

CHARTERED INSTITUTE OF WAREHOUSING AND MATERIALS

MANAGEMENT BILL, 2016

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# A BILL

## FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF WAREHOUSING AND MATERIALS MANAGEMENT TO BE CHARGED WITH THE RESPONSIBILITY FOR REGISTRATION, DISCIPLINE OF ITS MEMBERS, TO REGULATE AND CONTROL THE PRACTICE OF STORES, WAREHOUSING AND MATERIALS PROFESSION AND FOR RELATED MATTERS

*Sponsored by Hon. Segun Alexander Adekola*

[ ] Commencement

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

### PART I

*Establishment of the Chartered Institute of Warehousing and Materials Management, of its functions, etc.*

1. -(1) There is established a body to be known as the Chartered Institute of Warehousing and Materials Management (in this Act referred to as "the institute") which shall be a body corporate under that name and be charged with the general duty of-

(a) determining and reviewing, from time to time, the academic standards, knowledge and skills that shall be attained by persons seeking to qualify as registered members of the Chartered Institute of Warehousing and Materials Management (in this Act referred to as "the Professional");

(b) ensuring that its members maintain a reputable and high standard of behaviour expected of any professional in stores, inventory management, warehousing and materials management in Nigeria and other parts of the world;

(c) providing for the training, education and examination of persons desiring to become professional warehousing and materials

1 management according to the provisions of this Act whether in Nigeria or  
2 abroad;

3 (d) regulating the discipline and professional conduct of its members;

4 (e) promoting and projecting the welfare of its members both in  
5 Nigeria and abroad;

6 (f) arranging conferences, seminars, symposia and meeting for  
7 discussion of supplies and related matters, reading of papers and delivery of  
8 lectures, publishing copies of abridgement of papers, books, lectures, records  
9 and other memoranda instilling high standard of professional ability and  
10 knowledge by means of periodic issue of journals of the Institute and to  
11 organize post qualification courses for its members; and

12 (g) performing such functions as are incidental to the objects or as the  
13 Council may deem necessary for the attainment of all or any of these objects.

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

17 (3) The Institute may sue and be sued in its corporate name and may,  
18 subject to the land use Act, hold, acquire and dispose of any property movable  
19 or immovable.

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

24 2.-(1) There is established for the Institute a Governing Council (in  
25 this Act referred to as "the Council") which shall be charged with the  
26 responsibility for the administration and general management of the Institute.

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

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

30 (b) a Vice-Presidents of the Institute;

1 (c) 6 corporate members nominated by council geo-political zones  
2 of the Federation;

3 (i) not more than 6 co-opted members

4 (d) a coordinator from each of the geo-political zones of the  
5 Federation;

6 (e) immediate and all past Presidents of the Institute;

7 (f) a Registrar of the Institute, who shall also be the Secretary of the  
8 Council.

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

12 *[First schedule]*

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

Election of  
President and  
Vice-President  
of the Institute

18 4.-(1) A person shall be qualified for election to the office of the  
19 President and Vice-President of the Institute if he-

Qualifications for  
election of the  
President and  
Vice-President

20 (a) is a citizen of Nigeria;

21 (b) has attained the age of 45 years;

22 (c) has been educated up to at least University or Polytechnic level  
23 with a First Degree, Higher National Diploma, professional membership  
24 certificates or their equivalent.

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

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

29 (f) a fellow of the Institute.

30 (2) The President shall preside at the meetings of the Institute but in

1 the event of death, resignation, incapacity or inability for any reason and the  
2 President can no longer perform the functions of his office, the Vice-President  
3 shall act in his stead for the unexpired portion of the term of office.

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

6 (4) If the President or Vice-President ceases to be a member of the  
7 Institute, he shall cease to hold any of the offices designated under this section.

Admission to the  
Institute and  
classes of members

8 5.-(1) Subject to the provisions of this Act, a person or body admitted  
9 to the Institute shall be registered as a member of the Institute in the category  
10 of-

11 (a) Fellow;

12 (b) Honorary Fellow;

13 (c) Full Member;

14 (d) Associate Member;

15 (e) Graduate Member;

16 (f) Corporate Member; and

17 (g) Student Member.

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

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

21 (i) has served the institute and had not less than 10 years experience in  
22 any areas of warehousing and materials or supply chain management post in a  
23 private or public organization at the time of his application or enrollment, or

24 (ii) is not currently engaged in inventory, stores, warehousing and  
25 materials management but has been employed in a senior management position  
26 in private or public organization for not less than 10 years in any areas supply  
27 chain management;

28 (b) Full Member if-

29 (i) he has passed all the examinations prescribed by the Council, and  
30 has a minimum of five years continuous working experience inventory, stores,

1        warehousing and materials or supply chain management in any private or  
2        public organization, or

3                (ii) he is a full member or a foreign professional body recognized  
4        by the Council and his class of the membership is, in the opinion of the  
5        Council equivalent to that of membership of the Institute and he has a  
6        minimum of five year working experience in any private or public  
7        organization in Nigeria, and shall have passed a stipulated examination  
8        before enrollment,

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

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

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

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

20                (e) Honorary fellow if he is a person of distinction in the field of  
21        inventory, stores, warehousing and materials or supply chain management,  
22        service, law, marketing, public relations, politics economy, human  
23        resources management, engineering or any similar discipline, but he shall  
24        not be eligible to vote or be voted for at any election of the Institute;

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

27                (g) Student Member if he is pursuing a course in inventory, stores,  
28        warehousing and materials or supply chain management in any institution  
29        approved by the Council but-

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

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

4 (3) For the purpose of subsection (2) (f) of this section, all corporate  
5 members shall ask their staffs in inventory, stores, warehousing and materials  
6 or supply chain management functions to register with the Institute to foster  
7 their ethical standards and self regulation in the inventory, stores, warehousing  
8 and materials profession.

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

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

15 (a) he is of good character; and

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

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

24 (7) Where the Council is satisfied that the person is qualified for  
25 admission-

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

29 (ii) into another class other than for which he applied, the Registrar  
30 shall, upon the person's application amend his application to state the class



1 under which he is qualified and the Registrar shall, after the amendment  
2 and upon payment of the prescribed fees by the applicant, register him and  
3 issue a certificate of membership appropriate for that class.

4 (8) Fellows, Full Members and Associates of the Institute shall be  
5 entitled to the use after their names the word "Fellow (or Honorary Fellow)  
6 of the Chartered Institute of Warehousing and Materials Management"  
7 respectively or the initials "FCIWM", "MCIWM" and "ACIWM."

8 (9) A person shall not be qualified to become a member of institute  
9 unless-

10 (a) He has obtained an approved degree or Higher National  
11 Diploma;

12 (b) He has passed the professional examinations at the College of  
13 Supply Chain Management which shall be established and administered by  
14 the institute;

15 (c) He has passed the professional examinations at any of the  
16 Accredited Training Centre (ATC) which shall be approved by the Council  
17 from time to time.

18 (10) A holder of the final professional certificate of the Institute  
19 shall, after 3 years of graduation, be eligible for a practicing certificate as a  
20 "Chartered Warehousing and Materials Management Professional" on  
21 satisfying the Institute's requirements by attending two consecutive  
22 mandatory professional assessment courses, at least once in a year and the  
23 certificate is subject to renewal every year, on a fee to be determined by the  
24 Council.

#### 25 PART II - FINANCIAL PROVISIONS

26 6.-(1) There shall be established for the Institute a fund which shall  
27 be managed and controlled by the Council.

Funds of the  
Institute

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

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

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

3 (c) such monies as may be held by the Institute of Corporate Institute  
4 of Warehousing and Materials Management incorporated under the  
5 Companies and Allied Matters Act, 1990 (in this Act referred to as “the  
6 Incorporated Institute”) on its ceasing to exist as provided in this Act.

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

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

10 (b) the salaries and allowances of the Registrar and other employees  
11 of the Institute; and

12 (c) such reasonable travelling and subsistence allowances of  
13 members of the Council in respect of the time spent on official duties of the  
14 Council, as the Council may determine.

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

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

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

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

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

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

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

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

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

### 13 PART III - APPOINTMENT OF REGISTRAR AND OTHER STAFF

#### 14 AND THEIR DUTIES

15 8.-(1) The Council shall-

16 (a) appoint a fit and proper person who shall be a member of the  
17 Institute to be the Registrar for the purpose of this Act; and

18 (b) appoint such other persons as the Council may, from time to  
19 time, deem necessary to assist the Registrar in the performance of his  
20 functions under this Act.

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

23 (a) is a citizen of Nigeria;

24 (b) possesses a relevant qualification from a recognized institution  
25 of higher learning;

26 (c) has at least 10 years cognate experience; and

27 (d) possesses professional qualification of-

28 (i) Chartered Institute of Warehousing and Materials  
29 Management;

30 (ii) Chartered Institute of Supply Chain Management;

Transfer to the  
Institute of certain  
properties, etc.

Appointment of  
Registrar and  
other staff and  
their duties

1 (iii) Chartered Institute of Purchasing and Supply;

2 (iv) Chartered Institute of Logistics and Transport;

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

4 (3) The Registrar shall prepare and maintain, in accordance with rules  
5 made by the Council, a register of names, addresses and approved  
6 qualifications and of such particulars, as may be specified in the rules, of all  
7 persons who are entitled, in accordance with the provisions of this Act, to be  
8 registered as members of the profession in the categories of Fellows, Chartered  
9 members, Associate members or Honorary members and who in the manner  
10 prescribed by such rules, apply to be so registered.

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

13 (a) Fellows;

14 (b) Full Members;

15 (c) Graduate Members;

16 (d) Associate Members;

17 (e) Corporate Members; and

18 (f) Honorary Fellows.

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

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

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

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

30 (d) specifying the fees, including annual subscription, to be paid in the

1 Institute; and

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

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

7 (7) The Registrar shall-

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

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

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

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

19 (8) If the Registrar-

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

25 (b) upon the expiration of that period, sends in like manner to the  
26 person in question a second similar letter and receives no reply to that letter  
27 within three months from the date of dispatch, the Registrar may remove the  
28 particulars relating to the person in question from the register, but the  
29 Council may, for a reason which seems to it to be sufficient, direct the  
30 Registrar to restore to the appropriate part of the register, any particular

Publication of registers of Fellows and Full Members

1 deleted there from under this subsection.

2 9.-(1) The Registrar shall-

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

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

9 (c) cause a print of each edition of the register and of each list of  
10 corrections to be deposited at the principal office of the Institute and the  
11 Registrar shall make the register and lists so deposited available at all  
12 reasonable times for inspection by members of the public.

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

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

Qualification for appointment and duties of Deputy Registrar

25 10.-(1) There shall be-

26 (a) a Deputy Registrar (Academics and Administration).

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

30 (3) The duties of Deputy Registrar shall be assigned to him by the

1 Council through the Registrar from time to time.

2 PART IV - REGISTRATION OF MEMBERS

3 11.-(1) Subject to section 5 of this Act, a person shall be entitled to  
4 be registered as a member of the profession if he satisfies the Council that-

Registration of  
Members

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

8 (b) he is by law entitled to practice for all purposes as a supply  
9 chain management practitioner in the country in which the qualification was  
10 granted; and

11 (c) he holds at least one of the qualifications prescribed for the  
12 purpose of registration on the register and has complied with the other  
13 requirements prescribed under this Act.

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

16 (3) A person shall be entitled to be accredited as a member of the  
17 Institute if he produces sufficient evidence to the Council that prior to the  
18 commencement of this Act he has been in active practice continuously for a  
19 period of five years as a customer relationship manager: provided that his  
20 application is sponsored by two members of the Institute who shall have  
21 been members for a minimum of five years and the application is made  
22 within period prescribed by this Act.

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

25 (a) is of good character;

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

27 (c) has not been convicted by any court or tribunal in Nigeria or  
28 elsewhere for an offence involving fraud or dishonesty.

29 (5) The Council may, in its discretion, provisionally accept a

1 qualification produced in respect of an application for registration under this  
2 section or direct that the application be renewed within such period as may be  
3 specified.

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

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

11 (8) The Warehousing and Materials Management Professionals from  
12 abroad who reside in Nigeria and wish to practice shall, within 12 months after  
13 the commencement of this Act, seek registration with the Institute to become  
14 members.

15 (9) A person shall not be entitled to be appointed or engaged to head  
16 warehousing and materials management department of any organization  
17 unless he is duly registered as a member of the Institute qualified by  
18 examination.

Approval of  
qualifications

19 12.-(1) The council may approve any qualification for the purposes of  
20 this Act and may for that purpose approve:

21 (a) any course of training of any approved institution which is  
22 intended for persons who are seeking to become or are already warehousing  
23 and materials management professionals and which the Council considers  
24 relevant to confer on persons completing it, sufficient knowledge and skill for  
25 admission to the Institute; and

26 (b) any qualification which, as a result of an examination taken in  
27 conjunction with a course of training approved by the Council under this  
28 section is granted to candidates reaching a specific standard at the examination  
29 indicating in the opinion of the members of the council that the candidates have



1 sufficient knowledge and skill to practice warehousing and materials  
2 management.

3 (2) The Council may, if it deems fit, withdraw any approval, given  
4 under this section in respect of any course, qualifications or institutions, but  
5 before withdrawing such an approval the Council shall-

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

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

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

13 (3) During a period in which the approval of the Council under this  
14 section for a course, qualification or institution is withdrawn, the course,  
15 qualification or institution shall be treated as having been withdrawn under  
16 this section, but the withdrawal of such an approval shall be without  
17 prejudice to the registration or eligibility for registration immediately before  
18 the approval was withdrawn.

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

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

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

28 13.-(1) The Council shall keep itself informed of the nature of-

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

Supervision of  
instruction and  
examination  
leading to  
approved  
qualifications

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

5 (2) The Institute shall have powers to accredit any institution of  
6 higher learning offering courses leading to the award of Degrees, Post  
7 Graduate Diploma, Higher National Diploma and Diploma in Stores,  
8 Inventory, Warehousing and Materials Management in order to maintain  
9 standard.

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

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

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

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

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

26 PART V - PROFESSIONAL DISCIPLINE

27 14.-(1) There shall be a body to be known as the Chartered Institute of  
28 Warehousing and Materials Management Disciplinary Tribunal charged (in  
29 this Act referred to as "the Tribunal") charged with the duty of considering and  
30 determining all cases referred to it by the Investigating Panel established under

1 subsection (3) of this section, and any other case which the Tribunal takes  
2 cognizance under this Act.

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

6 (3) There shall be a body to be known as the Chartered Institute of  
7 Warehousing and Materials Management Investigating Panel (in this Act  
8 referred to "the Panel") charged with the duties of-

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

13 (b) deciding whether the case shall be referred to the Tribunal after  
14 affording such a member an opportunity of being heard either personally or  
15 by a legal practitioner of his own choice in Nigeria.

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

18 (5) A person shall not be appointed as a member of the Tribunal or  
19 of the Panel unless such a person is a full member or fellow of the Institute.

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

23 *[Third Schedule]*

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

27 **15.-(1) Where-**

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

30 (b) a person enrolled or registered under this Act is convicted by

Penalties for  
professional  
misconduct

1 any court or tribunal in Nigeria or elsewhere having power to impose a term of  
2 imprisonment for an offence (whether or not punishable with imprisonment)  
3 which in the opinion of the Tribunal is incompatible with the status of a  
4 Warehousing and Materials Management Professional; or

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

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

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

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

14 (i) no decision shall be deferred under this section for periods  
15 exceeding one year in the aggregate, and

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

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

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

26 (5) The person to whom a directive given under subsection (2) of this  
27 section relates may, at any time within 21 days from the date of service on him  
28 or notice of the directive, appeal against the directives to the Federal High  
29 Court and the Tribunal may appear as respondent to the appeal and for the  
30 purpose of enabling directives to be given as to the costs of the appeal of

1 proceedings before the Federal High Court, the Tribunal shall be deemed to  
2 be a party thereto whether or not it appears on the hearing of the appeal.

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

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

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

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

12 (7) A person whose name is struck off the register in pursuance of a  
13 directive of the Tribunal under this section shall not be entitled to be  
14 registered again except in pursuance of a direction on that behalf given by  
15 the Federal High Court on the application of that person.

16 (8) A directive under this section for the striking off of a person's  
17 name from the register may prohibit an application under this subsection by  
18 that person until the expiration of such period from the date of the directive  
19 (and where he has recently made such an application from the date of his last  
20 application) as may be specified in the directive.

21 PART VI - MISCELLANEOUS

22 16.-(1) If a person for the purpose of procuring the registration of Offences  
23 any name, qualification or other matter-

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

26 (b) recklessly makes a statement which is false in a material  
27 particular, is guilty of an offence.

28 (2) If, on or after the commencement date of this Act, a person who  
29 is not a member of the Institute practices or holds himself out as a member in  
30 expectation of a reward or takes or uses any name, title, addition or

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

2 (3) If the Registrar or any other person employed by or on behalf of  
3 the Institute willfully makes any falsification in any matter relating to the  
4 register, he is guilty of an offence.

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

6 (a) on summary conviction to a fine not exceeding N500,000.00;

7 (b) on conviction or indictment to a fine not exceeding N400,000.00  
8 or to imprisonment for a term not exceeding two years, or both such fines and  
9 imprisonment.

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

Regulations

17 17.-(1) Any regulation made under this Act shall be published in the  
18 Federal Government Gazette as soon as they are made, and a copy of the  
19 regulations shall be forwarded to the Minister not less than seven days before  
20 they are published.

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

Rules as to  
practice, etc.

27 18.-(1) The Council may make rules-

28 (a) for the training of registered members of the profession or suitable  
29 persons in customer service and relationship management methods; and

30 (b) For the supervision, regulation, engagement and training of such

1 persons;

2 (c) prescribing the amount and date for payment of the annual  
3 subscriptions, and for such purpose, different amounts may be prescribed by  
4 the rules according to whether the member of the Institute is a fellow  
5 member, full member, graduate member, associate member, corporate  
6 member or honorary fellow member;

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

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

13 (f) restricting the right to practice as a member of the profession if  
14 the qualification granted outside Nigeria does not entitle the holder in  
15 practice to be completed before a person qualifies for a licence to practice as  
16 a member of the profession; and

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

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

22 19. -(1) The Institute shall-

23 (a) provide and maintain a library comprising books and  
24 publications for the advancement of knowledge of logistics, stores,  
25 inventory, distribution, warehousing, materials and supply chain  
26 management and such other books and publications as the Council may  
27 think necessary for the purpose;

28 (b) set up an independent training school known as "College of  
29 Supply Chain Management" with separate management from the institute  
30 for training of students to be qualified as Graduate Members or Chartered

Provisions of  
library facilities,  
training College  
facilities etc.

- 1 Members of the institute in order to maintain expected standard;
- 2 (c) ensure that the College is been managed and financed by a separate
- 3 management control;
- 4 (d) accept the final certificates of the College for direct membership
- 5 into the institute after payment of membership fee and other fees as approved
- 6 by the institute from time to time;
- 7 (e) inducts the College as a Corporate Member of the institute and
- 8 also receive an annual subscriptions for the College; and
- 9 (f) encourage research into logistics, stores, inventory, distribution,
- 10 warehousing, materials and supply chain management methods and such allied
- 11 subjects to the extent that the Council may, from time to time, consider
- 12 necessary.

## Interpretation

- 13 **20. In this Act-**
- 14 "Council" means the Council established as the governing body of the Institute
- 15 under Section 2(1) of this Act;
- 16 "Corporate member" means an employer of labor that qualifies under section 5
- 17 (1)(f) of this Act;
- 18 "College" means a training school that trains Students in order to maintain
- 19 expected standard.
- 20 "Enrolled" means in relation to a Fellow, Full Member, Associate, Graduate
- 21 and Students, as the case may be;
- 22 "Fees" includes annual subscriptions, examination, development, exemption,
- 23 application;
- 24 "Institute" means The Chartered Institute of Warehousing and Materials
- 25 Management established under section 1(1) of this Act;
- 26 "Investigating Panel" means the Chartered Institute of Warehousing and
- 27 Materials Management Investigating Panel established under section 14 (3) of
- 28 this Act;
- 29 "Member" means a member of the Institute registered in any of the six classes
- 30 of membership;



1 “President” means the overall Head of the Council of the Institute;

2 “Chartered Warehousing and Materials Management Professional” means  
3 any qualified member or person registered who is into practice or employed  
4 by any organization, ministry, corporation and engaged in Stores, Inventory,  
5 Management, Warehousing Management or Materials Management under  
6 this Act;

7 “Warehousing and Materials Management” denotes the general  
8 coordination of activities that involve in Stores Management, Warehousing  
9 Management, Inventory Management, Materials Management or and

10 “Tribunal” means the Chartered Institute of Warehousing and Materials  
11 Management Disciplinary Tribunal established under section 14 (1) of this  
12 Act.

13 21. This Bill may be cited as the Chartered Institute of Citation  
14 Warehousing and Materials Management Bill, 2016.

#### 15 SCHEDULES

#### 16 FIRST SCHEDULE

17 [Section 2(3)]

#### 18 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

#### 19 *Qualifications and Tenure of Office of Members*

20 1.-(1) Subject to the provisions of this paragraph, a member of the  
21 Council shall hold for a period of two years beginning from the date of his  
22 appointment or election.

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

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

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

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

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

5 \* *Power of the Council, etc.*

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

8 *Proceeding of the Council*

9 3.-(1) Subject to the provisions of this Act, the Council may in the  
10 name of the Institute make standing orders regulating the proceedings of the  
11 Institute, the Council or any of their Committees.

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

15 (3) Standing orders made for committee shall provide for committee  
16 to report back to the Council on any matter referred to it by the Council.

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

19 *Meetings of the Institute*

20 4.-(1) The Council shall convene an annual general meeting of the  
21 Institute on or before 30th day of October every year or such other day as the  
22 Council may, from time to time, appoint so that if the meeting is not held within  
23 one year after the previous meeting not more than 15 months shall elapse  
24 between the respective dates of the two meetings.

25 (2) A special meeting of the Institute may be convened by the Council  
26 at anytime, if less than 20 members of the institute are informed by notice in  
27 writing addressed to the Registrar of the institute setting out the objects of the  
28 proposed meetings, the Chairman of the Council shall overcome a special  
29 meeting of the Institute.





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

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

(3) Without prejudice to the generality to the foregoing provisions of this Schedule, where, by the operation of section 7 of this Act, any right, liability or obligation shall vest in the Institute and all other persons shall, as from the commencement of this Act, have the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to

1 any authority for ascertaining, perfecting or enforcing that right, liability or  
2 obligation of the Institute.

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

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

11 (6) If the law in force at the place where any property transferred by  
12 this Act is situated provides for the registration or transfer of property of the  
13 kind question (whether by reference to instrument of transfer or otherwise), the  
14 law shall, so far as it provided for alteration of a register (but not for avoidance  
15 to transfer the payment of fees or any other matter) apply with the necessary  
16 modifications to the transfer of the property and the institute shall transfer to  
17 the officer of the registration authority and the officer shall register the transfer  
18 accordingly.

### 19 THIRD SCHEDULE

#### 20 *Section 13 (6)*

#### 21 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL 22 AND INVESTIGATING PANEL

#### 23 *The Tribunal*

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

26 2.-(1) The Council may make rules as to the selection of the Tribunal  
27 for the purposes of proceedings and the procedure to be followed and the rules  
28 of evidence to be observed in proceedings before the Tribunal.

29 (2) The rules shall in particular provide-

(a) for securing that notice or the proceedings is given at such time and

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

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

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

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

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

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

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

18 4.-(1) For the purpose of advising the Tribunal on questions of law  
19 arising in proceedings before it, there shall in all proceedings be an assessor  
20 to the Tribunal who shall be appointed by the Council on the  
21 recommendation of the Council and shall be a legal practitioner of not less  
22 than seven years standing.

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

26 (a) that where an assessor advises the Tribunal on any question of  
27 law as to evidence, procedures or any other than is specified by the rules, he  
28 shall do so in the presence of every party or person representing a party to  
29 the proceedings who appear here at or, if the advice is tendered while the  
30 Tribunal is deliberating in private, that every party or person shall be

1 informed about the advice the assessor has tendered; and

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

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

8 *The Panel*

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

10 6.-(1) The Panel may, at any of its meeting attended by all the  
11 members of the panels, make standing order with respect to the Panel.

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

14 *Miscellaneous*

15 7.-(1) A person on ceasing to be a member of the Tribunal or the Panel  
16 shall not be eligible for appointment as a member of that body.

17 (2) A person shall not, if otherwise eligible, be a member of both the  
18 Tribunal and the Panel, and a person who acted as a member of the Panel, with  
19 respect to a matter shall not act as a member of the Tribunal with respect to that  
20 case or any other case.

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

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

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



## EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Warehousing and Materials Management to be charged with the responsibility for registration, discipline of its Members, to regulate and control the practice of stores, warehousing and materials profession.

