

# A BILL

## FOR

AN ACT TO REGULATE THE PROFESSION OF FORESTRY AND FOR RELATED MATTERS

*Sponsored by Hon. Adeyinka Ajayi*

[ ] Commencement

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

1           1.-(1) There shall be established a body to be known as the  
2 Nigerian Institute of Chartered Foresters ( in this Act hereafter referred to as  
3 Institute) which shall be a body corporate under that name and be charged  
4 with the general duty of:

Establishment of  
Nigerian Institute  
of Chartered  
Foresters

5           (a) Determining what standards of knowledge and skill are attained  
6 by persons seeking to become members of the forestry profession and  
7 raising those standards from time to time as circumstance may permit;

8           (b) Securing in accordance with the provisions of this Act the  
9 establishment and maintenance of register of fellows, chartered members,  
10 associates and registered foresters entitled to practice as foresters and the  
11 publication from time to time of list of those persons; and

12           (c) Performing through the Council under this Act the functions  
13 conferred on it by this Act.

14           (2) The Institute shall have perpetual succession and a common  
15 seal which shall be kept in such custody as the Council under this Act may  
16 from time to time authorize.

17           (3) The institute may sue and be sued in its corporate name and may  
18 hold, acquire and dispose of any property, movable and immovable.

19           (4) Subject to the provisions of this Act, members admitted to the  
20 institute shall be enrolled in the category of:

21           (i) Fellows;

1 (ii) Chartered Members;  
2 (iii) Associates; or  
3 (iv) registered as Registered Members, either ordinary or student, and  
4 shall have status therein, as accorded by the rules of the institute, so however  
5 that no ordinary or student member admitted under subsection shall hold office  
6 under this Act, and a student member shall not be entitled to a vote at any  
7 meeting.

8 (5) Any fit person shall be accorded by the institute under this Act  
9 status as a fellow, Chartered member or an associate in the following cases, that  
10 is to say:

11 (a) shall be elected as a fellow, if:

12 (i) he has been a chartered forester for at least five years next  
13 preceding the date of application in that behalf and have, in addition to being a  
14 holder of approved academic qualifications, been in continuous practice on his  
15 own account as a chartered forester or in partnership with other chartered  
16 forester;

17 (ii) he has been a chartered forester for a period of not less than ten  
18 years immediately preceding the date of application of such enrolment (period  
19 of membership of association, in the discretion of the council, counting in that  
20 behalf) he has been enrolled as a chartered forester, or qualified to be so  
21 enrolled whether in practice as forester or not and has made substantial  
22 contribution to enhance the forestry profession;

23 (b) shall be elected as a chartered member if he possess any of the  
24 following qualifications:

25 (i) a forestry degree (Bachelors, Masters or Doctorate) from a  
26 University accredited by the institute;

27 (ii) a postgraduate diploma in forestry from institutions accredited by  
28 the institute and applicant with either qualification shall submit details of his  
29 work in forestry in a log book endorsed by a chartered forester, pass the  
30 competence examination and or professional interview conducted by the

1 Council and must have been actively engaged in forestry profession for a  
2 period of at least five years under this Act; provided that subsection 5 (a) and

3 (b) of this section shall not be operative until two years after the  
4 commencement of this Act; that is:

5 there shall only be enrolled as the first fellows of the institute two years after  
6 commencement of this Act, foresters who must have immediately applied in  
7 writing with detailed curriculum vitae to the institute upon commencement  
8 of this Act, to be enrolled and recognised as a chartered forester and must  
9 have been so recognised by the institute for two years.

10 (c) shall be elected as an associate member if he:

11 (i) possess a Higher National Diploma in Forestry or it's equivalent  
12 from institution accredited by the institute;

13 (ii) submit details of his work in forestry in a log book endorsed by  
14 a chartered forester, pass the professional interview conducted by the  
15 Council;

16 (6) Any fit person shall be registered as registered member:

17 (a) as an 'ordinary member, if he satisfies the council as to his  
18 qualification for admission to such category; or

19 (b) as a student member, if being a student he satisfies the council  
20 of his qualification for registration as a student member.

21 (7) Where a person is enrolled or registered as the case maybe in the  
22 institute, he shall be entitled to the use of such letter after his name as may be  
23 authorized by the Council according as he is a fellow, chartered forester, an  
24 associate or a registered member, and shall, when enrolled or registered, as  
25 the case may be, receive a certificate in such form as the council may  
26 approve for the purpose.

27 2.-(1) There shall be as the governing body of the institute, a  
28 council charged with the administration and general management of the  
29 institute and the council shall consist of a total of eleven persons, being  
30 fellow chartered foresters members, as follows:

Governing Council  
of Institute and  
membership etc.

1 (a) two persons nominated by the Federal Minister of Environment  
2 whom each shall be fellows or chartered foresters whether in practice foresters  
3 or not; and

4 (b) nine persons elected by the institute of whom five shall be  
5 members in practice as Foresters.

6 (2) The provisions of the First Schedule of this Act shall have effect  
7 with respect to the qualifications and tenure of office of members of the  
8 Council and the other matters there mentioned.

9 (3) Regulations made by the Council with the approval the Minister of  
10 Environment may provide for increasing or reducing the membership of the  
11 Council and may make such amendments to subsection (1) of this section and  
12 paragraph 1 of the First Schedule to this Act as the Minister consider expedient  
13 for the purpose of or in consequence of the increase or reduction.

President, etc.  
of the Institute

14 3.-(1) There shall be a President and Vice-President of the institute  
15 who, subject to the provision of section 5 and of the Second Schedule to this  
16 Act, shall be elected by the Council under this Act and hold office each, for a  
17 term of one year from the date of election, and the President shall be Chairman  
18 at meetings of the institution, so however that, in the event of the death,  
19 incapacity or inability for any reason of the president, the vice-president shall  
20 act in his stead for the unexpired portion of the term of office, or as the case may  
21 require, and references in this Act to the president shall be construed  
22 accordingly.

23 (2) The president and vice-president shall respectively be chairman  
24 and vice-chairman of the Council under this Act.

25 (3) If the president or the vice-president ceases to be a member of the  
26 institute he shall cease to hold any of the offices designated under this section.

Financial  
provisions

27 4.-(1) The Council shall establish and maintain a fund, the manage  
28 and control of which shall be in the hands of the Council, and into shall be paid  
29 all moneys received by the Council including moneys the Forestry Association  
30 of Nigeria incorporated under the Companies and Allied Matters Act (and in

1 this Act hereafter referred to as “the association”) on its ceasing to exist as  
2 provided in the next succeeding section, and there shall be paid thereout  
3 accounts and other liabilities incurred by or on behalf of the institute under  
4 this Act.

5 (2) The Council may invest moneys in the fund in any security  
6 created or issued by or on behalf of the Government of the Federation or in  
7 any other securities in Nigeria approved by the Council.

8 (3) The Council may from time to time borrow money for the  
9 purposes of the institute, and any interest payable on moneys so borrowed  
10 shall be paid out of the fund.

11 (4) The Council shall keep proper accounts on behalf of the  
12 institute in respect of each financial year and proper records in relation to  
13 those accounts; and the Council shall cause the accounts to be audited by a  
14 Chartered Accountant appointed by the Council and when audited, the  
15 accounts shall be submitted to the members of the institute for approval by  
16 them at the next annual general meeting.

17 5.-(1) On the appointed day:

18 (a) all property held immediately before that day by or on behalf of  
19 the association shall, by virtue of this subsection and without further  
20 assurance, vest in the institute and be held by it for the purposes of the  
21 institute; and

22 (b) the association shall cease to exist; and

23 (c) subject to the next succeeding subsection, any act, matter or  
24 thing made or done by the association shall cease to have effect.

25 (2) The provisions of the Second Schedule to this Act shall have  
26 effect with respect to, and to matters arising from, the transfer by this section  
27 to the institute of the property of the association, and with respect to the other  
28 matters mentioned in that Schedule

29 *The Register*

30 6.-(1) It shall be the duty of the Council to appoint a fit person to be

Appointment of  
Registrar, etc and  
preparation of the  
register

1 the Registrar for the purpose of this Act, and such other persons institute may  
2 from time to time think necessary.

3 (2) it shall be the duty of the Registrar to prepare and maintain, in  
4 accordance with rules made by the Council, a register of names, addresses and  
5 approved qualifications, and of such other particulars as may be specified in the  
6 rules, of all persons who are entitled in accordance with the provisions of this  
7 Act to be enrolled as fellows or as chartered foresters or as associates, or  
8 registered foresters, and who, in the manner prescribed by such rules, apply to  
9 be so registered.

10 (3) The register shall consist of four parts of which one part shall be in  
11 respect of fellows, the second part shall be in respect of chartered foresters, the  
12 third part shall be in respect of associates and the third part shall be in respect of  
13 registered foresters.

14 (4) Subject to the followings provisions of this section, the council  
15 shall make rules with respect to the form and keeping of the registers and the  
16 making of entries therein, and in particular:

17 (a) regulating the making of applications for enrolment or registration  
18 as the case may be, and providing for the evidence to be produced in support of  
19 applications;

20 (b) providing for the notification to the registrar, by the person to  
21 whom any registered particulars relate, of any change in those particulars;

22 (c) authorizing a registered person to have any qualification which is,  
23 in relation to the relevant division of the profession, either an approved  
24 qualification or an accepted qualification for the purposes of this Act,  
25 registered in relation to his name in addition to or, as he may elect, in  
26 substitution for any other qualifications so registered;

27 (d) specifying the fees, including any annual subscription, to be paid  
28 to the institute in respect of the entry of names on the register, and authorizing  
29 the registrar to refuse to enter a name on the register until any fee specified for  
30 the entry has been paid;

1 (d) specifying anything falling to be specified under the foregoing  
2 provisions of this section, but rules made for the purposes of paragraph (d) of  
3 this subsection shall not come into force until they are confirmed at a special  
4 meeting of the institute convened for the purpose thereafter, or at the next  
5 annual general meeting, as the case may be.

6 (5) It shall be the duty of the registrar:

7 (a) to correct, in accordance with the Council's directions, any  
8 entry in the register which the Council directs him to correct as being in the  
9 council's opinion an entry which was incorrectly made;

10 (b) to make from time to time any necessary alterations, in the  
11 registered particulars of registered persons;

12 (c) to remove from the register the name of any registered person  
13 who has died;

14 (d) to record the names of members of the institute who are in  
15 default for more than four months in the payment of annual subscriptions,  
16 and to take such action in relation thereto (including removal of the names of  
17 defaulters from the register) as the Council under this Act may direct or  
18 require.

19 (6) If the registrar:

20 (a) sends by post to any registered person, a registered letter  
21 addressed to him at his address on the register enquiring whether the  
22 registered particulars relating to him are correct and receives no reply to the  
23 letter within the period of six months from the date of posting it; and

24 (b) upon the expiration of that period sends in the like manner to the  
25 person in question a second similar letter and receives no reply to that letter  
26 within three months from the date of posting it, the registrar may remove  
27 the particulars relating to the person in question from the register, and the  
28 Council may direct the registrar to restore to the appropriate part of the  
29 register any particulars removed therefrom under his subsection.

Publication of  
register and lists  
of corrections

7.-(1) It shall be the duty of the registrar  
2 to cause the register to be printed, published and put on sale to  
3 members of the public not later than two years from the appointed day; and  
4 in each year after that in which the register is first published under  
5 paragraph (a) of this subsection, to cause to be printed, published and put on  
6 sale as aforesaid either a corrected edition of the register or a list of alterations  
7 made to the register since it was last printed; and  
8 to cause a print of each edition of the register and of each list of  
9 corrections to be deposited at the principal offices of the institute, and it shall be  
10 the duty of the Council to keep the register and lists so deposited available at all  
11 reasonable times for inspection by members of the public.

12 (2) A document purporting to be a print of an edition of the register  
13 published under this section by authority of the registrar, or documents  
14 purporting to be prints of an edition of the register so published, and of a list of  
15 corrections to that edition so published, shall (without prejudice to any other  
16 mode of proof) be admissible in any proceedings as evidence that any person  
17 specified in the document, or the documents read together, as being registered  
18 was so registered at the date of the edition or of the list of corrections, as the  
19 case may be, and that any person not so specified was not so registered.

20 (3) where in accordance with subsection (2) of this section a person is,  
21 in any proceedings, shown to have been, or not to have been, registered at a  
22 particular date, he shall, unless the contrary is proved, be taken for the purposes  
23 of those proceedings as having at all material times thereafter continued to be,  
24 or not to be, so registered.

25 *Registration of members and others*

Registration of  
Foresters and  
others

26 8.-(1) Subject to section 12 of this Act and to rules made under section  
27 6 of this Act a person registered as a registered member shall be entitled to entry  
28 of his qualification in the register as a forester and may so apply if:  
29 (a) he passes and possess the required qualifications prescribed for the  
30 qualifying status in any institution accredited for that purpose by the institute,



20 and completes the practical training prescribed in section 19;  
 21 (2) An applicant for registration under subsection (1) of this section  
 22 shall, if so required by the Council, in addition to evidence of qualification,  
 23 satisfy the Council—  
 24 (a) that he is of good character;  
 25 (b) that he has attained the age of twenty-one years; and  
 26 (c) that he has not been convicted in Nigeria or else-where of an  
 27 offence involving fraud or dishonesty.

28 (3) The Council may in its sole discretion provisionally accept a  
 29 qualification produced in respect of an application for registration under this  
 30 section, on condition that an entry be made in the register accordingly, or where  
 31 applicable direct that the application be renewed within such period as may  
 32 be specified in its direction.  
 33 (4) Any entry directed to be made in the register under subsection  
 34 (3) of this section shall show that registration is provisional and no entry so  
 35 made shall be converted to full registration without the consent of the  
 36 Council signified in writing in that behalf.

37 (5) The Council shall from time to time publish in the Federal  
 38 Gazette particulars of qualifications for the time being accepted as  
 39 aforesaid.

40 (6) The Council may approve any institution for the purposes of  
 41 the Act and may for those purposes approve—  
 42 (a) any course of training at an approved institution, which is  
 43 intended in persons who are seeking to become or are already foresters and  
 44 which the Council considers is designed to confer on persons completing it  
 45 sufficient knowledge and skill for admission to status in the institute;

Approval of  
 qualifications, etc.

1 (b) any qualification which, as a result of an examination taken in  
2 conjunction with a course of training approved by the council under this  
3 section, is granted to candidates reaching a standard at the examination  
4 indicating the opinion of the members of the council that the candidates have  
5 sufficient knowledge and skill to practice foresters

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

9 (a) give notice that it proposes to do so to each person in Nigeria  
10 appearing to the council to be a person by whom the course is conducted or the  
11 qualification is granted or the institution is controlled, as the case may be; and

12 (b) afford each such person an opportunity of making to the council  
13 representations with regard to the proposal; and

14 (c) take into consideration any representations made as respects the  
15 proposal in pursuance of the last foregoing paragraph.

16 (3) As respects any period during which the approval of the council  
17 under this section for a course, qualification or institution is withdrawn, the  
18 course, qualification or institution shall not be treated as approved under this  
19 section; but the withdrawal of such an approval shall not prejudice the  
20 registration or eligibility for registration of any person who by virtue of the  
21 approval was registered or eligible for registration (either unconditionally or  
22 subject to his obtaining a certificate of experience) immediately before the  
23 approval was withdrawn.

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

28 (a) As soon as may be publish a copy of every such instrument in the  
29 Federal Gazette; and

30 (b) Not later than seven days before its publication as aforesaid, send a



Third Schedule

1 (5) The provisions of the Third Schedule to this Act shall, so far as  
2 applicable to the tribunal and the panel respectively, have effect with respect to  
3 those bodies.

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

Penalties for  
professional  
misconduct

6 **12.-(1) Where:**

7 (a) a member is judged by the tribunal to be guilty of misconduct in  
8 any professional respect,

9 (b) a member is convicted, by any Court in Nigeria or elsewhere  
10 having power to award imprisonment, of an offence (whether or not punishable  
11 with imprisonment) which in the opinion of the tribunal is incompatible with  
12 his status in the institute; or

13 (c) the tribunal is satisfied that the name of any person has been  
14 fraudulently registered, the tribunal may, if it thinks fit, give a direction in  
15 reprimanding that person or ordering the registrar to strike his name off the  
16 relevant part of the register.

17 (2) The tribunal may, if it thinks fit, defer or further defer its decision  
18 as to the giving of a direction under the foregoing subsection until a subsequent  
19 meeting of the tribunal; but:

20 (a) no decision shall be deferred under this subsection for periods  
21 exceeding two years in the aggregate; and

22 (b) so far as possible no person shall be a member of the tribunal for  
23 the purposes of reaching a decision which has been deferred or further deferred  
24 unless he has present as a member of the tribunal when the decision was  
25 deferred.

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

30 (4) When the tribunal gives a direction under subsection (1) of this

1 section, the tribunal shall cause notice of the direction to be served on the  
2 person to whom it relates.

3 (5) The person to whom such a direction relates may, at any time  
4 within twenty-eight days from the date of service on him of notice of the  
5 direction, appeal against the direction to the Court of Appeal and the  
6 tribunal may appear as respondent to the appeal and, for the purposes of  
7 enabling directions to be given as to the costs of the appeal and of  
8 proceedings before the tribunal, shall be deemed to be a party thereto  
9 whether or not it appears on the hearing of the appeal.

10 (6) A direction of the tribunal under subsection (1) of this section  
11 shall take effect:

12 (a) Where no appeal under this section is brought against the  
13 direction within the time limited for such an appeal, on the expiration of that  
14 time;

15 (b) Where such an appeal is brought and is withdrawn or struck out  
16 for want of prosecution, on the withdrawal or striking out of the appeal;

17 (c) Where such an appeal is brought and is not withdrawn or struck  
18 out as aforesaid if and when the appeal is dismissed, and shall not take effect  
19 except in accordance with the foregoing provisions of this subsection.

20 (7) A person whose name is removed from the register in pursuance  
21 of a direction of the tribunal under this section shall not be entitled to be  
22 registered again except in pursuance of a direction in that behalf given by the  
23 tribunal on the application of that person; and a direction under this section  
24 for the removal of a person's name from the register may prohibit an  
25 application under this section by that person until the expiration of such  
26 period from the date of the direction (and where he has duly made such an  
27 application, from the date of his last application) as may be specified in the  
28 direction.

29 *Miscellaneous and General*

30 13. Any person not a member of the institute who, but for this Act,

1 would have been qualified to apply for and obtain membership of an approved  
2 institute outside Nigeria may within the period of three months beginning with  
3 the appointed day apply for membership of the institute in such manner as may  
4 be prescribed by rules made by the Council; and if approved, he shall be  
5 enrolled or registered, as the case maybe, according to his qualifications.

6 **14.-(1)** Subject to subsection (2) of this section, a person shall be  
7 deemed to be 'actively engaged as a member of the institute if, in considerations  
8 of remuneration received or to be received, and whether by himself or in  
9 partnership with any other person:

10 (a) he engages himself in the practice of forestry or holds himself out  
11 to the public as a forester;

12 (b) he offers to perform or performs any service involving knowledge  
13 of the forestry profession;

14 (c) he renders professional service or assistance in or about matters of  
15 principle or detail relating to forestry procedure or certification of facts or data;

16 (d) he renders any other service which may by regulations made by  
17 the Council with the approval of the Minister of Environment be designated as  
18 service constituting practice as a forester under this Act.

19 (2) Nothing in this section shall be construed so as to apply to persons  
20 who, while employed by persons approved by the Council under this section or  
21 employed by any government or university in Nigeria, are required under the  
22 terms or in the course of such employment, to perform duties as foresters under  
23 this Act.

24 **15.-(1)** The Council may make rules:

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

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

29 (c) for distinguishing between foresters and other auxiliary forestry  
30 personnel.

1 (2) The Council may also make rules:

2 (a) prescribing the amount and due date for payment of the annual  
3 subscription and for such purpose different amounts maybe prescribed by  
4 the rules according as the member of the institute is a fellow, a chartered  
5 forester, an associate or an ordinary member or student member;

6 (b) prescribing (otherwise than in respect of a student who shall not  
7 require it) the form of licence to practice to be issued every three years or, if  
8 the Council thinks fit, by endorsement on an existing license;

9 (c) Restricting the right to practice as a member of the institute in  
10 default of payment of the amount of the annual subscription, where the  
11 default continues for longer than such period, as may be prescribed by the  
12 rules;

13 (d) Restricting the right to practice as a member of the institute if  
14 the qualification granted outside Nigeria does not entitle the holder to  
15 practice as a member of the institute.

16 (3) Rules when made shall, if the Chairman of the Council so  
17 directs, be published in the Federal Gazette.

18 16. The institute shall:

19 (a) provide and maintain a library comprising books and  
20 publications for the advancement of knowledge of forestry, and such others  
21 books and publications as the Council may think necessary for the purpose;

22 (b) encourage research into forestry and other allied matters and  
23 subjects to the extent that the Council may from time to time consider  
24 necessary.

25 17-(1) Any regulations made under this Act shall be published in  
26 the Federal Gazette as soon as may be after they are made.

27 (2) Rules made for the purposes of this Act shall be subject to  
28 confirmation by the institute at its next annual general meeting or at any  
29 special meeting of the institute convened for the purpose, and if then  
30 annulled shall cease to have effect on the day after the date of annulment, but

Provision of  
Library facilities,  
etc.

Registration  
and rules

1 without prejudice to anything done in pursuance or intended pursuance of any  
2 such rules.

Offences

3 18.-(1) if any person for the purpose of procuring the registration of  
4 any name, qualification or other matter:

5 (a) makes a statement which he believes to be false in a material  
6 particular; or

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

9 (2) if on or after the relevant date, any person not a member of the  
10 institute practices for or in expectation of reward, or takes or uses any name  
11 title, addition or description implying that he is in practice as a member of the  
12 institute, he shall be guilty of an offence:

13 Provided that, in the case of a person falling within section 13 of this Act:

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

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

21 (3) If, on or after the relevant date, a member not otherwise entitled,  
22 holds himself out as a fellow or a chartered forester or an associates of the  
23 institute or takes or uses any name, title, addition or description implying that  
24 he is a fellow or a chartered forester or an associates of the institute as aforesaid,  
25 he shall be guilty of an offence.

26 (4) If the registrar or any other person employed by or on behalf of the  
27 institute willfully makes any falsification in any matter relating to the register,  
28 he shall be guilty of an offence.

29 (5) A person guilty of an offence under this section shall be liable:

30 (a) on summary conviction for a first offence by any magistrate court



1 to a fine of an amount not exceeding ten thousand naira;

2 (b) on conviction for a first offence by any court of superior  
3 jurisdiction to a fine of an amount not less than ten thousand naira or to  
4 imprisonment for a term not exceeding two years, or both.

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

12 (7) In this section "the relevant date" means the third anniversary of  
13 the appointed day or such earlier date as may be prescribed for the purposes  
14 of this section by order of the Minister of Environment published in the  
15 Federal Gazette; and for the purpose of this section different dates may be  
16 prescribed for different territories within the meaning of the Constitution of  
17 the Federal Republic of Nigeria.

18 **19.** In the Act, unless the context otherwise requires:

Interpretation

19 "Appointed day" means .....day of .....200

20 "Association" means the Forestry Association of Nigeria;

21 "Council" or "Council under this Act" means the Council established as the  
22 governing body of the institute under section 2 of this Act;

23 "enrolled", in relation to a fellow, chartered forester or an associate, means  
24 registered in the part of the register relating to fellows, chartered foresters or  
25 associates as the case may be, and in relation to any other member means  
26 registered in the part of the register pertaining to the category of the  
27 particular member;

28 "fees" includes annual subscriptions;

29 "institute" means the Nigerian Institute of Chartered Foresters under this  
30 Act;

1 "member" means a member of the institute;  
2 "Minister" means the Minister of the Government of the Federation charge  
3 with responsibility for environment;  
4 "panel" has the meaning assigned by section 11 of this Act;  
5 "president" and vice-president" mean respectively the office-holders under  
6 those names in the institute;  
7 "register" means the register maintained in pursuance of section 6 of this Act;  
8 "foresters" means a person qualified for admission to the institute who is not a  
9 fellow, a chartered forester or an associate member;  
10 "tribunal" has the meaning assigned to it by section 11 of this Act.

Citation

11 20. This Bill may be cited as the Nigerian Institute of Chartered  
12 Foresters Bill, 2016.

13 FIRST SCHEDULE

14 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL AND INSTITUTE

15 *Section 3(6)*

16 *Qualifications and tenure of office of members*

17 1.-(1) subject to the provisions of this paragraph a member of the  
18 Council shall hold for a period of three years beginning with the date of his  
19 appointment or election.

20 2. any member of the institute who ceases to be a member thereof  
21 shall, if he is also a member of the Council, cease to hold office on the Council.

22 3. Any elected member may by notice in writing under his hand  
23 addressed to the president resign his office, and any appointed member may,  
24 with the consent of the Minister, likewise so resign his office.

25 4. A person who retires from or otherwise ceases to be an elected  
26 member of the Council shall be eligible again to become a member of the  
27 Council, and any appointed member may be reappointed.

28 5. Elections to the Council shall be held in such manner as may be  
29 prescribed by rules made by the Council, and until so prescribed they shall be  
30 decided by a show of hands.

- 1                   6. If for any reason there is a vacation of office by a member and:
- 2                   (a) such member was appointed by the Minister, the Minister shall
- 3 appoint another fit person from the territory in respect of which the vacancy
- 4 occurs; or
- 5                   (b) Such member was elected, the Council may, if the time between
- 6 the unexpired portion of the term of office and the next general meeting of
- 7 the institute appears to warrant the filling of the vacancy, co-opt some fit
- 8 person for such time as aforesaid.

9   *Powers of Council*

- 10                   2. The Council shall have power to do anything which in its
- 11 opinion is calculated to facilitate the carrying on of the activities of the
- 12 institute.

13   *Proceedings of the Council*

- 14                   3.-(1) Subject to the provisions of this Act the Council may in the
- 15 name of the institute make standing orders regulating the proceedings of the
- 16 institute or of the council, and in the exercise of its power under this Act, may
- 17 set up committees in the general interest of the institute, and make standing
- 18 orders therefore.

- 19                   (2) Standing orders shall provide for decisions to be taken by a
- 20 majority of the members, and, in the event of equality of votes, for the
- 21 president or the chairman, as the case may be, to have a second or casting
- 22 vote.

- 23                   (3) Standing orders made for a committee shall provide that the
- 24 committee is to report back to the Council on any matter not within its
- 25 competence to decide.

- 26                   4. The quorum of the Council be six; and the quorum of a
- 27 committee of the Council shall be fixed by the Council.

28   *Meetings*

29   *(a) of the institute*

- 30                   5.-(1) The Council shall convene the annual meeting of the

1 institute on the 30th of..... in every year or such other day as the Council may  
2 from time to time appoint, so however that if the meeting is not held within one  
3 year after the previous annual meeting, not more than fifteen months shall  
4 elapse between the respective dates of the two meetings.

5 (2) A special meeting of the institute may be convened by the Council  
6 at any time; and if not less than twenty members of the institute require it by  
7 notice in writing addressed to the secretary of the institute setting out the  
8 objects of the proposed meeting, the chairman of the Council shall convene a  
9 special meeting of the institute.

10 (3) The quorum of any general meeting of the institute shall be ten  
11 members, and that of any special meeting of the institute shall be fifteen  
12 members.

13 *(b) of the Council*

14 6.-(1) The Council shall meet not less than twice in any financial year,  
15 and subject to the provisions of any standing orders of the Council, the Council  
16 shall meet at other times according as it is summoned by the chairman; and if  
17 the chairman is required to do so by notice in writing given to him by not less  
18 than five other members, he shall summon a meeting of the Council to be held  
19 within seven days from the date on which the notice is given.

20 (2) At any meeting of the Council, the chairman or in his absence the  
21 vice-chairman shall preside; but if both are absent, the members present at the  
22 meeting shall appoint one of their members present to preside at that meeting.

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

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

1 followed at the meeting.

2 *Committees*

3 7.-(1) The Council may appoint one or more committees either  
4 standing or ad hoc to carry out on behalf of the institute or of the Council,  
5 such functions as the Council may determine.

6 (2) The initiating of policy shall be the principal duty of a standing  
7 committee to be known as the executive committee appointed under this  
8 paragraph, and persons who are not members of the Council shall be  
9 ineligible for appointment and persons who are members of the executive  
10 committee shall hold office during the pleasure of the Council.

11 (3) Subject as provided in the case of the executive committee, any  
12 committee appointed under this paragraph shall consist of the number of  
13 persons determined by the Council; and any committee other than the  
14 executive may co-opt any person whose advice is desired as a member but  
15 the co-opted member shall not be entitled to vote at any meeting of the  
16 committee and shall not count towards a quorum.

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

19 *Miscellaneous*

20 8.-(1) The fixing of the seal of the institute shall be authenticated by  
21 the signature of the president or of some other member of the Council  
22 authorised generally or specially by the institute to act for that purpose.

23 (2) Any contract or instrument which, if made or executed by a  
24 person not being a body corporate, would not be required to be under seal,  
25 may be made or executed on behalf of the institute or of the council as the  
26 case may require, by any person generally or specially authorized to act for  
27 that purpose by the council.

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



1 (c) for any reference (however worded and whether express or  
2 implied) to a member or members of the council of the association or an  
3 officer of the association there were substituted, as respect anything falling  
4 to be done on or after the appointed day, a reference to a member or members  
5 of the council under this Act or the officer of the association who  
6 corresponds as nearly as may be to the member or officer in question of the  
7 association.

8 (2) other documents which refer, whether specially or generally, to  
9 the association shall be construed in accordance with subparagraph (1) of  
10 this paragraph so far as applicable.

11 (3) Without prejudice to the generality of the foregoing provisions  
12 of this Schedule, where, by the operation of any of them or of section 5 of  
13 this Act, any right, liability or obligation vests in the institute, the institute  
14 and all other person shall, as from the appointed day, have the same right,  
15 powers and remedies (and in particular, the same rights as to the taking or  
16 resting of legal proceedings or the making or resisting of applications to any  
17 authority) for perfecting or enforcing that right, liability or obligation as  
18 they would have if it had at all times been a right, liability or obligation of the  
19 institute.

20 (4) Any legal proceedings or application to any authority pending  
21 on the appointed day by or against the association and relating to property  
22 transferred by this Act to the institute may be continued on or after that day  
23 by or against the institute.

24 (5) If the law in force at the place where any property transferred by  
25 this Act is situated provides for the registration of transfers of property of the  
26 kind in question (whether by reference to an instrument of transfer or  
27 otherwise), the law shall, so far as it provides for alterations of a register (but  
28 not for avoidance to transfers, the payment of fees or any other matter) apply  
29 with the necessary modifications to the transfer of the property aforesaid;  
30 and it shall be the duty of the council to furnish the necessary particulars of

1 the transfer to the proper officer of the registration authority, and of that officer  
2 to register the transfer accordingly.

3 *Transfer of function, etc,*

4 2.-(1) At its first meeting the council of the institute shall fix a date  
5 (not later than six months after the appointed day) for the annual general  
6 meeting of the institute.

7 (2) Notwithstanding anything to the contrary in this Act, the members  
8 of the committee of the Association which recommended the establishment of  
9 the institute under this Act shall, on the making of this Act, be deemed to be the  
10 members of the council of the institute until the date determined in pursuance  
11 of the foregoing subparagraph when the institute shall have its first annual  
12 general meeting, and they shall cease to hold office at the conclusion of such  
13 meeting, but shall be eligible for re-appointment.

14 (3) All regulations, rules and similar instruments made for the  
15 purpose of the association and in force immediately before the making of the  
16 Act shall, except in so far as they are subsequently revoked or amended by any  
17 authority having power in that behalf have effect, with any necessary  
18 modifications as if duly made for the corresponding purpose of the institute.

19 THIRD SCHEDULE

20 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL  
21 AND INVESTIGATING PANEL

22 *The Tribunal*

23 1. The quorum of the tribunal shall be four of whom at least two shall  
24 be chartered foresters.

25 2.-(1) The Chief Justice of Nigeria shall make rules as to the selection  
26 of members of the tribunal for the purposes of any- proceedings and as to the  
27 procedure to be followed and the rules of evidence to be observed in  
28 proceedings before the tribunal.

29 (2) The rules shall in particular provide:

30 (a) for securing that notice of the proceedings shall be given, at such



1 time and in such manner as may be specified by the rules, to the person who  
2 is the subject of the proceedings;

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

5 (c) for securing that any party to the proceeding shall, if he so  
6 requires, be entitled to be heard by the tribunal;

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

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

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

16 (g) for publishing in the Federal Gazette notice of any direction of  
17 the tribunal which has taken effect providing that a person's name shall be  
18 struck off a register;

19 3. For the purposes of any proceedings before the tribunal, any  
20 member of the tribunal may administer oaths and any party to the  
21 proceedings may sue out of the registry of the Supreme Court writs of  
22 subpoena and testificandum and duces tecum; but no person appearing  
23 before the tribunal shall be compelled:

24 (a) to make any statement before the tribunal tending to  
25 incriminate himself; or

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

28 4.-(1) for the purpose of advising the tribunal on questions of law  
29 arising in proceedings before it, there shall in all such proceedings be an  
30 assessor to the tribunal who shall be appointed by the council on the

1 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of  
2 not less than ten years for standing.

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

6 (a) that where an assessor advises the tribunal on any question of law  
7 as to evidence, procedure or any other matters specified by the rules, he shall do  
8 so in the presence of every party or person representing a party to the  
9 proceedings who appears thereat or, if the advice is tendered while the tribunal  
10 is deliberating in private, that every such party or person as aforesaid shall be  
11 informed what advice the assessor has tendered;

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

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

18 *The Panel*

19 5. The quorum of the panel shall be three.

20 6.-(1) The panel may, at any meeting of the panel attended by all the  
21 members of the panel, make standing orders with respect to the panel.

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

24 *Miscellaneous*

25 7.-(1) A person ceasing to be a member of the tribunal or the panel  
26 shall be eligible for reappointment as a member of that body.

27 (2) A person may, if otherwise eligible, be a member of both the  
28 tribunal and the panel; but no person who acted as a member of the panel with  
29 respect to any case shall act as a member of the tribunal with respect to that  
30 case.

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

7           9. Any document authorized or required by virtue of this Act to be  
8           served on the tribunal or the panel shall be served on the registrar appointed  
9           in pursuance of section 6 of this Act.

10          10. Any expenses of the tribunal or the panel shall be defrayed by  
11          the institute.

12                            CHARTERED FORESTERS (DISCIPLINARY TRIBUNAL AND

13    ASSESSORS) RULES

14    Under paragraphs 2 and 4 of the Third Schedule

15    Commencement: 28 January, 1971

16    *Proceedings before the Tribunal*

17          1.-(1) Parties to proceedings before the tribunal shall be:

18    (a) the complainant;

19    (b) the respondent;

20    (c) any other person required by the tribunal to be joined, or joined  
21          by leave of the tribunal.

22          (2) Subject to paragraph (3) of this rule, parties to the proceedings  
23          may enter an appearance in person, or by their respective legal practitioners  
24          acting as counsel.

25          (3) The tribunal may the attendance of the complainant or  
26          respondent in person if of opinion that it is necessary in the interest of  
27          justice.

28          2.-(1) when a complaint is referred by the panel to the tribunal, the  
29          registrar shall, after consultation with the chairman, appoint a time place for  
30          the hearing; and forthwith thereafter the registrar shall in the form in the

1 Schedule hereto give notice to all interested parties (including members of the  
2 tribunal and the assessor) as directed or required by the chairman.

3 (2) If directions are for any reason not so given, it shall be sufficient  
4 compliance with this rule if the notice is:

5 (a) handed to the party concerned or affected personally; or

6 (b) sent by registered post to the last known place of residence of the  
7 party.

8 3.-(1) Subject to paragraph (2) of this rules, the tribunal may hear and  
9 determine a case in the absence of any party.

10 (2) Any party to proceedings before a tribunal who fails to appear or  
11 be represented may apply within one month after the date when the  
12 pronouncement of the findings and directions of the tribunal were given, for a  
13 rehearing on the ground of want of notice or other good and sufficient reason;  
14 and the tribunal, in appropriate cases may grant the application upon such  
15 terms as to costs or otherwise as it thinks fit.

16 4. The tribunal may in the course of its proceedings hear witnesses  
17 and receive documentary evidence necessary in its opinion to assist it in  
18 arriving at a conclusion as to the truth or otherwise of the allegation of  
19 misconduct in the complaint referred to it by the panel; and in the application of  
20 this rule, the provisions of the Evidence Act or law in force in the state where  
21 the tribunal is sitting shall apply to any such proceedings.

22 5. If in the course of the proceedings it appears to the tribunal that the  
23 complaint before it requires to be amended in any respect, the tribunal may, on  
24 such terms as it thinks fit, allow the amendment to be made and the complaint  
25 as so amended shall thereupon be dealt with accordingly.

26 6. Proceedings of the tribunal shall be held, and its finding and  
27 directions shall be delivered, in public, unless otherwise directed by the  
28 tribunal.

29 7. The tribunal may, of its own motion, or upon the application of any  
30 party, adjourn the hearing on such terms as to costs or otherwise as the tribunal

1 may think fit.

2 8. If any person willfully gives false evidence on oath before the  
3 tribunal during the course of any proceedings, or willfully makes a false  
4 statement in any affidavit sworn for the purpose of any such proceedings, the  
5 tribunal may refer the matter to the Attorney-General of the Federation for  
6 such action as the Attorney -General may think fit.

7 9. if after the hearing the tribunal adjudges that the charge of  
8 professional misconduct has not been proved, the tribunal:

9 (a) shall records or finding that the respondent is not guilty of such  
10 conduct in respect of which the charge relates;

11 (b) may, nevertheless order any party (except the complainant) to  
12 pay the costs of the proceedings if, having regard to his conduct and to all the  
13 circumstances of the case, the tribunal thinks fit so to order.

14 10. Subject to section 12(5) of the Act (which relates inter alia to  
15 appeals) any finding or direction given by the tribunal shall be published in  
16 the Federal Gazette as soon as may be after the finding or direction takes  
17 effect.

18 11.-(1) Notes of proceedings maybe taken in shorthand by any  
19 person appointed by the tribunal and any party appearing at the proceedings  
20 shall be entitled to inspect the transcript thereof when made.

21 (2) The registrar shall supply to any person entitled to be heard  
22 upon an appeal against any finding or direction of the tribunal, a copy of the  
23 transcript of such notes on payment of such charges as may be fixed by the  
24 registrar.

25 (3) If for any reason provision is not made for taking of notes in  
26 shorthand, the chairman shall take notes of the proceedings; and the  
27 provisions of these rules as to inspection and taking of copies shall apply to  
28 any such notes made by the chairman.

29 12. The tribunal may dispense with any requirements of these  
30 rules as to notices, affidavits, document, service or time for doing or

1 omitting anything, in any case where it appears to the tribunal to be just or  
2 expedient so to do; and the tribunal in any particular case may extend the time  
3 for doing anything under these rules.

4           **13.** Books and other exhibits whatsoever produced or used at the  
5 hearing shall, unless the tribunal otherwise directs, be retained by the registrar  
6 until the expiry of the time for filing an appeal against a finding or direction of  
7 the tribunal or, if notice of any such appeal is given, until the hearing and  
8 disposal of the appeal.

9           **14.-(1)** An assessor, when nominated in accordance with paragraph 4  
10 (1) of Schedule 3 to the Act shall be appointed by the Institute by instrument,  
11 and the assessor shall hold and vacate office as provided in the instrument; and  
12 where the appointment is not a general one, it shall have effect only in respect  
13 of a particular meeting of the tribunal.

14           (2) Subject to the terms of his appointment, an assessor shall attend  
15 any meeting of the tribunal as and when requested to do so by notice in writing  
16 given to him by the registrar not later than three days before the date appointed  
17 for the meeting; and he shall there advise the tribunal on questions of law.

18           (3) the tribunal shall be sole judge of facts offered in evidence so  
19 however that in respect of mixed questions of fact and law, questions of law  
20 shall be for the assessor to advise on, in relation to evidence and procedure, and  
21 matters specified by these rules; and the tribunal shall confer with the assessor  
22 on the advisability of hearing proceedings in private, unless already so advised  
23 in writing by the Attorney-General of the Federation.

24           (4) if advice is tendered by an assessor to the tribunal otherwise than  
25 in the presence of all parties entering an appearance or as may be of their  
26 counsel, the assessor shall as soon as may be thereafter, inform all parties to  
27 the proceedings entering an appearance, as to the nature of the advice given  
28 and, the reaction thereto of the tribunal.

29           **15.-(1)** Except when the context otherwise requires, expressions used  
30 in these rules have the same meaning as in the Act.

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3  
4  
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(2) where used in these rules:  
"complainant" means a person or body alleging before the tribunal,  
professional misconduct against a member of the institute;  
"respondent" means the person required to answer to any charge of  
professional misconduct.  
16. These rules may be cited as the Chartered Foresters  
(Disciplinary Tribunal and Assessors) Rules.

SCHEDULE

NOTICE OF HEARING BY THE FORESTERS DISCIPLINARY TRIBUNAL  
IN THE MATTER OF THE INSTITUTE OF CHARTERED FORESTERS  
AND  
IN THE MATTER OF A CHARGE OF UNPROFESSIONAL CONDUCT  
AGAINST

.....  
of.....  
A chartered foresters/registered foresters  
TAKE NOTICE that foresters disciplinary tribunal sitting at.....  
at.....on.....19.....  
will commence its hearing of charge (s) to be there preferred against  
.....aforsaid of Unprofessional conduct  
shall thereafter present its findings.  
This notice is given to you as a.....  
(here state whether a party or a member, etc)  
and a copy of charge (s) to be preferred is annexed.  
DATED at Lagcs this.....day of.....20

EXPLANATORY MEMORANDUM

This Bill seeks to regulate the profession of Forestry and for related matters.

