

INSTITUTE OF TRANSPORT ADMINISTRATION NIGERIA

(ESTABLISHMENT) BILL, 2016

ARRANGEMENT OF SECTIONS

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# A BILL

## FOR

AN ACT TO ESTABLISH THE INSTITUTE OF TRANSPORT ADMINISTRATION  
OF NIGERIA (CHARTERED) 2016

*Sponsored by Hon. Oghene Emma Egoh*

[ ] Commencement

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

1 PART 1 - ESTABLISHMENT, COMPOSITION ETC. OF THE INSTITUTION OF  
2 TRANSPORT ADMINISTRATION, NIGERIA (CHARTERED) GOVERNING  
3 COUNCIL, ETC.

4 1.-(1) There is a body to be known as the Institute of Transport  
5 Administration Nigeria (in this Act referred to as the Institute).

Establishment of  
the Institution of  
Transport  
Administration  
of Nigeria  
(Chartered)

6 (2) The Institute:

7 (a) shall be a body corporate with perpetual succession;

8 (b) shall have a common seal which shall be kept in such custody as  
9 the Council may, from time to time, authorize; and

10 (c) may sue and be sued in corporate name.

11 2. The objective of the institution shall be to:

Objectives of the  
Institute

12 (a) set standards of practice and determine the knowledge and  
13 skills to be attained by persons seeking to become registered members of the  
14 institute and practice as Chartered Transports and reviewing those standard  
15 from time to time as circumstances may require;

16 (b) secure, in accordance with the provisions of this Act the  
17 establishment and maintenance of register of Students, Associate, Associate  
18 members, Members and Fellow of the Institute and the publication from  
19 time to time of a list of those members entitled to practice as Chartered  
20 Transporters

21 (c) perform such other functions, as may be necessary for the

Functions and  
powers of the  
institute

1 advancement of the institute and the transport management profession

2 3. The Functions and powers of the Institute shall be to:

3 (a) organize and conduct examinations and award professional  
4 certificates and diplomas, from time to time, in transport and other subjects-  
5 related to the profession for the purposes of admitting members to the Institute,  
6 enhancing their status therein, and issue membership certificates to persons  
7 admitted;

8 (b) Organize and conduct seminars, workshops, conferences and  
9 research in all aspects of transport management and administration; and also  
10 provide professional training for persons aspiring to qualify and practice as  
11 chartered transportant in Nigeria;

12 (c) Secure the professional status and do all such things as may be  
13 necessary to promote the interest of its members and the advancement of the art  
14 and science of transport, knowledge and efficiency in transport management  
15 and administration in the public and private sectors of the Nigerian economy;

16 (d) Acquire and hold such movable and immovable property as may  
17 be necessary or expedient for putting into effect the provisions of this Act;

18 (e) Demand and receive from any course participant, student member  
19 of the Institute such fees as the Institute may from time to time prescribe;

20 (f) Have powers to recognize and affiliate with any University or  
21 other Tertiary Institutions for the purpose of offering degree programmes; and

22 (g) Have powers to regulate and control the practice of professional  
23 transport management and administration in all its ramifications through the  
24 establishment of Council for the Registration of Transportants (CORTRANS);

Membership of  
the Institute

25 4.-(1) Subject to the provisions of this Act, persons admitted into the  
26 membership of the Institute shall be registered as members and possess  
27 adequate knowledge, experience and qualifications in the science of  
28 intermodal transportation and other related disciplines specified under this Act,  
29 and be enrolled in the category of:

30 (a) Fellows;

1 (b) Members;

2 (c) Associate Members;

3 (d) Corporate Members (Institutional members); and

4 (e) Graduate/Students

5 (2) Without prejudice to the provisions of section 4 (1) of this Act,  
6 persons registered or accorded the status of chartered transportant by the  
7 council of the Institute under this Act, shall be entitled to the use of that name  
8 and shall be enrolled as:

9 (a) Fellows, if they satisfy the Council within the period of not less  
10 than ten years immediately preceding their enrollment that:

11 (i) They are fit and proper persons,

12 (ii) They are holders of approved academic qualifications,

13 (iii) They have been continuously active as professional transport  
14 managers and administrators in the public or private sectors of the economy  
15 and as members of the Institute; or

16 (b) Members, if for the period of not less than five years,  
17 immediately preceding their enrollment in the Institute, have gained  
18 practical transport experience after being admitted as an associate member  
19 or holds postgraduate qualification in transport studies, found to be fit and  
20 proper persons, and as may be approved by Council; or

21 (c) Associate members, if they satisfy the Council that they have  
22 passed the mandatory final professional qualifying examination conducted  
23 by the Institute, hold equivalent qualifications from recognized institutions  
24 of higher education and are otherwise howsoever found to be fit and proper  
25 persons by the Council.

26 (d) Corporate members if:

27 (i) It satisfies the Council that it is eligible to be so registered;

28 (ii) It satisfies all other criteria as may be specified by the Council  
29 from time to time;

30 (iii) A corporate or institutional member of the Institute shall be

1 entitled to receive, from the Council, a certificate in such a form as the Council  
2 may approve for that purpose.

3 (3) All newly admitted members into the relevant grades of  
4 membership shall undergo membership induction programmes before the  
5 confirmation of their admission into such grades. The following are the order  
6 of precedence and designated titular abbreviations for:

7 (a) a Fellow of the Institute of Transport Administration Nigeria,  
8 which shall be FinstTA;

9 (b) a Member of the Institute of Transport Administration Nigeria,  
10 which shall be MinstTA; and

11 (c) an Associate Members of the Institute of Transport Administration  
12 Nigeria, which shall be AMinstTA;

13 (4) Graduates and Students registered for training shall become  
14 professional members only after satisfying specified qualification  
15 requirements for membership and pass prescribe examinations as approved by  
16 the Council or bye-laws of the Institute.

17 (5) A person shall be deemed a chartered transportant or practitioner,  
18 if for consideration of remuneration received or to be received, and whether by  
19 himself or in partnership with any other person:

20 (a) He engages himself in the practice of transport and holds himself  
21 out to the public as a member of the Institute;

22 (b) He renders professional services (training, research and  
23 consultancy) which may by rules or bye-laws made by the Council is designed  
24 as service constituting professional transport administration practice.

25 (6) No firm or persons shall practice as professional transport  
26 managers and administrators (herein referred to as "chartered transportants"),  
27 transport consultants or senior officer in any job ancillary to all modes of  
28 transport, fleets, distribution, logistics, tourism and traffic administration firm  
29 in Nigeria unless they have been duly registered by the Institute.

1                   5.-(1) There is established for the Institute a Governing Board  
2 (hereinafter in Establishment this Act referred to as the "Council") which  
3 shall provide general policy guidelines for and the effective administration  
4 of the Institute.

Establishment  
and Composition  
of the Governing  
Council

5                   (2) The Council shall consist of the following principal officers:

6                   (a) The National President of the Institute who shall be the  
7 Chairman: He or she shall be a person of proven integrity and a fellow of the  
8 Institute with not less than five years of post-registration experience;

9                   (b) The Deputy President and Vice-President of the Institute who  
10 shall be the Deputy Chairman and Vice-Chairman respectively;

11                   (c) The National Secretary who shall be Secretary to the Governing  
12 Council as well as Secretary of Council for the Registration of  
13 Transportants;

14                   (d) The National Financial Secretary;

15                   (e) The National Treasurer; and

16                   (f) All members of the National Executive Committee including  
17 Ex-Officio members and Zonal Representatives of Approved  
18 Centres/Zones of the Institute;

19                   (g) Chairmen/Representatives of Approved Committees of the  
20 Institute;

21                   (h) one representative each (of the rank not lower than Assistant  
22 Director) from:

23                   (i) Federal Ministry of Transport,

24                   (ii) Federal Ministry of Aviation,

25                   (iii) Federal Ministry of Education,

26                   (iv) Federal Ministry of Works,

27                   (v) Federal Ministry of Industry, Trade & Investment,

28                   (vi) The National Planning Commission,

29                   (vi) Two representatives from Nigerian Universities or Tertiary or  
30 Specialized Institutions offering Programmes in Transport, Logistics and

1 transport related professional courses,  
2 (viii) National Building and Roads Research Institute,  
3 (ix) Federal Road Safety Corps, and  
4 (x) Immediate past elected National President of the Institute who had  
5 successfully served out his tenure.

Membership of  
the Board

6 **6. -(1)** Subject to the provisions of this Act, all elected officers of the  
7 Institute serving in the Council shall be financial members of the Institute in the  
8 grades of Board fellows, members and associate members, and shall be elected  
9 biennially at the annual general meeting and hold office for a period of two  
10 years from the date of their election.

11 (2) The President shall be the Chairman at all meetings of the Council,  
12 however, in the event of the death, incapacity or inability for any reason of the  
13 President, the Deputy President shall act as President for the unexpired portion  
14 of the term of office as President, as the case may be and reference to the Act,  
15 the President shall be construed accordingly.

16 (3) If the President or the Deputy. President ceases to be a member of  
17 the Institute, he shall cease to hold any of the office designated under this  
18 Section.

19 (4) Membership and activities of the Council shall be on part time  
20 basis.

#### 21 PART 11- FINANCIAL PROVISIONS

Funds of the  
Institute

22 **7.-(1)** There is established for the Institute a fund into which shall be  
23 paid and credited:

24 (a) all fees, subscriptions and other monies due to the Institute;

25 (b) gifts, loans, grants-in-aid, testamentary dispositions,  
26 endowments, contributions from philanthropic organizations, etc;

27 (c) returns on investments made by the Institute; and Funds of the  
28 Institute;

29 (d) all other assets or monies that may from time to time accrue to the  
30 Institute.

1                   **8.-(1)** The Council may invest the funds of the Institute In Investment of  
the Funds of the  
Institute  
2 accordance with the Security and Investment Act.

3                   **(2)** The Institute may from time to time apply the proceeds of the  
4 funds of the Institute to:

5                   **(a)** the general administration of the Institute;

6                   **(b)** the payment of the emoluments, fees and other entitlements of  
7 members of the Council;

8                   **(c)** the payment of salaries, allowances or other remunerations and  
9 benefits payable to the officers and other employees of the Institute;

10                  **(d)** the development and maintenance of any property vested in or  
11 owned by the Institute; and

12                  **(e)** such other activities that will promote the growth of the Institute  
13 or are connected with its functions

14                  **9.** The Council shall keep proper accounts for the Institute in Expenditure and  
Audited Accounts  
of the Institute  
15 respect to each financial year and proper records in relation to such  
16 accounts, and shall cause the accounts to be audited by a firm of auditors  
17 approved by the Council and the result of the audit published within six  
18 months from the end of the financial year to which the accounts relate.

19                  **PART III - APPOINTMENT AND FUNCTIONS OF THE REGISTRAR**

20                  **10.-(1)** The Council shall appoint a fit and proper person to be the Appointment and  
Functions of the  
Registrar  
21 Registrar of the Institute.

22                  **(2)** The Registrar shall:

23                  **(a)** be the Secretary to the Council;

24                  **(b)** prepare and maintain in accordance with rules approved by the  
25 Council, a register of the names, addresses, qualifications and such other  
26 particulars as may be required of all persons who are entitled in accordance  
27 with the provisions of this Act to be registered as Chartered Transportants  
28 and who apply in the specified manner and have been so registered;

29                  **(c)** correct in accordance with the Council's directive any entry in  
30 the Register which the Council directs him to correct as being in the



1 Council's opinion an entry which was incorrectly made;

2 (d) cause the Register to be published and put on sales to members of  
3 public not later than two years from the date in which this Act comes into effect  
4 and thereafter to be published and put on sale either as a corrected or an updated  
5 edition of the Register at no more than two year intervals;

6 (e) subject to the provisions of this section, the Institute may make  
7 such other rules as may be expedient for the proper keeping of the Register and  
8 the making of entries therein; and

9 (f) subject to the provisions of this Act, a person who holds a  
10 qualification obtained outside Nigeria and which is acceptable to the Institute  
11 shall be eligible to be registered as a Chartered Transportant (Transport  
12 Professional).

13 PART IV - REGISTRATION

When a person  
is deemed at a  
Chartered  
Transportant

14 **11.** A person shall be deemed as a professional transport  
15 administration practitioner (herein in this Act referred to as “Chartered  
16 Transportant”) if, for consideration of remuneration received or to be received,  
17 and whether by himself or herself in partnership with any other person:

18 (1) He/she passes the qualifying examinations approved by the  
19 Council and completes practical training prescribed by the Institute;

20 (2) He/She qualifies for enrolment as member in any categories under  
21 subsection (a) - (d) of section 4 of this bill;

22 (3) He/She engages himself in practice of transport management and  
23 administration;

24 (4) He/She renders professional service or assistance in or about  
25 matters of principles or details relating to transport management and  
26 administration;

27 (5) He/She renders any other service which may by rules or Bye-Laws  
28 made by the Council be designated as service constituting practice as a  
29 professional transport administration practitioner;

30 (6) All Nigeria based Fellows, Members and Associate Members and

1 other membership grades of the Institute of Transport Administration,  
2 Westoning, Bedfordshire, United Kingdom, before the commencement of  
3 this Act shall be required to apply for registration under this Act; and

4 (7) Any applicant for registration shall satisfy the Council that:

5 (a) he/she has a good character;

6 (b) he/she has attained the age as prescribed in the Bye-Law of the  
7 Institute; and

8 (c) he/she has not been convicted in Nigeria or elsewhere of any  
9 offence involving fraud or dishonesty.

10 12.-(1) the Council may approve any institution for the purposes of  
11 this Act, and may for those purposes approve:

Approval of  
courses and  
qualifications

12 (a) courses of training at an approved institution which is intended  
13 for persons who are seeking to become or are already transport management  
14 and administration practitioners and which the Council considers is  
15 designed to confer on persons completing it sufficient knowledge and skills  
16 for admission as registered members of the Institute;

17 (b) accredit any institution whether in Nigeria or abroad which the  
18 Institute considers is properly organized and equipped for conducting the  
19 whole or any part of a programme of training approved by the Institute; and

20 (c) approve any qualification which as a result of an examination  
21 taken in conjunction with the course of training approved by the Institute  
22 under this section is granted to candidates reaching a standard at the  
23 examination indicating in the opinion of the Institute that such candidates  
24 have sufficient knowledge and skill to practice transport management and  
25 administration as a profession.

26 (2) The Council may if it deems fit withdraw any approval given  
27 under this section in respect of any course qualification or institution but  
28 before withdrawing such an approval the Council shall:

29 (a) give notice that it proposes to make the withdrawal;

30 (b) give such person an opportunity of making to the Council

1 representation with regard to the proposal; and

2 (c) take into consideration any representations made in respect of the  
3 proposal.

4 (3) Any period during which the approval of the Council under this  
5 section for a course, qualification or institution is withdrawn, the course  
6 qualification or institution shall not be treated as approved under this section  
7 but the withdrawal of such an approval shall not prejudice the registration of  
8 any person who by virtue of the approval was registered or eligible for  
9 registration immediately before the approval was withdrawn.

10 (4) The giving or withdrawal of an approval under this section shall  
11 have effect from such date, either before or after the execution of the  
12 instrument signifying the giving or withdrawal of the approval as the Council  
13 may specify in that instrument, and the Council shall:

14 (a) Publish as soon as possible a copy of every such instrument in the  
15 print media; and

16 (b) Not later than seven days before its publication send a copy of the  
17 instrument to the Minister

Supervision of  
instruction and  
examination  
leading to approved  
qualification

18 13.-(1) It shall be the duty of the members of Council to keep  
19 themselves informed of the nature of:

20 (a) The instruction given at approved institutions to persons attending  
21 approved courses of training; and

22 (b) The examination as a result of which approved qualifications are  
23 granted, and for the purpose of performing that duty the Council may appoint,  
24 either from among its own members or otherwise, persons to visit approved  
25 institution, or to attend each examinations.

26 (2) It shall be the duty of a visitor appointed under this section to  
27 report to the Council on:

28 (a) The sufficiency of the instructions given to persons attending  
29 approved courses of training at institutions visited by him;

30 (b) The sufficiency of the examination attended by him; and

1 (c) Any other matters relating to the institution or examination on  
2 which the council may, either generally or ,in a particular case, request him  
3 to report but no visitor shall interfere with the giving or any' instruction or  
4 the holding of any examination.

5 PART V - PROFESSIONAL DISCIPLINE

6 14.-(1) there shall be constituted, a Disciplinary Committee which  
7 shall be charged with the duty of considering and determining any cases of  
8 professional misconduct referred to it;

Establishment of  
Disciplinary  
Committee for  
Professional  
Misconduct

9 (2) The Disciplinary Committee shall consist of a Chairman and  
10 four other members of the Institute.

11 (3) The Disciplinary Committee shall conduct investigation into  
12 any allegations against any registered member of the Institute for  
13 professional misconduct or such other conduct(s) that warrant(s)  
14 proceedings against him or her before the Disciplinary Committee and shall  
15 make determination as to his guilt or innocence.

16 (4) Where the Disciplinary Committee determines that a member  
17 is guilty of misconduct, it shall refer the matter including all its proceedings  
18 to the Council which shall determine whether the member should be:

19 (i) reprimanded;

20 (ii) suspended for a period not exceeding 12 months;

21 (iii) deregistered, that is to say have his name removed from the  
22 Register; or

23 (iv) sanctioned in any other agreed manner or appropriate measure,  
24 including financial surcharge.

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

27 (6) If a member is convicted of a criminal offence by a court or  
28 tribunal of competent jurisdiction, he shall have his name removed from or  
29 struck off the Register.

30 (7) A person suspended by the Council shall cease to practice as a

1 Transport Management Professional or Transport Administrator during the  
2 period of his or her suspension.

3 (8) A person whose name is removed from the Register in pursuance  
4 of a directive of the Council under this section shall not be entitled to be  
5 registered again except in pursuance of a new directive in that behalf given by  
6 the Council upon the application of that person; not less than two years from the  
7 date on which his or her name was removed from the Register.

Offences and  
Penalties for  
unprofessional  
Conduct

8 **15.**-(1) If, or after the commencement of this Act, any person not a  
9 member of the Institute practices as a registered member of the profession of  
10 transport management and administration for or in expectation of reward or  
11 takes or uses any name, title, addition or description implying that he is in  
12 practice as a registered member of the profession of transport administration,  
13 commits an offence,

14 (2) Any person who for the purpose of procuring registration of any  
15 name, qualification or other matter relating to transport Administration makes  
16 a false claim, a false entry, or willfully falsifies the register, commits an  
17 offence.

18 (3) If the Registrar or any other person employed on behalf of the  
19 Institute willfully makes any falsification in any matter relating to the Register,  
20 he commits an offence.

21 (4) Where an offence under this section which has been committed by  
22 a body corporate is proved to have been committed with the consent or  
23 connivance of, or to be attributable to any neglect on the part of any director,  
24 manager, secretary or other similar officer of the body corporate or any person  
25 purporting to act in any such capacity, he or she as well as the body corporate,  
26 shall be deemed to be guilty of that offence and shall be liable to be proceeded  
27 against and sanctioned accordingly.

28 (5) A person who commits an offence under this section is liable upon  
29 conviction to:

30 (i) a fine not exceeding N50,000.00 or imprisonment for a term not

1 exceeding one year or to both such fine and imprisonment (this provision  
2 having effect on an individual offender); and

3 (ii) a fine of not less than N250,000.00 (for a corporate body).

4 PART VI - MISCELLANEOUS AND SUPPLEMENTARY

5 **16.-(1)** At the commencement of this Act, any person not a member  
6 of the former Institute of Transport Administration Nigeria (in this Act  
7 referred to as "the former Institute") who, but for this Act, would have been  
8 qualified to apply for and obtain membership of the profession of transport  
9 administration may, within the period of three months beginning with the  
10 date of commencement of this Act, apply for membership of the Institute in  
11 such a manner as may be prescribed by rules made by the Council and if  
12 approved he/she shall be enrolled or registered, as the case may be,  
13 according to his qualification.

Application of  
the Bill to enrolled  
persons

14 (2) The Council shall have powers to make regulations and rules  
15 for such incidental and supplementary matters as it may from time to time  
16 consider being in the interest of the Institute and its members.

17 **17.-(1)** The Council may make rules for:

Rules as to  
practicing fees  
etc.

18 (a) Training of suitable persons in transport management and  
19 administration;

20 (b) Licensing of persons to be employed in transport management  
21 and administration position;

22 (c) Prescribing the amount and due date for payment of the Annual  
23 Subscription / levies and for such purposes different amounts may be  
24 prescribed by the rules according to whether the person is enrolled as a  
25 Fellow, Member, Associate Member/Associate/Student Member including  
26 Honourary Members;

27 (d) Restricting the right to practice as a Chartered Transportant or  
28 practitioner in default of payment of the amount of the Annual Subscription  
29 where the default continues for longer than such period as may be prescribed  
30 by the rules.

Honourary  
Membership

1                   **18.** The Council shall be free to award honorary membership of the  
2                   Institute to persons whom it considers worthy of such honour, on terms and  
3                   conditions prescribed by the Council, and approved by the Institute in its  
4                   annual general meeting.

Provision of  
Library facilities  
etc.

5                   **19.** The Institute shall:

6                   (a) provide and maintain a library comprising books and publications  
7                   for the advancement of knowledge of transport management and  
8                   administration, and such other books and publications as the Council may  
9                   think necessary for that purpose;

10                  (b) encourage research and other advanced learning into transport and  
11                  such subjects as may be relevant to enhance the knowledge of transport  
12                  management and administration, and as the Council may from time to time  
13                  consider necessary;

14                  (c) undertake regular study of modern developments and information  
15                  on transport obtainable from the Internet and electronic mail services and other  
16                  related developments so as to keep abreast with current technology driven  
17                  research and publications on transport management and administration, and to  
18                  enable the Institute to collaborate with organizations having related interests  
19                  within and outside Nigeria;

20                  (d) engage in the production and sale of informational research  
21                  materials, books and journals arising from its research and consultancy  
22                  activities.

Regulations  
and Rules

23                  **20.**-(1) My regulation made under this Act for the purposes of giving  
24                  full meaning to the provisions of this Act, shall be published in the Federal  
25                  Government Gazette as soon as possible.

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

1                   **21.-(1)** On the commencement of this Act;

2                   (a) all property held immediately before that day by or on behalf of  
3 the former Institute shall, by virtue of this subsection and without further  
4 assurance vest in the Institute and be held by it for the purposes of the  
5 Institute;

6                   (b) the former Institution shall cease to exist; and

7                   (c) subject to the next succeeding subsection, any act, matter or  
8 thing made or done by the former society shall continue to have effect.

9                   (2) The provisions of the Third Schedule to this Act shall have  
10 effect with respect to matters arising from the transfer by this section to the  
11 Institute of the property of the former Institute, and with respect to other  
12 matters therein mentioned.

13                   **22.** In this Act, unless the context requires;

14 "Institute" means the Institute of Transport Administration Nigeria  
15 established under section 1 of this Act;

16 "Council" means the Council established as the governing body of the  
17 Institute under section 5 of this Act;

18 "Member of the Institute" means an enrolled fellow, full member, associate  
19 member/graduate/student or a transport professional registered by the  
20 Institute and "membership of the Institute" shall be construed accordingly;

21 "A Chartered Transportant" means any person qualified in a Transport  
22 discipline: Transport Management Technology, Transport Engineering,  
23 Transport Economics, Maritime Management, Marine Engineering,  
24 Nautical Sciences, Naval Architecture, Aeronautical Engineering, Aviation  
25 Management, Road/Rail/Pipeline discipline, Transport Planning, Logistics  
26 and Supply Chain Management, or other specialist courses in a related  
27 discipline with an acceptable qualification, and who has acquired  
28 knowledge in the practice of Transport management and administration,  
29 and who is registered under this Act in any of the categories of membership  
30 of the Institute;

Transfer of the  
Institute of certain  
properties, etc.

Interpretation



1 "Disciplinary committee" means the Institute of Transport Administration  
2 Nigeria Disciplinary Committee established under section 14 of this Act;

3 "Fees" includes Annual Subscriptions and levies;

4 "President" and "Deputy President" means respectively the office holder under  
5 those, names in the Institute;

6 "Profession" means the profession of transport;

7 "Registrar" mean the Registrar of the Institute of Transport Administration  
8 Nigeria appointed under section 11 of this Act;

9 "Register" means the register maintained in pursuance of section 11 of this Act;

10 "Minister" means the Minister of Transport for the time being charged with the  
11 responsibility for matters relating to transport and allied profession,

Citation

12 23. This Bill may be cited as the Institute of Transport Administration  
13 Nigeria Bill, 2016.

#### 14 SCHEDULES

#### 15 FIRST SCHEDULE

#### 16 SUPPLEMENTARY PROVISIONS RELATING THE COUNCIL

#### 17 *Qualification of Tenure of Office of Principal Officers of Council*

18 1. -(1) Subject to the provisions of this paragraph and in pursuant to  
19 section 5 of this Act, elected principal officer or the council shall hold office for  
20 two years in the first instance and shall be eligible for re-election for a further  
21 term of two years in the same office beginning with the date of his appointment  
22 or election.

23 (2) A member of the Institute who ceases to be a member shall, if  
24 he/she is also a member of Council cease to hold office in the Council.

25 (3) A member of the Council may, by notice in writing under his hand  
26 addressed to the president, resign his office, and any appointee may, likewise  
27 resign his office.

28 (4) A person who retires from or otherwise ceases to be a member of  
29 the council because or expiration of his term of office shall be eligible again to  
30 become a member by being re-appointed.

1           (5) A Member of the Council who has served for a full term of (4)  
2 years shall at its next meeting before the annual general meeting of the  
3 Institute retire, provided always that if any such members as aforesaid is the  
4 Chairman of the Council, Deputy President or Vice-President of the Institute  
5 he or she shall remain member of the Council.

6           (6) Election to the Council shall be held in such a manner as may  
7 be prescribed by rules made by the Council and until so prescribed they shall  
8 be decided by secret ballot.

9           (7) If for any reason there is a vacation of the office by a member  
10 who was ~~elected~~, the Council may, if the time ~~between~~ the unexpired portion  
11 of the term of office and the next general meeting of the Institute appears to  
12 warrant filling of the vacancy, co-opt someone fit for the residue of the time  
13 as aforesaid.

14           (8) The appointment of members of the Council shall be effected in  
15 a manner herein prescribed:

16           (a) Not less than eight weeks before each annual general meeting of  
17 the Institute, the Council may nominate for election to the council, such  
18 candidates (if any) as it shall think fit, who are willing to serve if elected  
19 provided that number of candidates so nominated shall not exceed 50% of  
20 those retiring;

21           (b) Not less than seven weeks before each annual general meeting  
22 of the Institute, the Secretary shall issue to all professional members a notice  
23 which shall:

24           (i) Specify the names of elected Council members whose terms of  
25 office will expire at the close of the next annual general meeting;

26           (ii) Specify any other vacancy in the membership of the Council  
27 which may be filled by elected members;

28           (iii) Specify names of any candidate nominated by the Council for  
29 election to the Council;

30           (iv) Invite nominations of others candidates on the prescribe

1 nomination form; and

2 (v) Contain such other particulars as shall be prescribed by the  
3 Council: and shall be nominated in the following manner.

4 (c) (i) not less than five weeks before each annual general meeting,  
5 nomination forms including details of all particulars required to be given) shall  
6 be duly completed in the manner set out below and shall be sent to the  
7 Secretariat of the Institute;

8 (ii) each nomination form shall relate to one candidate only and shall  
9 contain his class and grade of membership in the Institution, managerial or  
10 other appointment (if any) or, if retired, such appointment immediately before  
11 retirement and his date of retirement: and such other particulars as shall be  
12 prescribed by the Council;

13 (d) each candidate shall be sponsored by two persons who shall be  
14 financial members of the Institute entitled to vote and each nomination form  
15 shall contain, in addition to the particulars referred to in paragraph (c) a  
16 statement for the name, address, class, and grade of membership of each of the  
17 sponsors and vote shall be taken by secret ballot at the Annual General  
18 Meeting.

19 (9) A person shall be eligible for election as President, Deputy  
20 President or Vice President, if he satisfies the following conditions that is:

21 (a) He or she shall be a person of proven integrity and a fellow of the  
22 Institute with not less than five years of post-registration experience;

23 (b) He is a Chief Executive of a transport establishment;

24 (c) He is a professional transport Manager and Administrator.

25 *Power of Council*

26 2. The Council shall have power to do any legitimate thing which in  
27 its opinion is calculated to facilitate the carrying on of the activities of the  
28 Institute.

29 3.-(1) Subject to the provisions of this Act, the Council may in the  
30 name of the Institute make standing orders regulating the proceedings of the

1 Institute, the Council or any of the Institute's committees.

2 (2) The standing orders shall provide for decisions to be taken by a  
3 majority of the members, and in the event of equality of votes, the President  
4 of the Institute, or the chairman as the case may be, shall have a second or  
5 casting vote.

6 (3) The standing orders made for a committee shall provide that the  
7 committee reports back to the Council on any matter not within its  
8 competence to decide.

9 (4) The quorum of the Council shall be seven and the quorum of a  
10 committee of the Council shall be determined by the Council.

11 *Meetings of the Institute*

12 4.-(1) The Council shall convene the meeting of the Institute on  
13 such other day as the Council may from time to time appoint, so however,  
14 that if the meeting is not held within one year after the previous annual  
15 meeting, not more than fifteen months shall elapse between the respective  
16 dates of the two meetings.

17 (2) A special meeting of the Institute may be convened if members  
18 of the Institute require it by notice in writing addressed to the Registrar of the  
19 Institute setting out the objects of the proposed meeting, the chairman of the  
20 Council shall convene a special meeting of the Institute.

21 (3) The quorum of any meeting of the Institute shall be ten  
22 members and that of any special meeting of the Institute shall be fifteen  
23 members.

24 *Meeting of the Council*

25 5.-(1) Subject to the provisions of any standing orders of the  
26 Council, the Council shall meet whenever it is summoned by the Chairman  
27 and if the Chairman is required to do so by notice in writing given to him by  
28 not less than five other members he shall summon a meeting of the Council  
29 to be held within fourteen days from the date on which the notice is given.

30 (2) At any meeting of the Council, the President or in his absence,

1 the Deputy or Vice President shall preside in that order, but if all are absent; the  
2 members present at the meeting shall appoint one of the members to preside at  
3 the meeting.

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

9 (4) Notwithstanding anything in the foregoing provisions of this  
10 paragraph, the first meeting of the Council shall be summoned by the President  
11 of the Institute, who may give such direction as he thinks fit as to the procedure  
12 which shall be followed at the meeting.

#### 13 *Committee*

14 6.-(1) The Council may appoint one or more committees to carry out  
15 on behalf of the Institute or the Council such functions as the Council may  
16 determine.

17 (2) A committee appointed under this paragraph shall consist of the  
18 number of persons determined by the Council of whom not more than one third  
19 shall be persons who not being members of the Council shall hold office in the  
20 committee in accordance with the terms of the instrument by which he is  
21 appointed.

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

#### 24 *Miscellaneous*

25 7.-(1) The fixing of the seal of the Institute shall be authenticated by  
26 the signature of the Chairman or of some other members of the Council  
27 authorised generally or specially by the Institute to act for that purpose.

28 (2) Any contract or Instrument which, if made or executed by a person  
29 not being a body corporate, would not be required to be under seal, may be  
30 made or executed on behalf of the Institute or of the Council, as the case may

1 require, by the person generally or specially authorised to act for that  
2 purpose by the Council.

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

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

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

18 10. A person shall not by any reason only of his membership of the  
19 Institution or the Council be treated as holding an office in the public service  
20 or the Federation.

21 SECOND SCHEDULE

22 *Supplementary Provisions Relating To the Disciplinary Committee and*

23 *Investigative Panel*

24 *The Disciplinary Committee*

25 1. The quorum of the disciplinary committee shall be four  
26 members of the committee; for the purposes of any proceeding, the  
27 procedure to be followed and the rules of evidence to be observed in the  
28 proceedings shall be set before the disciplinary committee.

29 2. The rules shall in particular provide.

30 (a) For securing that notice of the proceedings shall be given at

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

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

5 (c) For securing that any party to the proceedings shall, if he so  
6 requires be entitled to be heard by the disciplinary committee;

7 (d) For securing that any party to the proceedings may be represented  
8 by a legal practitioner.

9 *The Investigative Panel*

10 5. The quorum of the investigating panel (Tribunal) shall be three out  
11 of which at least two shall be chartered transportants

12 6.-(1) the investigating panel may, at any of its meeting attended by all  
13 the members of the investigating panel, make standing orders with respect to  
14 the investigating panel.

15 (2) subject to the provisions of any such standing order, the  
16 investigating panel may regulate its own procedure.

17 7.-(1) A person ceasing to be a member of the disciplinary committee  
18 or the investigating panel shall be eligible for appointment as a member of the  
19 disciplinary committee or investigating panel, as the case may be.

20 (2) A person may, if other-wise eligible, be a member of both the  
21 disciplinary committee and the investigating panel; but no person who acted as  
22 a member of the investigating panel with respect to any case shall act as a  
23 member of the disciplinary committee with respect to that case.

24 8. The disciplinary committee or the investigating panel may act  
25 notwithstanding any vacancy in its membership; and the proceedings of either  
26 body shall not be in validated by any irregularity in the appointment of a  
27 member of that body or subject to paragraph 7(2) of the Schedule by reason of  
28 the fact that any person who was not entitled to do so took part in the  
29 proceedings of that body.

30 9. My document authorised or required by virtue of this Act to be

1 served on the disciplinary committee or the investigating panel shall be  
2 served on the Registrar.

3 10. My expenses of the disciplinary committee or the  
4 investigating panel shall be defrayed by the Institute.

5 THIRD SCHEDULE

6 TRANSITIONAL POSITION AS TO ASSET AND LIABILITY, E.T.C

7 *Transitional Provision*

8 1.-(1) Every agreement to which the Incorporated Institute was a  
9 party immediately before the appointed day, whether in writing or not and  
10 whether or not of such a nature that the rights, liabilities and obligation  
11 thereunder could be assigned by the incorporated Institute, shall, unless its  
12 terms or subject matter make it impossible that it should have effect as  
13 modified in the manner provided by these subparagraphs, have effect from  
14 the appointed by so far as it relates to assets and liabilities transferred by this  
15 Bill to the Institute as if:

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

17 (b) For any reference (however worded and whether expressed or  
18 implied) to the corporate Institute, there were substitutions as regards  
19 anything failing to be done on or after the appointed day.

20 (2) Other documents which refer, whether specifically or  
21 generally, to the Incorporated Institute shall be construed in accordance with  
22 subparagraph (1) of this paragraph so far as applicable.

23 (3) Without prejudice to the generality of the foregoing provisions  
24 of this Schedule, whereby, by the operation of any of the provision of section  
25 5 of this bill, any right, liability or obligation vests in the Institute, the  
26 Institute and all other persons shall: as - from the appointed day, have the  
27 same rights, powers and remedies (and in particular, the same rights as to the  
28 taking or resisting of legal proceedings or the making or resisting of  
29 applications to any authority) for ascertaining, perfecting or enforcing that  
30 right, liability or obligation as they would have had at all times been a right,



1 liability or obligation of the Institute.

2 (4) Any legal proceedings or application to any authority pending on  
3 the appointed day by or against the Incorporated Institute and relating to assets  
4 or liabilities transferred by this Act to the Institute, may be continued on or after  
5 that day by or against the institute.

6 (5) If the law in force at the place where any property transferred by  
7 this Act is situate, provides for the registration or transfer of property of the  
8 kind in question (whether by reference as to an instrument of transfer or  
9 otherwise), the law shall so far as it provides for alterations of a register (but not  
10 for avoidance of transfer, the payment of fees or any other matter) apply with  
11 the necessary modifications to the transfer of the property aforesaid; and it  
12 shall be the duty of the Council to finish the necessary particulars of the transfer  
13 to the proper office of the registration authority, and for that officer to register  
14 the transfer accordingly.

15 *Transfer of Functions, e.t.c.*

16 2.-(1) As soon as may be after the commencement of this Act, the  
17 President shall summon a general meeting of the Institute to elect the Institute's  
18 representatives on the Council of the Institute.

19 (2) The persons who were members of the Council of the former  
20 Institute immediately before the commencement of this Act shall be deemed to  
21 be members of the Council of the Institute until the date when the Council  
22 established by the Act is duly constituted.

23 (3) Any person who, immediately before the commencement of this  
24 Act held office as the President, Deputy President or Vice-president of the  
25 Council of the former Institute by virtue of the articles of association of the  
26 former Institute shall on the day this Act comes into force become the President  
27 or Deputy presidents or Vice-president, as the case may be, of the Institute and  
28 shall be deemed:

29 (a) To have been so appointed to that office in pursuance of the  
30 relevant provisions of this Act corresponding to the relevant provisions in the

1 said articles of association, and

2 (b) To have been so appointed on the date on which he or she took  
3 or last took office, in pursuance of the relevant provisions of those articles.

4 (4) The persons who were members of the former Institute shall, as  
5 from the commencement of this Act be registered, as members of the  
6 Institute; and without prejudice to the generality of the provisions of the  
7 Schedule relating to the transfer of property.

8 (5) Any person who was an employee of the Council of the former  
9 Institute or was otherwise employed by the former Institute shall become the  
10 holder of an appointment in the council or Institute as the case may be, with  
11 the status, designation and functions which correspond as nearly as may be  
12 to those which appertained to him as such employee.

13 (6) All regulation, rules and similar instruments made for the  
14 purposes of the former Institute and in force immediately before the coming  
15 into force of this Act shall, except in so far as they are subsequently revoked  
16 or amended by any authority having power in that behalf, have effect with  
17 any necessary modifications, as if duly made for the corresponding purposes  
18 of the Institute.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Institute of Transport Administration Nigeria (Chartered) charged with the responsibility of advancing the study, training and practice of transport management and administration in Nigeria.