

# A BILL

## FOR

AN ACT TO ESTABLISH CHARTERED INSTITUTE OF OPERATIONS MANAGEMENT OF NIGERIA, CHARGED WITH THE RESPONSIBILITY FOR REGISTRATION AND DISCIPLINE OF MEMBERS OF THE PROFESSION; AND FOR RELATED MATTERS, 2016.

*Sponsored by Hon. Uzoma Nkem Abonta*

[ ] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE INSTITUTE

2 1.-(1) There is established a body to be known as the Chartered Establishment of  
3 Institute of Operations Management of Nigeria (in this Act referred to as the institute  
4 "the Institute").

5 (2) The Institute:

6 (a) Shall be a body corporate with perpetual succession and a  
7 common seal; and

8 (b) May sue and be sued in its corporate name.

9 (3) The headquarters of the Institute shall be in Lagos.

10 THE OBJECTIVE OF THE INSTITUTE

11 2. -(1) The objects of the Institutes are to promote the professional Objectives of the  
12 interests of its Members; and Institute

13 (2) To regulate the practice and profession of Operations  
14 Management in Nigeria.

15 (3) To provide an organization national and international in scope  
16 and activity for all holding position as Operations Staffs, Heads of  
17 Operations, Operations Managers, Directors of Operations, in Service and  
18 or Production / Manufacturing Operations sectors of the Nigerian economy.

19 (4) To unite all Nigerian holding local and / or foreign Operations

1 Management qualifications that are being employed as Operations  
2 Management experts in services of the federation; industrial and / or  
3 commercial establishments and those in self-employment as Operations  
4 Management experts.

5 (5) To ensure a professional status necessary to promote and  
6 encourage the study and development of the art and science of Operations  
7 Management in public practice, industry, commerce and public sector and to  
8 issue practicing Certificate / license to deserving members.

9 (6) To develop from time to time Standards in Operations  
10 Management that will meet both national and international standards.

11 (7) To hold examinations in Operations Management profession and  
12 to issue certificates of merit on the results thereof and to make other awards as  
13 may be approved.

14 (8) To secure the highest professional standard by admitting to  
15 membership only persons who qualify by examination and who have practical  
16 experience.

17 (9) To regulate the discipline and professional conduct of members.

18 (10) To hold conferences, workshops, seminars and symposia for  
19 discussion of Operations Management, of papers, literature, and to issue  
20 copies of abridgement of position papers, books, lectures, records and other  
21 memoranda.

22 (11) To install a high standard of professional ability by means of  
23 regular publication of journal of the Institute and to disseminate Operations  
24 Management knowledge.

25 (12) To keep members abreast of new regulations or policies that may  
26 be of relevance to Operations Management.

27 (13) To partner and affiliate with any recognized local or international  
28 bodies, established in Nigeria or elsewhere, having objectives in whole or part  
29 similar to those of the Institute for the purpose of enhancing the knowledge of  
30 Operations management.

1                   3. The members of the Institute shall be:

Members of the  
Institute

2           Those who qualify for membership at the commencement of this Act  
3           subject to relevant section of the Act; and persons who qualify for  
4           admission as provided in paragraph (a) of this section and who shall be  
5           admitted under procedures adopted by the Council.

6                   4. The following persons are qualified for admission as members  
7           of the Institute:

Requirement for  
Membership

8                   (a) those who have passed the Institute examination in Operations  
9           Management with;

10                   (b) certificate issued by the Institute;

11                   (c) those who have passed an examination in Operations  
12           Management and related subject satisfactory to the council from accredited  
13           university or any other recognized tertiary institution and passed the  
14           Institute examination;

15                   (d) Those who are engaged in the practice of Operations  
16           Management as proprietors, partner or as employees who are licensed as  
17           operations managers for more than two years and practicing in firms  
18           enrolled in the Institute Programmers and passed the Institute examination;  
19           and

20                   (e) those who have passed examinations of the approved  
21           professional bodies that are out in the Fourth schedule subject to passing the  
22           examination set by the council.

23                   5. A member of the Institute shall be entitled to use the  
24           designation:

25                   (1). "Associate" or "Fellow" Chartered Institute of Operations  
26           Management of Nigeria"(ACIOM or FCIOM);

27           Subject to the provisions of the Act, there shall be two classes of  
28           membership:

29                   (a) Associate;

30                   (b) Fellow;

1 (2) Members in the class of "Associates" shall be entitled to use the  
2 abbreviation (ACIOM) (Associate, Chartered Institute of Operations  
3 Management) after their names.

4 (3) Members in the class of "Fellow" shall be entitled to use the  
5 abbreviation (FCIOM), (Fellow Chartered Institute of Operations  
6 Management) after their names.

7 "Fellow" shall be the highest membership cadre in the Institute.

8 6. There shall be for the Institute, a Governing Council;  
9 (in this Act referred as the "Council") which shall be charged with the  
10 administration and general management of the Institute.

Composition of  
the Council

11 7.-(1) The council shall consist of:

12 (a) The Registrar of the Institute who shall act as the secretary to the  
13 Council with no voting right if an employee of the Institute;

14 (b) Not more than ten members of the Institute; men and / or women of  
15 impeccable pedigree with high academic standard, elected by members during  
16 annual general meeting, provided that not more than three members shall come  
17 from same geo-political zone; where in any case this number diminishes either  
18 by death or whatsoever, it shall be filled up as soon as possible;

19 (c) The incorporated trustees. The President and the vice president  
20 shall be elected from the council members.

21 (2) The president and the Vice - president, who are council members  
22 on the first instance, shall be elected by members from among themselves.

23 (3) There shall be a board of Trustee, who shall act in overseeing  
24 capacity for checks and balances to the council, made up of the incorporated  
25 trustees and past presidents of not more than ten years after tenure in office as  
26 president of the Institute. Membership tenure of the past presidents during  
27 their tenure on this board and that of the incorporated trustees shall  
28 terminates either by:

29 (a) death or (b) certified mental instability or (c) voluntary  
30 withdrawal;

1 (d) on conviction by a competent court of law for fraud. Member of  
 2 the Incorporated trustee shall be the executive chairman of the board, in his  
 3 absence the most senior past president in that order shall be the chairman.

4 8.-(a) the president, the first Vice-President shall each hold office  
 5 for a term of two years from the date of their appointment;

Tenure of Council  
members

6 (b) The president shall chair the council meetings of the Institute;

7 (c) in the event of death, inability or incapacity of the president, the  
 8 Vice president shall act as the president for the unexpired portion of  
 9 term of office of the president and reference in this Act to the  
 10 President shall be constructed accordingly;

11 (d) Qualifications and tenure of members of the Council shall be  
 12 as contained in the First Schedule to this Act.

13 9. If the president, the Vice president or any council member  
 14 ceases to be a member of the Institute, he shall cease to hold any of the  
 15 offices designated under this section.

Cessation of  
Office

16 10. The provisions of the First Schedule to this Act shall have  
 17 effect, with respect to the qualification and tenure of members of the Council  
 18 and other matters as therein mentioned.

Provisional clause  
relating to the  
first schedule

19 PART 2 - FUND MANAGEMENT AND CONTROLS

20 11. -(1) There shall be established for the Institute a Fund into  
 21 which shall be paid all fees and other moneys due and payable to the  
 22 Institute in the course of the discharge of its functions.

Funds of the  
Institute and its  
expenditure

23 (2) There shall be paid out of the Fund:

24 (a) the remuneration and allowances of the Registrar and other  
 25 employees of the Institute;

26 (b) Such reasonable traveling and subsistence allowances of  
 27 members of the Council and in respect of the time spent in the business of  
 28 the Institute as may be approved by the Council; and

29 (c) any other expenses incurred by the member in the discharge of  
 30 their function under this Act and duly approved by the Council.

- Power to invest      1                    12.-(1) the Council may invest moneys of the Fund in any security  
2                    created issued by or on behalf of the Federal Government or in any other  
3                    securities.
- 4                    (2) the Council shall have authority to prescribe such procedures, as it  
5                    deems appropriate to ensure adequate budgetary and operations controls.
- Preparation of      6                    13. Budgets shall be prepared and presented in the manner that the  
Budget               7                    council shall prescribe.
- Power to Borrow    8                    14. The Council may, from time to time, borrow money for the  
9                    purpose of the Institute, any interest payable on money so borrowed shall be  
10                   paid out of the Fund of the Institute.
- Accounts            11                   15. -(1) The Council shall keep such books of account as necessary to  
12                   give a true and fair view of the state of the affairs of the Institute and to explain  
13                   its transactions.
- 14                   (2) The books of Accounts shall be kept at the office and at such other  
15                   place or places as the Council shall think fit, and shall always be open for the  
16                   inspection of the members of the Council.
- 17                   (3) The Institute at a general meeting shall provide reasonable  
18                   conditions and make regulations as to the time and manner of inspection of the  
19                   books of accounts of the Institute by members.
- 20                   (4) The council shall, at least once in a year, lay before the Institute at  
21                   a general meeting, an income and expenditure accounts, together with the  
22                   balance sheet and the auditor's report thereon, for the period the last account  
23                   was presented.
- 24                   (5) A copy of such account, the balance sheet and auditor's report  
25                   shall be sent to members not less than 21 days before the date fixed for the  
26                   general meeting and it shall be sent in the manner in which notices are directed  
27                   to be served.

## 1 PART 3 - APPOINTMENT OF REGISTRAR, OTHER STAFF AND

## 2 PUBLICATIONS OF THE REGISTER

3 16.-(1) The Council shall appoint a fit and proper person as the  
4 Registrar and such other persons as the Council may, from time to time,  
5 deem necessary to assist the Registrar in the performance of his functions.

Appointment of  
Registrar and  
other staff of the  
Institute

6 (2) the Registrar shall hold office for a period of 5 (five) years and  
7 may be reappointed for another term of 5 (five) years only.

8 (3) the Council shall make rules with respect to the form, the  
9 keeping of the register and the making of entries therein and in particular  
10 shall:

11 (a) regulate the making of application for registrar, as the case may  
12 be, and provide for evidence to be produced in support of such application;

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

15 (c) encourage registered person to have qualification(s), which is a  
16 relevant "division" of the profession;

17 (d) specify the fees, including annual subscription, to be paid to  
18 the Institute in respect of the entry of names on the Register and authorize  
19 the Registrar to refuse entry of a name in the Register until any fee so  
20 specified for the entry has been paid.

21 17. The Registrar shall in addition to any other duties that may be  
22 assigned to him by the Council:

Duties of the  
Registrar

23 (a) effect correction on any entry in the register which in the  
24 opinion of the Council was incorrectly made;

25 (b) make from time to time, any necessary alteration to the  
26 particulars of register persons;

27 (c) remove, from the Register, the name of any registered person  
28 who had died;

29 (d) record the names of the members of the Institute who are in  
30 default for more than one year, in the payment of annual subscriptions, and

1 take such action in relation thereto (including removal of names of defaulters  
2 from the Register) as the Council may direct; and

3 (e) send by post to any registered person a registered letter addressed  
4 to him at his address on the Register, enquiring whether the registered  
5 particulars relating to him are correct and if he / she receives no reply to the  
6 letter within a period of six month from the date of posting it and upon the  
7 expiration of that period sent in like manner to the person in question,  
8 a second similar letter and if he receives no reply to that letter within three  
9 months, from the date of posting it, the registrar may remove the particulars  
10 relating to the person in question from the Register, though the Council has the  
11 power to direct the Registrar to restore to the appropriate part of the Register  
12 any particular removed there from under this subsection.

Publication of  
Registrar and list  
of corrections

13 18. -(1) The Registrar shall:

14 (a) cause the register to be printed, published and put on sale to  
15 members of the public not later than two years from the commencement of the  
16 Act;

17 (b) thereafter in each year to cause to be printed, published and put on  
18 sale either a corrected edition of the register or a list of corrections made to the  
19 register, since it was last printed;

20 (c) Cause a print of each edition of the register and of each list of  
21 corrections to be deposited at the principal office of the Institute; and

22 (d) Keep the register and list so deposited to be available to members  
23 of the public at all times for inspection.

24 (2) A document purporting to be a print of an edition of a register so  
25 published and of the list of corrections to that edition so published shall  
26 without prejudice to any other proof be admissible in any proceedings as  
27 evidence, that person specified in the document or the documents read together  
28 as being registered was so registered at the date of the edition or of the list of  
29 corrections as the case may be and that any person not so specified was not so  
30 registered.

1 (3) Wherein accordance with subsection (2) of this section a person  
2 is in any proceeding shown to have been or not have been registered at a  
3 particular date, he shall, unless the contrary is proved, be taken for the  
4 purpose of those proceedings, as having at all material times thereafter  
5 continued to be or not to be so registered.

6 PART 4 - REGISTRATION OF MEMBERS

7 19.-(1) Subject to the provisions of this Act, a person shall be  
8 registered as a member of the Institute if he satisfies the council that:

Registration of  
Members

9 (a) Immediately before the commencement of the Act, he holds a  
10 qualification approved for membership of the professional bodies  
11 mentioned in the Fourth schedule to the Act or any other professional  
12 Operations Management body approved on the recommendation of the  
13 Council.

14 (b) He has obtained an approved degree/diploma in Operations  
15 Management or related field and passed the professional examination  
16 conducted by the Institute and had completed the practical training program.

17 (2) Notwithstanding the provisions of section 19 (1) (a)-(b) of this  
18 section, a person shall also be entitled to be registered under the Act if he  
19 holds such certificates as may be recognized by the Council from time to  
20 time.

21 (3) An application for registration under this Act shall, in addition  
22 to evidence of qualification, satisfy the Council that:

23 (a) He is of good character; and

24 (b) He has not been convicted in Nigeria or elsewhere of offence  
25 involving fraud or dishonesty

26 (4) the council may in its sole discretion, provisionally accept a  
27 qualification produced in respect of an application under this section; or  
28 direct that, the application be renewed within such period as may be  
29 specified.

30 (5) Any entry direction to be made in the register under subsection

1 (4) of this section, shall show that the registration is provisional and no entry so  
2 made shall be converted to full registration without consent of the Council,  
3 signified in writing on their behalf.

Approval of  
Qualification  
for Membership

4 **20.-(1)** The council shall from time to time publish in the Federal  
5 Gazette, particulars of qualifications for the time being accepted for  
6 registration under this Act.

7 (2) The council may approve any institution for the purposes of this  
8 Act and may for that purpose approve:

9 (a) any course of training at any approved institution which is  
10 intended for persons seeking to become or are already members of the  
11 Operations Management profession and which, in the opinion of the council, is  
12 designed to confer on persons completing it, sufficient knowledge and skill for  
13 the practice of the profession, and

14 (b) any qualification, which as a result of an examination taken in  
15 conjunction with a course of training approved by the Council under this  
16 section, is granted to a candidate provided the candidate has sufficient  
17 knowledge and skill for the practice of the profession.

18 (3) The council may, if it deems fit, withdraw any approval given  
19 under this section in respect of any course, qualification or institution, but  
20 before withdrawing such approval, the council shall:

21 (a) give notice that it proposes to do so to persons in Nigeria,  
22 appearing to the council to be persons by whom the course is conducted for or  
23 the qualification is granted or the institution controlled, as the case may be;

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

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

28 (4) A course, qualification or institution shall not be treated as  
29 approved during any period the approval is withdrawn under subsection (2) of  
30 this section.

1 (5) Notwithstanding the provision of subsection (3) of this section,  
2 the withdrawal of approval under subsection (2) of this section shall not  
3 prejudice the registration of any person who, by virtue of the approval was  
4 registered or was eligible for registration (either unconditionally or subject  
5 to his obtaining a certificate of experience) immediately before the approval  
6 was withdrawn

7 (6) the giving or withdrawal of the approval shall have effect from  
8 such date either before or after execution of the instrument signifying the  
9 giving or withdrawal of the approval as the council may specify in the  
10 instrument and the council shall:

11 (a) within 30 days publish a copy of every such instrument in the  
12 Federal Gazette; and

13 (b) not later than seven days of the publication, give a copy of the  
14 instrument to the registrar.

15 **21.-(1)** The council shall keep itself informed of the nature of:

16 (a) the instruments being given at approved institutions to persons  
17 attending the approved courses of training; and

18 (b) examinations on the basis of which approved qualifications are  
19 granted.

20 (2) for the purpose of performing its duty, the council may  
21 appoint, either from among its Members or otherwise, persons to visit the  
22 approved institutions or to observe such Examinations.

23 (3) A person appointed under this section is to report to the council  
24 on:

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

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

28 (c) any other matters relating to the institution or examination on  
29 which the Council may, either generally or in a particular case, request him  
30 to report.

Supervision of  
Examinations  
leading to  
Qualification

1 (4) Upon the receipt of a report made in pursuance to this section, the  
2 Council may send a copy of the report to the management of the Institute  
3 to which the report relates or the person responsible for the examination  
4 requesting that comments be made on the report within a stipulated period  
5 not less than 30 days from the date of the receipt of the request.

6 PART V - PROFESSIONAL DISCIPLINE

Disciplinary  
Committee

7 22.-(1) there shall be established for the Institute a body to be known  
8 as the Disciplinary Committee (in the Act referred to as "the committee"),  
9 which shall consider and determine any case referred to it by the panel  
10 established under section 22 of this Act.

11 (2) the committee shall consist of seven members who shall be  
12 appointed by the Council from among other members of the Institute.

13 (3) the quorum of the sittings of the committee shall be three members  
14 including the Chairman of the committee.

Establishment  
of Investigation  
Panel

15 23.-(1) there shall be established for the Institute a body to be known  
16 as the Investigation panel (in this Act referred to as "the panel"), which shall-

17 (a) conduct a preliminary investigation into any case where it is  
18 alleged that a registered member has misbehaved or is guilty of misconduct;  
19 and

20 (b) decide whether the case should be referred to the committee.

21 (2) the panel shall be constituted by the council.

22 (3) the provisions of the second schedule shall apply to the committee  
23 and panel;

24 (4) the council may make rules as to acts, which constitute  
25 professional misconduct.

Penalties for  
Professional  
Misconduct

26 24. Where:

27 (1) A person registered under this Act is adjudged by the committee to  
28 be guilty of misbehavior or of any professional misconduct:

29 (a) a person is convicted by any court or tribunal in Nigeria or  
30 elsewhere having power to award imprisonment, for an offence whether or not

1 punishable (with imprisonment) which in the findings of the committee is  
2 incompatible with the status of a member of the profession; or

3 (b) the committee is satisfied that the name of any person had been  
4 fraudulently registered, the committee may, if it deems fit give  
5 recommendation to a sub sequential meeting of the council for an  
6 appropriate punishment either reprimanding that person or ordering the  
7 striking of his name off the relevant part of the register.

8 (2) the committee may, if it deems fit defer it as to the giving of a  
9 recommendation to a sub sequential of the committee, but no:

10 (a) decision shall be deferred under this subsection for a period  
11 exceeding two years in the aggregate; and

12 (b) person shall be a member of the committee for the purposes of  
13 reaching a decision, which had been deferred, unless he was present as a  
14 member of the committee when the decision was deferred.

15 (3) for the purposes of subsection (1) - (b) of this section a person  
16 shall not be treated as convicted unless the conviction stands at a time when  
17 no appeal or further appeal is pending or no application for extension of time  
18 to appeal is pending in connection with the conviction in the Federal High  
19 Court of Nigeria.

20 (4) when the committee gives a direction under subsection (1) of  
21 this section, which is approved by the council, the committee shall cause  
22 notice of the direction made by the council to be served on the person to  
23 whom it relates.

24 (5) A person to whom a direction relates may at anytime within  
25 twenty-one days from the date of service on him of notice of the direction,  
26 appeal against the direction to the council whose decision shall be final, but  
27 subject to reversal by a court of competent jurisdiction.

28 (6) A direction of the committee under subsection (1) of this section  
29 shall take effect where:

30 (a) no appeal under this section is brought against the direction on

1 the expiration of the time within an appeal against the direction ought to have  
2 been brought;

3 (b) an appeal is brought and is later either withdrawn or out for want of  
4 diligent prosecution; or

5 (c) an appeal is brought and is later withdrawn or struck out as  
6 aforesaid, if and when foregoing provisions of this subsection.

7 (7) A person whose name is struck off shall not be entitled to be  
8 registered again except in pursuance of a direction in that behalf and a direction  
9 under this section for the striking off of a person's name from the Register may  
10 prohibit an application under this subsection by that person until the expiration  
11 of such period from the date of the direction (and where he has duly made such  
12 an application from the date of his last application) as may be specified in the  
13 direction.

14 PART VI - MISCELLANEOUS

Application of  
the Act to  
unregistered  
persons Cap 59  
LFN

15 25.--(1) Any person not being a member of the Institute of operations  
16 management Nigeria incorporated under the Companies and Allied Matters  
17 Act, 1990 Part C (in this Act referred to as "the incorporated Institute") Who but  
18 for this Act would have been qualified to apply for and obtain  
19 membership of the incorporated Institute may within the period of three  
20 months beginning from the commencement of this Act, apply for  
21 membership of the Institute in such a manner as may be prescribed by Rules  
22 made by the Council, and if approved, he shall be registered according to his  
23 qualification.

Rules as to  
Practice

24 26.--(1) The Council may make Rules;

25 (a) for the training of suitable persons in Operations Management  
26 methods and practice;

27 (b) for the supervision and regulation of the engagement, training and  
28 transfer of such person;

29 (c) prescribing the amount and date for the payment of the annual  
30 subscription due;

1 (d) prescribing the form of license to practice to be issued annually  
2 or, if the council deem fit by endorsement on an existing license, and  
3 restricting the right to practice in default of payment of the amount of the  
4 annual subscription where the default continues for longer than such period  
5 as may be prescribed by the rules.

6 (2) The Rules when made shall, be published in the Federal  
7 Government Gazette.

8 **27.** The Institute shall:

9 (a) provide and maintain a library consisting of books and  
10 publications for the advancement of the knowledge of operations  
11 management and cognate subjects as applied to all or any of the professional  
12 services provided by operations managers engaged in practice, or the Civil  
13 Service and such other books and publication as the Council may think  
14 necessary for the purpose, and

15 (b) encourage research into Operations Management and such  
16 subject, as may be relevant to Operations Management to the extent that the  
17 Council may from time to time consider necessary.

18 **28.** Any regulation made pursuant to this Act shall be published in  
19 the Federal Government Gazette;

20 **29.-(1)** From the commencement of this Act;  
21 all assets and liabilities held or incurred immediately before that day by or  
22 on behalf of the incorporated Institute shall, by virtue of this Act, and  
23 without further assurance, vest in the Institute;

24 (a) the incorporated Institute shall cease to exist; and

25 (b) subject to subsection (2) of this section, any act or thing made  
26 or done by the incorporated Institute shall be deemed to have been made or  
27 done by the Institute.

28 (2) The provision of the Third Schedule to this Act shall have effect  
29 with respect to matters arising from the transfer by this section to the  
30 Institute of the property of the incorporated Institute and with respect to the

Provision of  
Library facilities

Regulation and  
Rules

Transfer to  
Institute assets  
and liabilities

1 other matter mentioned therein.

Interpretation 2                   **30. In this Act:**

3 "Operations Manager-in-training" means a candidate that has completed

4 and passed the final examination of the Institute and is engaged in practical

5 experience program;

6 "Chartered Operations Manager" means a member of the Institute registered

7 to practice Operations Management;

8 "ACIOM" means Associate, Chartered Institute of Operations Management; ..

9 "FCIOM" means Fellow, Chartered Institute of Operations Management;

10 "Service Operations Managers refers to members of the Institute

11 operating in the servicing (Non - technical) sectors of the economy";

12 "Production / Manufacturing Operations Managers refer to members of the

13 Institute operating in the Production / Manufacturing sectors of the economy";

14 "Disciplinary Committee" means Disciplinary Committee established under

15 section 22(1) of this Act;

16 "Fees" include annual subscription;

17 "Investigating Panel" means investigating panel established under section

18 23 (1) of this Act;

19 "Incorporated Institute" means, Institute of Operations Management, Nigeria

20 incorporated under The Companies and Allied Matters Act (CAMA);

21 "Incorporated trustees" means initial subscribers of the article and

22 memorandum of understanding under the Companies and Allied Matters

23 Act who are the founders of the Institute;

24 "Institute" means the Chartered Institute of Operations Management of

25 Nigeria established by section 1 (1) of this Act;

26 "Member of the Institute" means a registered member of the Institute;

27 "President" "Vice-President" mean respectively the office holders of the

28 Institute;

29 "Professional" means the profession of Chartered Institute of Operations

30 Management;

1 "Register" means the Register maintained in pursuance of section 16, 17  
2 and 18 of this Act;

3 "Subversive" means any action or statement which may threaten the  
4 existence of the Institute;

5 **31.** This Act may be cited as the Chartered Institute of Operations Citation  
6 Management of Nigeria Bill, 2016.

#### 7 SCHEDULES:

#### 8 FIRST SCHEDULE

#### 9 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

#### 10 *Qualifications and Tenure of Office of Members of the Council*

11 **1.-**(1) Subject to the provisions of this paragraph a member of the  
12 council shall hold office for a period of four years beginning with the date of  
13 his appointment or nomination with the exception of the incorporated  
14 trustees who retires subject to section 7(3)(a)-(d).

15 (2) Any member of the Institute who ceases to be a member thereof  
16 shall, if he is also a member of the council cease to be a member thereof.

17 (3) Any nominated member of the council may by notice in writing  
18 under his hand addressed to the President, resign his office.

19 (4) A person who resigns from or otherwise ceases to be a  
20 nominated member of the council shall be eligible again to become a  
21 member of the council and any appointed member may be re-appointed.

22 (5) Nomination of the council shall be held in such a manner as  
23 may be Prescribed by rules made by the council.

24 (6) if for any reason a member vacates office and if such member  
25 was nominated, the council may, if the time between the unexpired portion  
26 of the term of office and the next general meeting of the Institute appears to  
27 warrant the filling of the vacancy, co-opt a fit person for such time as  
28 aforesaid.

#### 29 *Proceedings of the Council*

30 **2.-**(1) Subject to the provisions of this Act, the Council may in the

1 name of the Institute make standing orders regulating the proceedings of the  
2 Institute or of the Committee thereof.

3 (2) the standing orders made under subparagraph (1) of this  
4 paragraph shall Provide for decision to be taken by a majority of the members  
5 and, in the event of an equality of votes, the President or the Chairman shall  
6 have a casting vote.

7 (3) Standing orders made for a committee shall be for the committee  
8 to report back to the council on any matter referred to it by the council.

9 (4) the quorum of the council shall be two third (with upper  
10 approximation where applicable) and the quorum of a committee of the council  
11 shall be determined by the council.

12 *Meeting of the Institute*

13 3.-(1) the council shall convene the meeting of the Institute on any  
14 date appointed before end of second quarter of each year or on such other day  
15 as the council may from time to time appoint, so however, that if the meeting is  
16 not held within one year after the previous meeting, not more than fifteen  
17 months shall elapse between the respective dates of the two meetings.

18 (2) A special meeting of the Institute may be convened by the council  
19 at any time, if, not less than hundred members of the Institute, so require, by  
20 notice in writing, addressed to the Registrar of the council, setting out the  
21 objects of proposed meeting and the Chairman of the council shall direct the  
22 Registrar to convene a meeting accordingly.

23 *Meeting of the council*

24 4.-(1) Subject to the provision of any standing orders, the council  
25 shall meet whenever it is summoned by the President and if the President is  
26 required to do so by not less than two third members, he shall summon a  
27 meeting of the council to be held within fourteen days from the date on which  
28 the notice is given.

29 (2) At any meeting of the council, the President or in his absent the

1 members present at the meeting shall appoint one of the members to preside  
2 the meeting.

3 (3) where the council desires to obtain the advice of any person on a  
4 particular matter, the council may co-opt him as a member for such period as  
5 the council thinks fit, but a person who is a member by virtue of this sub-  
6 paragraph shall not be entitled to vote at any meeting of the council and  
7 shall not count towards a quorum.

8 (4) Notwithstanding anything in the foregoing provision of this  
9 paragraph the first meeting of the council shall be convened after  
10 consultation with the Registrar who shall be the Secretary to the council.

#### 11 *Committees*

12 5.-(1) the council may appoint one more committee to carry out on  
13 behalf of the Institute of the council such functions as the council may  
14 determine.

15 (2) A committee appointed under this paragraph shall consist of the  
16 number of persons determined by the council of whom not more than one  
17 third may not be members of the council.

18 (3) A person other than a member of the council shall hold Office of  
19 the committee in accordance with the terms of the letter by which he was  
20 appointed.

21 (4) A decision of a committee of the council shall be of no effect  
22 until the council confirms it.

#### 23 *Miscellaneous*

24 6.-(1) The fixing of the seal of the Institute shall be authenticated  
25 by the signature of the President or of some of the members of the council  
26 authorized generally or specifically by the Institute to act for that purpose.

27 (2) Any contract or instrument which if made or executed by a person,  
28 not being a body corporate, would not be required to be under seal, may be  
29 made or executed on behalf of the Institute or of the council, as the case may  
30 require by any person generally or specifically authorized to act for that

1 purpose by the council.

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

5 (4) The validity of any proceedings of the Institute or the council or of  
6 a committee of the council shall be adversely affected by any vacancy in  
7 membership or by any defect in the appointment of a member of the Institute or  
8 of the council or of a person to serve on the committee or by reason that a  
9 person not entitled to do so took part in the proceedings.

10 (5) Any member of the Institute or of the council or any person  
11 holding office in the committee of the council who has a personal interest in  
12 any contract or arrangement entered into or proposed to be considered by the  
13 council on behalf of the Institute or on behalf of the council thereof shall  
14 forthwith disclose his interest to the President or to the council, as the case may  
15 be, and shall not vote on any question relating to the contract arrangement.

16 (6) A person shall not by reason only, of his membership of the  
17 Institute, be treated as holding an office in the public service of the federation.

18 SECOND SCHEDULE

19 SUPPLEMENTARY PROVISIONS RELATING TO THE HEARING

20 PANEL AND BOARD.

21 *The Disciplinary Tribunal*

22 7.-(1) The quorum of the Hearing panel shall be three.

23 (2) The hearing panel may at any of its meetings attended by all  
24 members of the Hearing Panel makes standing orders with respect to the Panel.

25 (3) Subject to the provisions of any such standing orders the Hearing  
26 Panel may regulate its own proceedings.

27 *The Trial Board*

28 8.-(1) The quorum of the trial board shall be five (5) of whom at least  
29 two shall be registered members.

30 (2) The rules of the trial Board shall in particular, to provide:

1 (a) for securing, that notice of the proceedings shall be given at  
2 such time and in such manner as may be specified by the rule to the person  
3 who is subject of the proceedings.

4 (b) for determining who, in addition to the person aforesaid, shall  
5 be a party to the proceedings.

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

8 (d) for securing that, any party to the proceedings may be  
9 represented by legal practitioner(s);

10 (e) subject to the provisions of section 12 (5) of this Act, as to the  
11 costs of proceedings before the Trial Board;

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

18 (g) for publishing in the Gazette, notice of any direction of the Trial  
19 Board, which has taken effect providing that a person name shall be struck  
20 off a Register.

21 (3) for the purpose of any proceedings, before the Trial Board, any  
22 member of the Trial Board may, Administer oaths, and any party to the  
23 proceedings may issue oaths, at the Registry of the High Court, *Writs of*  
24 *subpoenae ad testificandum* and *duces tecum* but no person appearing  
25 before the Trial Board shall be compelled:

26 (a) to make any statement before the trial Board tending to  
27 incriminate himself; or

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

30 (4) for the purpose of advising the Trial Board, on question of law

1 arising in proceedings before it, there shall in all proceedings be an assessor to  
2 the said Board who shall be a legal practitioner of not less than ten years  
3 standing to be appointed by the council:

4 (a) where an assessor advises the Trial Board on any question of law  
5 as to evidence, procedure or any other matters specified by the rules, he shall  
6 do so in the presence of every party or person representing a party to the  
7 proceedings who appear there at / or, if the advice tendered while the Trial  
8 Board is deliberating in private, that every such party or person as aforesaid  
9 shall be informed what advice assessor had tendered, and

10 (b) every such party or person as aforesaid shall be informed if in any  
11 case the Board does not accept the advice of the assessor on such a question as  
12 aforesaid.

13 (5) An assessor may be appointed under this paragraph either on  
14 general or for any particular proceedings or class of proceedings and shall hold  
15 and vacate office in accordance with the terms of the letter by which he is  
16 appointed.

17 (6) The decision of the Trial Board shall be subject to confirmation by  
18 the council.

19 *Miscellaneous*

20 9.-(1) A person ceasing to be member of the Hearing Panel or the Trial  
21 Board shall be eligible for re-appointment as a member of the Hearing Panel or  
22 Trial Board as the case may be.

23 (2) A person may, if otherwise eligible, be a member of both the  
24 Hearing Panel and the Trial Board but no person involving in any case shall act  
25 as a member of the Trial Board with respect to any case shall act as a member  
26 of the Trial Board in that particular case (Nemo iudex in causa sua).

27 (3) The Hearing Panel or the Trial Board may act notwithstanding any  
28 vacancy in its membership and the proceeding of either body shall not be  
29 invalidated by any irregularity in the appointment of a member of that body or  
30 subject to paragraph 7 (2) of this schedule, by reason of that fact that any person

1 who was not entitled to do so took part in the proceedings of that body in so  
2 far as no gross conflict of interest exist.

3 (4) Any expenses of the Hearing Panel or the Trial Board shall be  
4 defrayed by the Institute.

5 THIRD SCHEDULE

6 TRANSACTION PROVISION AS PROPERTY, TRANSFER TO THE INSTITUTE  
7 OF CERTAIN ASSETS AND LIABILITIES.

8 10. Every agreement to which the incorporated Institute was a  
9 party immediately before the commencement of this Act, whether in writing  
10 or not, and whether or not of such a nature, that rights, liabilities and  
11 obligations there under, could be assigned by the incorporated Institute,  
12 shall unless its terms or subject matter make it impossible that it should have  
13 effect from the commencement of this Act, so far it relates to assets and  
14 liabilities, be transferred by this Act to the Institute as if:

15 (a) The Institute had been a party to the agreement;

16 (b) For any reference (however worded and whether expressed or  
17 implied) to the incorporated Institute, there were substitute as respects  
18 anything failing to be done or after the commencement of this Act, a  
19 reference to the Institute; and

20 (c) For any reference (however worded whether expressed or  
21 implied) to a member or members of the council of the incorporated  
22 Institute, there were substitute, as respects anything failing to be done on or  
23 after the commencement of this Act, a reference to member or members of  
24 the council under this Act or the office of the incorporated Institute who  
25 corresponds as nearly as may be to the member or office in question of the  
26 Institute.

27 (2) Other documents which refer, whether specially or generally, to  
28 the incorporated Institute shall be considered in accordance with sub  
29 paragraph (1) of this paragraph so far as applicable;

30 (3). Without prejudice to the generality of the foregoing provisions

1 of this schedule where by the operation of this Act, any right, liabilities or  
2 obligation vests in the Institute, the Institute and other persons shall, as from  
3 the commencement of this Act have the same rights, powers and remedies (and  
4 in particular the same rights as to the taking or resisting of legal proceedings or  
5 the making or resisting of applications to any authority) for ascertaining,  
6 perfecting or enforcing that right, liability or obligation as they would have had  
7 if it had at all times been a right, liabilities or obligation of the Institute.

8 (4) Any legal proceedings or application to any authority pending on  
9 the appointed day against the incorporated Institute and relating to assets or  
10 liabilities transferred by Act to the Institute may be continued on or after day or  
11 against the Institute.

12 (5) if the law in force at the place where any property transferred by  
13 this Act is situated provides for the registration of transfers of property or  
14 otherwise, the law shall so far as it provides for alterations of a Registrar (but  
15 not for avoidance of transfers, the payment of fees or any other matter) apply  
16 with the necessary modifications to the transfers of the property aforesaid, and  
17 it shall be the duty of the Institute to furnish the necessary particulars of the  
18 transfer to the office of the registration authority and for that officer to register  
19 the transfer accordingly.

20 *Transfer of Function, etc.*

21 11.-(1) At its first meeting, the Council shall fix date (not less than  
22 six months after the appointment day) for the annual meeting of the Institute.

23 (2) the members of the council of the incorporated Institute shall be  
24 deemed to be members of the council of the Institute until the date determined  
25 in pursuance of the foregoing sub paragraph when the Institute have its first  
26 annual meeting and they shall cease to hold office at the conclusion of such  
27 meeting.

28 (3) Any person who immediately before the appointment day, held  
29 office as the President or Vice President or the council of the incorporated  
30 Institute by virtue of the Articles of the incorporated Institute shall on that day



- 1                   (3) Association of Operations Management USA - APICS.  
2                   (American Production and Inventory Control Society - APICS)  
3                   (4) And any other Local or International Bodies that may be  
4 recognized by the Council from time to time.

EXPLANATORY MEMORANDUM

This Act seeks to establish the Chartered Institute of Operations Management of Nigeria and charges it with responsibility of determining the level of Education needed before a person can become a Chartered Operations Manager or a Member of the Institute. It further seeks to establish the Governing Council of the Institute, which shall have the responsibility of managing the Institute and setting the standard of education required and in particular, seeks to project productivity, in organizations through the instrumentality and enforcement of professional Codes and Ethics.