

# A BILL

## FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF MANAGEMENT INFORMATION TECHNOLOGY OF NIGERIA TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTE AND FOSTER THE PRACTICE OF THE MANAGEMENT INFORMATION TECHNOLOGY IN THE FEDERATION AND FOR OTHER PURPOSES CONNECTED THEREWITH

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

1 PART I — ESTABLISHMENT, FUNCTION, MEMBERSHIP, ETC. OF THE  
2 CHARTERED INSTITUTE OF MANAGEMENT INFORMATION TECHNOLOGY,  
3 GOVERNING COUNCIL, ETC.

4 1.—(1) There shall be established a body to be known as the  
5 Chartered Institute of Management Information Technology (in this Act  
6 referred to as “the Institute”).

Establishment of  
the Chartered  
Institute of  
Management  
Information  
Technology

7 (2) The Institute—  
8 (a) shall be a body corporate with perpetual succession;  
9 (b) shall have a common seal which shall be kept in such custody as  
10 the Council may, from time to time, authorize; and  
11 (c) may sue or be sued in its corporate name.

12 2. The functions of the Institute shall be to—  
13 (a) determine what standards of knowledge and skill are to be  
14 acquired and attained by persons seeking to become registered members of  
15 the Institute and reviewing those standards from time to time as  
16 circumstances may require;

Functions of the  
Institute

17 (b) secure, in terms of this Act, the establishment and maintenance  
18 of a register of fellows, Associates, Graduates, Licentiate and Students of

- 1 the Institute, and the publication from time to time of a list of those members;
- 2 (c) promote and develop the science of management Information  
3 Technologist and to foster and maintain investigations and research into the  
4 best method for the enhancement and application of such science;
- 5 (d) encourage, increase, disseminate and promote the education and  
6 training of members admitted, thereof, and the exchange of information and  
7 ideas in respect of all questions appertaining thereto or connected therewith,  
8 the practice of management Information Technologist;
- 9 (e) organize and conduct examinations, from time to time, in  
10 management Information Technologist and other related subjects to the  
11 profession thereof for the purposes of admitting members to the Institute,  
12 enhancing their status, and issuing membership certificates to person so  
13 admitted;
- 14 (f) regulate and control the practice of professional management  
15 Information Technologist in all its ramifications;
- 16 (g) highlight and impart such specialized knowledge and experience  
17 in the collection, collation, interpretation and communication of a wide range  
18 of information and the furnishing of advice regarding costs, cost trends,  
19 measurement of performance against standards, budgets, pricing, the effect of  
20 changes in volume of sales and production, and other matters necessary for  
21 obtaining sound day to day control and application of available resources;
- 22 (h) coordinate the extent of work connected with planning by  
23 management and providing figures and other data relating to costs, the volume  
24 of production needed for profitability, and the contemplated returns on  
25 investment in tandem with new products, new processes and planned  
26 expansion;
- 27 (i) do all such things as may be proper and necessary to maintain and  
28 advance the status and interests of the members who are involved in studies  
29 relating to research, development costs and their recovery, the profitability of  
30 product mixes, automation, computerization and the merging of data resulting

1 from sales, control of costs in relation to competitive selling prices, and  
2 other sources that may be integrated into management information systems  
3 to the benefit of shareholders and the community at large;

4 (j) maintain, in accordance with this Act, professional discipline,  
5 protect the interest of members through the provision of professional  
6 consultative advice and the issue of journals and other publications,  
7 organisation and conduct of seminars, workshops, conferences, etc.; and

8 (k) do such other things that are incidental or supplementary to the  
9 foregoing objects of the Institute.

10 3.—(1) Subject to the provisions of this Act, persons admitted into  
11 the Institute, shall possess knowledge, experience and qualifications in the  
12 science of management Information Technologist and other related  
13 disciplines determined from time to time by the Council, and may be  
14 enrolled in the category of—

- 15 (a) fellows;
- 16 (b) associate membership;
- 17 (c) graduate member; or
- 18 (d) Licentiate members.

19 (2) Without prejudice to the last foregoing provisions of this Act,  
20 persons registered as members of the Institute, in terms of this Act, shall be  
21 entitled to be enrolled—

22 (a) as fellows, if they satisfy the Council that for the period of not  
23 less than five years immediately preceding the date of their application tin  
24 that behalf that they —

- 25 (i) are fit and proper persons,
- 26 (ii) are holders of approved academic qualifications
- 27 (iii) have satisfied the Council in their dissertations,
- 28 (iv) have been continuously active in the practice of professional  
29 management Information Technologist in the public and private sections of  
30 the economy and as members of the Institute;

Membership of  
the Institute

1           (b) as associate members, if for the period of not less than three years  
2 immediately preceding the date of their application in the behalf that they have  
3 been enrolled as graduate members and are otherwise fit and proper persons,  
4 and as may be approved in the discretion of the Council;

5           (c) as Graduate Members, if they satisfy the Council that they have  
6 passed the mandatory examinations conducted by the Institute, hold equivalent  
7 qualifications from recognized institutions of higher education and are  
8 otherwise howsoever ever found to be fit and proper persons by the Council;

9           (d) as Licentiate Members, if they satisfy the Council that the have  
10 passed the mandatory examinations conducted by the Institute, hold equivalent  
11 qualifications from recognized institutions of higher education and are  
12 otherwise however found to be fit and proper persons by the Council.

13           (3) the following are the other of precedence and designated titular  
14 abbreviations for—

15           (a) a Fellow of the Chartered Institute of Management Information  
16 Technology who shall have the right to use the designatory letters FCMA  
17 immediately after his names;

18           (b) an Associate Member of the Chartered Institute of Management  
19 Information Technology who shall have the right to use the designatory letters  
20 ACMA immediately after his names; and

21           (c) a Licentiate Member of the Chartered Institute of Management  
22 Information Technology, who shall have the right to use the designatory letters  
23 LCMA immediately after his names.

24           (4) Graduates and students registered for training shall become  
25 professional practicing members only after satisfying specified qualification  
26 requirements for membership in any of the foregoing categories as may be  
27 prescribed by the Council or by laws of the Institute.

28           (5) In this section, “licentiate member” means any member granted a  
29 licence by a recognized institution of higher education to practice as a  
30 Professional Cost and Management Information Technology, and “licensure”

1 shall be construed accordingly.

2 **4.—(1) The principal officers of the Institute shall be —**

Election of  
Principal Officers  
of the Institute

3 (a) the president;

4 (b) the Vice President;

5 (c) the National Secretary;

6 (d) the Assistant National Secretary;

7 (e) the National Treasurer; and

8 (f) the Public Relations Officer.

9 (2) The principal officers listed under subsection (1) of this section  
10 shall be financial members of the Institute in the grades of fellows, associate  
11 member and licentiate members and shall be elected to office biennially at  
12 the second Council meeting after another term of two years, and no more.

13 (3) The President shall be the chairman at the meetings of the  
14 Institute, but in the event of his incapacity, death or inability to perform the  
15 duties reposed on him under this subsection, the Vice President shall  
16 perform such duties for the unexpired portion of the term of office of that  
17 president.

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

21 **5.—(1) There shall be for the Institute, a governing body to be**  
22 **known as “the Council” which shall have responsibility for the**  
23 **administration and general management of the Institute.**

Establishment  
and Composition  
of the Council

24 (2) The Council established pursuant to subsection (1) of this  
25 section shall consist of the following members, that is —

26 (a) the President of the Institute, who shall be the chairman;

27 (b) the Vice President of the Institute, who shall be the Deputy  
28 Chairman.

29 (c) the Registrar;

30 (d) twelve members nominated by the Institute from the six

1 geopolitical zones of the Federation;

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

5 (f) the immediate past President of the Institute;

6 (g) one person each not below the rank of a director to represent the  
7 following Federal Ministries, that is—

8 (i) Finance,

9 (ii) Commerce,

10 (iii) Education,

11 (iv) Industry; and

12 (v) one representative of the Nigerian Chambers of Commerce,  
13 Industry, Mines and Agricultural (NACCIMA), not below the rank of a  
14 director

15 (3) The provisions of the first schedule to this Act shall have effect  
16 with respect to the supplementary provisions of the Council and the  
17 qualifications and tenure of the office of members of the Council, and the  
18 matters therein mentioned.

Appointment of  
Board of Fellows

19 6.—(1) There shall be appointed annually a Board of Fellows, to  
20 coordinate the activities of fellows of the Institute and to recommend to the  
21 Council on yearly basis admission of members to the fellows.

22 (2) The Board of fellows shall consist of persons who have been duly  
23 elected as fellows of the Institute, and shall have a chairman who shall preside  
24 over the activities of the Board.

25 PART II — FINANCIAL PROVISIONS

Establishment  
of fund and  
expenditure

26 7.—(1) The Council shall establish and maintain a fund for the  
27 Institute, the management and control of which shall be under the authority of  
28 the Council, into which shall be paid —

29 (a) all monies received by the Council in pursuance of this Act;

30 (b) all subscriptions, fees and Council in pursuance of this Act;

1 (c) such monies as may be provided by the federal, state or Local  
2 Government from time to time by way of grants, subvention or loan; and

3 (d) all monies raised for the purposes of the Institute by way of  
4 gifts, donations, grants in aid, testamentary dispositions from individuals,  
5 bodies corporate or philanthropic organisations, non otherwise however.

6 (2) The Council shall, from time to time, apply the proceeds of the  
7 funds of the Institute to —

8 (a) all expenditure incurred by the Institute in the course of the  
9 discharge of its functions under this Act;

10 (b) the remunerations and allowances of the Registrar and other  
11 staff of the Institute to;

12 (c) the maintenance of the premises and property owned and vested  
13 in the Institute;

14 (d) the payment of travelling allowance and such stipend for  
15 members of the Council as may be approved by the Council; and

16 (e) the payment of such other charges as may be reasonably  
17 incurred in the performance of the functions of the Institute and the Council.

18 (3) For the purposes of the Companies Income Tax, any donation  
19 made by any company in Nigeria to the Institute shall be a deductible  
20 donation within the meaning of that Act.

Cap. C21 LFN

21 **8.—**(1) the Council may, with the general consent of its members  
22 or in accordance with the general guidelines or authority given by the  
23 government of the Federation, borrow, on behalf of the Institute, by way of  
24 loan or overdraft from any source, any monies required by the Council to  
25 meet the obligations of the Institute in order to perform its functions under  
26 this act, so however that such consent or authority shall be required where  
27 the sum or aggregate of the sums involved at any time does not exceed such  
28 amount as is for the time being projected in relation to the Institute in any  
29 particular year.

Power to borrow  
money

30 (2) The Council may, subject to the provisions of this Act and

1 conditions of trust in respect of funds held or any property owned by the  
2 Institute, invest any but not all of its funds with the same consent or general  
3 authority.

Annual estimates,  
account and audit

4 9.—(1) The chairman of the Council shall cause to be prepared not  
5 later than six months before the end of the year, estimates of recurrent and  
6 capital expenditure (if any) and income of the Institute during the next  
7 succeeding financial year which shall be presented to the annual general  
8 meeting of the Institute by the Council for approval.

9 (2) The Council shall keep proper accounts and records in relation  
10 thereto, and of shall prepare in respect of each financial year, a statement of  
11 account in such form as the chairman or the Council shall direct.

12 (3) The Council shall as soon as may be after the end of a financial  
13 year, cause the accounts of the Institute and those of the Council to be audited  
14 by qualified auditors appointed from the list of auditors and in accordance with  
15 the guidelines laid down by the Auditor General for the Federation.

16 (4) The auditors appointed pursuant to subsection (3) of this section  
17 shall, on completion of the audit of the accounts of the Institute and the Council  
18 for each financial year, prepared and submit to the Council two reports, that is  
19 to say—

20 (a) a general report setting out the observations and recommendations  
21 of the said auditors on the financial affairs of the Institute and the Council for  
22 that year, and on any important matters which the auditors may consider  
23 necessary to bring to the notice of the Council; and

24 (b) a detailed report containing the observations and  
25 recommendations of the auditors on all aspects of the operations of the Institute  
26 and the Council.

27 PART III — THE REGISTRAR

Appointment  
and duties of  
the Registrar,  
etc.

28 10.—(1) The Council shall appoint a fit and proper person to be the  
29 Registrar of the Institute.

30 (2) The Registrar appointed in terms of subsection (1) of this section



1 shall be the head of the administration of the Institute and Secretary to the  
2 Council.

3 (3) The Register shall consist of three parts of which the first part  
4 shall be in respect of fellows, the second part shall be in respect of  
5 associates, and the third part shall be in respect of licentiates.

6 (4) The Register shall consist of three parts of which the first part  
7 shall be in respect of fellows, the second part shall be in respect of  
8 associates, and the third part shall be in respect of licentiates.

9 (5) Subject to the following provisions of this subsection, the  
10 Council may make rules with respect to the form and keeping of the Register  
11 and making of entries therein and in particular—

12 (a) the making of applications for enrolment or registration, as the  
13 case may be;

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

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

21 (d) specifying from time to time the fees including subscription to  
22 be paid to the Institute in respect of the entry of names on the Register  
23 authorising the Registrar to refuse to enter a name on the Register until the  
24 fee specified for the entry has been paid; and

25 (e) specifying anything falling to be specified under this section,  
26 but rules made for the purposes of paragraph (d) of this subsection shall not  
27 come into force until they are confirmed at a special meeting of the Institute  
28 convened for that purpose, or at the next annual general meeting of the  
29 Institute, as the case may be.

30 (6) The registrar shall—

1 (a) correct, in accordance with the Council's directives, any entry in  
2 the Register which the Council directs him to correct as being in the Council's  
3 opinion an entry which was incorrectly made;

4 (b) remove from the Register the name of any Register's person who  
5 has died;

6 (c) record the names of the members of the Institute who are in default  
7 in the payment of annual subscriptions, dues or other charges for more than  
8 twelve months, and take such action in relation thereto (including removal of  
9 the names of the defaulters from the Register) as the Council may determine or  
10 direct; and

11 (d) make from time to time any necessary alterations in the registered  
12 particulars of registered persons.

13 (7) If the Registrar—

14 (a) sends by post to any registered person a letter addressed to him at  
15 his address on the Register enquiring whether the registered particulars relating  
16 to him are correct and receives no reply to the letter within the period of six  
17 months from the date of posting; and

18 (b) upon the expiration of the period specified in paragraph (a) of this  
19 subsection, sends in like manner to the person in question a second similar  
20 letter and received no reply to the letter within three months from the posting it,  
21 then the Registrar, may remove the particulars relating to the person in question  
22 from the Register, and the Council may direct the Registrar to restore to the  
23 appropriate part of the Register any particulars removed therefrom under this  
24 subsection.

Publication of  
Registers and  
list of corrections

25 11.—(1) The Registrar shall —

26 (a) cause the Register to be printed, published and put on sale to  
27 members of the public not later than two years from the commencement of this  
28 Act;

29 (b) thereafter in each year to cause to be printed, published and put on  
30 sale as aforesaid, rather a corrected edition of the Register since it was last

1 printer; and

2 (c) cause a print of each edition of the Registers and of each list of  
3 correction to be deposited at the principal offices of the Institute, and the  
4 Council shall keep the Register and the list so deposited available at all  
5 reasonable times for inspection by members of the Institute.

6 (2) A document purporting to be print of an edition of the Register  
7 published under and pursuant to this section by authority of the Registrar, or  
8 documents purporting to be prints of an edition so printed, shall (without  
9 prejudice to any other mode of proof) be admissible in any proceeding as  
10 evidence that any person specified in the document, or the documents read  
11 together, as being registered was so registered at the date of the edition or of  
12 the list of corrections, as the case may be, and that any person not so  
13 specified was not so registered.

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

19 **12.—**( 1) Subject to the rules made by the Council pursuant to  
20 section 10 (5) of this Act, a person shall be entitled to be enrolled of  
21 registered as a professional information technologist of the Institute if—

Registration of  
professional  
information  
technologist

22 (a) he passes the qualifying examination for membership  
23 conducted by the Council under this Act and completes the practical training  
24 prescribed; or

25 (b) he hold as qualification granted outside Nigeria and for the time  
26 being accepted by the Institute and, if the Council so requires, satisfies the  
27 Council that he had sufficient practical experience as a cost and  
28 management accountant.

29 (2) Subject to section 16 of this Act and to rules made pursuant to  
30 section 10 (5) of this Act, a person shall be entitled to be registered as a cost

Cap. C20 LFN

1 and management accountant if he satisfies the Council that immediately before  
2 the appointed day he had not less than five years experience as an inspector and  
3 internal auditor of the affairs of a company as defined under the provision of the  
4 Companies all Allied Maters Act.

5 (3) An applicant for registration shall, in addition to evidence of  
6 qualification, satisfy the Council —

7 (a) that he is of good character;

8 (b) the he has attained the age of twenty one year; and

9 (c) he has not been convicted of a criminal offence involving fraud or  
10 dishonesty in Nigeria or elsewhere.

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

15 (5) Any entry directed to be made in the Register in terms of  
16 subsection (4) of this section shall indicate that the Registration is provisional ,  
17 and no entry made in consequence thereof shall be converted to, construed as,  
18 full registration without explicit consent of the Council made in writing in that  
19 behalf.

20 (6) The Council shall from time to time publish in the Federal  
21 Government Gazette particulars of qualifications for the time being accepted a  
22 aforesaid.

Approval of  
Qualifications,  
etc.

23 **13.—**(1) The Council may approved and institution for the purposes  
24 of this Act and may for those purposes approve —

25 (a) any course of training at any approved institution which for  
26 persons who are seeking to become or are already Management Information  
27 Technology, and which the Council considers as necessary to confer on persons  
28 completing the course, sufficient knowledge and skill for admission to the  
29 Institute;

30 (b) any qualification which, as a result of an examination taken in

1 conjunction with a course of training approved by the Council under this  
2 section, is granted to candidates reaching a standard at the examination  
3 indicating in the opinion of the members of the Council that the candidates  
4 have sufficient knowledge and skill to practice as management Information  
5 Technology.

6 (2) The Council may, if it thinks it fit withdraw any approval given  
7 under this section in respect of any course, qualification or institution, but  
8 before withdrawing such as approval, the Council shall —

9 (a) give notice that it proposes to do so to persons in Nigeria  
10 appearing to the Council to be persons by whom the course is conducted or  
11 the qualification is granted or the institution is controlled, as the case may  
12 be:

13 (b) afford each such an opportunity of making representations to  
14 the Council with regard to the proposal; and

15 (c) take into consideration any representation made as respects the  
16 proposal in pursuance of paragraph (b) of this subsection.

17 (3) Where the approval of the Council under this section for a  
18 course, qualification or institutions is withdrawn, the course, qualification  
19 or institution shall not be treated as approved under this section, but the  
20 withdrawal of any such approval shall not prejudice the registration or  
21 eligibility for registration of any person who by virtue of the approval was  
22 registered or eligible for registration immediately before the approval was  
23 withdrawn.

24 (4) The giving or withdrawal of an approval under this section shall  
25 have effect from such date, either before or after the execution of the  
26 instrument signifying the giving or withdrawal of the approval, as the  
27 Council may specify in that instrument, and the Council shall—

28 (a) publish as soon as possible a copy of every such instrument in  
29 the Federal Government Gazette; and

30 (b) not later than seven days before its publication, send a copy of

Supervision of  
Instructions, etc.  
leading to  
approved  
qualifications

1 the instrument to the Minister.

2 **14.—(1)** It shall be the duty of the members of the Council of the  
3 Institute to keep themselves informed of the nature of—

4 (a) the instructions given at approved institutions to persons attending  
5 approving training; and

6 (b) the examinations as a result of which approved qualifications are  
7 granted, and for the purposes of performing that duty the Council of the  
8 Institute may appoint, either from among its own members or otherwise,  
9 person to visit approved institutions, or to attend such examination.

10 (2) It shall be the duty of the visitor appointed in term off the  
11 foregoing subsection of this section to report to the Council on—

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

14 (b) the conduct and adequacy of the examinations observed by him  
15 ;and

16 (c) any other matters relating to the instruction or examinations on  
17 which the Council may, either generally or in particular case, request him to  
18 report, but no visitor shall interfere with the giving of any instruction or the  
19 conduct of any examination.

20 (3) On receiving a report made in pursuance of this section, the  
21 Council may, if it fit, and shall if so required by the Institution, send a copy of  
22 the report to the person appearing before the Council to be in charge of the  
23 institution or which the Disciplinary Tribunal has cognizance under the  
24 following provisions of this Act responsible for the examination to which the  
25 report relates requesting that person to make an observation on the report the  
26 Council within such period as may be specified in the request, not being less  
27 than one month beginning with the date of the request.

28 **PART IV — PROFESSIONAL DISCIPLINE**

Establishment,  
Composition, etc.  
of the Disciplinary  
Tribunal and of  
Investigating Panel

29 **15.—(1)** There shall be a tribunal to be known as the Chartered Institute  
30 of Management Information Technology Disciplinary Tribunal (in this Act,

1 referred to as “the Disciplinary Tribunal”) which shall be charged with the  
2 duty considering and determining any case referred to it by the Investigating  
3 established pursuant to subsection (3) of this section, and any other case of  
4 Panel, which the Disciplinary Tribunal has cognizance under the following  
5 provisions of this Act.

6 (2) The Disciplinary Tribunal shall consist of the Chairman of the  
7 Council and six other members of the Council.

8 (3) There shall be a body to be known as the Chartered Institute of  
9 Management Information Technology Investigating Panel (in this Act,  
10 referred to as “the Investigating Panel”) which shall be charged with the  
11 duty of—

12 (a) conducting a preliminary investigation into any case where it is  
13 alleged that a member has misbehave in his capacity as a Management  
14 Information Technologist or should for any other reason be the subject of  
15 proceedings before the Disciplinary Tribunal; and

16 (b) deciding whether the case should be referred to the Disciplinary  
17 Tribunal.

18 (4) The Investigating Panel shall be appointed by the Council and  
19 shall consist of four members of the Council and one Management  
20 Information Technologist who is not member of the Council.

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

24 (6) The Council may make rules not inconsistent with this Act as to  
25 acts which constitute professional misconduct.

26 **16.—(1) Where—**

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

29 (b) a member is convicted, by any court or tribunal in Nigeria or  
30 elsewhere having power to award imprisonment, of an offence or (whether

Penalties for  
Unprofessional  
Conduct

1 or not punishable with imprisonment) which in the opinion of the Disciplinary  
2 Tribunal is incompatible with the status of a professional Management  
3 Information Technology ; or

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

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

12 (a) no decision shall be deferred under this subsection for periods  
13 exceeding two years on the aggregate; and

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

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

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

25 (5) A person to whom such a direction relates may, at any time within  
26 twenty eight days from the date of the service on him of notice of the direction,  
27 appeal against the direction to the Court of Appeal and the Disciplinary  
28 Tribunal may appeal as respondent to the appeal and, for the purpose of  
29 enabling directions to be given as to the costs of the appeal and of proceedings  
30 before the court of Appeal, the Disciplinary Tribunal, shall be deemed to be a



1 party thereto whether or not it appears at the hearing of the appeal.

2 (6) A decision of the Disciplinary Tribunal under subsection (1) of  
3 this section, shall take effect where —

4 (a) no appeal under this section is brought against the direction  
5 within the time limited for the appeal, on the expiration of that time;

6 (b) an appeal is brought and is withdraw or struck out for want of  
7 prosecution on the withdrawal or striking out of the appeal;

8 (c) an appeal is brought and is not withdrawn or struck out as  
9 aforesaid if and when the appeal is dismissed, and shall not take effect  
10 expect in accordance with the foregoing provisions of this subsection.

11 (7) A person whose name is struck off the Register in pursuance of a  
12 direction of the Disciplinary Tribunal under this section, shall not be entitled  
13 to be enrolled or registered again expect in pursuance of a direction in that  
14 behalf given the Disciplinary Tribunal on the application of that person, and  
15 a direction under this section for the removal of a person's name from the  
16 Register may prohibit an application under this subsection by that person  
17 until the expiration of such period from the date of the direction (and where  
18 he has duly made such an application, from the date of his last application) as  
19 may be specified in the direction.

20 PART V — MISCELLANEOUS AND SUPPLEMENTARY

21 17. Any person who is not a member of the Institute of Information  
22 Technology of Nigeria (in this Act referred to as “the formal Institute”) who,  
23 but for this Act, would have been qualified to apply for and obtain  
24 membership of the formal Institute may, within the period of three months  
25 beginning from the day this Act comes into force, apply for membership of  
26 the Institute in such manner as may be prescribed by rules made by the  
27 Council; and if approved, he shall be enrolled or registered, as the case may  
28 be according to his qualification.

29 18. A person shall be deemed to practice as a professional  
30 management Information Technology if, in consideration of remuneration

Application of  
this Act to  
un-enroll person

When a person  
is deemed a  
Professional  
Management  
Information  
Technologist

1 receive or to be received, and whether by himself or in partnership with any  
2 other person—

3 (a) he engages himself in the practice of management Information  
4 Technologist or holds himself out as a cost and management accountant; or

5 (b) he renders professional service or assistance in or about matters of  
6 principle or detail relating to management Information Technologist  
7 procedure; or

8 (c) he renders any other service which may by regulations made by  
9 the Council, with the approval of the ministry, be designed as service  
10 constituting practice as a Management Information Technologist.

Rulers as to  
Professional  
Practicing fees

11 **19.—**(1) the Council may make rules for—

12 (a) the training of suitable persons in management Information  
13 Technologist methods and practice; and

14 (b) the supervision and regulation of the engagement, training and  
15 transfer of such persons.

16 (2) The Council may also make rules—

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

21 (b) prescribing the form of licentiate to practice to be issued annually  
22 or, if the Council thinks it fit, by endorsement on any existing licence; and

23 (c) restricting the right to practice in default of payment of the amount  
24 of annual subscription where the default continues for longer than such period  
25 as may be prescribed by the rules.

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

Provision of  
Library facilities,  
etc.

28 **20.** The Institute shall—

29 (a) provide and maintain a library, comprising books and publications  
30 for the advancement of knowledge of management Information Technologist,

1 and such other books and publications as the Council may think necessary  
2 for that purpose;

3 (b) encourage research into cost and management methods and  
4 allied subjects to the extent that the Council may from time to time consider  
5 necessary;

6 **21.—**( 1) if any person, for the purpose of procuring the Offences  
7 registration of any name, qualification or other matter—

8 (a) make a statement which he believes is false in a material  
9 particular, or

10 (b) recklessly makes a statement which is false in a material  
11 particular, he shall be guilty of an offence.

12 (2) if, on or after the relevant date, any person not a member of the  
13 Institute practices or holds himself out to practice as management  
14 Information Technology for or in expectation of reward or takes or uses any  
15 name, title, addition or description implying that he is in practice as a  
16 management information technologist, ha shall be guilty of an offence,  
17 provided that, in the case of a person falling within section 17 of this Act—

18 (a) this subsection shall not apply in respect of anything done by  
19 him during the period of three months mentioned in that section; and

20 (b) if within that period he duly applies for membership of the  
21 Institute, then, unless within that period he is notified that his application has  
22 not been approved, this subsection shall not apply in respect of anything  
23 done by him between the end of that period and the date on which he is  
24 enrolled or registered or is notified as aforesaid.

25 (3) if the registrar or any other person employed by or on behalf of  
26 the Institute wilfully makes any falsification in any matter relating to the  
27 register, he shall be guilty of an offence.

28 (4) A person guilty of an offence under this section be liable—

29 (a) on summary conviction, to a fine of an amount not exceeding  
30 N50,000 Naira;

1 (b) on conviction on indictment, to a fine of an amount not exceeding  
2 N100,000 Naira or to imprisonment for a term not exceeding two years or to  
3 both such fine and imprisonment.

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

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

Regulations and  
rules

15 **22.—**(1) Any regulations made under this Act shall be published in the  
16 Federal Government Gazette as soon as may be after they are made and a copy  
17 of any such regulations shall be sent to the Ministry not later than seven days  
18 before they are so published.

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

Dissolution of  
the Institute of  
Information  
Technology of  
Nigeria

25 **23.—**(1) The body known as the Institute of Information Technology  
26 of Nigeria is hereby dissolved.

27 (2) Accordingly, all the property held by or on behalf of the former  
28 Institute shall by virtue of this section and without further assurance, vest in the  
29 Institute and be held by it for the purposes of the Institute.

30 (3) The provisions of the Third Schedule to this Act shall have effect

1 with respect to matters arising from the transfer by this section to the  
2 Institute of the property of the former Institute, and with respect to the other  
3 matter mentioned in that schedule.

4 **24.** In this Act, unless the context otherwise requires, the following Interpretation  
5 words and expressions have the meanings respectively assigned to them,  
6 that is—

7 “Institute” means the Chartered Institute of Management Information  
8 Technology established under section 15 (3) of this Act;

9 “Management Information Technologist” means any person who is  
10 registered or enrolled to be registered under this Act in any of the categories  
11 of membership;

12 “Council” means the Council established as the governing body of the  
13 Institute under section 5 of this Act;

14 “Disciplinary Tribunal” means the Chartered Institute of Management  
15 Information Technology Disciplinary Tribunal under section 15 (1) of this  
16 Act;

17 “enrolled in relation to a fellow, an associate member, a graduate member, a  
18 licentiate member, as the case may be;

19 “fees” includes annual subscription;

20 “formal Institute” means the Institute of Information Technology dissolved  
21 by section 23 (1) of this Act;

22 “investigation panel” means the Chartered Institute of Management  
23 Information Technology Investigation Panel established under section 15  
24 (3) of this Act;

25 “Member of the Institute” means an enrolled fellow, associate member or a  
26 licentiate member of the Institute; and “membership of the Institute” shall be  
27 construed accordingly;

28 “Ministry” means the Ministry charge with the responsibility for matters  
29 relating to finance.

30 “President and Vice President” means respectively the office holder under

1 those names in the Institute;  
2 “profession” means the profession of Management Information Technologist;  
3 and  
4 “Register” means the register maintained in pursuance of section 10 (2) of this  
5 Act.

Citation

6 25. This Bill may be cited as the Chartered Institute of Management  
7 Information Technology Bill, 2015.

8 SCHEDULES

9 FIRST SCHEDULE

10 *Section 5 (3)*

11 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

12 *Qualifications and tenure of members*

13 1.—(1) subject to the provisions of this paragraph, a member of the  
14 Council shall hold office for a period of two years beginning with the date of his  
15 appointment of election.

16 (2) Any member of the Institute who ceases to be a member thereof  
17 shall, if he is also a member of the Council, cease to held office on the Council.

18 (3) Any elected member may by notice in writing under his hand  
19 addressed to the President resign his office, and any appointed member may,  
20 likewise resign his appointment.

21 (4) A person who retires from or otherwise ceases to be an elected  
22 member of the Council shall be eligible again to become a member of the  
23 Council, and any appointed member may be reappointed.

24 (5) Members of the Council shall at a meeting next before the annual  
25 general meeting of the Institute arrange for five members of the Council  
26 appointed or elected, and longest in office to retire at that annual general  
27 meeting:

28 Provided that if any of the members listed thereof is the Chairman of the  
29 Council or the Vice President of the Institute, he shall remain a member of the  
30 Council.



1 *Meetings:*

2 *(a) of the Institute*

3 5.—(1) The Council shall convene the annual general meeting of the  
4 Institute on a day as the Council may from time to time appoint in any particular  
5 year, so however that if the meeting is not held within one year after the  
6 previous annual general meeting, not more than fifteen months shall elapse  
7 between the respective dates of the two meetings.

8 (2) A special meeting of the Institute may be convened by the Council  
9 at any time, and if not less than thirty members of the Institute require it by  
10 notice in writing addressed to the General Secretary of the Institute setting out  
11 the objects of the proposed meeting, the Chairman of the Council shall convene  
12 a special meeting of the Institute.

13 (3) The quorum of any general meeting of the Institute shall be fifteen  
14 members, and that of any special meeting of the Institute shall be twenty five  
15 members.

16 *(b) of the Council*

17 6.—(1) Subject to the provisions of any standing orders of the  
18 Council, the Council shall meet whenever it is summoned by the Chairman,  
19 and if the Chairman is required to do so by notice in writing given to him by not  
20 less than seven other members, he shall summon a meeting of the Council to be  
21 held within seven days from the date on which the notice is given.

22 (2) At any meeting of the Council, the Chairman or in his absence the  
23 Deputy Chairman shall preside; but if both are absent the members present at  
24 the meeting shall appoint one of their numbers to preside at that meeting.

25 (3) Where the Council desires to obtain advice of any person on a  
26 particular matter, the Council may co opt him as a member for such period as  
27 the Council thinks fit, but a person who is a member by virtue of the provisions  
28 of this subparagraph shall not be entitled to vote at any meeting of the Council  
29 and shall not count towards a quorum.

30 (4) Notwithstanding anything in the foregoing provisions of this



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

4 *Committees*

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

8 (2) A committee appointed under this paragraph shall consist of the  
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 of the Council shall be of  
13 no effect until 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 National President or of some other member of the  
17 Council authorised 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 the Council as the case  
21 may require, by any person generally or specially authorised to act for that  
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 (9) The validity of any proceedings of the Institute or Council or of  
27 a committee of the Council shall not be affected by any vacancy in  
28 membership, or of any defect in the appointment of a member of the Institute  
29 or of the Council or of a person to serve on the committee, or by reason that a  
30 person not entitled to do so took part in the proceedings.



1 of proceedings before the Tribunal;

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

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

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

15 (a) to make any statement before the Tribunal tending to  
16 incriminate himself;

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

19 4.—(1) For the purposes of advising the Tribunal on question of  
20 law arising in proceedings before it, there shall in all such proceedings be an  
21 assessor to the Tribunal who shall be appointed by the Council on the  
22 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of  
23 not less than seven years standing.

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

27 (a) that where an assessor advises the Tribunal on any question of  
28 law as to evidence, procedure or any matters specified in the rules, he shall  
29 do so in the presence of every party or person presenting a party to the  
30 proceedings who appears thereat or, if the advice is tendered while the

1 Tribunal is deliberating in private, that every such party or person as aforesaid

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

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

9 *The panel*

10 5. The quorum of the panel shall be two.

11 6.—(1) The panel may, at any sitting of the panel attended by all  
12 members of the panel, make standing orders with respect to the panel.

13 (2) Subject to the provisions of any such standing orders, the panel  
14 may regulate its own procedure.

15 *Miscellaneous*

16 7.—(1) A person ceasing to be a member of the Tribunal or the panel  
17 shall be eligible for reappointment as a member of that body

18 (2) A person may, if otherwise eligible, be a member of both the  
19 Tribunal and the panel, but no person who acted as a member of the panel with  
20 respect to any case shall act as a member of the tribunal with respect to that  
21 case.

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

27 9. Any document authorised or required by virtue of this Act to be  
28 served on the Tribunal or the panel shall be served on the Registrar appointed in  
29 pursuance of section 10 of this Act.

1                   10. Any expenses of the Tribunal or the Panel shall be defrayed by  
2 the Institute.

**EXPLANATORY MEMORANDUM**

This Bill seeks to provide for the establishment of the Chartered Institute of Management Information Technology to provide for the control of its membership and to promote and foster the practice of the profession of management Information Technologist in the Federation.