examination take in
3 conjunction with a course of training approved by the Council under this
4 section, is granted to candidates reaching a standard at the examination
5 indicating, in the opinion of the Council that they have sufficient knowledge
6 and skills to practice environmental management as a profession, otherwise
7 as a principal.

8 (2) The Council shall from time to time publish in the Federal
9 Gazette a list of qualifications in the profession of environmental
10 management approved by it and the Council shall not approve for the
11 purposes of Subsection (1) qualifications granted by an institution unless the
12 qualifications have been so published by the Council.

13 (3) The Council shall, on the recommendation of the Association,
14 withdraw any approval given under this section in respect of any course,
15 qualification or institution, but before withdrawing such an approval the
16 Council shall—

17 (a) give notice that it proposes to do so to each person in Nigeria
18 appearing to the Council to be a person by whom the course is conducted or
19 the qualification is granted or the institution is controlled, as the case may
20 be;

21 (b) afford each such person an opportunity of making to the
22 Council representations with regard to the proposal; and

23 (c) take into consideration any representation made as respect the
24 proposal in pursuance of paragraph (b) of this subsection.

25 (4) As respects any period during which the approval of the
26 Council under this section for a course, qualification or institution is
27 withdrawn, the course qualification or institution shall not be treated as
28 approved under this section but the withdrawal of such an approval shall not
29 prejudice the registration or eligibility for registration of any person who by
30 virtue of the approval was registered or eligible for registration immediately

1 before the approval was withdrawn.

2 (5) The giving or withdrawal of an approval under this section shall
3 have the effect from such date, either before or after the execution of the
4 instrument signifying the giving or withdrawal of the approval, as the council
5 may specify in the instrument, and the Council shall—

6 (a) as soon as possible publish a copy of every such instrument in
7 the Federal Gazette and

8 (b) not later than 7 days before its publication as aforesaid, send a
9 copy of the instrument to Minister.

Supervision of
Instructors and
Examinations
Leading to approved
qualification

10 9.—(1) The Council shall keep itself informed of the nature of—

11 (a) the instruction given at approved institutions to persons
12 attending approved course of training; and

13 (b) the examinations as a result of which approved qualification are
14 granted.

15 (2) For the purposes of performing its functions, the Association shall
16 visit the approved institutions, attend their examinations and thereafter make
17 recommendations to the Council.

18 (3) The Association shall report to the Council as to—

19 (a) the adequacy of the instruction given to persons attending
20 approved courses at the institutions visited;

21 (b) the adequacy of the examination attended; and

22 (c) any other matter relating to the institution of examination on
23 which the Council may, either generally or in a particular case, request
24 the association to report, but the association shall not interfere with the
25 giving of any instruction or the holding of any examination.

26 (4) On receiving a report made in pursuance of this section, the
27 Council shall, as soon as may be possible send a copy of the report to the person
28 appearing to the Council to be in charge of the institution or responsible for the
29 examinations to which the report relates requesting that person to make
30 observations on the report to the Council within such period as may be

1 specified in the request, not being less than one month beginning with the
2 date of the request.

3 **10.—(1)** Any person who having qualified as an environmental
4 manager by examination after the commencement of this Bill or within
5 two years before the commencement as the case maybe, satisfies the
6 conditions mentioned in Section 7 (2) and (2) of this section, may apply for
7 and be entitled to receive free of charge a certificate of professional
8 competence from the association entitling him to be fully registered as an
9 environmental manager under this Bill, and such certificate shall, when
10 received by the person, be field with his application for full registration.

Certificate of
Professional
Competence

11 (2) The conditions are—

12 (a) he shall, during his employment after qualification have
13 acquired practical experience under the personal supervision and guidance
14 of one or fully registered environmental manager for the period of two years;
15 and

16 (b) the manager in which he carried out the duties of his
17 employment and his conduct during the period of his employment shall
18 have been satisfactory.

19 (3) It shall be the duty of the employer being a fully registered
20 environmental manager supervising the work of persons employed with a
21 view to obtaining a certificate of professional competence to ensure that the
22 last mentioned person is afforded proper opportunities of acquiring the
23 practical experience required for the purposes of paragraph (a) of
24 Subsection (2).

25 **11.** The Registrar shall, as soon as practicable, after the entry
26 in the register of any person's name, or after the removal of such
27 name from the register, give notice in writing to the institution of the entry
28 or removal, as the case may be, together with all the particulars relevant
29 thereto.

Registrar to notify
institution of
entries in the
register

30

PART IV — PROFESSIONAL DISCIPLINE

Disciplinary
Power of the
Council

1
2 **12.—(1)** There shall be a Tribunal to be known as the Environmental
3 Managers Disciplinary Tribunal (in this Bill referred to as “the Tribunal”)
4 which shall be charged with the duty of considering and determining any
5 case referred to it by the Panel established under Subsection (3) of this
6 section and any other case of which the Tribunal has cognizance under the
7 following provisions of the Bill.

8 (2) The Tribunal shall consist of the President of the Council and
9 eleven other members appointed by the Council of whom not less than four
10 shall be members of the Council holding office by virtue of Section 3 (1) (d)
11 of this Bill or where the number of those members is for time being less
12 than four of those members.

13 (3) There shall be a body to be known as the Environmental Managers
14 Investigation Panel (in this Bill referred to as “the Panel”) which shall be
15 charged with the duties of—

16 (a) conducting a preliminary investigation into any case where it is
17 alleged that a person registered has misbehaved in his capacity as an
18 environmental manager, or should for any other reason be the subject of
19 proceedings before the Tribunal; and

20 (b) deciding whether the case shall be referred to the Tribunal.

21 (4) The Panel shall be appointed by the Council and shall consist of
22 seven members.

23 (5) The provisions of the Schedule to this Bill shall, so far as
24 applicable to the Tribunal and the Panel respectively, have effect with respect
25 to those bodies.

Penalties for
unprofessional
Conduct, etc.

26 **13.—(1)** Where—

27 (a) a person fully registered or provisionally registered under this
28 Bill is judged by the Tribunal to be guilty of infamous conduct in any
29 professional respect; or

30 (b) such a person is convicted of an offence in Nigeria or elsewhere by

1 any court having power to impose imprisonment (whether or not such an
2 offence is punishable with imprisonment) which in the opinion of the
3 Tribunal is incompatible with the status of the environmental manager; or

4 (c) the Tribunal is satisfied that the name of any person has been
5 fraudulently registered, the Tribunal may, if it thinks fit, give a direction
6 reprimanding that person or ordering the Registrar to strike his name off
7 the relevant part of the register.

8 (2) The Tribunal may, if it thinks fit, defer or further defer its
9 decision as to the giving of a direction under subsection (1) of this section
10 until a subsequent meeting of the Tribunal, but—

11 (a) no decision shall be deferred under this subsection for a period
12 exceeding two years in the aggregate; and

13 (b) no person shall be a member of the Tribunal for the purpose of
14 reaching a decision which has been deferred or further deferred unless he
15 was present as a member of the Tribunal when the decision was deferred or
16 further deferred.

17 (3) For the purpose of Subsection (1) of this section, a person shall
18 not be treated as convicted unless the conviction stands at a time when no
19 appeal or further appeal is pending or may (without extension of time) be
20 brought in connection with the conviction.

21 (4) When the Tribunal gives a direction under Subsection (1) of this
22 section, it shall cause notice of the direction to be served on the person to
23 whom it relates.

24 (5) A person to whom such a direction relates may, at any time
25 within twenty-eight days from the date of service on him of the notice of the
26 direction, appeal against the direction to the court of appeal, and the Tribunal
27 may appear as respondent to the appeal and, for the purpose of enabling
28 directions to be given as to the cost of the appeal and of proceedings before
29 the Tribunal, shall be deemed to be a party thereto whether or not it appears
30 at the hearing of the appeal.

1 he is in such employment as is mentioned in Subsection (1)(a) of this section
2 and shall cease at the end of the period of the employment specified to the
3 Council under that subsection or on the prior determination for the
4 employment whichever first occurs.

5 (3) Nothing in Subsection (2) shall preclude the Council from
6 giving a further direction under Subsection(1) of this section in respect of a
7 specified period whose commencement coincides with the termination or
8 prior determination of another employment.

9 (4) A person who is temporarily registered shall, in relation to his
10 employment and to things done or omitted to be done in the course of
11 that employment, be deemed to be fully registered, but in relation to all
12 other matter, he shall be treated as not so registered.

13 (5) In case of doubt as to whether a person's employment has been
14 terminated, the decision of the Council shall be conclusive for the purpose of
15 Subsection (2) of this section.

16 (6) The Register, as directed from time to time by the Council,
17 shall remove from the register the name of any person ceasing to be
18 entitled to the benefit of this section.

19 **15.—(1)** A person, not being a registered environmental manager, Offences
20 who—

21 (a) for or in expectation of reward, practices or holds himself out to
22 practice as such, or

23 (b) without reasonable excuse takes or uses any name, title addition
24 or description implying that he is authorized by law to practice as a
25 registered environmental manager, shall be guilty of an offence under this
26 Bill.

27 (2) If a person, for the purpose of procuring the registration of any
28 name, qualification or other matter—

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

1 (b) recklessly makes a statement which is false in a material
2 particular, he shall be guilty of an offence under this Bill.

3 (3) If the Registrar or any other person employed by the Council
4 willfully makes any falsification in any matter relating to the register, he shall
5 be guilty of an offence under this Bill.

6 (4) A person guilty of an offence under this Bill shall be liable—

7 (a) on conviction in a court lower than the High Court to a fine not
8 exceeding N10,000.00 (Ten Thousand Naira) and, where the offence is a
9 continuing one, to a further fine not exceeding N5,000.00 (Five thousand
10 Naira) for each and every day the offence continues;

11 (b) on conviction in a High Court, to a fine not exceeding N50,000.00
12 or imprisonment for a term not exceeding five years or both and, where the
13 offence is a continuing one, to a further fine not exceeding N20,000.00 for each
14 and every day the offence continues.

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

Supplementary
Provisions

21 **16.—**(1) Subject to the following provisions of this section, a person
22 not otherwise exempted shall not hold an appointment requiring status as
23 environmental manager under this Bill in the public service of the Federation
24 or of a State or in the armed forces of the Federation unless he is an
25 environmental manager registered under this Bill.

26 (2) An environmental manager shall, but to the extent only of his
27 particular qualification, be entitled to practice as a registered environmental
28 manager throughout the Federation.

29 (3) A person in charge of any university or institution in the Federation
30 offering courses leading to an approved qualification intended for persons

1 who are seeking to become registered as environmental manager under this
2 Bill shall furnish the Registrar, not later than 31st day of March in every
3 year, with a list of the names and or such other particulars, as the Council
4 may specify, of all persons who attended any such courses at the university
5 or institution in question at any time during the preceding year.

6 (4) In this section, “public service” includes service as a registered
7 environmental manager in or with any educational institution, commission,
8 corporation or state- owned or joint venture company and any employment
9 in the Federation.

10 17.—(1) The Minister may give to the Council directions of a
11 general character or relating generally to particular matters (but not to any
12 individual person or case) with regard to the exercise by the Council of its
13 functions and it shall be the duty of the Council to comply with the
14 directions.

Control of
Council by
Minister

15 (2) Before giving a direction under subsection (1) of this
16 section, the Minister shall serve a copy of the proposed direction on the
17 Council and shall afford the Council an opportunity of making
18 representatives to him with respect to the directions; and after considering
19 any representations made to him in pursuance of this subsection, the
20 Minister may give the direction either without modification or with such
21 modifications as appear to him to be appropriate having regard to the
22 representatives.

23 18.—(1) The Council shall have power to make regulations, as
24 may in its opinion, be necessary or expedient for giving full effect to the
25 provisions of this Bill and for the administration thereof.

Regulations,
Rules and Orders

26 (2) Any power to make regulations, rules and orders under this
27 section shall include power—

28 (a) to make provision for such incidental or supplemental matter
29 as the person or authority making the instrument considering expedient for
30 the purpose of the instrument; and

1 (b) to make different provision for different circumstances.

Interpretation

2 19.—(1) In this Bill—

3 “approved qualification” means such qualification which is approved for the
4 time being by the council;

5 “Council” means the Environmental Managers Registration Council of
6 Nigeria (EMRECON) established under Section 1 (1) of this Bill;

7 “environmental manager” means any person registered as such under this Bill;

8 “Association” means the Environmental Management Association of Nigeria
9 (EMAN);

10 “Profession” means the profession of environmental management;

11 “Environmental Management” means the reconciliation of the demands for
12 socioeconomic systems within the constraints of the biosphere and
13 atmosphere the aim of which is to minimize environmental impacts, to
14 husband, and to add to existing resources for the future, through planning,
15 organizing coordinating/directing, controlling, monitoring, evaluating and
16 analyzing environmental activities, including environmental impacts analysis
17 and assessment, post impact studies, baseline studies environmental audit and
18 waste management;

19 “Register” means the register maintained under this Bill and “registered” shall
20 be construed accordingly;

21 “Registrar” means the registrar appointed in pursuance of Section 6 of this Bill.

22 (2) For the purpose of this Bill, a person is registered if his name is, for
23 the time being, entered in the register.

24 (3) Any approval, consent direction, notice, observation, report
25 representation or request authorized or required to be given or made by or
26 under this Bill shall be in writing and, may without prejudice to any other
27 method of service but subject to the rules made under the second schedule to
28 this Bill be served by post.

Citation

29 20. This Bill may be cited as the Environmental Managers
30 Registration Council of Nigeria Bill, 2015.

1 SCHEDULES

2 *Section 3 (2)*

3 FIRST SCHEDULE

4 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

5 *Qualifications and Tenure of Office of members*

6 1.—(1) A person shall not be appointed a member of the Council
7 unless he is a citizen of Nigeria and he is registered as an environmental
8 manager under this Bill.

9 (2) Subject to the provisions of this paragraph, a person who is a
10 member of the Council otherwise than by virtue of Section 3 (1) (d) of this
11 Bill shall hold office for a period not exceeding five years beginning with the
12 date of his appointment or election, as the case may be: Provided that a
13 person shall not hold office, whether appointed or elected, for a term of less
14 than five years unless the Minister after consultation with the Council
15 otherwise directs.

16 (3) Any member of the Council holding office otherwise than as
17 mentioned in sub-paragraph (2) of this paragraph may, by notice to the
18 Council, resign his office.

19 (4) Subject to section 3 of this Bill, a person who has ceased to be a
20 member of the Council shall be eligible again to become a member of the
21 Council.

22 (5) Where a member of the Council ceases to hold office before the
23 date when his term of office would have expired by effluxion of time, the
24 body or person by whom he was appointed or elected shall, as soon as may
25 be possible, appoint or, as the case may be, elect a person to fill the vacancy
26 for the residue of the term so that provisions of this subparagraph shall not
27 apply where a person holding office as a member of the Council ceases to
28 hold office at a time when the residue of his term does not exceed one year.

29 (6) The power of appointing a person as President of the Council
30 shall—

1 (a) during the period beginning with the date when this Bill comes
2 into force, be exercisable by the Minister on the recommendation of the
3 Association; and

4 (b) after the expiration of that period, be exercisable by the Council
5 and where an existing member of the Council is appointed President, his office
6 as an existing member shall become vacant and his term of office as President
7 shall begin on the date of his appointment as President.

8 (7) Notwithstanding that the term of office of a member of the Council
9 has expired by the effluxion of time, a person appointed, as President, Vice
10 President and one other person shall continue in that office until a fresh
11 appointment is made to the office.

12 (8) The quorum of the Council shall be seven so that at least two of the
13 person elected by the Association and two of the representatives of the States
14 of the Federation are present at the particular meeting, and the quorum
15 of any committee of the Council shall be determined by the Council.

16 *Power of the Council*

17 2.—(1) The Council shall have power to do anything, which in its
18 opinion is calculated to facilitate the carrying on of its activities.

19 (2) The Council shall have power to borrow money or to dispose of
20 any property and it shall have power to pay remuneration (including pensions)
21 allowances, or expenses to any member, officer or servant of the Council or to
22 any other person.

23 *Proceeding of the Council*

24 3. Subject to the provision of this Bill and of Section 27 of the
25 Interpretation Bill (which provides for decisions of a body to be taken by a
26 majority of the members of the body and for the President to have a second or
27 casting vote), the Council may make standing orders regulating the
28 proceedings of the Council or of any committee thereof.

29 4. The quorum of the Council shall be seven and the quorum of any
30 Committee of the Council shall determined by the Council.

1 the number of person determined by the Council, and not more than one-third
2 of those persons may be persons who are not members of the Council, and a
3 person other than a member of the council shall hold office on the Committee
4 in accordance with the terms of the instrument by which he is appointed.

5 (3) A decision of a Committee of the Council shall be of no effect
6 until it is confirmed by the Council.

7 *Miscellaneous*

8 8.—(1) The fixing of the seal of the Council shall be authenticated
9 by the signature of the President or of some other member authorized generally
10 or specifically to act for that purpose by the Council.

11 (2) Any contract or instrument which, if made or executed by a
12 person not being a body corporate would not be required to be under seal,
13 may be made or executed on behalf of the Council by any person generally or
14 specially authorized to act for that purpose by the Council.

15 (3) Any document purporting to be a document duly executed under
16 the seal of the Council shall be received in evidence and shall, unless the
17 contrary is proved, be deemed to be so executed.

18 9. The validity of any proceeding of the Council or of a Committee
19 shall not be affected by any vacancy in the membership of the Council or
20 Committee, or by any defect in the appointment of a member of the Council or
21 of a person to serve on the Committee, or by reason that a person not entitled to
22 do so took part in the proceedings.

23 10. A member of the Council or any person holding office on a
24 Committee of the Council who has a personal interest in any contract of
25 arrangement entered into or proposed to be considered by the Council or a
26 Committee thereof shall forthwith disclose his interest to the Council and shall
27 not vote on any question relating to the contract or arrangement.

28 11. A person shall not, by reason of his membership of the Council, be
29 treated as holding an office in the public service of the Federation or of state
30 thereof.

1 SECOND SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

3 TRIBUNAL AND INVESTIGATING PANEL

4 *The Tribunal*

5 1. The quorum of the Tribunal shall be four.

6 2.—(1) The Chief Justice of Nigeria shall make rules as to the
7 procedure to be followed and the rules of evidence to be observed in
8 proceedings before the Tribunal.

9 (2) The rules shall in particular provide—

10 (a) for securing that notice of the proceedings shall be given, at
11 such time and in such manner as may be specified by the rules, to the person
12 who is the subject of the proceedings;13 (b) for determining who, in addition to the persons aforesaid,
14 shall be a party to the proceedings;15 (c) for securing that any party to the proceedings shall, if so
16 required, be entitled to be heard the Tribunal;17 (d) for enabling any party to the proceedings to be represented by a
18 legal practitioner;19 (e) subject to the provisions of Section 13 (5) of this Bill, as to the
20 costs of proceedings before the Tribunal;21 (f) for requiring, in a case where it is alleged that the person who is
22 the subject of the proceedings is guilty of infamous conduct in any
23 professional respect, that where the Tribunal adjudges that the allegation has
24 not been proved, it shall record a finding that the person is not guilty of such
25 conduct in respect of the matters to which the allegation relates; and26 (g) for publishing in the Federal Gazette notice of any direction of
27 the Tribunal which has taken effect providing that a person's name shall be
28 struck off a register.29 (3) For the purposes of any proceeding before the Tribunal, any
30 member of the Tribunal may administer oaths and any party to the

1 proceedings may sue out of the registry of the High Court, as the case may
2 require, writs of *subpoena ad testificandum* and *duces tecum*, but no person
3 appearing before the Tribunal shall be compelled—

4 (a) to make any statement before the Tribunal tending to incriminate
5 himself; or

6 (b) to produce any document under such a writ which he could not be
7 compelled to produce at the trial of an action.

8 3.—(1) For the purpose of advising the Tribunal on questions of law
9 arising in the proceedings before it, there shall, in all such proceedings, be an
10 assessor to the Tribunal who shall be appointed by the Council on the
11 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of
12 not less than seven years standing.

13 (2) The Chief Justice of Nigeria shall make rules as to the functions of
14 the assessor appointed under this paragraph, and in particular, such rules shall
15 contain provision for securing—

16 (a) that where an assessor advises the Tribunal on any question of law
17 as to evidence, procedure or any other matter specified by the rules, he shall do
18 so in the presence of every party or person representing a party to the
19 proceedings who appears, or, if the advice is tendered while the
20 Tribunal is deliberating in private, that every such party or person shall be
21 informed as to what advice the assessors had tendered; and

22 (b) that every such party or person shall be informed if the Tribunal
23 does not in any case accept the advice of the assessor on such a question.

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

28 *The Panel*

29 4. The quorum of the Panel shall be three.

30 5.—(1) The panel may, at any meeting attended by not less than six

1 members make standing order with respect to the Panel.

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

4 *Miscellaneous*

5 6. —(1) A person ceasing to be a member of the Tribunal or the
6 Panel shall be eligible for re-appointment as a member of that body.

7 (2) A person may, if otherwise eligible, be a member of both the
8 Tribunal and the Panel, but no person who acted as member of the panel with
9 respect to any case shall act as a member of the Tribunal with respect to that
10 case.

11 7. The Tribunal or the Panel may act notwithstanding any vacancy
12 in its membership and the proceedings of either body shall not be invalidated
13 by any irregularity in the appointment of a member of that body, or (subject
14 to subparagraph (2) of paragraph 6 of this Schedule) by reason of the fact
15 that nay person who was not entitled to do so took part in the proceedings of
16 that body.

17 8. The Tribunal and the Panel may each sit in two or more
18 divisions.

19 9. Any document authorized or required by virtue of this Bill to be
20 served on the Tribunal or the Panel shall be served on the Registrar.

21 10. Any expenses of the Tribunal or the Panel shall be defrayed by
22 the Council.

23 11. A person shall not, by reason only of his appointment as an
24 assessor to the Tribunal or as a member of the Panel, be treated as holding an
25 office in the public service of the Federation or of any State thereof.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Environmental Managers Registration Council charged with the responsibility for the registration of persons seeking to become members of the profession.