

A BILL

FOR

AN ACT TO ESTABLISH CHARTERED INSTITUTE OF COMMODITY BROKERS OF NIGERIA (CICBN) AND OTHER RELATED MATTERS, 2016

Sponsored by Hon. Abdullahi Umar Faruk

[] Commencement

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

PART I

ESTABLISHMENT OF THE CHARTERED INSTITUTE OF COMMODITY BROKERS OF NIGERIA

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1. -(1) There is hereby established a body to be known as the Chartered Institute of Commodity Brokers of Nigeria (in this Bill referred to as "the Institute").

Establishment of Chartered Institute of Commodity Brokers of Nigeria

7 (2) The Institute -

8 (a) Shall be a corporate body with perpetual succession and a
9 common seal;

10 (b) May sue and be sued in its corporate name; and may acquire,
11 hold and dispose of any property, movable and immovable.

12 2. -(1) Subject to the provisions of this act, membership of the
13 Institute shall be in two categories, viz. corporate and individual.

Membership of the Institute

14 (2) All persons employed in institutions in Nigeria such as
15 commodity exchange, stock exchange, Securities and Exchange
16 Commission or any other financial institutions in Nigeria are eligible to be
17 registered by the Institute in any of the following categories;

18 (a) Ordinary Member;

19 (b) Associate Member;

20 (c) Honorary Senior Member;

21 (d) Honorary Fellow; and

- 1 (e) Fellow
- 2 Provided they meet the criteria set by the Council for regeneration in the
- 3 respective category from time to time.
- 4 (3) Pursuant to subsection (1) of the section, all corporate members
- 5 shall cause their staff to register with the Institute for ethical standards,
- 6 Professionalism and self-regulation in commodity brokerage and provision of
- 7 financial services in the capital market.
- 8 (4) A person registered under this Bill shall be enrolled to a higher
- 9 membership status in any of the following categories-
- 10 (a) As an Ordinary Member if he -
- 11 (i) Satisfies the Council that he is eligible to be so registered;
- 12 (ii) Works in a commodity/stock exchange, bank or other financial
- 13 institutions; and
- 14 (iii) Does not fall within any of the other categories specified in
- 15 paragraphs (b) - (e) of this subsection;
- 16 (b) As an Associate Member if he -
- 17 (i) Satisfies the Council that he is eligible to be so registered and has
- 18 passed the associate-ship examinations; and
- 19 (ii) Has acquired on the job practical commodity brokerage or related
- 20 experience for such number of years as may be specified by the Council;
- 21 (c) As an Honorary Senior Member if he -
- 22 (i) Satisfies the Council that he is eligible to be so registered,
- 23 (ii) Has obtained such academic, professional or other
- 24 qualification(s) as may be prescribed by the Council from time to time.
- 25 (iii) Has held senior management positions in a commodity/stock
- 26 exchange, bank or other financial institutions, and
- 27 (iv) Is neither a Fellow or an Associate
- 28 (d) As an Honorary Fellow if he satisfies the Council that he is eligible
- 29 to be awarded the Honorary Fellowship of the Institute;
- 30 (e) As a Fellow if he -

1 (i) Satisfies the Council that he is eligible to be so registered and
2 has for a number of years (to be specified by the Council) been an associate
3 member or a holder of approved academic qualifications; and

4 (ii) Satisfies all other criteria as may be specified by the Council
5 from time to time.

6 (e) As a Corporate Member if he -

7 (i) Satisfies the Council that he is eligible to be so registered; and

8 (ii) Satisfies all other criteria as may be specified by the Council
9 from time to time.

10 (5) A member or corporate member of the Institute shall be entitled
11 to receive, from Council, a letter of registration of membership for category
12 of membership for which he or it is registered.

13 (6) A Fellow, Honorary Fellow, or an Associate shall be entitled to
14 the use of such letter after his name as may be authorized by the Council
15 from time to time as follows-

16 (i) A member registered into the category of membership of Fellow
17 shall be entitled to use the initials "FCICB";

18 (ii) A member registered into the category of membership of
19 Honorary Fellow shall be entitled to use the initials "HCICB"; and

20 (iii) A member registered into the category of membership of
21 Associate shall be entitled to use the initials "ACICB".

22 (7) No person shall be entitled to be employed or appointed or
23 engaged to head any of the Technical Departments of a Commodity
24 Exchange or commodity brokerage firm unless he is duly registered as a
25 member of the Institute.

26 PART II - RESPONSIBILITIES OF THE INSTITUTE

27 3. The Institute shall have responsibly to -

28 (a) Determine the standards of knowledge and skill to be attained
29 by persons seeking to become members of the Commodity Brokerage
30 profession;

Responsibilities
of the Institute

1 . (b) Secure in accordance with the provisions of this Act, the
2 establishment and maintenance of a register of members of the Commodity
3 Brokerage profession in the categories of ordinary members, student members,
4 associates, honorary fellows and fellows of the Institute and a register of
5 corporate members;

6 (c) Conduct professional examinations leading to the award of
7 certificates as may be prescribed by the Institute; and

8 (d) Ensure the furtherance, maintenance and observance of ethical
9 standards and professionalism among practitioners of the Commodity
10 Brokerage profession in Nigeria.

11 PART III - ELECTION OF PRESIDENT AND VICE-PRESIDENTS

12 OF THE INSTITUTE

Election of President
and Vice-President
of the Institute

13 4.-(1) There shall be a President and two Vice-Presidents of the
14 Institute who shall be either an Associates or Fellows of the Institute.

15 (2) The President and Vice-Presidents shall be elected at the Annual
16 General Meeting of the Institute and shall each hold Office for a term of two
17 years from the date of the election.

18 (3) The President shall be the Chairman of the Governing Council
19 established under section 5 of this Bill and in his absence the First Vice-
20 President shall be Chairman of the Governing Council.

21 (4) The President shall preside at meetings of the Institute and in the
22 event of his absence, death, permanent incapacity or disability, the First Vice-
23 President or in the absence of the First Vice-President, the Second Vice-
24 President shall preside.

25 (5) The First Vice-President shall in the event of the death, permanent
26 incapacity or disability of the President act for the unexpired terms of his office
27 whereas the Second Vice-President shall assume the Office of the First Vice-
28 President and the Council shall appoint one of its members to assume the post
29 of the Second Vice-President and reference in this Bill to the President shall be
30 construed accordingly.

1 (6) If the President or any of the Vice-Presidents ceases to be a
2 member of the Institute, he shall ipso facto cease to hold any of the offices
3 designated under his section.

4 PART IV - MEMBERSHIP OF GOVERNING COUNCIL OF
5 THE INSTITUTE, ETC

6 5.-(1) There is established for the Institute a Governing Council (in
7 this Bill referred to as "the Council") which shall be charged with the
8 responsibility for the administration and general management of the
9 Institute.

Membership of
Governing Council
of the Institute

10 (2) The Council shall consist of the following members-

11 (a) A Chairman who shall be the President of the Institute;

12 (b) Two Vice-Chairmen;

13 (c) A National Treasurer;

14 (d) The Managing Director of the Nigerian Commodity Exchange
15 or his/her representative;

16 (e) The Director General of the Securities and Exchange
17 Commission or his representative;

18 (f) Six Managing Directors/Chief Executive of Commodity
19 Brokerage Firms to be appointed by the Council;

20 (g) Six persons elected by the Institute;

21 (h) Two Past Presidents of the Institute;

22 (i) A representative each of the following Federal Ministries:

23 (i) Industry, Trade and Investment,

24 (ii) Agriculture & Rural Development;

25 (iii) Finance; and

26 (iv) Education

27 (j) A representative from the Commercial Warehouse Operators;

28 (k) A representative each of the National Universities Commission
29 (NUC) and the National Board for Technical Education (NBTE);

30 (l) A representative of branches in each zone of the Institute and

1 such other zones as may be created by the Council from time to time; and

2 (m) The Registrar/Chief Executive who shall serve as the Secretary.

3 (3) The provisions of the First Schedule to this Bill shall have effect
4 with respect to the qualifications and tenure of Office of members of the
5 Council and the other matters mentioned therein.

6 PART V - POWERS OF THE GOVERNING COUNCIL

Power of the
Governing Council

7 6.-(1) The Council shall have responsibility for policy and general
8 administration of the Institute.

9 (2) The Council shall, from time to time, publish in the Institute's
10 journal, particulars of qualifications for the time being accepted as aforesaid.

11 (3) The Council may approve any qualification for the purposes of
12 this Bill and may for those purposes approve:

13 (a) Any course of training at any approved institution which is
14 intended for persons seeking to become members of the commodity brokerage
15 profession and which the council considers is designed to confer on persons
16 completing it, sufficient knowledge and skill for registration with the Institute;
17 and

18 (b) Any qualification which as a result of an examination taken in
19 conjunction with a course of training approved by the Council under this
20 section, is granted to candidates having reached a standard at the examination,
21 indicating in the opinion of the Council that the candidates have sufficient
22 knowledge and skill to be registered with the Institute.

23 (4) The Council may, if it thinks fit, withdraw any approval under this
24 section in respect of any course, qualification or Institution but before
25 withdrawing such an approval, the Council shall:

26 (a) Give notice that it proposes to do so to persons in Nigeria
27 appearing to the Council to be a person by whom the course is conducted or the
28 qualification is granted or the institution is controlled, as the case may be;

29 (b) Afford such a person an opportunity of making to the Council
30 representations with regard to the proposal; and

1 (c) Take into consideration any representations made in respect of
2 the proposal in pursuance of paragraph (b) of this subsection.

3 (5) A course, qualification or institution shall not be treated as
4 approved during any period the approval is withdrawn under Section (6)
5 subsection (6).

6 (6) Notwithstanding the provisions of section (8) subsection (3) of
7 this bill, the withdrawal of an approval under subsection (2) of section (8)
8 shall not prejudice the registration or eligibility for registration, of any
9 person who by virtue of the approval was registered or was eligible for
10 registration (either unconditionally or subject to his obtaining a certificate or
11 experience), immediately before the approval was withdrawn.

12 (7) The giving or withdrawal of an approval under this section,
13 shall have effect from such date, whether before or after the execution of the
14 instrument signifying the giving or withdrawal of the approval, as the
15 Council may specify in the instrument and the Council shall:

16 (a) As soon as may be possible, publish a copy of every such
17 instrument; and

18 (b) Not later than seven days before its publication, as aforesaid,
19 send a copy of the instrument to the institution affected.

20 (8) It shall be the duty of the Council to keep itself informed of the
21 nature of:

22 (a) The instrument given at approved institutions to persons
23 attending approved course of training; and

24 (b) The examinations as a result of which approved qualifications
25 are granted, and for the purposes of performing that duty, the Council may
26 appoint, either from among its members or otherwise, persons to visit
27 approved institutions or to observe such examinations.

28 (9) It shall be the duty of a person appointed under subsection (4) of
29 this section to report to the Council on:

30 (a) The adequacy of the instructions given to persons attending

1 approved courses of training at institutions visited by him;
2 (b) The adequacy of the examinations attended by him; and
3 (c) Any other matters relating to the institutions or examinations on
4 which the Council may, either generally or in a particular case, request him to
5 report, but no such person shall interfere with the giving of any instruction or
6 the holding of any examination.

7 (10) On receiving a report made in pursuant of this section, the
8 Council may, if it thinks fit, and shall, if so required by the institution send a
9 copy of the report to the person appearing to the Council to be in charge of the
10 institution or responsible for the examination to which the report relates,
11 requesting that person to make an observation on the report to the Council
12 within such period as may be specified in the request.

13 PART VI - FINANCIAL PROVISIONS

Financial
Provisions

14 7.-(1) There shall be established for the Institute a Fund which shall be
15 managed and controlled by the Council.

16 (2) There shall be paid into the Fund established pursuant to
17 subsection (1) of this section-

18 (a) All fees, charges and moneys payable to the Institute in pursuance
19 of this Bill;

20 (b) Such other monies as may be received by the Institute, in the
21 course of its operations or in relation to the exercise of any of its functions
22 under this Bill; and

23 (3) There shall be paid out of the Fund of the Institute-

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

26 (b) Such reasonable travelling and subsistence allowances of
27 members of the Council in respect of the time spent on the business of the
28 Council as the Council may determine; and

29 (c) Any other expenses incurred by the Council in the discharge of its
30 functions under this Bill.

1 (4) The Council may invest monies from the Fund in any security
2 created or issued by or on behalf of the Federal Republic of Nigeria or in any
3 other securities in Nigeria approved by the Council.

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

7 (6) All the Corporate members in Nigeria shall cause to be paid to
8 the fund, an annual subscription as may be agreed by the Council from time
9 to time.

10 (7) The Council shall on behalf of the Institute keep proper books
11 of accounts in respect of each year and proper records in relation to those
12 accounts and the Council shall cause the accounts to be audited by an
13 external auditor and when audited, the accounts shall be submitted the other
14 members of the Institute for approval at a General Meeting of the Institute.

15 PART VII - APPOINTMENT OF A REGISTRAR

16 8.-(1) The Council shall appoint a fit and proper person to be the
17 Registrar for the purposes of this Bill, and such other persons as the Council
18 may, from time to time, deem necessary to assist the Registrar in the
19 performance of his functions under this Bill.

Appointment of
a Registrar, etc.

20 (2) The Registrar shall in addition to his other functions under this
21 Bill, be the Secretary to the Council and shall keep minutes of the
22 proceedings of all meetings of the Council.

23 (3) The Registrar appointed under subsection (1) of this section
24 shall be the Chief Executive of the Institute and shall report to the
25 President/Chairman of the Council of the Institute.

26 (4) There shall be for the purposes of this Bill two registers as
27 follows-

28 (a) The register of members which shall consist of five parts of
29 which -

30 (i) The first part shall be in respect of Ordinary Members;

- 1 (ii) The second part shall be in respect of Associate Members;
- 2 (iii) The third part shall be in respect of Honorary Senior Members;
- 3 (iv) The fourth part shall be in respect of Honorary Fellows; and
- 4 (v) The fifth part shall be in respect of Fellows; and
- 5 (b) The register of corporate members.
- 6 5) Subject to the foregoing provisions of this section, the Council
- 7 shall make rules with respect to the form and keeping of the register and the
- 8 making of entries therein, and in particular-
- 9 (a) Regulate the making of applications for registration, as the case
- 10 may be, and provide for the evidence to be produced in support of such
- 11 applications;
- 12 (b) Provide for the notification to the Registrar, by the person to whom
- 13 any registered particulars relate, of any change in those particulars;
- 14 (c) Authorize a registered person to have any qualification which is in
- 15 relation to the relevant division of the profession, either an approved
- 16 qualification or an accepted qualification for the purposes of this Bill, entered
- 17 in relation to his name in addition to or, as he may elect, in substitution for any
- 18 other qualifications so registered; and
- 19 (d) specify the fees, including any annual subscription, to be paid to
- 20 the Institute in respect of the entry of names on the register, and authorize the
- 21 Registrar to refuse to enter a name on the register until any fee specified for the
- 22 entry has been paid provided that the rules made for the purposes of this
- 23 subsection shall not come into force until they are confirmed at a meeting of the
- 24 Institute.
- 25 6) The Registrar shall have power-
- 26 (a) To correct any entry in the register in accordance with the
- 27 Council's direction;
- 28 (b) To make, from time to time, any necessary alteration in respect of
- 29 the particulars of registered members as may be directed by the Council;
- 30 (c) To remove from the register the name of a deceased member; and

1 (d) To record the names of members of the Institute who are in
2 default for more than one year in the payment of annual subscriptions, and to
3 take such action in relation thereto (including removal of the names of
4 defaulters from the register) as the Council may direct or require any person
5 whose name is removed from the register for being in default of payment of
6 subscription for one year may be re-registered subject to payment of
7 outstanding subscriptions and re-registration fees as may be approved by the
8 Council from time to time.

9 (7) If the Registrar-

10 (a) Sends by post or email to any registered or enrolled person a
11 registered letter addressed to him at his address on the register enquiring
12 whether the registered particulars relating to him are correct and receives no
13 reply to the letter within a period of six months from the date of posting it;
14 and

15 (b) Upon the expiration of that period, sends in like manner to the
16 person in question a second similar letter and receives no reply to that letter
17 within three months from the date of posting or mailing it, the Registrar may
18 include the name of the person in the list of special cases under subsection
19 for the Council's consideration and may if directed by the Council, remove
20 the particulars relating to the person in question from the register. Provided
21 that, the Council may direct the Registrar to restore to the appropriate part of
22 the register any particulars removed therefrom pursuant to this subsection.

23 9. -(1) The Registrar shall-

24 (a) Cause the register to be printed, published and put on sale to
25 members of the public not later than two years from the commencement of
26 this Bill;

27 (b) Thereafter in each year, to cause to be printed, published and
28 put on sale as aforesaid, either a corrected edition of the register or list of
29 corrections made to the register, since it was last printed;

30 (c) Cause a print of each edition of the register and of each list of

Publication of
Registers and
Lists of Correction,
etc.

1 corrections to be deposited at the principal office of the Institute; and

2 (d) Keep the register and lists so deposited and to make the register
3 and such lists available to members of the public at all reasonable times for
4 inspection.

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

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

18 PART VIII - REGISTRATION OF MEMBERS

Registration of
Members

19 10. -(1) An individual, other than one whose membership has been
20 suspended by a directive of the Disciplinary Tribunal shall be entitled to be
21 registered as a member in the following categories:

22 (a) Ordinary Member, where the person does not satisfy the
23 conditions for registration as an Associate, Honorary Senior Member,
24 Honorary Fellow or Fellow specified in paragraphs (b) to (e) of this section;

25 (b) Associate Member where the person -

26 (i) Has passed the associate-ship examination specified by the
27 Council;

28 (ii) Not being a member of the Institute at the time of application for
29 membership, has passed the qualifying examinations of an Institute of
30 Commodity Brokers in any other country acceptable to the Council; or

1 (iii) Has had a period of on-the-job practical experience not less
2 than the minimum period prescribed by the Council for the category of
3 membership sought; or

4 (iv) Has been elected by any recognized foreign Institute to that
5 category of membership.

6 (c) Honorary Senior Member, where the person-

7 (i) Does not satisfy the condition for registration as an Associate or
8 Fellow specified in paragraphs (b) and (e) of this subsection, but has
9 obtained the academic qualifications prescribed by the Council for honorary
10 senior membership; and

11 (ii) Occupies a senior management position in a Commodity/Stock
12 Broking firm, bank, any other financial institution or tertiary educational
13 institution;

14 (d) Honorary Fellow, where the person-

15 (i) Has contributed immensely to the growth of the commodity or
16 securities market, banking and finance industry and the Institute; or

17 (ii) Is considered by the Board of Fellows and the Council as a fit
18 and proper person to be awarded the honorary fellowship of the Institute;

19 (e) Fellow, where the person-

20 (i) Satisfies the Council that he is a fit and proper person to be so
21 registered and has for a number of years (to be specified by the Council)
22 been an Associate Member, and

23 (ii) Satisfies all other criteria as may be specified by the Council
24 from time to time.

25 (2) An applicant for registration shall in addition to evidence of
26 qualification, satisfy the Council that-

27 (a) He is of good character; and

28 (b) He has not been convicted in Nigeria or elsewhere of an offence
29 involving fraud or dishonesty.

30 (3) Any organization in the commodity market shall be entitled to

- 1 be registered as a corporate member where it has -
- 2 (a) Been incorporated or and licensed to carry out the business of
- 3 commodity brokerage in Nigeria; and
- 4 (b) Satisfied any other condition which the Council may from time to
- 5 time approve.
- 6 (4) The Council shall, from time to time, publish in the Institute's
- 7 journal, particulars of qualifications for the time being accepted as aforesaid.

8 PART IX - PROFESSIONAL DISCIPLINE

Professional
Discipline

- 9 11. -(1) There shall be constituted a body to be known as the Chartered
- 10 Institute of Commodity Brokers of Nigeria Investigating Panel (in this Bill
- 11 referred to as "the Investigating Panel") which shall be charged with the duty
- 12 to-
- 13 (a) Conduct a preliminary investigation into any case where it is
- 14 alleged that a member of the Institute has violated the provisions of the
- 15 Institute's Code of Conduct or shall for any other reason be the subject of
- 16 proceedings before the Disciplinary Tribunal;
- 17 (b) Decide whether the case should be referred to the Disciplinary
- 18 Tribunal or not.
- 19 (2) Notwithstanding the provisions of subsection (1) of this section,
- 20 the Securities and Exchange Commission or any other regulatory body that
- 21 may be set up by law to regulate commodity exchange operations in Nigeria
- 22 shall not be subject to the activities of the Investigation Panel.
- 23 (3) The Investigating Panel shall be appointed by the Council and
- 24 shall consist of five members as follows-
- 25 (a) Two members of the Council, one of whom shall be Chairman of
- 26 the Panel; and
- 27 (b) Three members of the Institute who are not members of the
- 28 Council.
- 29 (4) The tenure of any member of the Investigating Panel shall be two
- 30 years renewable for a further period of two years.

1 (5) The Council may make rules not inconsistent with this Bill as
2 regard Bills which constitute professional misconduct.

3 (6) The Investigating Panel shall act independently in the receiving
4 and investigation of allegations under paragraph (a) of subsection (1) of this
5 section and shall have power to receive complaints directly from any
6 individual or organization.

7 (7) There shall be established a Tribunal to be known as the
8 Chartered Institute of Commodity Brokers of Nigeria Disciplinary Tribunal
9 (in this Bill referred to as "the Disciplinary Tribunal") which shall be
10 charged with the duty of considering and determining any case referred to it
11 by the Investigating Panel constituted under subsection (1) of this section.

12 (8) The Disciplinary Tribunal shall be appointed by the Council
13 and shall consist of the Second Vice-President of the Institute who shall be
14 the Chairman, three other members of the Council and three members of the
15 Institute who are not members of the Council.

16 (9) The provisions of the Second Schedule to this Bill shall, so far
17 as applicable to the Investigating Panel and Disciplinary Tribunal
18 respectively, have effect with respect to those bodies.

19 12. -(1) Where-

20 (a) A person is adjudged by the Disciplinary Tribunal to be guilty of
21 unprofessional conduct in any professional respect; or

22 (b) A person is convicted, by any court or tribunal in Nigeria or
23 elsewhere having power to award imprisonment for an offence (whether or
24 not punishable with imprisonment) which in the opinion of the Disciplinary
25 Tribunal is incompatible with the conduct required of a member of the
26 commodity brokerage profession;

27 (c) The Disciplinary Tribunal is satisfied that the name of the
28 person has been fraudulently registered, the Tribunal shall, after receiving
29 the confirmation of its decision from the Council, convey a direction to the
30 person concerned reprimanding that person or ordering the Registrar to

Penalties for
Unprofessional
Conduct

1 strike his name off the relevant part of the register.

2 (2) A person who commits an offence and is found guilty by the
3 decision of the Disciplinary Tribunal shall be liable to the maximum sanction
4 of having his name struck out from the register of members.

5 (3) The Disciplinary Tribunal may, if it thinks fit, defer or further
6 defer its decision as to the giving of a direction under subsection (1) of this
7 section until a subsequent meeting of the Disciplinary Tribunal, but-

8 (a) No decision shall be deferred under this subsection for periods
9 exceeding three months from the conclusion of proceedings in the case; and

10 (b) No person shall be a member of the Disciplinary Tribunal for the
11 purposes of reaching a decision which has been deferred or further deferred,
12 unless he was present as a member of the Disciplinary Tribunal when the
13 decision was deferred.

14 (4) For the purposes of paragraph (b) of subsection (1) of this section,
15 a person shall not be treated as guilty as therein mentioned, unless the guilt
16 stands at a time when no appeal or further appeal is pending or may (without
17 extension of time) be brought in connection with the direction.

18 (5) When the Disciplinary Tribunal gives a direction under subsection
19 (1) of this section, the Disciplinary Tribunal shall cause notice of the direction
20 to be served on the person to whom it relates.

21 (6) The person to whom such a direction relates may, at any time
22 within twenty-eight days from the date of service on him of the notice of the
23 direction, appeal against the direction to the Federal High Court and where
24 necessary to the Court of Appeal and the Disciplinary Tribunal shall appear as
25 respondent to the appeal and, for the purpose of enabling directions to be given
26 as to the costs of the appeal and of proceedings before the Federal High Court
27 or Court of Appeal the Disciplinary Tribunal shall be deemed to be a party
28 thereto whether or not it appears at the hearing of the appeal.

29 (7) A direction of the Tribunal given under subsection (1) of this
30 section, shall take effect where -

1 (a) No appeal under this section is brought against the direction,
2 within the time limited for such an appeal, or on the expiration of that time;

3 (b) Such an appeal is brought and is withdrawn or struck out for
4 want of prosecution, on the withdrawal or striking out of the appeal;

5 (c) Such an appeal is brought and is not withdrawn or struck out as
6 aforesaid, if and when the appeal is dismissed and shall not take effect
7 except in accordance with the foregoing provisions of this subsection.

8 (8) A person whose name is struck off the register in pursuance of a
9 direction of the Disciplinary Tribunal under this section, shall not be entitled
10 to be registered again, except, in pursuance of a direction in that behalf; and a
11 direction under this section for the striking off of a person's name from the
12 register prohibits him from making an application for membership or
13 restoration of his membership until after the period specified by the
14 direction that his name should remain struck off, and if he makes an
15 application during the currency of the prohibition such an application shall
16 be invalid.

17 PART X - APPLICATION OF THIS BILL TO UNREGISTERED PERSONS

18 13. A person who is not a member of the Commodity Brokers'
19 Association of Nigeria established before the commencement of this Bill,
20 who but for this Bill is qualified to apply for and obtain membership of the
21 Institute may apply for membership of the Chartered Institute of
22 Commodity Brokers of Nigeria established by this Bill, in such manner as
23 may be prescribed by rules made by the Council and shall be registered in
24 the category of membership appropriate in the current period for holders of
25 the qualification he possesses.

Application of
this Bill to
unregistered
persons

26 14. A person other than a corporate member shall be deemed to
27 practice as a member of the commodity brokerage profession if, in
28 consideration of remuneration received or to be received and whether by
29 himself or in partnership with any other person -

Practice as a
member of the
Commodity
Brokerage
Profession

30 (a) He engages himself in the practice of commodity brokerage or

1 holds himself out to the public as a member of the commodity brokerage
2 profession;

3 (b) He renders professional service or assistance in or about matters or
4 principle or detail relating to commodity brokerage procedure; or

5 (c) He renders any other service which may be by regulations made by
6 the Council, be designated as service constituting practice as a member of the
7 commodity brokerage profession.

8 PART XI - RULES AS TO PRACTICE, AND PROVISIONS OF LIBRARY

9 FACILITIES

Rules as to
Practice

10 15. -(1) The Council may make rules to guide training in commodity
11 brokerage methods and practice.

12 (2) The Council may also make rules -

13 (a) Prescribing the amount and due date for payment of the annual
14 subscription and for such purposes, different amounts may be prescribed by the
15 rules according to whether the person is registered as an Ordinary Member,
16 Associate Member, Honorary Senior Member, Honorary Fellow or Fellow;
17 and

18 (b) Restricting the right to membership of the Institute in default of
19 payment of the amount of the annual subscription where the default continues
20 for more than one year or such period as may be prescribed by the rules.

21 (3) Rules when made under this section shall be published in the
22 Institute's Journal.

23 (4) Any member of the Institute who fails to pay the annual
24 subscription for one year or such period as may be prescribed by the Council
25 may have his name removed from the register of members.

Provision of
Library facilities

26 16. The Institute shall-

27 (a) Provide and maintain a library comprising books and publications
28 for the advancement of knowledge of commodity brokerage and commodity
29 exchange operations, and such other books and publications as the Council
30 may think necessary for that purpose; and

1 (b) Encourage research into commodity exchange theory and
2 practice and allied subjects to the extent that the Council may, from time to
3 time consider necessary.

4 PART XII - OFFENCES, ETC.

5 17.-(1) A person for the purpose of procuring the registration of any
6 name, qualification or other matter who -

Offences and
Penalties

7 (a) Makes a statement which he believes to be false in a material
8 particular; or

9 (b) Recklessly makes a statement which is false in a material
10 particular, is guilty of an offence.

11 (2) If, on or after the relevant date, any person who is not a member
12 of the Institute practices or holds himself out to practice as a commodity
13 broker for or in expectation of reward or takes or uses any name, title,
14 addition or description implying that he is in practice as a commodity
15 broker, he shall be guilty of an offence: Provided that, in the case of a person
16 falling within section 17 of this Bill -

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

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

24 (3) The Registrar or any other person employed by or on behalf of
25 the Institute who willfully makes any falsification in any matter relating to
26 the register, he shall be guilty of an offence.

27 (4) Where an offence under this section which has been committed
28 by a body corporate is proved to have been committed with the consent or
29 connivance of or to be attributable to any neglect on the part of any director,
30 manager, secretary or other similar officer of the body corporate or any

1 person purporting to Bill in any such capacity, he, as well as the body corporate,
2 shall be deemed to have committed the offence and is liable on conviction by a
3 court of competent jurisdiction in the case of an individual to the punishment
4 prescribed in subsection (4) of this section and in the case of a body corporate,
5 to a fine of not less than N500,000.00 (Five Hundred Thousand Naira only).

6 (5) A person who shall be guilty of an offence under this section is
7 liable on conviction to imprisonment for a term not exceeding two years or to a
8 fine not less than N200,000.00 (Two Hundred Thousand Naira only) or to both
9 imprisonment and fine.

Regulations

10 18.-(1) Any regulations, made pursuant to this Bill shall be published
11 in the Institute's Journal.

12 (2) Rules made for the purposes of this Bill shall be subject to
13 confirmation by the Council at its next general meeting or any special meeting
14 of the Institute convened for that purpose, and if annulled, shall cease to have
15 effect on the day after the date of annulment, but without prejudice to anything
16 done in pursuance or intended pursuance of any such rules.

Interpretation

17 19.-(1) In this Bill -

18 "Chartered Commodity Broker" means a person who has passed the
19 professional examinations and has been elected an Associate or Fellow of the
20 Chartered Institute of Commodity Brokers of Nigeria;

21 "Corporate Member" means any institutions operating in the commodity
22 market and/or financial sector such as Commodity/Stock Brokerage
23 companies, Commodity trading companies, Central Bank of Nigeria, Banks,
24 Development Finance Banks and Discount Houses, Mortgage Banks and
25 Micro-Finance Banks in Nigeria;

26 "Council" means the Council established as the governing body of the Institute
27 under section 5 (1) of this Bill;

28 "Disciplinary Tribunal" means the Chartered Institute of Commodity Brokers
29 of Nigeria Disciplinary Tribunal established under section 12 of this Bill;

30 "Fees" includes annual subscription;

1 "Fit Person" means a person of good character, who is not an undischarged
2 bankrupt and has not been convicted in Nigeria or elsewhere of any offence
3 involving fraud or dishonesty or has not been so convicted since a period to
4 be specified from time to time by the Council;

5 "Institute" means the Chartered Institute of Commodity Brokers of Nigeria
6 established under section 1 of this Bill;

7 "Investigating Panel" means the Chartered Institute of Commodity Brokers
8 Investigating Panel established under section 11(1) of this Bill;

9 "Member of the Commodity Brokerage Profession" means a person
10 registered by the Institute as a member in the category of an Ordinary
11 Member, Associate Member, Honorary Senior Member, Honorary Fellow
12 and Fellow;

13 "President", "Vice-President" and "National Treasurer" mean the Office
14 holders under those names in the Institute respectively;

15 "Profession" means the commodity brokerage profession;

16 "Register" means the register kept in pursuance of section 8 (4) of this Bill.

17 **20.** This Bill may be cited as the Chartered Institute of Commodity Short Title
18 Brokers of Nigeria Bill, 2016.

19 SCHEDULES

20 FIRST SCHEDULE

21 *[SECTION 5 (3)]*

22 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

23 QUALIFICATIONS AND TENURE OF OFFICE OF MEMBERS OF THE

24 COUNCIL

25 *Qualifications and Tenure of Office of Members of the Council*

26 **1.**-(1) Subject to the provisions of this paragraph, a member of the
27 Council shall hold Office for a period of two years beginning with the date of
28 his appointment or election.

29 **(2)** A 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 in the Council.

2 (3) Any member of the Council may, by notice in writing under his
3 hand addressed to the President, resign his Office.

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

7 (5) Members of the Council shall at its meeting next before the
8 general meeting of the Institute, arrange for the four elected members of the
9 Council who are longest in Office to retire at that general meeting.

10 (6) Elections to the Council shall be held in such manner as may be
11 prescribed by rules made by the Council and until so prescribed they shall be
12 decided by secret ballot.

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

14 (a) Such member was appointed by the Council or any other body, the
15 Council or that other body may appoint another fit person from the area in
16 respect of which the vacancy occurs; or

17 (b) Such member was elected, the Council may, if the time between
18 the unexpired term of Office and the next general meeting of the Institute
19 appears to warrant the filling of the vacancy, co-opt some fit person for such
20 time as aforesaid.

21 *Power of the Council*

22 2. The Council shall have power to do anything which in its opinion is
23 calculated to facilitate the carrying out of the activities of the Institute.

24 *Standing Orders*

25 3.-(1) Subject to the provisions of this Bill, the Council may in the
26 name of the Institute make standing orders regulating the proceedings of the
27 Institute or of the Council, and in the exercise of its powers under this Bill, may
28 set up committees in the general interest of the Institute and make standing
29 orders thereof.

30 (2) Standing orders shall provide for decision to be taken by a

1 majority of the members, and, in the event of equality of votes, the President
2 or the Chairman, as the case may be, shall have a second of casting vote.

3 (3) Standing orders made for a committee shall, provide for the
4 committee to report back to the Council on any matter referred to it by the
5 Council.

6 (4) The quorum of the Council shall be seven and the quorum of a
7 committee of the Council shall be fixed by the Council.

8 *General Meeting Of The Institute*

9 4.-(1) The Council shall convene the Annual General Meeting of
10 the Institute on 30th April in every year, or on such other day as the Council
11 may, from time to time, appoint, so however, that if the meeting is not held
12 within one year after the previous meeting, no more than fifteen months
13 shall elapse between the respective dates of the two meetings: Provided that,
14 notice of the annual general meeting shall be given to all members of the
15 Institute not later than twenty-one days from the date of the meeting.

16 (2) A special meeting of the Institute may be convened by the
17 Council at anytime and if not less than twenty members of the Institute so
18 require, by notice in writing addressed to the Chairman of the Council
19 setting out the object and objective of the proposed meeting, the chairman of
20 the Council shall convene a special general meeting of the Institute:
21 Provided that, notice of the special general meeting shall be given to all
22 member of the Institute not later than twenty-one days from the date of the
23 meeting.

24 (3) The quorum of any Annual General Meeting of the Institute and
25 that of any special general meeting of the Institute shall each be twenty
26 members.

27 *Meeting of the Council*

28 5.-(1) Subject to the provisions of any standing order of the
29 Council, the Council shall meet whenever it is summoned by the Chairman
30 and if the Chairman is required to do so, by notice in writing given to him by

1 no less than five other members, he shall summon a meeting of the Council to
2 be held within fourteen days from the date on which the notice is given.

3 (2) At any meeting of the Council, the Chairman, or in his absence any
4 one of the Vice-Chairmen stated in section (5) (2) (b) of this Bill in the
5 descending order of their status shall preside, but if the Chairman and the two
6 Vice-Chairmen are absent, the members present at the meeting shall appoint
7 one of their member to preside at the meeting.

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

12 (4) Notwithstanding anything in the foregoing provisions of this
13 paragraph, the first meeting of the Council shall be summoned by the President
14 of the Institute.

15 *Committees*

16 6.-(1) The Council may appoint one or more committees to carry out
17 on behalf of the Institute or Council such functions as the Council may
18 determine.

19 (2) A committee appointed under this paragraph shall consist of the
20 number of persons determined by the Council, of whom not more than one-
21 third may be persons who are not members of the Council and a person other
22 than a member of the Council shall hold office on the committee in accordance
23 with the terms of the letter by which he is appointed.

24 (3) A decision of a committee of the Council shall be of no effect until
25 it is confirmed by the Council.

26 *Miscellaneous*

27 7.-(1) The fixing of the seal of the Institute shall be authenticated by
28 the signature of the Chairman or of some other members of the Council
29 authorized generally or specially by the Institute to act for that purpose.

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

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

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

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

13 9. Any member of the Institute or of the Council or any person
14 holding office on a committee of the Council, who has a personal interest in
15 any contract or arrangement entered into or proposed to be considered by the
16 Council on behalf of the Institute or by a committee of the Council on behalf
17 of the Council, shall forthwith disclose his interest to the Committee or to the
18 Council, as the case may be, and shall not vote on any question relating to the
19 contract or arrangement.

20 10. A person shall not by reason only of his membership of the
21 Institute be treated as holding an office in the public service of the
22 Federation.

23 SECOND SCHEDULE

24 *[SECTION 11 (7)]*

25 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

26 TRIBUNAL AND INVESTIGATING PANEL

27 *The Disciplinary Tribunal*

28 1. The quorum of the Disciplinary Tribunal shall be four members.

29 2.-(1) The Attorney-General of the Federation shall make rules as
30 to the selection of members of the Disciplinary Tribunal for the purposes of

1 any proceeding, and as to the procedure to be followed and the rules of
2 evidence to be observed in proceedings before the Disciplinary Tribunal.

3 (2) The rules shall in particular provide -

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

7 (b) For determine who, in addition to the person aforesaid, shall be a
8 party to the proceedings;

9 (c) For securing that any party to the proceeding shall, if he so require,
10 be entitled to be heard by the Tribunal;

11 (d) For securing that any party to the proceedings may be represented
12 by a legal practitioner;

13 (e) Subject to the provisions of section 11 (7) of this Bill, as to the
14 costs of proceedings before the Disciplinary Tribunal;

15 (f) For requiring, in any case where it is alleged that the person who is
16 the subject of the proceedings involved himself in unprofessional conduct in
17 any professional respect, that where the Disciplinary Tribunal adjudges that the
18 allegation has not been proved, it shall record a finding that the person is not
19 guilty of such conduct in respect of the matters to which the allegation relates;
20 and

21 (g) For publishing notice of any direction of the Tribunal which has
22 taken effect, providing that a person's name shall be struck off a register.

23 3. For the purposes of any proceedings before the Tribunal, any
24 member of the Tribunal may administer Oaths and any party to the proceedings
25 may issue out of the registry of the Federal High Court writs of subpoena ad
26 testificandum and duces tecum; but no person appearing before the
27 Disciplinary Tribunal shall be compelled -

28 (a) To make any statement before the Tribunal tending to incriminate
29 himself; or

30 (b) To produce any document under such a writ which he could not be

1 compelled to produce at the trial of an Billion.

2 4.-(1) For the purposes of advising the Tribunal on question of law
3 arising in proceedings before it, there shall in all such proceedings be an
4 assessor to the Disciplinary Tribunal who shall be appointed by the Council
5 on the nomination of the Attorney-General of the Federation and shall be a
6 legal practitioner of not less than seven years standing.

7 (2) The Attorney-General of the Federation shall make rules as to
8 the functions of Assessors appointed under this paragraph and in particular
9 such rules shall contain provisions for securing that -

10 (a) Where an assessor advises the Disciplinary Tribunal on any
11 question of law as to evidence, procedure or any other matters specified by
12 the rules, he shall do so in the presence of every party or person representing
13 a party to the proceedings who appears there or, if the advice is tendered
14 while the Tribunal is deliberating in private, that every such party or person
15 as aforesaid shall be informed what advice the assessor had tendered;

16 (b) Every such party or person as aforesaid shall be informed if in
17 any case the Disciplinary Tribunal does not accept the advice of the assessor
18 on such a question as aforesaid.

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

23 *The Investigating Panel*

24 5. The quorum of the Investigating Panel shall be three.

25 6.-(1) The Investigating Panel may, at any of its meetings attended
26 by all the members of the Investigating Panel, make standing orders with
27 respect to the Investigating Panel.

28 (2) Subject to the provisions of any such standing orders, the
29 Investigating Panel may regulate its own proceedings.

1 *Miscellaneous*

2 7.-(1) A person ceasing to be a member of the Investigating Panel or
3 the Disciplinary Tribunal shall be eligible for re-appointment as a member of
4 the Investigating Panel or Disciplinary Tribunal, as the case may be, however,
5 nobody shall serve in the Investigating Panel for more than two consecutive
6 terms totaling four years.

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

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

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

20 10. Any expenses of the Disciplinary Tribunal or the Investigating
21 Panel shall be defrayed by the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Chartered Institute of Commodity Brokers of
Nigeria (CICBN) and related matters