

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE FOR TRAINING AND DEVELOPMENT OF NIGERIA A BODY CHARGED WITH RESPONSIBILITY TO REGULATING THE PRACTICE AND PROFESSION OF TRAINING AND DEVELOPMENT AND FOR OTHER RELATED MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

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

PART I - ESTABLISHMENT, ETC, OF THE CHARTERED INSTITUTE FOR TRAINING AND DEVELOPMENT OF NIGERIA

1.-(1) There shall be the Chartered Institute for Training and Development of Nigeria (in this Act referred to as "the Institute") which:

Chartered Institute of Training and Development of Nigeria, its functions and membership

(a) shall be a body corporate with:

(i) perpetual succession, and

(ii) a common seal;

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

(c) may subject to the Land Use Act, acquire, hold and dispose of any property, movable or immovable which shall be kept in such custody as the Council may direct.

(2) The Institute shall have the general duties of:

(a) determining the standards of knowledge and skill to be attained by persons seeking to become training and development practitioners and raising those standards from time to time as circumstances may permit:

(b) securing, in accordance with the provisions of this Act, the establishment and maintenance of a register of members of the Institute and publication from time to time of lists of those persons or organizations;

(c) conducting, encouraging and sponsoring research in the field of

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1 training and development and publishing and disseminating such research
2 findings;

3 (d) organizing, conducting and regulating the standard of education
4 of the Chartered Institute for Training and Development of Nigeria; and

5 (e) Performing, through the Council established under this Act, the
6 functions conferred on it by this Act.

7 (3) Subject to the provisions of this act, members or organizations
8 admitted to the Institute shall be enrolled in the following categories:

9 (a) Individual Members:

10 (i) Fellows,

11 (ii) Members,

12 (iii) Associates,

13 (iv) Graduate Members,

14 (v) Students; or

15 (b) Corporate Members.

16 (4) A person accorded by the Council under this Act status as a
17 training and development practitioner shall be entitled to the use of
18 appropriate de-signatory letter as approved by the Council from time to time.

19 (5) A person registered under this Act shall be enrolled as:

20 (a) a fellow if:

21 (i) at the commencement of this Act he was a Fellow of the Nigerian
22 Institute for Training and Development, a company limited by guarantee and
23 incorporated under the Companies and Allied Matters Act, 2004 (in this Act
24 referred to as "the former Institute"); or

25 (ii) he possesses such qualities and qualifications and has achieved
26 such degree of attainment in the profession of training and development as
27 prescribed by the Council and has spent, at least, five years in the
28 grade of a Member.

29 (b) a Member if:

30 (i) at the commencement of this Act, he was a member of the former

1 Institute; or

2 (ii) he is adjudged by the Council to possess an adequate
3 knowledge of training and development and has spent at least 5 years in the
4 grade of an Associate;

5 (c) an Associate if:

6 (i) at the commencement of this Act, he was an Associate of the
7 former Institute; or

8 (ii) he possesses qualifications which, in the view of Council, are
9 adequate, or shall have completed a course of training approved by the
10 Council under this Act and shall be actively engaged in training and
11 development;

12 (d) a Graduate Member if:

13 (i) at the commencement of this Act, he was a Graduate Member of
14 the former Institute; or

15 (ii) he possesses a University degree or any other qualification
16 acceptable to the Council and satisfies the requirements for election to the
17 grade of a Graduate Member stipulated in the rules made under this Act;

18 (e) an Affiliate if:

19 (i) at the commencement of this Act, he was an Affiliate of the
20 former Institute; or

21 (ii) he possesses University Degree or any other qualification
22 acceptable to the Council and satisfies the requirements from election to the
23 grade of an Affiliate stipulated in the rules made under this Act;

24 (f) a Students if:

25 (i) at the commencement of this Act he was a Student of the former
26 Institute; or

27 (ii) he is a student of an Institution of higher learning recognized by
28 the Council who is taking post graduate courses at that institution which the
29 Council considers confers on persons completing it, sufficient knowledge
30 and skill for admission to the Institute; or

1 (iii) he possesses qualifications acceptable to the Council and is
2 engaged in courses of study run by the institute which are designed to confer on
3 persons completing it, sufficient knowledge and skill for admission to the
4 Institute.

5 (7) A corporate body incorporated or registered in Nigeria shall be
6 enrolled as Corporate Member if its main object is training and development
7 and has in its full time staff at least one financial member of the Institute in the
8 grade of an Associate, Member or Fellow.

9 PART II - ELECTION OF PRESIDENT, VICE PRESIDENTS AND NATIONAL
10 TREASURER OF THE INSTITUTE

Election of
President, Vice-
President and
National Treasurer
of the Institute

11 2.-(1) There shall be a President of the Institute who shall be a
12 financial member in the grade of Fellow of the Institute.

13 (2) There shall be:

14 (a) a First Vice President and Second Vice President of the Institute
15 who shall be financial members in the grade of Fellow of the Institute;

16 (b) a National Treasurer of the Institute who shall be a financial
17 member of not less than the grade of Member of the Institute.

18 (3) The President, First and Second vice-Presidents and National
19 Treasurer of the Institute:

20 (a) shall be elected at the Annual General Meetings of the Institute;

21 (b) shall hold office for a term of two years each in the first; and

22 (c) may be eligible for re-election for another term of two years and no
23 more.

24 (4) The President shall be the Chairman at the meetings of the Institute
25 but in the event of death, incapability or incapacity for any reason the First
26 Vice-President, the second Vice President shall act in his place for the
27 unexpired portion of the term of office or as the case may require, and
28 references in this Act to the President shall be construed accordingly.

29 (5) If the President, the First Vice-President, the Second Vice-
30 President, or National Treasurer ceases to be a member of the Institute, he shall

1 cease to hold the offices designated under this section.

2 PART III - MEMBERSHIP OF THE COUNCIL OF THE INSTITUTE

3 3.-(1) There shall be, as the governing body of the Institute, a
4 Council (in this Act referred to as the "Council") charged with the setting out
5 of policy guidelines, control, targets and appraisal for the Institute.

Governing
Council

6 (2) The Council shall consist of the following members, being
7 financial members in the grades of Associate, Member or Fellow of the
8 Institute, nominated or elected as follows:

9 (a) elected members consisting of:

10 (i) President of the Institute who shall be the Chairman

11 (ii) First Vice President of the Institute,

12 (iii) Second Vice President of the Institute

13 (iv) National Treasurer, and

14 (v) 6 other persons elected at the Annual General Meeting of the
15 Institute;

16 (b) non-elected members consisting of:

17 (i) Registrar and Chief Executive who shall be the Secretary to the
18 Council,

19 (ii) 3 past Presidents, one of which must be the immediate past
20 President,

21 (iii) The Chairman, Board of Fellows,

22 (iv) 6 State Chapter Chairmen on zonal rotation and 3
23 representatives of Chapter members who must be active and supportive of
24 the institute; and

25 (c) co-opted members consisting of:

26 (i) representatives of relevant Ministries as may be determined by
27 the Council; and

28 (ii) Institutional representatives, including Industrial Training
29 Fund, Centre for Management Development and others based on potential
30 Support to the Institute.

1 (3) The provisions of the first Schedule to this Act shall have effect
2 with respect to the qualifications and tenure of office of members of the
3 Council and other matters therein mentioned.

Appointment of
Board of fellow

4 4.-(1) There shall be appointed by the Council, a Board of Fellows
5 who shall play advisory role to the Council

6 (2) The Board of Fellows shall consist of persons who have been duly
7 elected as Fellows of the Institute.

8 PART IV - FINANCIAL PROVISIONS

Management of
the Institute's
Fund

9 5.-(1) The Council shall establish and maintain a fund, the
10 management and control of which shall be in the hands of the Council and into
11 which shall be paid:

12 (a) all monies received by the Council in pursuance of the Act
13 including all monies held by the previous Institute on its ceasing to exist as
14 provided in section 19 of this Act such as subscription fees, levies, grants,
15 investment, etc.; and

16 (b) such monies as may be provided by donors, benefactors or other
17 external sources.

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

19 (a) all reasonable expenditure incurred by the Council in the
20 discharge of its functions under this Act; and

21 (b) the remuneration and allowances of the Registrar and other staff of
22 the Institute.

23 (3) The Council may invest its fund in any security such as treasury
24 Acts, shares or any other security in Nigeria approved by the Council.

25 (4) The Council may from time to time, borrow money for the
26 purposes of the Institute and any interest payable on monies so borrowed shall
27 be paid out of the Fund.

28 (5) The Council shall keep proper accounts on behalf of the Institute
29 in respect of each financial year and proper records in relation to those accounts
30 and the Council shall cause the accounts to be audited by an Auditor appointed

- 1 (c) fees to be paid by training and development practitioners; and
- 2 (d) restrictions on the right to practise when all prescribed
- 3 conditions have not been met.

4 (2) The Council may also make rules prescribing the amount and
5 due date for payment of the annual subscription fee and for such other
6 purposes different amounts may be prescribed by the rules according to
7 membership grades of Fellow, Member, Associate, Graduate, Affiliate,
8 Student or Cooperate.

9 (3) Rules when made shall, if the Chairman of the Council so
10 directs, be published in the print media.

11 15. The Council shall be free to confer Honorary Membership or
12 Merit Honorary membership, a ward of the Institute on persons or bodies
13 considered worthy of such honour on terms and conditions prescribed by the
14 Council.

Honorary
membership

15 16. The Institute shall:

16 (a) provide and maintain a library comprising books and
17 publications for the advancement of knowledge of training and
18 development and such other books and publications as the Council may
19 deem necessary for the purpose; and

Provisions of
liability facilities

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

23 17.-(1) Any regulation made for the purposes of this Act shall be
24 published in the print media as soon as possible after it is made.

Regulations and
Rules

25 (2) Rules made for the purposes of this Act shall be subject to
26 confirmation by the Institute at its next Annual General Meeting or at any
27 special meeting of the Institute convened for that purpose and, if annulled,
28 shall cease to have effect on the day after the date of annulment but without
29 prejudice to anything done in pursuance or intended pursuance of any such
30 rule.

1 Council, as the case may be, and shall not vote on any question relating to the
2 contract or arrangement.

3 **10.** A person shall not by reason only of his membership of the
4 Institute, be required to disclose any interest relating solely to the audit of the
5 account of the Institute.

6 **SECOND SCHEDULE**

7 *Section 19 (2)*

8 **TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.**

9 *Transfer of Institute*

10 **1.-**(1) Every agreement to which the former Institute was a party
11 immediately before the commencement of this Act, whether in writing or not
12 and whether or not of such a nature that the rights, liabilities and obligations
13 there-under could be assigned by the former Institute, shall, unless its term or
14 subject matter is impossible that it should have effect as modified in the manner
15 provided by this subparagraph, have effect from the commencement of this
16 Act, so far as it relates to property transferred by this Act to the Institute, as if:

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

18 (b) for any reference (however worded and whether express or
19 implied) to the former Institute there were substituted, as respect anything
20 falling to be done on or after the commencement of this Act, a reference to the
21 Institute; and

22 (c) for any reference (however worded and whether express or
23 implied) to a member or an officer of the Council of the former Institute or the
24 former Institute there were substituted as respects anything failing to be done
25 on or after the commencement of this Act, a reference to a member or members
26 of the Council under this Act or the officer of the former Institute who
27 corresponds as nearly as may be to be member or officer in question of the
28 Institute.

29 (2) Other documents which refer, whether specially or generally, to
30 the former Institute shall be construed in accordance with subparagraph (1) of

1 this paragraph so far as applicable.

2 (3) Without prejudice to the generality of the provisions of this
3 Schedule, where, by the operation of any of them or for section 19 of this
4 Act, any right, liability or obligation vested in the Institute, the Institute and
5 all other persons shall, as from the commencement of this Act, have the same
6 rights, powers and remedies (and in particular, the same rights as to the
7 taking or resisting of legal proceedings or applications to any authority) for
8 ascertaining, perfecting or enforcing that right, liability or obligation as they
9 would have had if it had at all times been a right, liability or obligation of the
10 Institute.

11 (4) Any legal proceeding or application to any authority pending at
12 the commencement of this Act by or against the former Institute and relating
13 to property transferred by this Act to the Institute may be continued on or
14 after that day by or against the Institute.

15 (5) If the law in force at the place when any property transferred by
16 this Act is situated provides for the registration of transfers of property of the
17 kind in question (whether by reference to an instrument of transfer or
18 otherwise) the law shall, so far as it provides for alterations of a register (but
19 not for avoidance of transfer, the payment of fees or any other matter) apply
20 with the necessary modifications to the persons determined by the Council
21 and a person other than a member of the Council shall hold office on the
22 committee in accordance with the terms of the instrument by which he is
23 appointed.

24 THIRD SCHEDULE

25 *Section 11 (5)*

26 SUPPLEMENTARY PROVISION RELATED TO DISCIPLINARY COMMITTEE

27 AND INVESTIGATING PANEL

28 *The Disciplinary Committee*

29 1. The quorum of the Disciplinary Committee shall be four of
30 whom at least two shall be registered members.

1 **2.-(1)** The Chief Justice of Nigeria shall make rules as to the selection
2 of members of the Disciplinary Committee for the purposes of any proceeding
3 and as to the procedure to be followed and the rules of evidence to be observed
4 in the proceedings before the Disciplinary Committee.

5 (2) The rules shall in particular provide:

6 (a) for securing that notice of the proceedings shall be given, at such
7 time and in such manner as may be specified by the rules, to the person who is
8 the subject of the proceedings;

9 (b) for determining who, in addition to the person aforesaid, shall be a
10 party to the proceedings;

11 (c) for securing that any party to the proceedings shall, if he so
12 requires, be entitled to be heard by the Disciplinary Committee;

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

15 (e) subject to the provisions of section 12 of this Act, as to costs of the
16 proceedings before the Disciplinary Committee;

17 (f) for requiring, in a case where it is alleged that the person who is the
18 subject of the proceedings is guilty of infamous conduct in any professional
19 respect, that where the Disciplinary Committee adjudges that the allegation
20 had not been proved it shall record a finding that the person is not guilty of such
21 conduct in respect of the matters to which the allegation relates: and

22 (g) for publishing in the print media or Federal Gazette of any
23 decision of the Disciplinary Committee which has taken effect providing that a
24 person's name shall be struck off a register.

25 **3.** For the purpose of any proceeding before the Disciplinary
26 Committee, any member of the Disciplinary Committee may administer oaths
27 and any party to the proceedings may issue out of the registry of the Supreme
28 Court writs of *subpoena* and *testificadum* any *duces tecum*, but no person
29 appearing before the Disciplinary Committee shall be compelled to:

30 (a) make any statement before the Disciplinary Committee tending to

1 incriminate himself, or

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

4 4.-(1) For the purpose of advising the Disciplinary Committee on
5 question of law arising in the proceedings before it, there shall, in all such
6 proceedings, be an assessor to the Disciplinary Committee who shall be
7 appointed by the Council on the nomination of the Chief Justice of Nigeria
8 and shall be a legal practitioner of no less than seven years standing.

9 (2) The Chief Justice of Nigeria shall make rules as to the functions
10 of assessors appointed under this paragraph, and in particular such rules
11 shall contain provisions for securing:

12 (a) where an assessor advises the Disciplinary Committee on any
13 question of law as to evidence, procedure or any other matter specified by
14 the rules, a person representing a party to the proceedings who appears there
15 at or, if the advice is tendered while the Disciplinary Committee is
16 deliberating in private that every such party or person shall be informed
17 what advice the assessor has tendered; and

18 (b) that every such party or person shall be informed if in any case
19 the Disciplinary Committee does not accept the advice of the assessor on
20 such question.

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

25 *The Panel*

26 5. The quorum of the Panel shall be three.

27 6.-(1) The Panel may, at any meeting attended by the members of
28 the Panel, make standing orders with respect to the Panel.

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

1 *Miscellaneous*

2 7. -(1) A person ceasing to be a member of the Disciplinary
3 Committee or the Panel shall be eligible for reappointment as a member of that
4 body.

5 (2) A person may, if otherwise eligible, be a member of both the
6 Disciplinary Committee and the Panel.

7 8. The Disciplinary Committee or the Panel may act, notwithstanding
8 any vacancy in the membership and proceedings of either body shall not be
9 invalidated by any irregularity in the appointment of a member of that body, or
10 (subject to paragraph 7 (2) of this Schedule) by reason of the fact that any
11 person who was entitled to do so took part in the proceedings of that body.

12 9. Any document authorized or required by virtue of this Act to be
13 served on the Disciplinary Committee or the Panel shall be served on the
14 Registrar appointed under section 6 of this Act.

15 10. Any expenses of the Disciplinary Committee or the Panel shall be
16 defrayed by the Institute.

EXPLANATORY MEMORANDUM

This Act seeks to establish the Chartered Institute for Training and Development of Nigeria charged with the responsibility to regulating the Practice of training and development in Nigeria.

This Act also seeks to provide penalties for violation of any of its provisions.