

CHARTERED INSTITUTE OF CONTRACT PROJECT AND FACILITIES

MANAGEMENT BILL, 2016

ARRANGEMENT OF SECTIONS

PART 1

*Establishment of Chartered Institute of Contract Project & Facilities
Management, its Functions, etc.*

Section

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CHARTERED INSTITUTE OF CONTRACT PROJECT AND FACILITIES

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Establishment of the Chartered Institute of Contract Project & Facilities

SCHEDULES

FIRST SCHEDULES

Composition of the Governing Council of the Institute

Election of President and Vice-President of the Institute

Qualification for election of the President and Vice-President

Admission to the Institute, classes of members and recognition of

Supplementary Provisions relating to the Disciplinary Tribunal and

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Funds of the Institute.

Transfer to the Institute of certain properties, etc.

PART III - APPOINTMENT OF REGISTRAR AND OTHER STAFF

AND THEIR DUTIES

Appointment of Registrar and other staff and their duties

Publication of registers of Fellows, Full members and Associates

Qualifications for appointment and duties of Deputy Registrar

PART IV - REGISTRATION OF MEMBERS

Registration of members

Approval of qualification

Supervision of instruction and examinations leading to approved

qualifications

PART V - PROFESSIONAL DISCIPLINE

Establishment of Disciplinary Tribunal and Investigating Panel

Penalties for professional misconduct

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF CONTRACT PROJECT & FACILITIES MANAGEMENT TO BE CHARGED WITH THE RESPONSIBILITY FOR REGISTRATION, DISCIPLINE OF ITS MEMBERS, TO REGULATE AND CONTROL THE PRACTICE OF CONTRACT, PROJECT AND FACILITIES PROFESSION AND FOR RELATED MATTERS

Sponsored by Hon. Segun Alexander Adekola

Commencement

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

PART I

Establishment of the Chartered Institute of Contract Project & Facilities Management of its functions, etc.

(a) To encourage and develop the art and science of good Contract Project and Facilities Management as professional, in industry, academic

discipline practice and distinct field of study and knowledge;

(b) To provide facilities in interested persons and members of the institute to meet and discuss pertinent issues on Contract, Project and Facilities Management in Nigeria.

(c) To develop the understanding of the multi-media environment

Contract, Project and Facilities Management and will have learned

techniques for data-based facility acquisition, relation and reclamation;

(d) To develop skills in problem solving and management

procedures, be an industry leader making significant contributions in

advancing awareness of business practices and technology in Contract

(e) To introduce method of acquiring highly skilled practitioners in

workshop and publish the Contract, Project and Facilities Management

1 the policies, procedures and principles of Contract, Project and Facilities
2 Management;

3 (f) To develop leadership skills in becoming professionals in areas of
4 Contract, Project and Facilities Management, facility acquisition, retention
5 and reclamation;

6 (g) To carry on the business of global resource organization that assist
7 organization with improving the delivery of Contract, Project and Facilities
8 Management, focuses on issues found in the facilities affairs, facility services
9 Professions;

10 (h) To conduct and monitor research on facility issues, identifies
11 emerging trends, organizes forums and workshops, publishes the facilities
12 Networking and offers satisfaction measurement programs and consulting
13 services that can enhance facility managers loyalty;

14 (i) To design methodologies for employees with information they
15 need to know on their facilities, wants and needs, and build relationships
16 between the company and its customers with tools that help businesses manage
17 facilities management in an organized way;

18 (j) To build a comprehensive Contract, Project and Facilities
19 Management practice that utilizes a global network of academic and
20 practitioner expertise across a broad spectrum of facilities management and for
21 clients to appreciate cutting-edge solutions grounded in rigorous yet relevant
22 thinking from high level corporate strategy to mid level management, to front
23 line facility interface operations;

24 (k) Updating members on the latest innovations and thinking
25 processes that will take the professional discipline forward so that members are
26 able to adopt these ideas at work and make a mark for network and contacts in
27 the Industry;

28 (l) To conduct and monitor research on Contract, Project and
29 Facilities Management issues identifies emerging trends, organize forum and
30 workshop and publish the Contract, Project and Facilities Management update;

1 (m) To determine policies and strategies for direction to support
2 mission to run the Institute effectively and efficiently by demonstrating
3 good governance.

4 (2) The Institute shall have perpetual succession and a common
5 seal which shall be kept in such custody as the Council may, from time to
6 time, authorize.

7 (3) The Institute may sue and be sued in its corporate name and
8 may, subject to the Land Use Act, hold, acquire and dispose of any property
9 movable or immovable.

10 (4) The Institute shall, in accordance with the provisions of this
11 Act, ensure the establishment and maintenance of a register of fellows,
12 honorary fellows, full members, associates, graduates, and corporate
13 members of the Institute and the publication of their lists from time to time.

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

Establishment
and composition
of the governing
council of the
Institute

18 (2) The Council shall consist of the following members, who are
19 fellows and full members of the Institute-

20 (a) a President of the Institute, who shall be the Chairman;

21 (b) the two Vice-Presidents of the Institute;

22 (c) a representative each of the Federal Ministry of-

23 (i) Education;

24 (d) a representative of the Consumer Protection Council a
25 Parastatal of the Federal Government of Nigeria, supervised by the
26 Federal Ministry of Trade and Investment.

27 (e) a coordinator from each of the geo-political zones of the
28 Federation;

29 (f) immediate past President of the Institute;

(g) a Registrar of the Institute, who shall also be the Secretary of the Council.

(3) The provisions set out in the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the Council and other matters therein mentioned.

[First schedule]

Election of
President and
Vice-Presidents
of the Institute

3. There shall be for the Institute a President, and two Vice-President, who shall be full members or fellows of the Institute, to be elected by the fellow members at an annual general meeting and hold office each for a term of two (2) years from the date of election and shall not be eligible for re-election after two terms of two (2) years each.

Qualifications
for election of the
President and
Vice-President
Establishment
and composition
of the governing
council of the
Institute

4.-(1) A person shall be qualified for election to the office of the President and Vice-President of the Institute if he—
(a) is a citizen of Nigeria;
(b) has attained the age of 40 years;
(c) has been educated up to at least University or Polytechnic level

with a First Degree, Higher National Diploma, professional membership certificates or their equivalent;

(d) has paid all his dues for five consecutive years immediately preceding the year of election;

(e) has not been adjudged to be a lunatic or declared to be of unsound mind or adjudged or declared bankrupt; and

(f) a fellow of the Institute.

(2) The President shall preside at the meetings of the Institute but in the event of death, resignation, incapacity or inability for any reason and the President can no longer perform the functions of his office, the first Vice-President shall act in his stead for the unexpired portion of the term of office.

(3) The President and the First Vice-President shall respectively be Chairman and Vice Chairman of the Council.

(4) If the President or Vice-President ceases to be a member of the

1 Institute, he shall cease to hold any of the offices designated under this
2 section.

3 5.-(1) Subject to the provisions of this Act, a person or body
4 admitted to the Institute shall possess adequate knowledge of purchasing
5 and supply and be registered as a member of the Institute in the category of-

Admission to the
Institute, classes
of members and
recognition of
national service

6 (a) Fellow;

7 (b) Honorary Fellow;

8 (c) Full Member;

9 (d) Associate Member;

10 (e) Graduate Member;

11 (f) Corporate Member; and

12 (g) Student Member.

13 (2) A person or body accorded by the Council the status of a
14 member shall be enrolled as-

15 (a) a Fellow, if he is a full member of high professional standing
16 who-

17 (i) has served the institute and had not less than 10 years experience
18 in a senior Contract Project & Facilities Management post in a private or
19 public organization at the time of his application or enrollment, or

20 (ii) is not currently engaged in Contract Project & Facilities
21 Management but has been employed in a senior management position in
22 private or public organization for not less than 10 years;

23 (b) Full Member if-

24 (i) he has passed all the examinations prescribed by the Council,
25 and has a minimum of five years continuous working experience in
26 customer service and relationship management in any private or public
27 organization;

28 (ii) he is a full member or a foreign Contract Project & Facilities
29 Management professional body recognized by the Council and his class of
30 the membership is, in the opinion of the Council equivalent to that of

1 membership of the Institute and he has a minimum of five year working
2 experience in any private or public organization in Nigeria, and shall have
3 passed a stipulated examination before enrollment;

4 (iii) he has updated his professional knowledge at least once in a year
5 through the Institute's mandatory proficiency programme, or

6 (iv) he is eligible for election into any position in the Institute and has
7 paid his fees for five consecutive years immediately preceding the year of
8 election;

9 (c) Graduate Member, if he is in possession of requisite academic
10 qualification and has passed all the examinations prescribed by the Council;

11 (d) Associate Member if he is in possession of requisite qualifications
12 from other fields of study as may be determined from time to time by the
13 Council and he shall not be eligible to vote or be voted for at elections of the
14 Institute;

15 (e) Honorary fellow if he is a person of distinction in the field of
16 Contract Project & Facilities Management, law, marketing, public relations,
17 politics economy, human resources management, engineering or any similar
18 discipline, but he shall not be eligible to vote or be voted for at any election of
19 the Institute;

20 (f) Corporate Member if it is an employer of labour and meets the
21 criteria set by the Council for registration in that category; and

22 (g) Student Member if he is pursuing a course in Contract Project &
23 Facilities Management in any institution approved by the Council but-

24 (i) he shall not be eligible to vote or be voted for at elections of the
25 Institute, and

26 (ii) his name shall not appear in the membership register.

27 (3) For the purpose of subsection (2) (f) of this section, all corporate
28 members shall cause their staff in Contract Project & Facilities Management
29 functions to register with the Institute to foster their ethical standards and self
30 regulation in the Contract Project & Facilities Management profession.

1 (4) A person who desires to be admitted into the Institute shall
2 make a formal application to the Registrar of the Institute on the appropriate
3 form as shall, from time to time be prescribed by the Council and shall state
4 under what class of membership he seeks for admission.

5 (5) A person applying for membership shall, in addition to
6 evidence of qualification, satisfy the Council that-

7 (a) he is of good character; and

8 (b) he has not been convicted by any court or tribunal in Nigeria or
9 elsewhere of an offense involving fraud or dishonesty, or such other offense
10 as, in the opinion of the Council, would render the applicant unfit to be a
11 member of the Institute.

12 (6) The Registrar shall place before the Council all applications for
13 admission stating in each case whether the applicant is qualified for
14 registration in the class under which he seeks for admission and if not so
15 qualified, whether he qualifies for admission under any other class.

16 (7) Where the Council is satisfied that the person is qualified for
17 admission-

18 (i) under the class for which he applied, the Registrar shall, upon
19 payment of the prescribed fees by the applicant, enroll the person in that
20 class, and issue him a certificate of membership appropriate for that class,
21 and

22 (ii) into another class other than for which he applied, the Registrar
23 shall, upon the person's application amend his application to state the class
24 under which he is qualified and the Registrar shall, after the amendment
25 and upon payment of the prescribed fees by the applicant, register him and
26 issue a certificate of membership appropriate for that class.

27 (8) Fellows, Full Members and Associates of the Institute shall be
28 entitled to the use after their names the word "Fellow (or Honorary Fellow)
29 of the Chartered Institute of Contract Project & Facilities Management"
30 respectively or the initials "FCPFM", "MCPFM" and "ACPFM."

1 (9) At the completion of the Institute's final professional examination,
2 an eligible student shall proceed for the National Youth Service in line with the
3 relevant law establishing it.

4 (10) A holder of the final professional certificate of the Institute shall
5 be entitled to employment in private and public service on the same rank
6 applicable to members of other Chartered professional bodies in Nigeria.

7 (11) A holder of the final professional certificate of the Institute shall,
8 after 3 years of graduation, be eligible for a practicing certificate as a
9 "Chartered Contract Project & Facilities Management Professional" on
10 satisfying the Institute's requirements by attending two consecutive mandatory
11 professional assessment courses, at least once in a year and the certificate is
12 subject to renewal every year, on a fee to be determined by the Council.

13 PART II - FINANCIAL PROVISIONS

Funds of the
Institute

14 6.-(1) There shall be established for the Institute a fund which shall be
15 managed and controlled by the Council.

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

18 (a) all fees and other monies payable to the Institute;

19 (b) such monies as may be payable to the Institute whether in the
20 course of the discharge of its functions or otherwise; and

21 (c) such monies as may be held by the Institute of Contract Project &
22 Facilities Management incorporated under the Companies and Allied Matters
23 Act, 1990 (in this Act referred to as "the Incorporated Institute") on its ceasing
24 to exist as provided in this Act.

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

26 (a) all expenditure incurred by the Council in the discharge of its
27 functions under this Act;

28 (b) the salaries and allowances of the Registrar and other employees
29 of the Institute; and

30 (c) such reasonable travelling and subsistence allowances of

members of the Council in respect of the time spent on official duties of the Council, as the Council may determine.

(4) Subject to guidelines issued by the Council from time to time, the Institute's funds and assets shall be invested in any bond, bill or other security issued or guaranteed by the Federal Government or the Central Bank of Nigeria.

(5) The Council may, from time to time, borrow money for the purposes of the Institute and may mortgage or charge the properties and assets of the Institute or any part thereof and may issue debenture and other securities whether outright or as securities for any debt, liability or obligation of the Institute and any interest or charge payable on monies so borrowed shall be paid out of the Fund of the Institute.

(6) The Council shall keep proper accounts on behalf of the Institute in respect of each year and proper records in relation to those accounts to be audited by an auditor and in accordance with the guidelines of the Federation.

(7) The auditor, appointed for the purpose of this section, shall not be a member of the Council.

7.-(1) As from the commencement of this Act-

(a) all assets and liabilities held or incurred immediately before the commencement date, by or on behalf of the Incorporated Institute shall vest in the Institute and be held by it for the purpose of the Institute;

(b) the Incorporated Institute shall cease to exist; and

(c) subject to subsection (2) of this section, any act, matter or thing made or done by the Incorporated Institute shall be deemed to have been done by the Institute.

(2) The provisions of Second Schedule to this Act shall have effect with respect to the matters arising from their transfer by this section to the Institute of the properties of the Incorporated Institute and with respect to other matters mentioned in that Schedule.

Transfer to the
Institute of certain
properties, etc.

1 PART III - APPOINTMENT OF REGISTRAR AND OTHER STAFF
2 AND THEIR DUTIES

Appointment of
Registrar and
other staff and
their duties

3 8.-(1) The Council shall-

4 (a) appoint a fit and proper person who shall be a member of the
5 Institute to be the Registrar for the purpose of this Act; and
6 (b) appoint such other persons as the Council may, from time to time,
7 deem necessary to assist the Registrar in the performance of his functions
8 under this Act.

9 (2) A person shall be qualified to be appointed to the office of the
10 Registrar of the institute if he-

- 11 (a) is a citizen of Nigeria;
12 (b) possesses a relevant qualification from a recognized institution of
13 higher learning;
14 (c) has at least 10 years cognate experience; and
15 (d) possesses professional qualification of-
16 (i) Project Management Institute, USA;
17 (ii) Association of Project Management, UK;
18 (iii) International Facility Management Professionals;
19 (iv) Chartered Institute of Project Management, Ghana;
20 (v) British Institute of Facility Management, UK;
21 (vi) International Association of Commercial and Contract
22 Management;

23 shall have held position of Deputy Registrar in any recognized institutions.

24 (3) The Registrar shall prepare and maintain, in accordance with rules
25 made by the Council, a register of names, addresses and approved
26 qualifications and of such particulars, as may be specified in the rules, of all
27 persons who are entitled, in accordance with the provisions of this Act, to be
28 registered as members of the profession in the categories of fellows, chartered
29 members, associate members or honorary members and who in the manner
30 prescribed by such rules, apply to be so registered.

1 (4) The register shall consist of six parts one for each class of
2 membership namely-

- 3 (a) Fellows;
4 (b) Full Members;
5 (c) Graduate Members;
6 (d) Associate Members;
7 (e) Corporate Members; and
8 (f) Honorary Fellows.

9 (5) Subject to this section, the Council shall make rules with
10 respect to necessary professional forms and keeping of the register and the
11 making of entries of particulars therein-

12 (a) regulating the making of applications for enrolment or
13 registration, as the case may be, and providing for the nature of evidence to
14 be produced in support of applications;

15 (b) providing for the notification to the Registrar by the person to
16 whom any registered particulars concern, of any change in those particulars;

17 (c) authorizing a registered member to have any qualification
18 which is in relation to the relevant division of the profession, for the purpose
19 of this Act;

20 (d) specifying the fees, including annual subscription, to be paid in
21 the Institute; and

22 (e) specifying anything failing to be specified under this section.

23 (6) Any rule for the purpose of subsection (5) (d) of this section
24 shall not come into force until they are confirmed at a special meeting of the
25 Institute convened for the purpose or at the next annual general meeting, as
26 the case may be.

27 (7) The Registrar shall-

28 (a) correct, in accordance with the directions of the Council, any
29 entry in the register which the Council directs him to correct as being in the
30 opinion of the Council an entry which was incorrectly made;

1 (b) make, from time to time, any necessary alteration to the registered
2 particulars of registered persons;

3 (c) delete from the register the name of any registered member who
4 died, or ceased to be a member or any member convicted of professional
5 misconduct; and

6 (d) record the names of members of the Institute who are in default for
7 more than six months in the payment of annual subscriptions and take such
8 action in relation thereto as the Council may direct or require.

9 (8) If the Registrar-

10 (a) sends by post, e-mail, telephone or e-fax to any registered person,
11 a registered letter endorsed to him at his address on the register inquiring
12 whether the registered particulars relating to him are correct and receives no
13 reply to the letter within a period of six months from the date of dispatch; and

14 (b) upon the expiration of that period, sends in like manner to the
15 person in question a second similar letter and receives no reply to that letter
16 within three months from the date of dispatch, the Registrar may remove the
17 particulars relating to the person in question from the register, but the Council
18 may, for a reason which seems to it to be sufficient, direct the Registrar to
19 restore to the appropriate part of the register, any particular deleted there from
20 under this subsection.

Publication of
registers of
Fellows and Full
Members

21 9.-(1) The Registrar shall-

22 (a) cause the first edition of the register to be printed, published and
23 put on sale to members of the public within one year from the date of
24 commencement of this Act;

25 (b) cause the first and subsequent editions of the register to be
26 distributed to the members of the Institute and members of the public on such
27 terms, as the Council may from time to time decide; and

28 (c) cause a print of each edition of the register and of each list of
29 corrections to be deposited at the principal office of the Institute and the
30 Registrar shall make the register and lists so deposited available at all

1 reasonable times for inspection by members of the public.

2 (2) A document purporting to be a print of an edition of the register
3 published under this section by authority of the Registrar, or edition of a
4 register so published and of the list of corrections to that edition so
5 published, shall (without prejudice to any other mode of proof) be
6 documents read together to prove that a member of the Institute was so
7 registered at the date of the edition or the list of corrections, as the case may
8 be, and that any person not so named was not so registered.

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

14 10.-(1) There shall be-

15 (a) a Deputy Registrar

Qualification for
appointment and
duties of Deputy
Registrar

16 (2) A person shall be qualified to be appointed to the office of the
17 Deputy Registrar if he has made the criteria for the post of the Registrar
18 except that the minimum years of experience required shall be 10 years.

19 (3) The duties of Deputy Registrar shall be assigned to him by the
20 Council through the Registrar from time to time.

21 PART IV - REGISTRATION OF MEMBERS

22 11.-(1) Subject to section 5 of this Act, a person shall be entitled to
23 be registered as a member of the profession if he satisfies the Council that-

Registration of
Members

24 (a) immediately before the commencement of this Act, he holds a
25 qualification approved for members of the Institute and has the prescribed
26 post qualification experience;

27 (b) he is by law entitled to practice for all purposes as a Contract
28 Project & Facilities practitioner in the country in which the qualification was
29 granted; and

30 (c) he holds at least one of the qualifications prescribed for the

1 purpose of registration on the register and has complied with the other
2 requirements prescribed under this Act.

3 (2) A person shall be entitled to be registered under this Act if he holds
4 such certificate as approved by the Council.

5 (3) A person shall be entitled to be accredited as a member of the
6 Institute if he produces sufficient evidence to the Council that prior to the
7 commencement of this Act he has been in active practice continuously for a
8 period of five years as a Contract Project & Facilities manager: provided that
9 his application is sponsored by two members of the Institute who shall have
10 been members for a minimum of five years and the application is made within
11 period prescribed by this Act.

12 (4) An applicant for registration under this Act shall, in addition to
13 evidence of qualification, satisfy the Council that he-

14 (a) is of good character;

15 (b) has attained the age of 18 years; and

16 (c) has not been convicted by any Court or Tribunal in Nigeria or
17 elsewhere for an offence involving fraud or dishonesty.

18 (5) The Council may, in its discretion, provisionally accept a
19 qualification produced in respect of an application for registration under this
20 section or direct that the application be renewed within such period as may be
21 specified.

22 (6) Any entry directed to be made in the register under subsection (3)
23 of this section, shall show that the registration is provisional and no entry so
24 made shall be converted to full registration without the consent of the Council
25 signified in writing in that behalf.

26 (7) The Council shall, from time to time, publish, in the Federal
27 Government Gazette, particulars of qualification for the time being accepted
28 for registration under this Act.

29 (8) The Contract Project & Facilities Management Professionals from
30 abroad who reside in Nigeria and wish to practice shall, within 12 months after

1 the commencement of this Act, seek registration with the Institute to become
2 members.

3 (9) A person shall not be entitled to be appointed or engaged to head
4 any Contract Project & Facilities Management department of any
5 organization unless he is duly registered as a member of the Institute
6 qualified by examination.

7 12.-(1) The council may approve any qualification for the purposes
8 of this Act and may for that purpose approve-

Approval of
qualification

9 (a) any course of training of any approved institution which is
10 intended for persons who are seeking to become or are already Contract
11 Project & Facilities Management professionals and which the Council
12 considers relevant to confer on persons completing it, sufficient knowledge
13 and skill for admission to the Institute; and

14 (b) any qualification which, as a result of an examination taken in
15 conjunction with a course of training approved by the Council under this
16 section is granted to candidates reaching a specific standard at the
17 examination indicating in the opinion of the members of the council that the
18 candidates have sufficient knowledge and skill to practice customer service
19 and relationship management.

20 (2) The Council may, if it deems fit, withdraw any approval, given
21 under this section in respect of any course, qualification or institution, but
22 before withdrawing such an approval the Council shall-

23 (a) give notice that it proposes to do so to persons in Nigeria
24 appearing to the Council to be persons by whom the course is conducted or
25 the qualification is granted or the institution is controlled as the case may be;

26 (b) afford such persons or institutions an opportunity to make to the
27 Council, representations with regards to the proposal; and

28 (c) take into consideration any representation made in relation to
29 the proposal in pursuance of paragraph (b) of this subsection.

30 (3) During a period in which the approval of the Council under this

1 section for a course, qualification or institution is withdrawn, the course,
2 qualification or institution shall be treated as having been withdrawn under this
3 section, but the withdrawal of such an approval shall be without prejudice to
4 the registration or eligibility for registration immediately before the approval
5 was withdrawn.

6 (4) The giving or withdrawal of an approval under this section shall
7 have effect from such date, as the execution of the instruction signifying the
8 giving or withdrawal of the approval as the Council may specify in the
9 instrument, and the Council shall-

10 (a) as soon as possible publish a copy of every such instrument so
11 executed in the Federal Government Gazette; and

12 (b) not later than 14 days before its publication, send a copy of every
13 such instrument so executed in the Federal Government Gazette to the
14 Minister.

Supervision of
instruction and
examination
leading to approved
qualifications

15 13.-(1) The Council shall keep itself informed of the nature of-

16 (a) the instrument given by an approved institution to persons
17 attending approved course of training; and

18 (b) the examinations as a result of which approved qualifications are
19 obtained, and for the purposes of performing that duty the Council may
20 appoint, either from among its own members or otherwise, persons to visit
21 approved institutions to observe such examination.

22 (2) The Institute shall have powers to accredit any institution of
23 higher learning offering courses leading to the award of Degrees, Post
24 Graduate Diploma, Higher National Diploma and Diploma in Contract Project
25 & Facilities Management in order to maintain standard.

26 (3) A person appointed under subsection (1) of this section shall report
27 to the Council on the adequacy of-

28 (a) the instruction given to persons attending approved course of
29 training at institutions visited by him;

30 (b) the examinations conducted in his presence; and

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

(4) On receiving such a report made under this section, the Council may, if it deems fit and if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

PART V - PROFESSIONAL DISCIPLINE

14.-(1) There shall be a body to be known as the Chartered Institute of Contract Project & Facilities Management Disciplinary Tribunal charged (in this Act referred to as "the Tribunal") charged with the duty of considering and determining all cases referred to it by the Investigating Panel established under subsection (3) of this section, and any other case which the Tribunal takes cognizance under this Act.

Establishment of
Disciplinary
Tribunal and
Investigating
Panel

(2) The Tribunal shall consist of a Chairman and six other members who shall be appointed by the Council from among members of the Institute who are not members of the Council.

(3) There shall be a body to be known as the Chartered Institute of Contract Project & Facilities Management Investigating Panel (in this Act referred to "the Panel") charged with the duties of-

(a) conducting a preliminary investigation into any case where it is alleged that a member has committed an act of professional misconduct, or should for any other reason by the subject of proceedings before the Tribunal; and

(b) deciding whether the case shall be referred to the Tribunal after affording such a member an opportunity of being heard either personally or

1 by a legal practitioner of his own choice in Nigeria.

2 (4) The Council shall appoint members of the Panel from members of
3 the Institute who are not members of the Council or the Tribunal.

4 (5) A person shall not be appointed as a member of the Tribunal or of
5 the Panel unless such a person is a Full member or Fellow of the Institute.

6 (6) The provisions of Third Schedule to this Act shall so far as they are
7 applicable to the Tribunal and Panel, respectively have effect with respect to
8 these bodies.

9 [Third Schedule]

10 (7) The Council may, from time to time, make rules consistent with
11 this Act as to acts, conducts or omissions which constitute professional
12 misconduct.

Penalties for
professional
misconduct

13 15.-(1) Where-

14 (a) a person enrolled or registered under this Act is adjudged by the
15 Tribunal to be guilty of infamous conduct in any professional respect;

16 (b) a person enrolled or registered under this Act is convicted by any
17 court or tribunal in Nigeria or elsewhere having power to impose a term of
18 imprisonment for an offence (whether or not punishable with imprisonment)
19 which in the opinion of the Tribunal is incompatible with the status of a
20 Contract Project & Facilities Management Professional; or

21 (c) the Tribunal is satisfied that the name of any person has been
22 fraudulently enrolled or registered, he shall be guilty of an offence and shall on
23 the decision of the Federal High Court be convicted and liable to a term of
24 imprisonment not exceeding five years or a fine of N1,000,000 or both.

25 (2) The Tribunal may, if it deems fit-

26 (a) give a directive reprimanding that person or ordering the Registrar
27 to strike his name off the relevant part of the register; or

28 (b) defer or further defer its decision as to the giving of such directive
29 under this section until a subsequent meeting of the Tribunal but-

30 (i) no decision shall be deferred under this section for periods

1 exceeding one year in the aggregate, and

2 (ii) no person shall be a member of the Tribunal for the purposes of
3 reaching a decision which has been deferred or further deferred unless he
4 was absent as a member of the Tribunal when that decision, was deferred.

5 (3) For the purpose of subsection (1) (b) of this section, a person
6 shall not be treated as convicted unless the conviction stands at a time when
7 no appeal or further appeal is pending or no application for extension of time
8 to appeal is brought in connection with the conviction.

9 (4) When the Tribunal gives a directive under subsection (2) of this
10 section, the Tribunal shall cause notice of the directive to be served on the
11 person to whom it relates.

12 (5) The person to whom a directive given under subsection (2) of
13 this section relates may, at any time within 21 days from the date of service
14 on him or notice of the directive, appeal against the directives to the Federal
15 High Court and the Tribunal may appear as respondent to the appeal and for
16 the purpose of enabling directives to be given as to the costs or the appeal of
17 proceedings before the Federal High Court, the Tribunal shall be deemed to
18 be a party thereto whether or not it appears on the hearing of the appeal.

19 (6) A directive of the Tribunal under this section shall take effect
20 where-

21 (a) no appeal under this section is brought against the directive
22 within the time limited in the appeal;

23 (b) such an appeal is brought and is withdrawn or struck out for
24 want of prosecution on the withdrawal or striking out of appeal;

25 (c) such appeal is brought and is not withdrawn or struck out, if and
26 when the appeal is dismissed and shall not take effect in accordance with
27 foregoing provisions of this subsection.

28 (7) A person whose name is struck off the register in pursuance of a
29 directive of the Tribunal under this section shall not be entitled to be
30 registered again except in pursuance of a direction on that behalf given by

1 the Federal High Court on the application of that person.

2 (8) A directive under this section for the striking off of a person's name

3 from the register may prohibit an application under this subsection by that

4 person until the expiration of such period from the date of the directive (and

5 where he has recently made such an application from the date of his last

6 application) as may be specified in the directive.

7 PART VI - MISCELLANEOUS

Offences

8 16.-(1) If a person for the purpose of procuring the registration of any

9 name, qualification or other matter-

10 (a) makes a statement which he believes to be false in a material

11 particular; or

12 (b) recklessly makes a statement which is false in a material

13 particular, is guilty of an offence.

14 (2) If, on or after the commencement date of this Act, a person who is

15 not a member of the Institute practices or holds himself out as a member in

16 expectation of a reward or takes or uses any name, title, addition or description

17 implying that he is a member, he is guilty of an offence.

18 (3) If the Registrar or any other person employed by or on behalf of

19 the Institute willfully makes any falsification in any matter relating to the

20 register, he is guilty of an offence.

21 (4) A person guilty of an offence under this section is liable-

22 (a) on summary conviction to a fine not exceeding N100,000.00;

23 (b) on conviction or indictment to a fine not exceeding N50,000.00 or

24 to imprisonment for a term not exceeding two years, or both such fines and

25 imprisonment.

26 (5) Where an offence under this section which has been committed by

27 a body corporate is proved to have been committed with the consent or

28 connivance of or attributable to any neglect on the part of any director,

29 manager, secretary or other similar officer of the corporate body or any person

30 purporting to act in such capacity, he, as well as the body corporate shall be

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1 deemed to have committed the offence and shall be liable to be prosecuted
2 and punished accordingly.

3 17.-(1) Any regulation made under this Act shall be published in Regulations
4 the Federal Government Gazette as soon as they are made; and a copy of the
5 regulations shall be forwarded to the Minister not less than seven days
6 before they are published.

7 (2) The rules proposed for the purposes of this Act shall be subject
8 to confirmation by the Institute at its next general meeting or at any special
9 meeting of the Institute convened for that purpose, and if then annulled shall
10 cease to have effect on the day after the date of annulment, but without
11 prejudice to anything done in pursuance or intended pursuance of any such
12 rule.

13 18.-(1) The Council may make rules— Rules as to
14 (a) for the training of registered members of the profession or practice, etc.

15 suitable persons in Contract Project & Facilities Management methods; and

16 (b) For the supervision, regulation, engagement and training of
17 such persons;

18 (c) prescribing the amount and date for payment of the annual
19 subscriptions, and for such purpose, different amounts may be prescribed by
20 the rules according to whether the member of the Institute is a fellow
21 member, full member, graduate member, associate member, corporate
22 member or honorary fellow member;

23 (d) prescribing the form of license to practice to be issued annually
24 or if the Council deems fit, by endorsement on an existing license;

25 (e) restricting the right to practice as a member of the profession in
26 default of payment of the amount of the annual subscriptions where the
27 default continues for longer than such period as may be prescribed by the
28 rules;

29 (f) restricting the right to practice as a member of the profession if
30 the qualification granted outside Nigeria does not entitle the holder in

1 practice to be completed before a person qualifies for a licence to practice as a
2 member of the profession; and

3 (g) prescribing the period of practical training in the office of a
4 member of the profession in a practice to be completed before a person
5 qualifies for a license to practice as a member of the profession.

6 (2) The rules, when made, shall be published in the Federal
7 Government Gazette.

Provisions of
library facilities,
training College
facilities etc.

8 19.-(1) The Institute shall-

9 (a) provide and maintain a library comprising books and publications
10 for the advancement of knowledge of Contract Project & Facilities
11 Management and such other books and publications as the Council may think
12 necessary for the purpose;

13 (b) set up an independent training school known as Contract and
14 Project Management College with separate management from the institute for
15 training of students to be qualified as Graduate Members or Chartered
16 Members of the institute in order to maintain expected standard;

17 (c) ensure that the College is been managed and financed by a
18 separate management control;

19 (d) accept the final certificates of the College for direct membership
20 into the institute after payment of membership fee and other fees as approved
21 by the institute from time to time;

22 (e) induct the College as a Corporate Member of the institute and also
23 receive an annual subscriptions for the College and

24 (f) encourage research into Contract Project & Facilities
25 Management methods and such allied subjects to the extent that the Council
26 may, from time to time, consider necessary.

Interpretation

27 20. In this Act-

28 "Council" means the Council established as the governing body of the Institute
29 under Section 2(1) of this Act;

30 "Corporate member" means an employer of labor that qualifies under section 5

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(1) (f) of this Act;

2

“College” means a training school that trains Students in order to maintain
expected standard;

3

4

“Enrolled” means in relation to a Fellow, Full Member, Associate, Graduate
and Students, as the case may be;

5

6

“Fees” includes annual subscriptions;

7

8

“Institute” means The Chartered Institute of Contract Project & Facilities
Management established under section 1(1) of this Act;

9

10

“Investigating Panel” means the Chartered Institute of Contract Project &
Facilities Management Investigating Panel established under section 14 (3)
of this Act;

11

12

“Member” means a member of the Institute registered in any of the six
classes of membership;

13

14

“President” means the overall head of the Council of the Institute;

15

16

“Customer Service or Customer Relationship Management Professional”
means any qualified member or person registered who is into practice or
employed by any organization, ministry, corporation and engaged in

17

18

Contract, Project & Facilities Management under this Act;

19

20

“Customer Relationship Management” denotes the general coordination of
activities that involve in Contract, Project & Facilities Management; and

21

22

“Tribunal” means the Chartered Institute of Contract Project & Facilities
Management Disciplinary Tribunal established under section 14 (1) of this

23

24

Act.
21. This Bill may be cited as the Contract Project & Facilities
Management Bill, 2016.

25

Citation

SCHEDULES

FIRST SCHEDULE

[Section 2(3)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualification and Tenure of Office of Members.

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

(2) Any member of this Institute who ceases to be a member thereof shall if he is also a member of the Council, cease to hold office on the Council.

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

(4) If for any reason there is a vacation of office by a member and-

(a) such member was appointed by the Minister, the Minister shall appoint another fit and proper person to replace such member; or

(b) if such member was elected, the Council may if the time between the unexpired portion of the term of office and the annual general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit and proper persons.

Power of the Council, etc.

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

Proceeding of the Council

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

(2) Standing order shall provide for decisions to be taken by a majority of the members and in the event of equality of votes, the President of the Institute or the Chairman as the case may be, have a second or casting vote.

(3) Standing orders made for committee shall provide for committee

to report back to the Council on any matter referred to it by the Council.

(4) The quorum of the Council shall be 10 and the quorum of a

committee of the Council shall be determined by the Council.

Meetings of the Institute

4.-(1) The Council shall convene an annual general meeting of the

Institute on the 30th day of October every year after the Contract Project &

Facilities Management Week (An international event devoted to

recognizing the importance of Contract Project & Facilities Management)

or such other day as the Council may, from time to time, appoint so that if the

meeting is not held within one year after the previous meeting not more than

15 months shall elapse between the respective dates of the two meetings.

(2) A special meeting of the Institute may be convened by the

Council at anytime, if less than 20 members of the institute are informed by

notice in writing addressed to the Registrar of the institute setting out the

objects of the proposed meetings, the Chairman of the Council shall

overcome a special meeting of the Institute.

(3) The quorum of any meeting of the Institute shall be 25 members

and that of any special meeting of the Institute shall be 20 members.

Meetings of the Council

5.-(1) Subject to the provisions of any standing order, the Council

shall meet whenever it is summoned by the Chairman, and if the Chairman is

required to do so by notice in writing given to him by not less than seven

other members, he shall summon a meeting of the Council to be held within

seven days from the day on which the notice is given.

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

the Vice-Chairmen in their order (first, second) shall preside, but if both are

absent, the members present at the meeting shall appoint one of them to

preside at the meeting.

(3) Where the Council desires to obtain the advice of any person on

a particular matter, the Council may co-opt him as a member for such period

1 as the Council deems fit, but a person who is a member by virtue of this sub-
 2 paragraph, shall not be entitled to vote at any meeting of the Council and shall
 3 not count towards a quorum.

4 (4) Notwithstanding anything in the foregoing provisions of this
 5 paragraph, the first meeting of the Council shall be summoned by the Minister
 6 who may give such directions as he thinks fit as to the procedure which shall be
 7 followed at the meeting.

8 *Meetings of the committees*

9 6.-(1) The Council may appoint one or more committees to carry out
 10 on behalf of the Institute or the Council such functions as the Council may
 11 determine.

12 (2) A committee appointed under this paragraph shall consist of the
 13 number of persons determined by the Council or whom not more than one-
 14 thirds may be persons who are not members of the Council and a person other
 15 than a member of the Council shall hold office on the committee in accordance
 16 with the terms of the instrument by which he is appointed.

17 A resolution of a committee of the Council shall be of no effect until
 18 a majority of its members are present at a meeting of the committee.

19 *Miscellaneous*

20 7.-(1) The fixing of the common seal of the Institute shall be
 21 authenticated by the signature of the President or any other member of the
 22 Council authorized generally or specially by the Institute to act for that
 23 purpose.

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

29 (3) Any document purporting to be a document duly executed under
 30 the seal of the Institute shall be received in evidence and shall, unless the

- contrary is proved, be deemed to be executed.
8. The validity of any proceeding of the Institute or the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership, or by any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the committee or by reason that the person is not entitled to do so took part in the proceedings.
9. Any member of the Institute or Council, and any person holding office on a Committee of the Council, who has a personal interest in any contractor arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the President or Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

SECOND SCHEDULE

[Section 7 (2)]

TRANSITIONAL PROVISIONS AS TO PROPERTIES, ETC.

Transfer of Properties

- 1.-(1) Every agreement to which the incorporated Institute was a part immediately before the commencement of this Act, whether it is in writing or not and whether or not is of such nature that the rights, liabilities and obligations there-under could be assigned by the incorporated Institute, shall, unless the terms or subject matter make it impossible that it should have effect or been modified in the manner provided by this sub-paragraph have effect from the appointed day so far as it relates to property transferred by this Act to the Institute as if-
- (a) the Institute had been a party to the agreement;
- (b) for any reference (however worded and, whether express or implied) to be incorporated Institute, there were substituted as respects anything failing to be done on or after the commencement of this Act, a reference to the Institute; and
- (c) for any reference (however worded and whether express or

1 implies) to a member or members of the Council of the Incorporated Institute
2 there were substituted, as respects anything failing to be done on or after the
3 commencement of the Act, a reference to a member or members of the Council
4 under this Act.

5 (2) Other documents which refer, whether specifically or generally, to
6 the Incorporated Institute shall be constructed in accordance with sub-
7 paragraph (1) of this paragraph so far as applicable.

8 (3) Without prejudice to the generality to the foregoing provisions of
9 this Schedule, where, by the operation of section 7 of this Act, any right,
10 liability or obligation shall vest in the Institute and all other persons shall, as
11 from the commencement of this Act, have the same rights as to the taking or
12 resisting of legal proceedings or the making or resisting of applications to any
13 authority for ascertaining, perfecting or enforcing that right, liability or
14 obligation of the Institute.

15 (4) Any legal proceeding or application to any authority pending on
16 the commencement of this Act or against the Incorporated Institute may be
17 combined on or after that day or against the Institute.

18 (5) On the commencement of this Act, any person holding any paid
19 appointment in the Incorporated Institute shall hold corresponding
20 appointment in the Institute on the same terms and conditions as to tenure or
21 otherwise but shall not be entitled to receive remuneration both from the
22 Incorporated Institute in respect of the same period of service.

23 (6) If the law in force at the place where any property transferred by
24 this Act is situated provides for the registration or transfer of property of the
25 kind question (whether by reference to instrument of transfer or otherwise), the
26 law shall, so far as it provided for alteration of a register (but not for avoidance
27 to transfer the payment of fees or any other matter) apply with the necessary
28 modifications to the transfer of the property and the institute shall transfer to
29 the officer of the registration authority and the officer shall register the transfer
30 accordingly.

THIRD SCHEDULE

Section 13 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the tribunal shall be four of whom at least two shall be members of the profession.

2.-(1) The Council may make rules as to the selection of the Tribunal for the purposes of proceedings and the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

(2) The rules shall in particular provide-

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

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

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal; and

(d) for publishing in the Gazette notice of any directive of the Tribunal which has taken effect providing that a person's name shall be struck off a register.

3. For the purpose of any member, the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of subpoena ad testificandum and deuces tecum; but no person appearing before the Tribunal shall be compelled-

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

(b) to produce any document or order such a writ which he could not be compelled to produce at the trial of an action.

4.-(1) For the purpose of advising the Tribunal on questions of law

1 arising in proceedings before it, there shall in all proceedings be an assessor to
2 the Tribunal who shall be appointed by the Council on the recommendation of
3 the Council and shall be a legal practitioner of not less than seven years
4 standing.

5 (2) The Council shall make rules to the functions of an assessor
6 appointed under this paragraph, part in particular such rules shall contain
7 provisions for securing-

8 (a) that where an assessor advises the Tribunal on any question of law
9 as to evidence, procedures or any other than is specified by the rules, he shall
10 do so in the presence of every party or person representing a party to the
11 proceedings who appear here at or, if the advice is tendered while the Tribunal
12 is deliberating in private, that every party or person shall be informed about the
13 advice the assessor has tendered; and

14 (b) every such party or person shall be informed if in any case the
15 Tribunal does not accept the advice of the assessor on such a question.

16 (3) an assessor may be appointed under this paragraph either
17 generally or for any particular proceeding or class of proceedings and shall
18 hold and vacate office in accordance with the terms of the instrument by which
19 he is appointed.

20 *The Panel*

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

22 6.-(1) The Panel may, at any of its meeting attended by all the
23 members of the panels, make standing order with respect to the Panel.

24 (2) Subject to the provisions of any such standing order, the Panel may
25 regulate its own procedures.

26 *Miscellaneous*

27 7.-(1) A person on ceasing to be a member of the Tribunal or the Panel
28 shall not be eligible for appointment as a member of that body.

29 (2) A person shall not, if otherwise eligible, be a member of both the
30 Tribunal and the Panel, and a person who acted as a member of the Panel, with

1 respect to a matter shall not act as a member of the Tribunal with respect to
2 that case or any other case.

3 8. The proceedings of both the Tribunal and the Panel shall not be
4 invalidated by any irregularity in the appointment of any member or
5 vacancy in the membership of the bodies not by reason of the fact that any
6 person who was not entitled to do so took part in the proceedings of the body.

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

10 10. Any expenses of the Tribunal or the Panel shall be defrayed by
11 the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Contract Project & Facilities Management to be charged with the responsibility for registration, discipline of its members, to regulate and control the practice of contract project and facilities profession.

