

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF MANAGEMENT ACCOUNTANTS OF NIGERIA TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTE AND FOSTER THE PRACTICE OF THE ARTS AND SCIENCE OF MANAGEMENT ACCOUNTANCY IN THE FEDERATION AND FOR OTHER PURPOSES CONNECTED THEREWITH, 2016

Sponsored by Hon Yusuf Ayo Tajudeen

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF
2 MANAGEMENT ACCOUNTANTS OF NIGERIA

3 1.-(1) There shall be established a body to be known as the
4 Chartered Institute of Management Accountants of Nigeria (in this Bill
5 referred to as "the Institute").

Establishment of
the Chartered
Institute of
Management
Accountants

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

11 2. The functions of the Institute shall be to-
12 (a) determine what standards of knowledge and skill are to be
13 acquired and attained by persons seeking to become registered members of
14 the Institute and reviewing those standards from time to time as
15 circumstances may require;
16 (b) secure, in terms of this Bill, the establishment and maintenance
17 of a register of Fellows, Associates, Graduates, Licentiate and Students of
18 the Institute, and the publication from time to time a list of those members;

Functions of the
Institute

1 (c) promote and develop the science of management accountancy
2 and to foster and maintain investigations and research into the best method for
3 the enhancement and application of such science;

4 (d) encourage, increase, disseminate and promote the education and
5 training of members admitted, thereof, and the exchange of information and
6 ideas in respect of all questions pertaining thereto or connected therewith, the
7 practice of management accountancy;

8 (e) organize and conduct examinations, from time to time, in
9 management accountancy and other related subjects to the profession thereof
10 for the purpose of admitting members to the Institute, enhancing their status,
11 and issuing membership certificates to persons so admitted;

12 (f) regulate and control the practice of professional management
13 accountancy in all its ramifications;

14 (g) highlight and impart such specialized knowledge and experience
15 in the collection, collation, interpretation and communication of a wide range
16 of information and the furnishing of advice regarding costs, cost trends,
17 measurement of performance against standards, budget pricing, the effect of
18 changes in volume of sales and product, and other matters necessary for
19 obtaining sound day-to-day control and application of available resources;

20 (h) coordinate the extent of work connected with planning by
21 management and providing figures, and other data relating to costs, the volume
22 of production needed for profitability, and the contemplated returns on
23 investment in tandem with new products, new processes and planned
24 expansion;

25 (i) do all such things as may be proper and necessary to maintain and
26 advance the status and interest of the members who are involved in studies
27 relating to research, development costs and their recovery, the profitability of
28 product mixes, automation, computerization and the merging of data resulting
29 from sales, control of costs in relation to competitive selling prices, and other
30 sources that may be integrated into management information systems to the

1 benefit of shareholders and the community at large;

2 (j) maintain, in accordance with this Bill, professional discipline,
3 protect the interest of members through the provision of professional
4 consultative advice and the issue of journals and other publications,
5 organization and conduct of seminars, workshops, conferences, etc; and

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

8 3.-(1) Subject to the provision of this Bill, persons admitted into the
9 institute, shall possess knowledge, experience, and qualifications in the
10 science of management accountancy and other related disciplines
11 determined from time to time by the Council, and may be enrolled in the
12 category of-

Membership of
the Institute

13 (a) Fellows;

14 (b) Associated Membership;

15 (c) Graduate Member; or

16 (d) Licentiate Members; and

17 (e) Students.

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

21 (a) as Fellows, if they satisfy the Council that for the period of not
22 less than five years immediately preceding the date of their application in
23 that behalf that they-

24 (i) are fit and proper persons;

25 (ii) are holders of approved academic qualifications;

26 (iii) have satisfied the Council in their dissertations; and

27 (iv) have been continuously active in the practice of professional
28 management accountancy in the public and private sections of the economy
29 and as members of the Institute.

30 (b) as Associate members, if for the period of not less than three

1 years immediately preceding the date of their application in that behalf that
2 they have been enrolled as graduate members and are otherwise fit and proper
3 persons, and as may be approved in the discretion of the Council;

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

8 (3) The following are the other precedence and designated titular
9 abbreviations for-

10 (a) a Fellow of the Chartered Institute of Management Accountants
11 who shall have their right to use the designatory letters FCMA immediately
12 after his names;

13 (b) an Associate members of the Chartered Institute of Management
14 Accountants who shall have the right to use the designatory letters of ACMA
15 immediately after his names; and

16 (c) a Licentiate member of the Chartered Institute of Management
17 Accountants, who shall have the right to use the designatory letters of LCMA
18 immediately after his names.

19 (4) Graduate and students registered for training shall become
20 professional practicing members only after satisfying specified qualification
21 requirements for membership in any of the foregoing categories as may be
22 prescribed by the Council or by-laws of the Institute.

23 (5) In this section, "licentiate member" means any member granted a
24 licence by a recognized institution of higher education to practice as a
25 professional Management Accountant, and "licencesure" shall be construed
26 accordingly.

Election of
Principal Officer
of the Institute

27 4.-(1) The Principal officers of the Institute shall be-

28 (a) the President;

29 (b) the Vice-President;

30 (c) the National Secretary;

1 (d) the Assistant National Secretary;

2 (e) the National Treasurer; and

3 (f) the Public Relations Officer.

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

8 (3) The President shall be the Chairman of the meetings of the
9 Institute, but in the event of his incapacity, death or inability to perform the
10 duties reposed on him under this subsection, the Vice-President shall
11 perform such duties for the unexpired portion of the term of office of that
12 President.

13 (4) If any of the officers listed under subsection (1) of this sections
14 shall cease to hold any of the offices designated thereof.

15 5.-(1) There shall be for the Institute, a governing body to be
16 known as "the Council" which shall have responsibility for the
17 administration and general management of the Institute.

Establishment and
Composition of
the Governing
Council

18 (2) The Council established pursuant to subsection (1) of this
19 section shall consist of the following members, that is-

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

21 (b) the Vice-President of the Institute, who shall be the Deputy
22 Chairman;

23 (c) the Registrar;

24 (d) twelve members nominated by the Institute from the six
25 geopolitical zones of the Federation;

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

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

30 (g) one person each not below the rank of a Director to represent

1 the following Federal Ministries, that is-

2 (i) Finance;

3 (ii) Commerce;

4 (iii) Education;

5 (iv) Industry; and

6 (v) one representative of the Nigerian Chambers of Commerce,
7 Industry, Mines and Agriculture (NACCIMA), not below the rank of a
8 Director.

9 (3) The provisions of the first schedule to this Bill shall have effect
10 with respect to the supplementary provisions of the Council and the
11 qualifications and tenure of the office or members of the council, and the
12 matters therein mentioned.

Appointment of
the Board of
Fellows

13 6. -(1) There shall be appointed annually a Board of Fellows, to
14 coordinate the activities of fellows of the Institute and to recommend to the
15 Council on yearly basis admission of members of the fellows.

16 (2) The Board of Fellows shall consist of persons who have been duly
17 elected as fellows of the Institute, and shall have a Chairman who shall preside
18 over the activities of the Board.

19 PART II - FINANCIAL PROVISIONS

Establishment
of Fund and
Expenditure

20 7.-(1) The Council shall establish and maintain a Fund for the
21 Institute, the management and control of which shall be under the authority of
22 the Council, into which shall be paid-

23 (a) all monies received by the Council in pursuance of this Bill;

24 (b) all subscriptions, fees and Council in pursuance of this Bill; and

25 (c) all monies raised for the purposes of the institute by way of gifts,
26 donations, grants-in aid, testamentary dispositions from individuals, bodies
27 corporation or philanthropic organizations, non-otherwise however.

28 (2) The Council shall, from time to time, apply the proceeds of the
29 funds of the Institute to-

1 *Cap. C21 I.F.N*

2 (a) all expenditure incurred by the Institute in the course of the
3 discharge of its functions under the Bill;

4 (b) the remunerations and allowances of the Registrar and other
5 staff of the Institute to;

6 (c) the maintenance of the premises and property owned and
7 vested in the Institute;

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

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

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

15 8. -(1) The Council, with the general consent of its members or in
16 accordance with the general guidelines or authority given by the
17 government of the Federation, borrow, on behalf of the Institute, by way of
18 loan or overdraft from any source, any monies' required by the Council to
19 meet the obligations of the Institute in order to perform its functions under
20 this Bill, so however, that such consent or authority shall be required where
21 the sum or aggregate of the sums involved at any time does not exceed such
22 amount as is for the time being projected in relation to the institute in any
23 particular year.

Power to borrow
money t

24 (2) The Council may, subject to the provisions of the Bill and
25 conditions of trust in respect of funds held or any property owned by the
26 Institute, invest any but not all of its funds with the same consent or general
27 authority.

28 9. -(1) The Chairman of the Council shall cause to be prepared not
29 later than six months before the end of the year, estimates for the recurrent
30 and capital expenditure (if any) and income of the Institute during the next

Annual estimates,
accounts and
audit

1 succeeding financial year which shall be presented to the Annual General
2 Meeting of the Institute by the Council for approval.

3 (2) The Council shall keep proper accounts and records in relation
4 thereto, and shall prepare in respect of each financial year, a statement of
5 account in such form as the Chairman or the Council shall direct.

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

10 (4) The Auditors appointed pursuant to subsection (3) of this section
11 shall, on completion of the audit of the accounts of the Institute and the Council
12 for each financial year, prepare and submit to the Council two reports, that is to
13 say-

14 (a) a general report setting out the observations and
15 recommendations of the said Auditors on the financial affairs of the institute
16 and the Council for the year, and on any important matters which the Auditors
17 may consider necessary to bring to the notice of the Council, and

18 (b) a detailed report containing the observations and
19 recommendations of the auditors on all aspect of the operations of the Institute
20 and the Council.

21 PART III - THE REGISTRAR

Appointment and
duties of the
Registrar, etc.

22 10.-(1) The Council shall appoint a fit and proper person to be the
23 Registrar of the Institute.

24 (2) The Registrar appointed in terms of subsection (1) of this section
25 shall be the Head of the Administration of the Institute and Secretary to the
26 Council.

27 (3) The Register shall consist of three parts of which the first part shall
28 be in respect of Fellows, the second part shall be in respect of Associates, and
29 the third part shall be in respect iicentiates.

30 (4) The Register shall consist of three parts of which the first part shall

1 be in respect of Fellows, the second part shall be in respect of Associates,
2 and the third part shall be in respect Licentiates.

3 (5) Subject to the following provisions of this subsection, the
4 Council may make rules with respect to the form and keeping of the Register
5 and making of entries therein and in particular-

6 (a) the making of application for enrolment or registration, as the
7 case may be;

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

10 (c) authorizing a registered person to have any qualification which
11 is in relation to the relevant discipline of the profession for the purpose of
12 this Bill, registered in relation to this name in addition to, as he may elect, in
13 substitution for other qualifications so registered;

14 (d) specifying from time to time the fees including subscription to
15 be paid to the institute in respect of the entry of names on the Register for the
16 entry has been paid; and

17 (e) specifying anything failing to be specified under this section,
18 but rules made for the purposes of paragraph (d) of this subsection shall not
19 come into force until they are confirmed at a special meeting of the Institute
20 convened for that purpose, or at the next annual general meeting of the
21 Institute, as the case may be.

22 (6) The Registrar shall-

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

26 (b) remove from the Register the name of any registered person
27 who had died;

28 (c) record the names of the members of the Institute who are in
29 default in the payment of the annual subscription, dues or other charges for
30 more than twelve months, and take such action in relation thereto (including

1 removal of the names of the defaulters from the Registers) as the Council may
2 determine or direct; and

3 (d) make from time to time any necessary alteration in the registered
4 particulars of registered persons.

5 (7) The Registrar shall-

6 (a) send by post to any registered persons a letter addressed to him at
7 his address on the Register enquiring whether the registered particulars relating
8 to him are correct and receives no reply to the letter within the period of six
9 months from the date of posting; and

10 (b) upon the expiration of the period specified in paragraph (a) of this
11 subsection, send in like manner to the person in question a second similar letter
12 and received no reply to the letter within three months from the posting, then
13 the Registrar, may remove the particulars relating to the person in question
14 from the register, and the Council may direct the Registrar to restore to the
15 appropriate part of the Register any particulars removed there from under this
16 subsection.

Publication of
Registers and list
for corrections

17 11.-(1) The Registrar shall-

18 (a) cause the Register to be printed, published and put on sale to
19 members of the public not later than two years from the commencement of this
20 Bill.

21 (b) thereafter in each year to cause to be printed, published and put on
22 sale as aforesaid, rather a corrected edition of the Registrar since it was last
23 printed; and

24 (c) cause a print of each edition of the Registers and of each list of
25 correction to be deposited at the principal offices of the Institute and the
26 Council shall keep the Register and the list so deposited available at all
27 reasonable times for inspection by members of the Institute.

28 (2) A document purporting to be print of an edition of the Register
29 published under and pursuant to this section by authority of the Registrar, or
30 documents purporting to be print of an edition so printed, shall (without

1 prejudice to any other mode of proof) be admissible in any proceeding as
2 evidence that any person specified in the document, or the documents read
3 together, as being registered was so registered at the date of the edition or of
4 the list of corrections, as the case may be, and that any person not so
5 specified was not so registered.

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

11 12.-(1) Subject to the rules made by the Council pursuant to section
12 10 (5) of this Bill, a person whether or not a member of a professional
13 accounting body recognized by an Act of National Assembly shall be
14 entitled to be enrolled or registered as a Member of Chartered Institute of
15 Management Accountant, if-

Registration of
Management
Accountants

16 (a) he passes the qualifying examination for membership
17 conducted by the Council under this Bill and completes the practical training
18 prescribed; or

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

23 (2) Subject to the rules made by the Council pursuant to section 10
24 (5) of this Bill, a person shall be entitled to be registered as a Management
25 Accountant if he satisfies the Council that immediately before the appointed
26 day he had not less than five years experience as an Inspector and Internal
27 Auditor of the affairs of a company as defined under the provision of the
28 Companies and Allied Matters Act.

29 *Cap. C20 LFN*

30 (3) An application for registration shall, in addition to evidence of

1 qualification, satisfy the Council-

2 (a) that he is of good character;

3 (b) that he has attained the age of twenty-one years; and

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

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

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

15 (6) The Council shall from time to time publish the Federal
16 Government Gazette particulars of qualifications for the time being accepted
17 as aforesaid.

Approval of
qualification, etc.

18 **13.-(1)** The Council may approve an institution for the purposes of
19 this Bill and may for those purposes approve-

20 (a) any course of training at any institution which for persons who are
21 seeking to become or are already management consultants, and which the
22 Council considers as necessary to confer on persons completing the course,
23 sufficient knowledge and skill for admission to the institute;

24 (b) any qualification which, as a result of an examination taken in
25 conjunction with a course of training approved by the Council under this
26 section, is granted to candidates reaching a standard at the examination
27 indicating in the opinion of the members of the Council that the candidates
28 have sufficient knowledge and skill to practice as Management Accounts.

29 (2) The Council may, if it thinks it fit withdrew any approval given
30 under this section in respect of any course, qualification or institution, but

1 before withdrawing such as approval, the Council shall-

2 (a) give notice that it proposes to do so to person in Nigeria
3 appearing to the Council to be persons by whom the course is conducted or
4 the qualification is granted or the institution is controlled, as the case, may
5 be;

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

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

10 (3) Where the approval of the Council under this section for a
11 course, qualification or institution is withdrawn, the course, qualification or
12 institution shall not be treated as approved under this section, but the
13 withdrawal of any such approval shall not prejudice the registration or
14 eligibility for registration of any person who by virtue of the approval was
15 registered or eligible for registration immediately before the approval was
16 withdrawn.

17 (4) The giving or withdrawal of an approval under this section shall
18 have effect from such date, either before or after the execution of the
19 instrument signifying the giving or withdrawal of the approval, as the
20 Council may specify in that instrument, and the Council shall-

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

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

25 **14. -(1) It shall be the duty of the members of the Council of the**
26 **Institute to keep themselves informed of the nature of-**

27 **(a) the instructions given at approved institutions to persons**
28 **attending approving training; and**

29 **(b) the examination as a result of which approved qualification are**
30 **granted, and for the purpose of performing that duty the Council of the**

Supervision of
instructions, etc.
leading to approved
qualifications

1 Institute may appoint, either from among its own members or otherwise,
2 person to visit approved institutions, or to attend such examination.

3 (2) It shall be the duty of the visitor appointed in term of the foregoing
4 subsection of this section to report to the Council on-

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

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

9 (c) any other matters relating to the instruction or examinations on
10 which the Council may, either generally or in particular case, request him to
11 report, but no visitor shall interfere with the given of any instruction or the
12 conduct of any examination.

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

21 PART IV - PROFESSIONAL DISCIPLINE

Establishment,
composition, etc.
of the Disciplinary
Committee and
of the
Investigating
Panel

22 *15.-(1) There shall be a tribunal to be known as the Chartered Institute
23 of Management Accountants Disciplinary Committee (in this Bill, referred to
24 as "the Disciplinary Committee") which shall be charged with the duty of
25 considering and determining any case referred to it by the investigating panel
26 established pursuant to subsection (3) of this section, and any other case of
27 Panel, which the Disciplinary Committee has cognizance under the following
28 provisions of this Bill.

29 (2) The Disciplinary Committee shall consist of the Chairman of the
30 Council and six other members of the Council.

1 (3) There shall be a body known as Chartered Institute of
2 Management Accountants Investigating Panel (in this Bill, referred to as
3 "the Investigating Panel") which shall be charged the duty of-

4 (a) conducting a preliminary investigation into any case where it is
5 alleged that a member has misbehaved in his capacity as a Management
6 Accountant or should for any other reason be the subject of proceeding
7 before the Disciplinary Committee; and

8 (b) deciding whether the case should be referred to the Disciplinary
9 Committee.

10 (4) The Investigating Panel shall be appointed by the Council and
11 shall consist of four members of the Council and one Management
12 Accountant who is not member of the Council.

13 *Third Schedule.*

14 (5) The provisions of the Second Schedule to this Bill shall, so far
15 as applicable to the Third Disciplinary Committee and Investigating Panel
16 respectively, have effect with respect to the bodies.

17 (6) The Council may not inconsistent with this Bill as to acts which
18 constitute professional misconduct.

19 **16.-(1) Where-**

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

(b) a member is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence or (whether or not punishable with imprisonment which in the opinion of the Disciplinary Tribunal is incompatible with the status of a professional Management Accountants;

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

Penalties for unprofessional conduct

1 (2) The Disciplinary Tribunal may, if thinks fit, defer its decisions as
2 to the giving subsection (1) of this section until a subsequent meeting of the
3 Disciplinary Tribunal but-

4 (a) no decision shall be deferred under this subsection for period
5 exceeding two years on the aggregate; and

6 (b) no person shall be a member of the Disciplinary Tribunal for
7 purposes of reaching a decision which has been deferred or further deferred,
8 unless he was present as a member of the Disciplinary Tribunal when the
9 decision was deferred.

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

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

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

26 PART V - MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

27 17. -(1) The Council may make rules for-

28 (a) the training of persons in management accountancy methods and
29 practice; and

30 (b) the supervision and regulation of the engagement, training and

1 transfer of such persons.

2 (2) The Council may also make rules-

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

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

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

13 (3) Rules when made under this section shall, if the Council so
14 directs, be published in the Federal Government Gazette.

15 **18.** The Institute shall-

16 (a) provide and maintain a Library, comprising books and
17 publications for the advancement of knowledge of management
18 accountancy, and such other books and publications as the Council may
19 think necessary for that purpose;

20 (b) encourage research into management methods and allied
21 subjects to the extent that the Council may from time to time consider
22 necessary.

23 **19.-(1)** If any person, for the purpose of procuring the registration
24 of any name, qualification or other matter-

25 (a) make a statement which he believes is false in a material
26 particular, or

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

29 (2) If, on or after the relevant date, any person not a member of the
30 Institute practices or holds himself out to practice as Management

Provision of
Library facilities,
etc.

Offences

1 Accountant for or in expectation of reward or takes or uses any name, title,
2 addition or description implying that he is in practice as a Management
3 Accountant, he shall be guilty of an offence, provided that, in the case of a
4 person failing within section 17 of this Bill-

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

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

12 (3) If the Registrar or any other person employed by or on behalf of
13 the Institute willfully makes any falsification in any matter relating to the
14 Register, he shall be guilty of an offence.

15 (4) A person guilty of an offence under this section shall be liable-

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

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

21 (5) Where an offence under this section which has been committed by
22 a body corporate is proven to have been committed with the consent or
23 connivance of, or to be attributable to any neglect on the part of any Director,
24 Manager, Secretary or other similar officer of the body corporate or any person
25 purporting to act in any such capacity, he as well as the body corporate, shall be
26 deemed to be guilty of that offence and shall be liable to be prosecuted and
27 punished accordingly.

28 (6) In this section, "the relevant date" means the third anniversary of
29 the appointed day or such earlier date as may be prescribed for the purpose of

1 this section by order of the Ministry published in the Federal Government
2 Gazette.

3 20.-(1) Any regulation made under this Bill shall be published in
4 the Federal Government Gazette as soon as may be after they are made and a
5 copy of any such regulations shall be sent to the Ministry not later than seven
6 days before they are so published.

Regulations and
Rules

7 (2) Rules made for the purposes of this Bill shall be subject to
8 confirmation by the Institute at its next general meeting or at any special
9 meeting of the Institute convened for that purpose, and if then annulled shall
10 cease to have effect on the day after the date of annulment, but with
11 prejudice to anything done in pursuance or intended pursuance of any such
12 rules.

13 21.-(1) The body known as the Institute of Cost and Executive
14 Accountants of Nigeria is hereby dissolved.

Dissolution of the
Institute of Cost
Executive
Accountants of
Nigeria

15 (2) Accordingly, all the property, assets and liabilities held by or on
16 behalf of the former Institute shall by virtue of this section and without
17 further assurance, vest in the Institute and be held by it for the purposes of
18 the Institute.

19 Third Schedule.

20 (3) The provisions of the Third Schedule to this Bill shall have
21 effect with respect to matters arising from the transfer by this section to the
22 institute of the property, assets and liabilities of the former Institute, and
23 with respect to the other matter mentioned in that schedule.

24 22. In this Bill, unless the context otherwise requires, the
25 following words and expressions have the meanings respectively assigned
26 to them, that is-

Interpretation

27 "Institute" means Chartered Institute of Management Accountants
28 established under section 15 (3) of this Bill;

29 "Management Accountant" means any person who is registered or enrolled
30 to be registered under this Bill in any of the category of membership;

1 "Council" means the Council established as the governing body of the Institute
2 under section 5 of this Bill;
3 "Disciplinary Tribunal" means the Chartered Institute of Management
4 Accountants Disciplinary Tribunal under section 15 (1) of this Bill;
5 "Enrolled" in relation to a fellow, an associate member, a graduate member, a
6 licentiate member, as the case may be;
7 "Fees" includes annual subscription;
8 "Formal Institute" means the Institute of Cost and Executive Accountants
9 dissolved by section 23 (1) of this Bill;
10 "Investigating Panel" means an enrolled fellow, associate member or a
11 licentiate member of the Institute; and "membership of the Institute" shall be
12 construed accordingly;
13 "Ministry" means the Ministry charged with the responsibility for matters
14 relating to finance;
15 "President and Vice President" means respectively the officer holder, under
16 those names in the Institute;
17 "Profession" means the profession of Management Accountancy; and
18 "Register" means the register maintained in pursuance of section 10 (2) of this
19 Bill.

Short title

20 **23. This Bill may be cited as the Chartered Institute of Management**
21 **Accountants of Nigeria Bill, 2016.**

22 **SCHEDULES**

23 **FIRST SCHEDULE**

24 **Section 5 (3)**

25 **SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL.**

26 ***Qualifications and tenure of members***

27 **1.-(1) Subject to the provisions of this paragraph, a member of the**
28 **Council shall hold office for a period of two years beginning with the date of his**
29 **appointment of election.**

30 **(2) Any member of the Institute who ceases to be a member thereof**

1 shall, if he is also a member of the Council, cease to hold office on the
2 Council.

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

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

9 (5) Members of the Council shall at a meeting next before the
10 annual general meeting of the Institute arrange for five members of the
11 Council appointed or elected, and longest in office to retire at that annual
12 general meeting.

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

16 (7) If for any reason there is a vacation of office by a member and-

17 (a) such member was appointed by the Minister or any other body
18 corporate, the Minister or any such body corporate shall appoint another fit
19 person to occupy the office in which the vacancy occurs; or

20 (b) such member was elected, the Council may, if the period
21 between the unexpired portion of the tenure of office and the next general
22 meeting of the Institute appears to warrant the prompt filling of the vacancy,
23 co-opt some fit person for such period as aforesaid.

24 *Powers of Council*

25 2. The Council shall have powers to do anything which in its
26 opinion is calculated to facilitate the carrying on the activities of the
27 Institute.

28 *Proceedings of the Council*

29 3.-(1) Subject to the provision of this Bill, the Council may in the
30 name of the Institute make standing orders regulating the proceedings of the

1 institute or of the Council, and in the exercise of its powers under this Bill, may
2 set up committees in the general interest of the Institute, and make standing
3 orders therefore.

4 (2) Standing orders shall be provided for decision to be taken by a
5 majority of the members, and, in the event of equality of votes, for the President
6 or the Chairman, as the case may be, to have a second or casting vote.

7 (3) Standing orders made for a committee shall provide the
8 committee report back to the Council on any matter not within its competence
9 to be decided upon.

10 4. The quorum of the Council shall be nine, and the quorum of a
11 committee of the Council shall be as be fixed by the Council.

12 *Meetings-*

13 *(a) of the Institute*

14 5.-(1) The Council shall convene the annual general meeting of the
15 Institute on a day as the Council may from time to time appoint any particular
16 year, so however that if the meeting is not held within one year after the
17 previous annual general meeting, not more than fifteen months shall elapse
18 between the respective dates of the two meetings.

19 (2) A special meeting of the institute may be convened by the Council
20 at any time, and if not less than thirty members of the Institute require it by
21 notice in writing addressed to the General Secretary of the Institute setting out
22 the objects of the proposed meeting, the Chairman of the Council shall convene
23 a special meeting of the Institute.

24 (3) The quorum of any general meeting of the Institute shall be fifteen
25 members, and that of any special meeting of the Institute shall be twenty-five
26 members.

27 *(b) of the Council*

28 6.-(1) Subject to the provisions of any standing orders of the Council,
29 the Council shall meet whenever it is summoned by the Chairman, and if the
30 Chairman is required to do so by notice in writing given to him by not less than

1 seven other members, he shall summon a meeting of the Council to be held
2 within seven days from the date on which the notice is given.

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

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

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

16 Committees

17 7.-(1) The Council may appoint one or more committees to carry
18 out on behalf of the Institute or of the Council, such functions as the council
19 may determine.

20 (2) A committee appointed under this paragraph shall consist of the
21 number of persons determined by the Council, and a person other than a
22 member of the Council shall hold office on the committee in accordance
23 with the terms of the instrument by which he is appointed.

24 (3) Any recommendations of a committee of the Council shall be
25 of no effect until it is approved by the Council.

26 *Miscellaneous*

27 **8.-(1) The fixing of the seal of the Institute shall be authenticated**
28 **by the signature of the National President or of some other member of the**
29 **Council authorized generally by the Institute to act for that purpose.**

30 (2) Any contract or instrument which, if made or executed by a

1 person not being a body corporate, would not be required to be under seal, may
2 be made or executed on behalf of the Institute or the Council as the case may
3 require, by any person generally or specially authorized to act for the purpose
4 by the Council.

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

8 (4) The validity of any proceedings of the Institute or Council of a
9 committee of the Council shall not be affected by any vacancy in membership,
10 or of any defect in the appointment of a member of the Institute or of the
11 Council or of a person to serve on the committee, or by reason that a person not
12 entitled to do so took part in the proceedings.

13 (5) Any member of the Institute or the Council, and any person
14 holding office on a committee of the Council, who has a personal interest by the
15 Council or a committee thereof, shall forthwith disclose his interest to the
16 President or to the Council, as the case may be, and shall not vote on any
17 question relating to the contract or arrangement.

18 (6) A person shall not be reason only of his membership of the
19 Institute be required to disclose any interest relating solely to the audit to the
20 accounts of the Institute.

21 SECOND SCHEDULE

22 *Section 15 (5)*

23 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

24 TRIBUNAL AND INVESTIGATING PANEL

25 *The Tribunal*

26 1. The quorum of the Tribunal shall be three of whom at least two shall
27 be professional commercial practitioners.

28 2.-(1) The Chief Justice of Nigeria shall make rules as to the selection
29 of members of the Tribunal for the purposes of any proceedings and as to the
30 procedures to be followed and the rules of evidence to be observed in

1 proceedings before the Tribunal-

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

5 (b) for determining who in addition to the aforesaid, shall be a party
6 to the proceedings;

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

9 (d) for enabling any party to be proceedings to be presented by a
10 Legal Practitioner;

11 (e) subject to the provisions of section 16 (5) of this Bill, as to the
12 costs of proceedings before the Tribunal;

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

18 (g) For publishing in the media notice of any direction of the
19 Tribunal, which has taken effect providing that a person's name shall be
20 struck off a Register.

21 3. For the purposes of any proceedings before the Tribunal, any
22 member of the Tribunal may administer oaths and any party to the
23 proceedings may sue through the Supreme Court writs of subpoena ad
24 testecandum and duces tacum, but no person appearing before the Tribunal
25 shall be compelled-

26 (a) to make any statement before the Tribunal tending to
27 incriminate himself;

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

30 4.-(1) For the purposes of advising the Tribunal on question of law

1 arising in proceedings before it, there shall in all such proceedings be an
2 assessor to the Tribunal who shall be appointed by the Council on the
3 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of
4 not less than seven years standing.

5 (2) The Chief Justice of Nigeria shall make rules as to the function of
6 assessors appointed under this paragraph, and in particular such rules shall
7 contain provisions for securing-

8 (a) that where an assessor advises the Tribunal on any question of law
9 as the evidence, procedure or any matters specified in the rules, he shall do so in
10 the presence of every party or person presenting a party to the proceedings who
11 appears thereat or, if the advises is tendered while the Tribunal is deliberating in
12 private, that every such party or persons as aforesaid.

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

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

20 *The Panel*

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

22 6.-(1) The panel may, at any sitting of the panel attended by all
23 members of the panel, make standing orders with respect to the panel.

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

26 *Miscellaneous*

27 7.-(1) A person ceasing to be a member of the Tribunal or the Panel
28 shall be eligible for reappointment as a member of that body.

29 (2) A person may, if otherwise eligible, be a member of both the
30 Tribunal and the panel, but no person who acted as a member of the panel with

1 respect to any case shall act as a member of the Tribunal with respect to that
2 case.

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

8 9. Any document authorized or required by virtue of this Bill to be
9 served on the Tribunal or the panel shall be served on the Registrar
10 appointed in pursuance of section 10 of this Bill.

11 **10.** Any expenses of the Tribunal or the panel shall be defrayed by
12 the Institute.

13 THIRD SCHEDULE

14 Section 23 (3)

15 TRANSITIONAL PROVISION AS A PROPERTY, ETC.

16 1.-(1) Every agreement to which the former Institute was a party
17 immediately before the appointment day, whether in writing or not and
18 whether or not of such a nature that the right, liabilities and obligations there
19 under could be assigned by the former Institute shall, unless its terms or
20 subject matter make it impossible that it should have effect as modified in
21 the manner provided by this subparagraph, have effect from the appointed
22 day, so far as it relates to property transferred by this Bill to the Institute, as
23 if-

24 (a) the Institute had been a party to the agreement;

25 (b) for any reference (however worded and whether expressed or
26 implied) to the former Institute they were substituted, as respects anything
27 falling to be done or after the appointed day, a reference to the institute; and

28 (c) for any reference (however worded and whether expressed or
29 implied) to a member or members of the Council of the former Institute or an
30 officer of the former Institute they were substituted, as respects anything

1 falling to be done on or after the appointed day, a reference to members of the
2 Council under this Bill or the officers of the former Institute who corresponds
3 as nearly as may be to the member or officer in questions of the former Institute.

4 (2) Other documents which refer, whether specially or generally, to
5 the former Institute shall be construed in accordance with subparagraph (1) of
6 this paragraph so far as applicable.

(3) Without prejudice to the generality of the foregoing provisions of this schedule, where, by the operation of any of them or of section 23 of this Bill, any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the appointed day, have the same rights as to the making or resisting of legal proceedings or the making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligations of the Institute.

15 (4) Any legal proceedings or application to any authority pending on
16 the appointed day by or against the former Institute and relating to property
17 transferred by this Bill to the institute may be continued on or after that day by
18 or against the Institute.

(5) If the law in force at the place where any, property transferred by this Bill is situated (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provided for alterations of a Registered (but not for avoidance of transfer, the payment of fees or any matter) apply with the necessary modifications to the transfer of the property aforesaid, and it shall be the duty of the Council to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

27 *Transfer of functions, etc.*

28 **2.-(1)** At its first meeting, the Council of the Institute shall fix a date
29 (not later than six months after the appointed day) for the annual general
30 meeting of the Institute.

1 (2) The members of the Council of the former Institute shall be
2 deemed to be members of the Council of the Institute until the date
3 determined in pursuance of the foregoing subparagraph when the institute
4 shall have its first annual general meeting, and they shall cease to hold office
5 at the conclusion of such meeting.

6 (3) Any person who, immediately before the appointed day, held
7 offices as the President or Vice President of the Council of the former
8 Institute shall on that day become the President or, as the case may be, the
9 Vice-President of the Institute, and shall be deemed-

10 (a) to have been appointed to that office in pursuance of the
11 provision of this Bill corresponding to the relevant provision in the said
12 articles of Institute; and

13 (b) To have been appointed on the date on which he took office, or
14 last took office, in pursuance of the relevant provision of those articles.

15 (4) The members of the former Institute shall, as from the
16 appointed day, be registered as members of the Institute, and without
17 prejudice to the generality of the provisions of this schedule relating to the
18 transfer of property, any person who, immediately before the appointed day,
19 was a member of the staff of the former institute shall on that day become the
20 holder of an appointment with the Institute with the status, designation and
21 functions which corresponds as nearly as may be to those which appertained
22 to him in his capacity as a member of that staff.

23 (5) Any person being an office-holder on, or member of the
24 Council of the institute immediately before the appointed day and deemed
25 under this paragraph to have been appointed to any like position in the
26 institute, or on the Council of the Institute, and thereafter otherwise than by
27 reason of his misconduct, shall be eligible for appointment in the Institute or
28 to membership of the Council as the case may be.

29 (6) All regulations, rules and similar instrument made for the
30 purposes of the institute, and in force immediately before they are

- 1 subsequently revoked or amended by any authority having power in that
- 2 behalf, have effect, with any necessary modifications, as if duly made for the
- 3 corresponding purposes of the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Establishment of the Chartered Institute of Management Accountants to Provide for the Control of its Membership and to Promote and Foster the Practice of the Profession of Management Accountancy in the Federation.