

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF TOURISM OF NIGERIA CHARGED WITH THE RESPONSIBILITY FOR REGULATING THE PROFESSION OF TOURISM BY PRESCRIBING THE STANDARD OF ACADEMIC QUALIFICATIONS AND PRACTICAL SKILLS TO BE ATTAINED BY PERSONS SEEKING TO BE REGISTERED MEMBERS OF THE PROFESSION IN NIGERIA AND FOR RELATED MATTERS, 2016

Sponsored by Hon. Gideon Gwani

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF
2 TOURISM OF NIGERIA

3 1.-(1) There is hereby established a body to be known as the Establishment of
4 Chartered Institute of Tourism of Nigeria (in this Bill referred to as "the Chartered Institute of Tourism of
5 Institute"). Nigeria

6 (1) The Institute-
7 (a) Shall be a corporate body with perpetual succession and a
8 common seal;

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

11 2.-(1) Subject to the provisions of this act, membership of the Membership of
12 Institute shall be in two categories, viz. corporate and individual. the Institute

13 (2) All persons employed in institutions in Nigeria such as
14 hospitality and hotel management, travel agency, tour operation and tourism
15 officers and destination managers or any other tourism related occupation
16 within the public and private sector in Nigeria are eligible to be registered by
17 the Institute in any of the following categories;

- 1 (a) Student Member;
- 2 (b) Associate Member;
- 3 (c) Honorary Fellow; and
- 4 (d) Fellow;

5 Provided they meet the criteria set by the Council for regeneration in the
6 respective category from time to time.

7 (2) Pursuant to subsection (1) of the section, all corporate members
8 shall cause their staff to register with the Institute for ethical standards,
9 Professionalism and self-regulation in hospitality and hotel management,
10 travel agency, tour operation and tourism officers and destination managers or
11 any other tourism related occupation.

12 (3) A person registered under this Bill shall be enrolled to a higher
13 membership status in any of the following categories-

14 (a) As an Student Member if he-

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

16 (ii) Works in a hospitality and hotel management, travel agency, tour
17 operation and tourism or any other tourism related occupation; and

18 (iii) Does not fall within any of the other categories specified in
19 paragraphs (b) - (e) of this subsection;

20 (b) As an Associate Member if he-

21 (i) Satisfies the Council that he is eligible to be so registered and has
22 passed the associate-ship examinations; and

23 (ii) Has acquired on the job practical hospitality and hotel
24 management, travel agency, tour operation and tourism or any other tourism or
25 related experience for such number of years as may be specified by the
26 Council;

27 (c) As an Honorary Senior Member if he-

28 (i) Satisfies the Council that he is eligible to be so registered,

29 (ii) Has obtained such academic, professional or other
30 qualification(s) as may be prescribed by the Council from time to time.

- 1 (iii) Has held senior management positions in a hospitality and
2 hotel management, travel agency, tour operation and tourism, destination
3 managers or any other tourism related occupation, and
4 (iv) Is neither a Fellow or an Associate.
- 5 (d) As an Honorary Fellow if he satisfies the Council that he is
6 eligible to be awarded the Honorary Fellowship of the Institute;
7 (e) As a Fellow if he-
8 (i) Satisfies the Council that he is eligible to be so registered and
9 has for a number of years (to be specified by the Council) been an associate
10 member or a holder of approved academic qualifications; and
11 (ii) Satisfies all other criteria as may be specified by the Council
12 from time to time.
- 13 (e) As a Corporate Member if he-
14 (i) Satisfies the Council that he is eligible to be so registered; and
15 (ii) Satisfies all other criteria as may be specified by the Council
16 from time to time.
- 17 (4) A member or corporate member of the Institute shall be entitled
18 to receive, from Council, a letter of registration of membership for category
19 of membership for which he or it is registered.
- 20 (6) A Fellow, Honorary Fellow, or an Associate shall be entitled to
21 the use of such letter after his name as may be authorized by the Council
22 from time to time as follows-
23 (i) A member registered into the category of membership of Fellow
24 shall be entitled to use the initials "FCIT";
25 (ii) A member registered into the category of membership of
26 Honorary Fellow shall be entitled to use the initials "HCIT"; and
27 (iii) A member registered into the category of membership of
28 Associate shall be entitled to use the initials "ACIT".
- 29 (7) No person shall be entitled to be employed or appointed or
30 engaged to head any of the Technical Departments of a hospitality and hotel

1 management, travel agency, tour operation and tourism officers and
2 destination managers or any other tourism related occupation firm unless he is
3 duly registered as a member of the Institute.

4 PART II - RESPONSIBILITIES OF THE INSTITUTE

Responsibilities
of the Institute

5 3. The Institute shall have responsibly to-

6 (a) Determine the standards of knowledge and skill to be attained by
7 persons seeking to become members of the Tourism profession;

8 (b) Secure in accordance with the provisions of this Act, the
9 establishment and maintenance of a register of members of the Tourism
10 profession in the categories of student members, associates, honorary fellows
11 and fellows of the Institute;

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

14 (d) Ensure the furtherance, maintenance and observance of ethical
15 standards and professionalism among practitioners of the Tourism profession
16 in Nigeria.

17 PART III - ELECTION OF PRESIDENT AND VICE-PRESIDENTS

18 OF THE INSTITUTE

Election of
President and
Vice-Presidents
of the Institute

19 4.-(1) There shall be a President and two Vice-Presidents of the
20 Institute who shall be either an Associates or Fellows of the Institute:

21 (1) The President and Vice-Presidents shall be elected at the Annual
22 General Meeting of the Institute and shall each hold Office for a term of two
23 years from the date of the election.

24 (2) The President shall be the Chairman of the Governing Council
25 established under section 5 of this Bill and in his absence the First Vice-
26 President shall be Chairman of the Governing Council.

27 (3) The President shall preside at meetings of the Institute and in the
28 event of his absence, death, permanent incapacity or disability, the First Vice-
29 President or in the absence of the First Vice-President, the Second Vice-
30 President shall preside.

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

7 (5) If the President or any of the Vice-Presidents ceases to be a
8 member of the Institute, he shall ipso facto cease to hold any of the offices
9 designated under his section.

10 PART IV - MEMBERSHIP OF GOVERNING COUNCIL OF

11 THE INSTITUTE, ETC

12 5.-(1) There is established for the Institute a Governing Council (in
13 this Bill referred to as "the Council") which shall be charged with the
14 responsibility for the administration and general management of the
15 Institute.

Membership of
Governing
Council of the
Institute

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

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

18 (b) Two Vice-Chairmen;

19 (c) A National Treasurer;

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

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

24 (f) Six Managing Directors/Chief Executive of Tourism Firms to
25 be appointed by the Council;

26 (g) Six persons elected by the Institute;

27 (h) Two Past Presidents of the Institute;

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

29 (i) Information and Culture,

30 (ii) Trade and Investment;

- 1 (iii) Finance; and
2 (iv) Education.
3 (j) A representative from the Nigerian Tourism Development
4 Corporation;
5 (k) A representative each of the National Universities Commission
6 (NUC) and the National Board for Technical Education (NBTE);
7 (l) A representative of National Institute for Hospitality and Tourism;
8 (m) A representative of Centre for Management Development;
9 (n) The Registrar/Chief Executive who shall serve as the Secretary.

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

13 **PART V - POWERS OF THE GOVERNING COUNCIL**

14 **6. Power of the Governing Council**

15 (1) The Council shall have responsibility for policy and general
16 administration of the Institute.

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

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

21 (a) Any course of training at any approved institution which is
22 intended for persons seeking to become members of the tourism profession and
23 which the council considers is designed to confer on persons completing it,
24 sufficient knowledge and skill for registration with the Institute; and

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

30 (4) The Council may, if it thinks fit, withdraw any approval under this

1 section in respect of any course, qualification or Institution but before
2 withdrawing such an approval, the Council shall:

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

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

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

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

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

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

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

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

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

30 (a) The instrument given at approved institutions to persons

1 attending approved course of training; and

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

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

8 (a) The adequacy of the instructions given to persons attending
9 approved courses of training at institutions visited by him;

10 (b) The adequacy of the examinations attended by him; and

11 (c) Any other matters relating to the institutions or examinations on
12 which the Council may, either generally or in a particular case, request him to
13 report, but no such person shall interfere with the giving of any instruction or
14 the holding of any examination.

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

21 PART VI - FINANCIAL PROVISIONS

22 7.-(1) There shall be established for the Institute a Fund which shall be
23 managed and controlled by the Council.

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

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

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

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

2 (a) The remuneration and allowances of the Registrar and other
3 employees of the Institute;

4 (b) Such reasonable travelling and subsistence allowances of
5 members of the Council in respect of the time spent on the business of the
6 Council as the Council may determine; and

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

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

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

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

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

23 PART VII - APPOINTMENT OF A REGISTRAR

24 8.-(1) The Council shall appoint a fit and proper person to be the
25 Registrar for the purposes of this Bill, and such other persons as the Council
26 may, from time to time, deem necessary to assist the Registrar in the
27 performance of his functions under this Bill.

Appointment of
a Registrar, etc.

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

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

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

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

6 (i) The first part shall be in respect of Student Members;

7 (ii) The second part shall be in respect of Associate Members;

8 (iii) The fourth part shall be in respect of Honorary Fellows; and

9 (iv) The fifth part shall be in respect of Fellows.

10 (b) The register of corporate members.

11 (5) Subject to the foregoing provisions of this section, the Council
12 shall make rules with respect to the form and keeping of the register and the
13 making of entries therein, and in particular-

14 (a) Regulate the making of applications for registration, as the case
15 may be, and provide for the evidence to be produced in support of such
16 applications;

17 (b) Provide for the notification to the Registrar, by the person to whom
18 any registered particulars relate, of any change in those particulars;

19 (c) Authorize a registered person to have any qualification which is in
20 relation to the relevant division of the profession, either an approved
21 qualification or an accepted qualification for the purposes of this Bill, entered
22 in relation to his name in addition to or, as he may elect, in substitution for any
23 other qualifications so registered; and

24 (d) specify the fees, including any annual subscription, to be paid to
25 the Institute in respect of the entry of names on the register, and authorize the
26 Registrar to refuse to enter a name on the register until any fee specified for the
27 entry has been paid provided that the rules made for the purposes of this
28 subsection shall not come into force until they are confirmed at a meeting of the
29 Institute.

30 (6) The Registrar shall have power-

1 (a) To correct any entry in the register in accordance with the
2 Council's direction;

3 (b) To make, from time to time, any necessary alteration in respect
4 of the particulars of registered members as may be directed by the Council;

5 (c) To remove from the register the name of a deceased member;
6 and

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

15 (7) If the Registrar-

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

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

29 9.-(1) The Registrar shall-

30 (a) Cause the register to be printed, published and put on sale to

1 members of the public not later than two years from the commencement of this
2 Bill;

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

6 (c) Cause a print of each edition of the register and of each list of
7 corrections to be deposited at the principal office of the Institute; and

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

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

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

24 PART VIII - REGISTRATION OF MEMBERS

Registration of
Members

25 10.-(1) An individual, other than one whose membership has been
26 suspended by a directive of the Disciplinary Tribunal shall be entitled to be
27 registered as a member in the following categories:

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

- 1 (b) Associate Member where the person-
- 2 (i) Has passed the associate-ship examination specified by the
- 3 Council;
- 4 (ii) Not being a member of the Institute at the time of application
- 5 for membership, has passed the qualifying examinations of an Institute of
- 6 Tourism in any other country acceptable to the Council; or
- 7 (iii) Has had a period of on-the-job practical experience not less
- 8 than the minimum period prescribed by the Council for the category of
- 9 membership sought; or
- 10 (iv) Has been elected by any recognized foreign Institute to that
- 11 category of membership.
- 12 (c) Honorary Senior Member, where the person-
- 13 (i) Does not satisfy the condition for registration as an Associate or
- 14 Fellow specified in paragraphs (b) and (e) of this subsection, but has
- 15 obtained the academic qualifications prescribed by the Council for honorary
- 16 senior membership; and
- 17 (ii) Occupies a senior management position in a Commodity/Stock
- 18 Broking firm, bank, any other financial institution or tertiary educational
- 19 institution;
- 20 (d) Honorary Fellow, where the person-
- 21 (i) Has contributed immensely to the growth of the commodity or
- 22 securities market, banking and finance industry and the Institute; or
- 23 (ii) Is considered by the Board of Fellows and the Council as a fit
- 24 and proper person to be awarded the honorary fellowship of the Institute;
- 25 (e) Fellow, where the person
- 26 (i) Satisfies the Council that he is a fit and proper person to be so
- 27 registered and has for a number of years (to be specified by the Council)
- 28 been an Associate Member, and
- 29 (ii) Satisfies all other criteria as may be specified by the Council
- 30 from time to time.

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

3 (a) He is of good character; and

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

6 (3) Any organization in the commodity market shall be entitled to be
7 registered as a corporate member where it has -

8 (a) Been incorporated or and licensed to carry out the business of
9 tourism in Nigeria; and

10 (b) Satisfied any other condition which the Council may from time to
11 time approve.

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

14 PART IX - PROFESSIONAL DISCIPLINE

Professional
Discipline

15 11.-(1) There shall be constituted a body to be known as the Chartered
16 Institute of Tourism of Nigeria Investigating Panel (in this Bill referred to as
17 "the Investigating Panel") which shall be charged with the duty to-

18 (a) Conduct a preliminary investigation into any case where it is
19 alleged that a member of the Institute has violated the provisions of the
20 Institute's Code of Conduct or shall for any other reason be the subject of
21 proceedings before the Disciplinary Tribunal;

22 (b) Decide whether the case should be referred to the Disciplinary
23 Tribunal or not.

24 (2) Notwithstanding the provisions of subsection (1) of this section,
25 the Securities and Exchange Commission or any other regulatory body that
26 may be set up by law to regulate hospitality managements in Nigeria shall not
27 be subject to the activities of the Investigation Panel.

28 (3) The Investigating Panel shall be appointed by the Council and
29 shall consist of five members as follows-

30 (a) Two members of the Council, one of whom shall be Chairman of

1 the Panel; and

2 (b) Three members of the Institute who are not members of the
3 Council.

4 (4) The tenure of any member of the Investigating Panel shall be
5 two years renewable for a further period of two years.

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

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

12 (7) There shall be established a Tribunal to be known as the
13 Chartered Institute of Tourism of Nigeria Disciplinary Tribunal (in this Bill
14 referred to as "the Disciplinary Tribunal") which shall be charged with the
15 duty of considering and determining any case referred to it by the
16 Investigating Panel constituted under subsection (1) of this section.

17 (8) The Disciplinary Tribunal shall be appointed by the Council
18 and shall consist of the Second Vice-President of the Institute who shall be
19 the Chairman, three other members of the Council and three members of the
20 Institute who are not members of the Council.

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

24 12.-(1) Where-

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

27 (b) A person is convicted, by any court or tribunal in Nigeria or
28 elsewhere having power to award imprisonment for an offence (whether or
29 not punishable with imprisonment) which in the opinion of the Disciplinary
30 Tribunal is incompatible with the conduct required of a member of the

Penalties for
unprofessional
conduct

1 tourism profession; or

2 (c) The Disciplinary Tribunal is satisfied that the name of the person
3 has been fraudulently registered, the Tribunal shall, after receiving the
4 confirmation of its decision from the Council, convey a direction to the person
5 concerned reprimanding that person or ordering the Registrar to strike his
6 name off the relevant part of the register.

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

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

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

15 (b) No person shall be a member of the Disciplinary Tribunal for the
16 purposes of reaching a decision which has been deferred or further deferred,
17 unless he was present as a member of the Disciplinary Tribunal when the
18 decision was deferred.

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

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

26 (6) The person to whom such a direction relates may, at any time
27 within twenty-eight days from the date of service on him of the notice of the
28 direction, appeal against the direction to the Federal High Court and where
29 necessary to the Court of Appeal and the Disciplinary Tribunal shall appear as
30 respondent to the appeal and, for the purpose of enabling directions to be given

1 as to the costs of the appeal and of proceedings before the Federal High
2 Court or Court of Appeal the Disciplinary Tribunal shall be deemed to be a
3 party thereto whether or not it appears at the hearing of the appeal.

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

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

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

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

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

22 PART X - APPLICATION OF THIS BILL TO UNREGISTERED PERSONS

23 13. A person who is not a member of the Tourism Association of
24 Nigeria established before the commencement of this Bill, who but for this
25 Bill is qualified to apply for and obtain membership of the Institute may
26 apply for membership of the Chartered Institute of Tourism of Nigeria
27 established by this Bill, in such manner as may be prescribed by rules made
28 by the Council and shall be registered in the category of membership
29 appropriate in the current period for holders of the qualification he
30 possesses.

Application of
this Bill to
unregistered
persons

Practice as a
member of the
Tourism Profession

1 14. A person other than a corporate member shall be deemed to
2 practice as a member of the tourism profession if, in consideration of
3 remuneration received or to be received and whether by himself or in
4 partnership with any other person -

5 (a) He engages himself in the practice of tourism or holds himself out
6 to the public as a member of the tourism profession;

7 (b) He renders professional service or assistance in or about matters or
8 principle or detail relating to tourism procedure; or

9 (c) He renders any other service which may be by regulations made by
10 the Council, be designated as service constituting practice as a member of the
11 tourism profession.

12 PART XI - RULES AS TO PRACTICE, AND PROVISIONS OF

13 LIBRARY FACILITIES

Rules as to practice

14 15.-(1) The Council may make rules to guide training in tourism
15 methods and practice.

16 (2) The Council may also make rules-

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

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

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

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

1 16. The Institute shall-

Provision of
Library facilities

2 (a) Provide and maintain a library comprising books and
3 publications for the advancement of knowledge of tourism and hospitality
4 managements, and such other books and publications as the Council may
5 think necessary for that purpose; and

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

9 PART XII - OFFENCES, ETC.

10 17.-(1) A person for the purpose of procuring the registration of any
11 name, qualification or other matter who-

Offences and
Penalties

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

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

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

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

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

29 (3) The Registrar or any other person employed by or on behalf of
30 the Institute who willfully makes any falsification in any matter relating to

1 the register, he shall be guilty of an offence.

2 (4) Where an offence under this section which has been committed by
3 a body corporate is proved to have been committed with the consent or
4 connivance of or to be attributable to any neglect on the part of any director,
5 manager, secretary or other similar officer of the body corporate or any person
6 purporting to Bill in any such capacity, he, as well as the body corporate, shall
7 be deemed to have committed the offence and is liable on conviction by a court
8 of competent jurisdiction in the case of an individual to the punishment
9 prescribed in subsection (4) of this section and in the case of a body corporate,
10 to a fine of not less than N500,000.00 (Five Hundred Thousand Naira only).

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

Regulations

15 18.-(1) Any regulations, made pursuant to this Bill shall be published
16 in the Institute's Journal.

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

Interpretation

22 19.-(1) In this Bill-
23 "Chartered Tourism" means a person who has passed the professional
24 examinations and has been elected an Associate or Fellow of the Chartered
25 Institute of Tourism of Nigeria;
26 "Council" means the Council established as the governing body of the Institute
27 under section 5 (1) of this Bill;
28 "Disciplinary Tribunal" means the Chartered Institute of Tourism of Nigeria
29 Disciplinary Tribunal established under section 12 of this Bill;
30 "Fees" includes annual subscription;

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

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

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

9 "Member of the Tourism Profession" means a person registered by the
10 Institute as a member in the category of an Student Member, Associate
11 Member, Honorary Fellow and Fellow;

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

14 "Profession" means the tourism profession;

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

16 20. This Bill may be cited as the Chartered Institute of Tourism of Short title
17 Nigeria Bill, 2016.

18 SCHEDULES

19 FIRST SCHEDULE

20 *[Section 5 (3)]*

21 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

22 QUALIFICATIONS AND TENURE OF OFFICE OF MEMBERS

23 OF THE COUNCIL

24 *Qualifications and Tenure of office of Members of the Council*

25 1.-(1) Subject to the provisions of this paragraph, a member of the
26 Council shall hold Office for a period of two years beginning with the date of
27 his appointment or election.

28 (2) A member of the Institute who ceases to be a member thereof
29 shall, if he is also a member of the Council cease to hold Office in the
30 Council.

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

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

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

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

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

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

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

20 *Power of the Council*

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

23 *Standing Orders*

24 3.-(1) Subject to the provisions of this Bill, the Council may in the
25 name of the Institute make standing orders regulating the proceedings of the
26 Institute or of the Council, and in the exercise of its powers under this Bill, may
27 set up committees in the general interest of the Institute and make standing
28 orders thereof.

29 (2) Standing orders shall provide for decision to be taken by a
30 majority of the members, and, in the event of equality of votes, the President or

1 the Chairman, as the case may be, shall have a second of casting vote.

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

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

7 *General Meeting of the Institute*

8 4.-(1) The Council shall convene the Annual General Meeting of
9 the Institute on 30th April in every year, or on such other day as the Council
10 may, from time to time, appoint, so however, that if the meeting is not held
11 within one year after the previous meeting, no more than fifteen months
12 shall elapse between the respective dates of the two meetings: Provided that,
13 notice of the annual general meeting shall be given to all members of the
14 Institute not later than twenty-one days from the date of the meeting.

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

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

26 *Meeting Of The Council*

27 5.-(1) Subject to the provisions of any standing order of the
28 Council, the Council shall meet whenever it is summoned by the Chairman
29 and if the Chairman is required to do so, by notice in writing given to him by
30 no less than five other members, he shall summon a meeting of the Council

1 to be held within fourteen days from the date on which the notice is given.

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

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

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

14 *Committees*

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

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

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

25 *Miscellaneous*

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

29 (2) Any contract or instrument which, if made or executed by a person
30 not being a body corporate, would not be required to be under seal, may be

1 made or executed on behalf of the Institute or of the Council, as the case may
2 require, by any person generally or specially authorized to act for that
3 purpose by the Council.

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

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

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

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

22 SECOND SCHEDULE

23 *[Section 11 (7)]*

24 SUPPLEMENTARY PROVISIONS RELATING TO THE 25 DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

26 *The Disciplinary Tribunal*

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

28 2.-(1) The Attorney-General of the Federation shall make rules as
29 to the selection of members of the Disciplinary Tribunal for the purposes of
30 any proceeding, and as to the procedure to be followed and the rules of

1 evidence to be observed in proceedings before the Disciplinary Tribunal.

2 (2) The rules shall in particular provide-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 *The Investigating Panel*

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

24 6.-(1) The Investigating Panel may, at any of its meetings attended
25 by all the members of the Investigating Panel, make standing orders with
26 respect to the Investigating Panel.

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

29 *Miscellaneous*

30 7.-(1) A person ceasing to be a member of the Investigating Panel

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

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

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

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to Establish the Chartered Institute of Tourism of Nigeria charged with the Responsibility for Regulating the Profession of Tourism in Nigeria by Prescribing the Standard of Academic Qualifications and Practical Skills to be Attained by Persons seeking to be registered members in Nigeria.