

A BILL

FOR

AN ACT TO ESTABLISHED CHARTERED INSTITUTE OF AUCTIONEERS OF NIGERIA TO PROVIDE FOR AMONG OTHER THINGS, THE REGULATION, CONTROL AND TO DETERMINE THE STANDARDS OF KNOWLEDGE TO BE ATTAINED BY PEOPLE SEEKING TO BECOME CHARTERED AUCTIONEERS AND FOR RELATED MATTERS

Sponsored by Hon. Austine Chukwukere I.

[] Commencement

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

1 1.-(1) There is hereby established a body to be known as the
2 Chartered Institute of Auctioneers of Nigeria (in this Act referred to as the
3 "Institute") which shall be a body corporate under the name and be charged
4 with the general duties of:

Establishment of
the Chartered
Institute of
Auctioneers of
Nigeria

5 (a) Determining what standards of knowledge and skill are to be
6 attained by persons seeking to become registered as Chartered Auctioneers
7 and raising those standards from time to time as circumstances may permit;

8 (b) Securing in accordance with the provisions of this Act the
9 establishment and maintenance of a register of members, and the
10 publication from time to time of the list of those persons;

11 (c) Unite all holders of and/or foreign qualification(s) in
12 auctioneering and related disciplines in the public and private sector;

13 (d) Ensure that the practice of auctioneering are done
14 professionally in Nigeria;

15 (e) Provide consultancy services on auctioneering and allied
16 matters to the public as well as the private sector;

17 (f) Hold conferences, workshops, seminars and symposia on
18 contemporary auctioneering issues; and

1 (g) Perform any other duties as the council may deem fit from time to
2 time.

3 (2) The institute shall be professional body corporate with perpetual
4 succession and a common seal, which shall be kept in such custody as the
5 council may, from time to time, authorize.

6 (3) The institute may sue and be sued in its corporate name and may,
7 subject to the land use Act, hold, acquire and dispose of any property, movable
8 or immovable.

9 (4) The institute shall take over the asset and liabilities of the Certified
10 Institute of Auctioneers Ltd. (GTE).

Establishment
and composition
of the Government
Council of the
Institute

11 2.-(1) There is hereby established for the institute a Governing
12 Council of the Institute (in this Act referred to as "the Council") which shall be
13 charged with the responsibility for the administration and general management
14 of the institute.

15 (2) Subject to the provision of this Act, the council shall consist of:

16 (a) The National President of the Institute, who shall be the Chairman;

17 (b) The National Vice-President of the Institute, who shall be the
18 Vice-Chairman;

19 (c) Two (2) persons from Institution of higher learning offering
20 auctioneering and related courses leading to relevant qualifications. The two

21 (2) representatives will come from different higher institutions in
22 Nigeria;

23 (d) One persons each from the six geopolitical Zones;

24 (e) All members of the Board of trustees;

25 (f) Six (6) persons from other affiliated and related professional
26 bodies in the Country in rotation;

27 (g) The Registrar of the Institute who shall also be the Executive
28 Secretary to the Council.

29 (3) The council may advise an increase in the membership of the
30 council as may be deemed fit when necessary.

1 (4) The provisions set out in schedule 1 to this Act shall have effect
2 to the qualifications and tenure of office of members of the council and the
3 other matters therein mentioned.

4 3.-(1) There shall be for the institute a President, 1st Vice-President
5 and 2nd Vice-President who, shall be members of the institute, elected at the
6 Annual General Meeting of the institute and shall hold office each for a term
7 of two years renewable for not more than one term

8 (2) The President shall be chairman at meetings of the council,
9 however, in the event of death, incapacity or inability for any reason of the
10 President, the Vice-President shall act in his stead for the unexpired period
11 of term of the term office as the case may require, and the reference in this
12 Act to the President shall be construed accordingly.

13 (3) The President and the 1st Vice-President shall respectively be
14 Chairman and Vice-Chairman of the council established by Section 2 of this
15 Act.

16 (4) If the President, 1st and 2nd Vice-President ceases to be a
17 member of the institute, he shall Ipso facto cease to hold any offices
18 designated under this Section.

19 4.-(1) There is hereby established for the Institute a Board of
20 Trustees which membership shall:

21 (a) be for life;
22 (b) not be subjected to any election; and
23 (c) ensure that in the event of death of a member, the Board shall
24 appoint a successor.

25 (2) The Board shall comprise of:

26 (a) A Chairman;
27 (b) A Vice Chairman;
28 (c) A Secretary;
29 (d) Other Trustee Members.

30 (3) The Board of trustees shall be the highest law making body of

1 the institute and it shall hear and determine complaints that be brought before it
2 by member (who are arrears of their subscriptions and (levies) Its decision on
3 any issue is not subjected to any further debate.

4 (4) The Board shall hold its meeting, from time to time as may be
5 scheduled by the Board.

6 (5) A member of the Board shall be present during the meetings of the
7 Council.

8 (6) Decisions or resolution taken by the Council shall be subjected to
9 the scrutiny of the Board.

10 (7) No member of the council shall dispose any policy matter except
11 with prior approval of the Board.

12 (8) Where disciplinary Committee is unable to resolve any matter
13 brought before it shall refer the matter to the Council. In the event that the
14 Council is unable to resolve same, it shall in turn refer it to the Board and any
15 decision taken on the matter shall be final.

16 5.-(1) Members of the institute shall be drawn from diverse from
17 professions with work in areas of the auctioneering, Estate Management, Law,
18 Visual Arts and Artifact, Engineering, Management, and Social Sciences, etc.

19 (2) Subject to the Provision of this Act, members admitted into the
20 Institute shall possess adequate interest, knowledge and understanding of
21 auctioneering and related matters and must be registered as members in the
22 category of:

23 (i) Fellows;

24 (ii) Members;

25 (iii) Associate.

26 (3) Subject to the provision of this Act, the privileges and invitations
27 of members of the institute shall be as follows:

28 (a) The use of abbreviation Chartered Institute of Auctioneers of
29 Nigeria(CIAN);

30 (b) The right to affix a member seal and stamp on every document

1 endorsed by or emanating from them;

2 (c) Members in the class of fellow shall be entitled to use the
3 abbreviation of "FCAI" (Fellow Chartered Auctioneers Institute);

4 (d) Members in the class of full members shall be entitled to use the
5 abbreviation "MCAI" (Member Chartered Auctioneers Institute);

6 (e) Associate in the class of associate shall be entitled to use the
7 abbreviation "ACAI" (Associate Chartered Auctioneers Institute);

8 (f) Fellow shall be the highest grade in the institute.

9 (4) No other title or abbreviation shall be used to describe
10 membership of the institute.

11 (5) The provisions of schedule 2 this Act shall, so far as applicable
12 to the question of admission to the institute, have effect with respect to the
13 categories of members listed in Subsection(2) of this Section.

14 6.-(1) It shall be the duty of every registered member of the institute
15 to abide by the rules, regulations, code of conduct and any other policy
16 established by the institute for the purpose of sound practice. Every member
17 of the institute shall be bound to further to the best of his ability and
18 judgment the objects, purposes and interest of the institution.

19 (2) Every member of the institute shall subject to Section 9 and 10
20 of this Act, comply with the code of conduct set out by the council in
21 schedule 3 to this Act.

22 (3) Every member shall also order his conduct as to uphold the
23 dignity and reputation of the institute and shall observe the provision of this
24 Act and other regulation as may be enacted by the institute or minister.

25 7. The institute shall have the following incidental powers, that is
26 to say, it may:

27 (a) Obtain from any authority or persons, charters, and concessions
28 necessary for the attainment of its purposes;

29 (b) Acquire from any person, government, body or organizations,
30 by way of gift, purchase, exchange or lease whether absolutely in trust, any

1 property, real or personal, requisite or necessary to carry the objects of the
2 Institute, with power, subject to any trust, to hold or dispose of any such
3 property;

4 (c) Borrow money and grant loans with the approval of the Council
5 without prejudice to any other provision of this Act relating to the provisions of
6 funds;

7 (d) Do and perform anything necessary in the opinion of the institute,
8 to further the purpose and attain the objects of the institute;

9 (e) Acquire any such shares, stocks, debentures, bond, notes,
10 obligations or securities by original subscription, tender purchases, exchange
11 or otherwise and subscribe for the same either conditionally or otherwise, and
12 under written or guarantee the subscription thereof and exercise and enforce all
13 rights and powers conferred and incidental to the ownership thereof.

14 8.-(1) The council shall establish and maintain a fund into which shall
15 be paid all monies received by the council. The management and control of the
16 fund shall be by the council.

17 (2) The revenue of the institute shall be:

18 (a) All fees and other monies payable to the council in pursuance of
19 this Act;

20 (b) All relevance from other sources both locally and internationally

21 (3) There shall be paid out of the fund of the institute:

22 (a) All expenditure incurred by the council in the discharge of its
23 functions under this Act.

24 (b) Remunerations and allowance of the Registrar and other staff of
25 the institute; and

26 (c) The Council may invest moneys of the fund in any security created
27 or issued by or on behalf of the federal government or in any other security in
28 Nigeria's.

29 9.-(1) The council shall keep proper accounts and records on behalf of
30 the institute in respect of each year; and the council shall cause the accounts to

1 be audited by an Auditor appointed from the list of auditors and in
2 accordance with the guidelines supplied by the Auditor-General of the
3 Federation.

4 (2) The auditor appointed for the purposes of subsection (1) of this
5 section shall not be a member of the council.

6 10. The council shall prepare and submit to the council not later
7 than twelve month of its establishment and once in a year thereafter, a report
8 on the activities of the council in the last preceding year and shall include in
9 the report a copy of the audited accounts of the council for that year and of
10 the auditor's report thereon.

11 11.-(1) It shall be the duty of the council to appoint:

12 (a) A fit and proper person who shall be a member of the institute to
13 be the registrar for the purposes of this Act; and

14 (b) Such other persons as the institute may, from time to time, deem
15 necessary to work and perform functions as specified by the council.

16 (2) It shall be the duty of the Registrar to prepare and maintain in
17 accordance with rules made by the council, a registrar of names, addresses
18 and approved qualifications and of such other particulars, as may be
19 specified in the rules of all persons who are entitled in accordance with the
20 provisions of this Act to be registered as members of the institute.

21 (3) The register shall consist of parts established according to
22 professional disciplines approved by council. Council shall review parts of
23 the disciplines as need arises.

24 (4) The council may make regulations with respect to the form and
25 keeping of the register and the making of entries therein and in particular:

26 (a) Regulating the making of applications for or registration, and
27 providing for the evidence to be produced in support of applications;

28 (b) Providing for the notification to the Registrar, by the person to
29 whom any registered particulars relate, of any change in those particulars;

30 (c) Authorizing a registered person to have any qualification which

1 is in relation to economics, either an approved qualification so registered;

2 (d) Specifying the fees, including any registration fees, to be paid to
3 the institute in respect of the entry of names on the register and authorizing the
4 registrar to refuse to enter a name on the register until any fee specified for the
5 entry has been paid.

6 (5) Any rules made for the purposes of paragraph (d) of subsection (4)
7 of this section shall not come into force until they are approved by the Annual
8 General Meeting (AGM).

9 **12.** The Registrar shall perform the following duties:

10 (a) Correct, in accordance with the direction of the council, any entry
11 in the register, which the council, directs him to correct as being in the opinion
12 of the council an entry, which was incorrectly made;

13 (b) Make from time to time, any necessary alterations to the registered
14 particulars of registered persons;

15 (c) Record the names of members of the institute who are in debt for
16 more than six months in the payment of annual dues and to take such action in
17 relation thereto (including removal of the name of defaulter from the register)
18 as the council may be direct or require;

19 (d) Cause the register to be printed, published and put out on sale to
20 members of the public not later than two years from the commencement of this
21 Act;

22 (e) In each year after that in which a register is first published under
23 paragraph (d) of this subsection, to cause to be printed, published and put on
24 sale as afore said, either a corrected edition of the register or list of alterations
25 made to the register since it was last printed, and;

26 (f) Cause a print of each edition of the register and of each list,
27 corrections to be deposited at the headquarters of the institute, and it shall be
28 the duty of the council to keep the register and list so deposited, available at all
29 reasonable times for inspection by members of the public.

30 **13.-(1)** A person shall be deemed to practice as a Chartered

1 auctioneers if he engages himself in:

2 (a) sales through open competitive bids and declaring such goods
3 sold through public auction and or private auction to the highest bidder (s);

4 (b) Sales of landed property, chattels and any interest in land and or
5 goods of persons, personal or body corporate or otherwise (private or
6 public) at a public auction for commission, compensation and/or other form
7 of consideration or a fee;

8 (c) Invitation of bids either by oral or written and other related
9 matters and declaring such goods sold to the highest bidder(s);

10 (d) Sales of movable and immovable goods to the highest bidder
11 through tender, seal or silent bids at a fee or commission;

12 (e) Such work shall for the purposes of registration be designated
13 as approved by the council; or

14 (f) Renders any other service which may by regulation made by the
15 council with the approval of the council be designated as service
16 constituting practice as Chartered Auctioneer.

17 14.-(1) The council may make rules for:

18 (a) Prescribing the amount and date of the annual practicing fees;

19 (b) Restricting the right to practice as a member if default continues
20 for longer than such period as may be prescribed by the council;

21 (c) Restricting the right to practice as a member if the qualification
22 granted outside Nigeria does not entitled the holder to practice as a
23 Chartered Auctioneer;

24 (d) Prescribing the period of practical training and experiences in
25 the office of a member in practice, to be completed before a person qualifies
26 for registration or a license to practice as chartered Auctioneer.

27 (e) Prescribing the amount of fees and or commission payable

28 (2) Rules when made shall, if the chairman of the council so direct
29 be published in the Institute Journal.

30 15.-(1) Any regulations made under this Act, shall be published in

1 the Institute Journal as soon as or after they are made; and the council shall lay a
2 copy of any such regulations before the Annual General Meeting as soon as or
3 after they are so published.

4 (2) Rules made for the purposes of this Act shall be published to all
5 members of institute.

6 16.-(1) The headquarters of the institute shall be established and
7 maintain in a suitable location in Nigeria

8 (2) The council may make rules providing for the establishment and
9 maintenance of offices of the institute in the State of the Federation.

10 17.-(1) There shall be established a standing ethics/Disciplinary
11 Tribunal (in this Act referred to as "the Tribunal") which shall be charged with
12 the duty of considering and determining any referred to it by the panel under
13 subsection (3) of this section and any other case which the Tribunal has
14 cognizance under the following provision of this Act.

15 (2) The Tribunal shall consist of the council and four other members
16 of the council elected by the council.

17 (3) There shall be an adhoc Investigation Panel (in this Act referred to
18 as the "Panel") which shall be charged with duty:

19 (a) Conducting a preliminary investigation into any case where it is
20 alleged that a member of the institute has misbehaved in his capacity as a
21 member;

22 (b) Submitting a report of their investigation to the Tribunal.

23 (4) The panel shall be appointed by the council and shall consist of
24 two members of the council. The chairman of the panel shall be one of the
25 council members, and one non- council member shall be in the relevant
26 discipline of the member being investigated.

27 (5) The provisions of schedule 4 to this Act shall, so far as they are
28 applicable to the Tribunal and panel respectively, have effect with respect to
29 those bodies.

30 (6) The council may further to section 6 of this Act, make rules not

1 inconsistent with this Act, as to acts which constitute professional
2 misconduct.

3 18.-(1) Where:

4 (a) A member registered under this Act is adjudged by the Tribunal
5 to be guilty of an act under section 18 (2) of the offences and penalties or
6 contravenes the code of conduct of the institute as specified in schedule 3;

7 (b) A member convicted, by any court in Nigeria or elsewhere
8 having power to award imprisonment of an offence (whether or not
9 punishable with imprisonment) which in the opinion of the Tribunal is
10 incomplete with his status in the institute, or

11 (c) The Tribunal is satisfied that the name of any person has been
12 fraudulently registered.

13 (2) The Tribunal may, if it deems fit, give a direction reprimanding
14 that person or ordering the registrar to strike his name off the relevant part of
15 the register.

16 (3) The Tribunal may, if it deems fit, defer or further defer its
17 decision as to the giving of a direction under the foregoing subsection until a
18 subsequent meeting of the Tribunal, but:

19 (a) No decision shall be deferred under this subsection for periods
20 exceeding one year in the aggregate; and

21 (b) So far as possible no person shall be a member of the Tribunal
22 for the purpose of reaching a decision present as a member of the Tribunal
23 when the decision was deferred.

24 (4) For the purposes of section 18(1), a person shall not be treated
25 as convicted as therein mentioned unless the conviction stands at a time
26 when no appeal or further appeal is pending or may (without extension of
27 time) be brought in connection with the conviction.

28 (5) When the Tribunal gives a direction under section 18(1), the
29 Tribunal shall cause notice of the direction to be served on the person to who
30 it relates.

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

8 (7) A direction of the tribunal given for the purpose of section 18(1)
9 shall take effect:

10 (a) Where no appeal under this section is brought against the direction
11 within the time limited for such an appeal, on the expiration of that time, or

12 (b) When such an appeal is brought as is withdrawn or struck out for
13 want of prosecution, or the withdrawal or striking out of the appeal;

14 (c) Where such an appeal is brought and is not withdrawn or struck out
15 as aforesaid if and when the appeal is dismissed.

16 (8) A person whose name is removed from the register in pursuance of
17 a direction of the Tribunal under this section shall not be entitled to be
18 registered against except in pursuance of a direction in that behalf given by the
19 Tribunal on the application of that person.

20 (9) A direction under this section for the removal of a person's name
21 from the register may prohibit an application under subsection 8 of section by
22 that person until the expiration of such period from the date of the direction
23 (and where he has duly made such an application from the date of his last
24 application) as may be specified in the direction.

25 **19.-(1)** If any person for the purpose of procuring the registration of
26 any name, qualification or other matter:

27 (a) Makes a statement which he knows to be false in a material
28 particular; or

29 (b) Recklessly makes a statement which is false in a material
30 particular; he is guilty of an offence.

1 (2) If any member deliberately betrays the trust of his clients by
2 such as collecting remuneration for services not rendered or certification of
3 jobs, which do not meet specifications; he is guilty of an offence.

4 (3) If on or after the relevant date of the enactment of this Act, any
5 person who is not a member of the Institute practices as Chartered
6 Auctioneers for or in expectation of reward or takes or uses any name, title,
7 addition or description implying that he is in practice as a Chartered
8 Auctioneers he is guilty of an offence.

9 (4) If the Registrar or any other person employed by or on behalf of
10 the Institute willfully makes any falsification in any matter relating to the
11 register; he is guilty of an offence

12 (5) A person guilty of an offence under this section is liable:

13 (a) On summary conviction, to a fine of an amount not exceeding
14 N100,000 or;

15 (b) On conviction to his name being removed from the register, or

16 (c) On conviction or indictment, to a fine of an amount not
17 exceeding N500,000 or to suspension for a term not exceeding two years or
18 to both such fine and suspension.

19 20. In this Act, unless the context otherwise requires:

Interpretation

20 "Board" means the Board of Trustees;

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

23 "Fees" includes registration fee and annual dues;

24 "Institute" means the Chartered Institute of Auctioneers of Nigeria (CIAN)
25 under section 1 of this Act;

26 "Member" means individual member of the Institute;

27 "Ethics/Disciplinary Committee" has the meaning assigned thereto by
28 section 9 of this Act;

29 "President" and "Vice President" means respectively the office holder under
30 those names in the Institute;

1 "Register" means the register maintained in pursuance of section 8 of this Act;
2 "Profession" means the profession in the areas of Auctioneering and related
3 disciplines;
4 "He" means a male or female member as the case may be.

Citation

5 21. This Bill may be cited as the Chartered Institute of Auctioneers
6 Nigeria (Establishment, etc) Bill, 2016.

7 SCHEDULES

8 SCHEDULE 1

9 Section 2

10 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

11 AND THE INSTITUTE

12 *Qualifications and Tenure of Office of members*

13 1. Subject to the provisions of this paragraph, a member of Council
14 shall hold office for a period of two years beginning from date of his
15 appointment or election.

16 2. In the case of a person who is a member by virtue of having been
17 President of the Institute, he shall hold office for period of two years from the
18 date of having ceased to be President of the Institute.

19 3. Any member of the Institute, who ceases to be a member thereof, if
20 he is also a member of the Council, shall cease to hold office on the Council.

21 4. Any elected member may, by notice in writing under his hand
22 addressed to the President of the Institute, resign his office, and any appointed
23 member may, with the consent of the President, in the same manner resign his
24 office.

25 5. 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 6. Members of the Council shall at its meeting before the annual
29 meeting of the Institute arrange for the five members of the Council appointed
30 or elected and longest in office to retire at that annual meeting.

1 of the Institute and approve the budget, work programme of the Council and
2 rules made by the Council in accordance with Section 8 (5) of this Act.

3 *Meeting of the Council*

4 5.-(1) Council shall meet at least twice a year.

5 (2) Subject to the provisions of any standing orders of the Council, the
6 Council shall meet whenever it is summoned by the Chairman; and if the
7 chairman is required to do so by notice in writing given to him by not less than
8 seven other members, he shall summon a meeting of the Council to be held
9 within seven days from the date on which the notice is given.

10 (3) At any meeting of the Council, the Chairman or in his absence, the
11 Vice-Chairman shall preside.

12 (4) Where the Council desires to obtain the advice of any Person on a
13 particular matter, the council may co-opt him as a member for such period as
14 the Council thinks fit; but a person who is a member by virtue of this sub-
15 paragraph, shall not be entitled to vote at any meeting of the Council and shall
16 not count towards a quorum.

17 (5) notwithstanding, anything in the foregoing provisions of this
18 paragraph, the President shall summon the inaugural meeting of the Council.

19 *Committees*

20 6.-(1) The Council shall appoint the following standing committees:

21 (a) Admission and membership registration committee;

22 (b) Education committee;

23 (c) Ethics/disciplinary tribunal committee;

24 (d) Finance and general purpose committee;

25 (e) Inter-Governmental relation committee;

26 (f) Publicity and welfare committee.

27 And such other ad-hoc committees to carry out on behalf of the Council, such
28 functions as the Council may determine.

29 (2) A committee appointed under this paragraph shall consist of the
30 number of persons determined by the Council.

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SCHEDULE 2

Section 4 (5)

SUPPLEMENTARY PROVISIONS RELATED TO THE MEMBERSHIP ADMISSION
INTO THE INSTITUTE

1.-(1) Subject to sections 4(2) and 4(5) of this Act, admission of members into the Institute shall be by registration.

(2) A person accorded by the Council established by this Act, status as a chartered auctioneers shall be entitled to the use of that name and shall be registered as:

(a) A member if:

(i) He holds qualification(s) approved by the Councilor,

(ii) He passes the qualifying examination for registration recognized or conducted by the Institute under this Act and completes the practical training prescribed. However, the admissions committee may consider waiving certain aspects subject to Council approval;

(iii) He has sufficient practical experience in auctioneering and or related work of at least five years and holds a testimonial/certificate of experience from the Chartered Institute of Auctioneers or he is a member of the Institute and has been so recommended; a higher degree in relevant field would normally account for 2 and 3 years of experience for masters and PhD respectively; or

(iv) He holds the relevant professional qualification (s) from outside Nigeria and is acceptable to the Council provided there are no encumbrances thereto.

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

(a) He is of good character;

(b) He has attained the age of 21 years; and

(c) He has not been convicted in Nigeria or elsewhere of an offence involving fraud, dishonesty or any other criminal conduct.

1 (4) The Council shall, from time to time, publish in the Journal,
2 particulars of qualifications accepted for registration by the Institute.

3 (5) The Institute shall conduct continuing education programmes
4 to upgrade the skills and competence of members.

5 (6) The continuing education and training committee of the
6 Institute shall conduct training for the qualifying examination required for
7 registration.

8 (7) The Institute shall provide and maintain a library comprising
9 standard auction books, regulatory laws and policy, journals, publications
10 for the promotion and advancement of knowledge in Auctioneering and
11 such other books and publications that the Council may deem fit.

12 (8) The Institute shall encourage research into auctioneering and
13 related subjects to the extent that the Council may from time to time
14 determine.

15 SCHEDULE 3

16 *Section 5*

17 CODE OF CONDUCT FOR MEMBERS

18 Every member of the Institute when discharging his professional duty shall
19 abide by the code of conduct. The Council as may be deemed necessary may
20 from time to time review this code of conduct.

21 A member shall:

22 (1) Maintain highest possible standard of professional competence
23 expected of a professional auctioneer. Not accept professional obligations
24 which he believes he has no sufficient competence and authority to perform.

25 (2) Maintain an unimpeachable standard of integrity in all their
26 relationship.

27 (3) Complying both with the letter and the spirit of laws of the
28 Federal Republic of Nigeria.

29 (4) Rejecting any business proposal, the property of which might
30 be open to doubt.

1 (5) Declaration of personal interest that may give rise to impartial ity
2 in any auction business.

3 (6) Take all reasonable care in his professional capacity to minimize
4 the risk of any mishap or damage to the profession of auctioneering.

5 (7) Not maliciously or recklessly injure or attempt to injure whether
6 directly or indirectly the professional reputation of another auctioneer.

7 SCHEDULE 4

8 *Section 13*

9 SUPPLEMENTARY PROVISIONS RELATED TO THE ETHICS/DISCIPLINARY
10 TRIBUNAL AND INVESTIGATION PANEL OF THE TRIBUNAL

11 1. The quorum of the Tribunal shall be three including the President
12 of the Institute.

13 2.-(1) The Attorney-General of the Federation may make rules as to
14 the selection of members of the Tribunal for the purposes of any proceeding
15 and as to the procedure to be followed and the rules of evidence to be observed
16 in proceedings before the Tribunal.

17 (2) The rules shall in particular provide:

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

21 (b) For determining who in addition to the person aforesaid, shall be
22 party to the proceedings;

23 (c) For securing that any party to the proceedings shall, if so required
24 be entitled to be heard by the Tribunal;

25 (d) For enabling any party to the proceedings to be represented by a
26 legal practitioner;

27 (e) Subject to the provisions of section 18 (6) of this Act, as to the costs
28 of proceedings before the Tribunal;

29 (f) For requiring in a case where it is alleged that the person who is
30 subject of the proceedings is guilty of infamous conduct in any professional

1 respect, that where the Tribunal adjudges that the allegation has not been
2 proved, it shall record a finding that the person is not guilty of such conduct
3 in respect of the matters to which the allegation relates;

4 (g) For publishing in the Institute Journal and or National
5 Newspaper notice of any direction of the tribunal which has taken effect
6 providing that a person's name shall be struck off a register.

7 3. For the purposes of any proceedings before the Tribunal, any
8 member of the Tribunal may administer oaths and any party of the
9 proceedings may issue out of the registry of the Court of Appeal writs of
10 *subpoena and testificandum and dunces rectum*; but no person appearing
11 before the Tribunal shall be compelled:

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

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

16 4. For the purpose of advising the Tribunal on questions of law
17 arising in the proceedings before it. There shall, in all such proceedings, be
18 an assessor to the Tribunal who shall be appointed by the Council on the
19 nomination of the Attorney-General of the Federation and shall be a legal
20 practitioner of not less than ten years standing.

21 5.-(1) The Attorney-General of the Federation shall make rules as
22 to the functions of assessors appointed under this paragraph, and in
23 particular such rules shall contain provisions for securing that:

24 (a) Where an assessor advises the Tribunal on any question of law
25 as to evidence, procedure or any other matters specified by the rules, he shall
26 do so in the presence of every party or person representing a party to the
27 proceedings who appears thereat or, if the advice is tendered while the
28 Tribunal is deliberating in private, that every such party or person as
29 aforesaid shall be informed what advice the assessor has tendered;

(b) Every such party or person as aforesaid shall be informed if in

1 any case the Tribunal does not accept the advice of the assessor on such a
2 question as aforesaid.

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

7 *The Panel*

8 6. The quorum of the Panel shall be three

9 7.-(1) The Panel may, at any meeting of the panel attended by all the
10 members of the Panel, make standing orders with respect to the panel.

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

13 *Miscellaneous*

14 8.-(1) A person ceasing to be a member of the Tribunal or the panel
15 shall be eligible for re-appointment as a member of that body.

16 (2) A person may, if otherwise eligible, be a member of both the
17 Tribunal and the Panel; but no person who acted as a member of the panel with
18 respect to any case shall act as a member of the panel with respect to any case
19 shall act as a member of the Tribunal with respect to case.

20 The Tribunal or the Panel may act notwithstanding any vacancy in its
21 membership; and the proceedings of either bodies shall not be invalidated by
22 any irregularity in the appointment of a member of that body, or (subject to
23 paragraph 8 (2) of this Schedule) by reason of the fact that any person who was
24 not entitled to do so took part in the proceedings of that body.

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

28 10. Any expenses of the Tribunal or the panel shall be defrayed by the
29 Institute.

EXPLANATORY NOTE

This Act seeks to establish the Chartered Institute of Auctioneers of Nigeria and charges it with the responsibility for determining the standard of knowledge and skill to be attained by persons seeking to become Chartered Auctioneers.

It further seeks to establish the Governing council of the Institute which shall have the responsibility of managing the Institute and setting the standard of education.