

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF FORENSIC ACCOUNTANTS OF NIGERIA CHARGED WITH THE RESPONSIBILITY OF DETERMINING THE STANDARD OF KNOWLEDGE AND SKILLS TO BE ATTAIN BY PERSONS SEEKING TO BECOME FORENSIC ACCOUNTANTS AND TO PROMOTE THE PRACTICE OF THE ARTS AND SCIENCE OF FORENSIC ACCOUNTANCY IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Solomon B. Maren

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF

2 FORENSIC ACCOUNTANTS OF NIGERIA

3 1.-(1) There shall be established a body to be known as the
4 Chartered Institute of Forensic Accountants of Nigeria (in this Bill referred
5 to as "the Institute").

Establishment of
the Chartered
Institute of
Forensic
Accountants of
Nigeria

6 (2) The Institute-

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

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

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

11 2. The objectives of the Institute shall be to-

Functions of the
Institute

12 (a) determine the standards of knowledge and skills to be acquired
13 and attained by persons seeking to become registered as forensic
14 accountants and reviewing such standards from time to time as may be
15 required;

16 (b) professionalize Forensic Accounting with a commitment to
17 raising great leaders in all sectors of the economy and to organize and

1 provide professional training in the areas of Leadership and Forensic
2 Accounting;

3 (c) regulate and control the practice of forensic accounting (in this
4 Bill referred to as " the profession") in all its aspects and ramifications; and

5 (d) performing other functions conferred on the Institute by this
6 Bill.

Membership of
the Institute

7 **3.-(1)** Subject to the provision of this Bill, persons admitted into the
8 Institute, shall possess knowledge, experience, and qualifications in Forensic
9 Accounting and other related disciplines determined by the Institute from time
10 to time , and may be enrolled in the category of:

11 (a) Fellows;

12 (b) Associate Membership;

13 (2) Without prejudice to the last foregoing provisions of this Bill,
14 persons registered as members of the Institute, in terms of this Bill, shall be
15 entitled to be enrolled:

16 (a) as Fellows, if they satisfy the council that for the period of not less
17 than five years immediately preceding the date of their application in that
18 behalf that they-

19 (i) are fit and proper persons;

20 (ii) are holders of approved academic qualifications;

21 (iii) have satisfied the council in their dissertations; and

22 (iv) have been continuously active in the practice of professional
23 forensic accounting in either public or private sectors of the economy and as
24 members of the Institute;

25 (b) as Associate members, if for the period of not less than three years
26 immediately preceding the date of their application in that behalf that they have
27 been enrolled as associate members and are otherwise fit and proper persons,
28 and as may approved in the discretion of the Council;

29 (3) The following are other precedence and designated titular
30 abbreviations for:

1 (a) a Fellow of the Chartered Institute of Forensic Accountants
2 who shall have their right to use the designatory letters "FCFA" immediately
3 after his names;

4 (b) an Associate Member of the Chartered Institute of Forensic
5 Accountants who shall have the right to use the designatory letters of
6 "ACFA" immediately after his names.

7 4.-(1) There shall be for the Institute, a governing body to be
8 known as "the Council" which shall have responsibility for the
9 administration and general accounts of the Institute.

Establishment
and composition
of the Governing
Council

10 (2) The Council established pursuant to subsection (1) of this
11 section shall consist of-

12 (a) the President;

13 (b) the Vice-President;

14 (c) the Registrar/Chief Executive;

15 (d) twelve members nominated by the Institute from the six geo-
16 political zones of the Federation;

17 (e) the immediate past President of the Institute;

18 (f) one person each not below the rank of a Director to represent the
19 following Federal Ministries, that is in charge of-

20 (i) Finance;

21 (ii) Trade and Investment;

22 (iii) Education.

23 (3) The provisions of the first schedule to this Bill shall have effect
24 with respect to the supplementary provisions of the Council and the
25 qualifications and tenure of the office or members of the Council, and the
26 matters therein mentioned.

27 5.-(1) There shall be appointed annually a Board of Fellows, to
28 coordinate the activities of Fellows of the Institute and to recommend to the
29 Council on yearly basis admission of members of the fellows.

Appointment of
the Board of
Fellows

30 (2) The Board of Fellows shall consist of persons who have been

1 duly elected as fellows of the Institute, and shall have a Chairman who shall
2 preside over the activities of the Board.

3 PART II - FINANCIAL PROVISIONS

Establishment
of fund and
expenditure

4 6.-(1) There shall be establish and maintain a fund for the Institute
5 into which shall be paid-

6 (a) all fees and other monies due and payable to the Institute in
7 pursuance of this Bill; and

8 (b) all monies raised for the purposes of the Institute by way of gifts,
9 donations, grants-in aid, testamentary dispositions from individuals, bodies
10 corporation or philanthropic organizations, non-otherwise however.

11 (2) The Council shall, from time to time, apply the proceeds of the
12 funds of the Institute to-

13 (a) all expenditure incurred by the Institute in the course of the
14 discharge of its function under the Bill;

15 (b) the remunerations and allowances of the Registrar and other staff
16 of the Institute to;

17 (c) the maintenance of the premises and property owned and vested in
18 the Institute;

19 (d) the payment of travelling allowance and such stipend for
20 members of the Council as may be approved by the Council; and

21 (e) the payment of such other charges as may be reasonably incurred
22 in the performance of the functions of the Institute and the Council.

23 (3) For the purposes of the Companies Income Tax, any donation
24 made by any company in Nigeria to the Institute shall be a deductible donation
25 within the meaning of the Bill.

Power to borrow
money

26 7.-(1) The Council, with the general consent of its members or in
27 accordance with the general guidelines or authority given by the government of
28 the federation, borrow, on behalf of the Institute, by way of loan or overdraft
29 from any source, any monies' required by the Council to meet the obligations of
30 the Institute in order to perform its function under this Bill, however, that such

1 consent or authority shall be required where the sum or aggregate of the
2 sums involved at any time does not exceed such amount as is for the time
3 being projected in relation to the Institute in any particular year.

4 (2) The Council may, subject to the provisions of the Bill and
5 conditions of trust in respect of funds held or any property owned by the
6 Institute, invest any but not all of its funds with the same consent or general
7 authority.

8 **8.** -(1) The Chairman of the Council shall cause to be prepared not
9 later than six months before the end of the year, estimates for the recurrent
10 and capital expenditure (if any) and income of the Institute during the next
11 succeeding financial year which shall be presented to the Annual General
12 Meeting of the Institute by the Council for approval.

Annual estimates,
account and audit

13 (2) The Council shall keep proper accounts and records in relation
14 thereto, and of shall prepare in respect of each financial year, a statement of
15 account in such form as the chairman or the council shall direct.

16 (3) The Council shall soon as may be after the end of a financial
17 year, cause the accounts of the Institute and those of the council to be audited
18 by qualified auditors appointed from the list of auditors and in accordance
19 with the guidelines laid down by the Auditor-General for the Federation.

20 (4) The auditors appointed pursuant to subsection (3) of this
21 section shall, on completion of the audit of the accounts of the Institute and
22 the Council for each financial year, prepare and submit to the Council two
23 reports, that is to say-

24 (a) a general report setting out the observations and
25 recommendations of the said auditors on the financial affairs of the Institute
26 and the Council for the year, and on any important matters which the
27 auditors may consider necessary to bring the notice of the Council, and

28 (b) a detailed report containing the observations and
29 recommendations of the auditors on all aspect of the operations of the
30 Institute and the Council.

1 PART III - THE REGISTRAR

Appointment
and duties of
the Registrar, etc.2 9.-(1) The Council shall appoint a fit and proper person to be Registrar
3 for the purpose of this Bill.4 (2) The Registrar shall prepare and maintain, in accordance with the
5 rules made by the Council under this section, a register of forensic accountants
6 (in this Bill referred to as "the register").7 (3) The register shall contain the names, address, approved
8 qualifications and such other particulars as may be specified by the Council, of
9 all persons who are entitle, in accordance with the provisions of the Bill, to be
10 registered as forensic accountants (and who apply in the specified manner to be
11 so registered.12 (4) The register shall consist of two parts of which one shall be in
13 respect of fully registered persons and the other in respect of provisionally
14 registered persons.15 (5) Subject to the following provision of this section, the Council shall
16 make rules with respect to the form and keeping of the register and the making
17 of entries therein, and in particular:18 (a) regulating the making of applications for registration and
19 providing for the evidence to be produced in support of application;20 (b) providing for the notification to the Registrar, by the person to
21 whom the registered particulars relate, of any change in those particular,22 (c) authorizing a registered person to have any qualification which
23 is registered in relation to his name in addition to or, as he may elect, in
24 substitution for any other qualifications so registered,25 (d) specifying anything falling to be specified under the provisions of
26 this section.

27 (6) The Registrar shall-

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

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

3 (c) remove from the relevant part of the register the name of any
4 registered person who has died, or as the case may be, has ceased to be
5 entitled to be registered.

6 (7) The Registrar shall-

7 (a) sends by post to any registered person a letter addressed to
8 him at his address on the register enquiring whether the registered
9 particular relating to him are correct and receives on reply to the letter
10 within the period of six months from the date of posting it ; and

11 (b) upon the expiration of that period sends in like manner to the
12 person in question a second similar letter and receive no reply to that letter
13 within three months from the date of posting, it, the Registrar may remove
14 the particular relating to the person in question from the relevant part of the
15 register.

16 (8) The Council may for any reason which seems to be sufficient,
17 direct the registrar to restore to the appropriate part of the register any
18 particular remove there from under this subsection.

19 **10.-(1)** The Registrar shall-

20 (a) cause the Register to be printed, published and put on sale to
21 members of the public later than two years from the commencement of this
22 Bill;

23 (b) thereafter in each year to cause to be printed, published and put
24 on sale as foresaid, rather a corrected edition of the Register since it was last
25 printed; and

26 (c) cause a print of each edition of the Registers and of each list of
27 correction to be deposited at the principal offices of the Institute and the
28 Council shall keep the Register and the list so deposited available at all
29 reasonable times for inspection by members of the Institute.

30 (2) A document purporting to be print of an edition of the Register

Publication of
registers and list
for corrections

1 published under the pursuant to this section by authority of the Registrar, or
2 documents purporting to be print of an edition so printed, shall (without
3 prejudice to any other mode of proof) be admissible in any proceeding as
4 evidence that any person specified in the document, or the documents read
5 together, as being registered was so registered at the date of the edition or of list
6 of correction, as the case may be, and that any person not so specified was not
7 registered.

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

Registration

13 11.-(1) Subject to the rules made by the Council pursuant to section
14 9(4) of this Bill, a person whether or not a member of a professional Forensic
15 Accounting body recognized by an Act of National Assembly shall be entitled
16 to be enrolled or registered as a Member of Chartered Institute of Forensic
17 Accountants of Nigeria if-

18 (a) he passes he qualifying examination of membership conducted by
19 the Council under this Bill and completes the practical training prescribed; or

20 (b) he holds as qualification granted outside Nigeria and for time
21 being accepted by the Institute and, if the Council so requires, satisfies the
22 Council that he had sufficient practical experience as a forensic accountant.

23 (2) Subject to the rules made by the Council pursuant to section 9 (5)
24 of this Bill, a person shall be entitled to be registered as a Forensic Accountant,
25 if he satisfies the Council that immediately before the appointed day he had not
26 lee than five years' experience as an inspector and internal auditor of the affairs
27 of a company as defined under the provision Companies and Allied Matters
28 Bill.

29 (3) An application for registration shall, in addition to evidence of
30 qualification, satisfy the Council-

- 1 (a) that he is of good character;
2 (b) that he has attained the age of twenty-one; and
3 (c) that he has not been convicted of a criminal offence involving
4 fraud or dishonesty in Nigeria or elsewhere.

5 (4) The Council may in its discretion provisionally accept a
6 qualification presented in respect of an application for registration under
7 this sectional, or direct that the application be renewed within such period as
8 may be specified in the direction.

9 (5) Any entry directed to be made in the Register in terms of
10 subsection (4) of this section shall indicate that the registration is
11 provisional, and no entry made in consequence thereof shall be converted to,
12 construed as, full registration without explicit consent of the Council made
13 in writing in that behalf.

14 (6) The Council shall from time to time publish in the Federal
15 Government Gazette particulars of qualifications for the time being
16 accepted as aforesaid.

17 **12.-(1)** The Council may approve an institute for the purposes of
18 this Bill and may for those purposes approve-

Approval of
qualification, etc.

19 (a) any course of training at any institution which for persons who
20 are seeking to become or are already forensic accounting consultants, and
21 which the Council consider as necessary to confer on persons completing
22 the course, sufficient knowledge and skill for admission to the institute;

23 (b) any qualification which, as a result of an examination taken in
24 conjunction with a course of training approved by the Council under this
25 section, is granted to candidates reaching a standard at the examination
26 indicating in the opinion of the members of the Council that the candidates
27 have sufficient knowledge and skill to practice as forensic accountants.

28 (2) The Council may, if it deem it fit withdraw any approval given
29 under this section in respect of any course, qualification or institution, but
30 before withdrawing such as approval, the Council shall-

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

4 (b) afford each such an opportunity of making representations to the
5 Council with regard to the proposal; and

6 (c) take into consideration any representation made as respects the
7 proposal in pursuance of paragraph (b) of this subsection.

8 (3) Where the approval of the Council under this section for a course,
9 qualification or institution is withdrawn, the course, qualification or institution
10 shall not be treated as approved under this section, but the withdrawal of any
11 such approval shall not prejudice the registration or eligibility for registration
12 of any person who by virtue of the approval was registered or eligible for
13 registration immediately before the approval was withdrawn.

14 (4) The giving or withdrawal of an approval under this section shall
15 have effect from such date, either before or after the execution of the
16 instrument signifying the giving or withdrawal of the approval, as the Council
17 may specify in that instrument, and the Council shall-

18 (a) public as soon as possible a copy of every such instrument in the
19 Federal Government Gazette; and

20 (b) not later than seven days before its publication, send a copy of the
21 instrument to the Minister.

Supervision of
instructions, etc
leading to approved
qualifications

22 **13.**-(1) It shall be the duty of the members of the Council of the
23 Institute to keep themselves informed of the nature of-

24 (a) the instructions given at approved institutions to persons attending
25 approving training; and

26 (b) the examination as a result of which approved qualification are
27 granted, and for the purpose of performing that duty the Council of the Institute
28 may appoint, either from among its own members or otherwise, person to visit
29 approved institutions, or to attend such examination.

30 (2) It shall be the duty of the visitor appointed in term of the foregoing

1 subsection of this section to report to the Council on-

2 (a) the sufficiency of the instructions giving to persons attending
3 approved courses of training at institutions visited by him;

4 (b) the conduct and adequacy of the examination observed by him;
5 and

6 (c) any other matters relating to the instruction or examinations on
7 which the Council may, either generally or in particular case, request him to
8 report, but no visitor shall interfere with the given of any instruction or the
9 conduct of any examination.

10 (3) On receiving a report made in pursuance of this section, the
11 Council may, if it fit, and shall if so required by the Institution, send a copy of
12 the report to the person appearing before the Council to be in charge of the
13 institution or which the Disciplinary Tribunal has cognizance under the
14 following provisions of the Bill responsible for the examination of which
15 the report relates requesting that person to make an observation on the report
16 the Council within such period as may be specified in the request, not being
17 less than one month beginning with the date of the request.

18 PART IV - PROFESSIONAL DISCIPLINE

19 14.-(1) There shall be a tribunal to be known as the Chartered
20 Institute of Forensic Accountants Disciplinary Committee (in this Bill,
21 referred to as "the Disciplinary Committee") which shall be charged with the
22 duty of considering and determining any case referred to it by the
23 investigating panel established pursuant to subsection (3) of this section,
24 and any other case of panel, which the Disciplinary Committee has
25 cognizance under the following provisions of this Bill.

Establishment,
composition, etc
of the Disciplinary
Committee and
of the Investigating
Panel

26 (2) The Disciplinary Committee shall consist of the Chairman of
27 the Council and six other members of the Council.

28 (3) There shall be a body known as Chartered Institute of Forensic
29 Accountants Investigation Panel (In this Bill, referred to as "the
30 Investigating Panel") which shall be charged the duty of-

1 (a) conducting a preliminary investigation into any case where it is
2 alleged that a member has misbehaved in his capacity as a Forensic Accountant
3 or should for any other reason be the subject of proceeding before the
4 Disciplinary Committee; and

5 (b) deciding whether the case should be referred to the Disciplinary
6 Committee.

7 (4) Council and shall consist of four members of the Council and one
8 person who is not member of the Council.
9 Third Schedule.

10 (5) The provisions of the Second Schedule to this Bill shall, so far as
11 applicable to the third Disciplinary Committee and Investigating Panel
12 respectively, have effect with respect to the bodies.

13 (6) The Council may not inconsistent with this Bill as to Bills which
14 constitute professional misconduct.

Penalties for
unprofessional
conduct

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

16 (a) a member is judged by the Disciplinary Tribunal to be guilty of
17 infamous conduct in any professional respect;

18 (b) a member is convicted, by any court or tribunal in Nigeria or
19 elsewhere having power to award imprisonment, of an offence or (whether or
20 not punishable with imprisonment which in the opinion of the Disciplinary
21 Tribunal is incompatible with the status of a professional forensic accountants;

22 (c) the Disciplinary Tribunal is satisfied that the name of any person
23 has been fraudulently registered; the Disciplinary Tribunal may, if it thinks fit,
24 give a direction reprimanding that person or ordering the Registrar to strike his
25 name off the relevant part of the Register.

26 (2) The Disciplinary Tribunal may, if deem fit, defer its decisions as to
27 the giving subsection (1) of this section until a subsequent meeting of the
28 Disciplinary Tribunal but-

29 (a) no decision shall be referred under this subsection for period
30 exceeding two years on the aggregate; and

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

5 (3) For the purposes of subsection (1) (b) of this section, a person
6 shall not be treated as convicted as therein mentioned unless the conviction
7 stands at a time when no appeal or further appeal is pending or may (without
8 extension or time) be brought in connection with the conviction.

9 (4) When the Disciplinary Tribunal gives a direction under
10 subsection (1) of this section, the Disciplinary Tribunal shall cause notice of
11 the direction to be served on the person to whom it relates.

12 (5) A person whose name is struck off the Register in pursuance of a
13 direction of the Disciplinary Tribunal under this section, shall not be entitled
14 to be entitled to be enrolled or registered again except in pursuance of a
15 direction in that behalf given the Disciplinary Tribunal on the application of
16 the person, and a direction under this section for the removal 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 direction
19 (and where he has duly made such an application, from the date of his last
20 application) as may be specified in the direction.

21 PART V - MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

22 16.-(1) The Council may make rules for-

23 (a) the training of suitable persons in Forensic Accounting methods
24 and practice; and

25 (b) the supervision and regulation of the engagement, training and
26 transfer of such persons.

27 (2) The Council may also make rules-

28 (a) prescribing the amount and the dues for payment of annual
29 subscription, and for such purpose different amount may be prescribed by

Rules as to
professional
practice and fees

1 the rules according to whether the person is enrolled as a Fellow, Associate
2 Member;

3 (b) prescribing the form of licentiate to practice to be issued annually
4 or, if the Council thinks it fit, by endorsement on any existing license; and

5 (c) restricting the right to practice in default of payment of the amount
6 of annual subscription where the default continues for longer than such period
7 as may be prescribed by the rules.

8 (3) Rules when made under this section shall, if the Chairman of the
9 Council so directs, be published in the Federal Government Gazette.

Provision of
library facilities,
etc.

10 **17.** The Institute shall-

11 (a) provide and maintain a Library, comprising books and
12 publications for the advancement of knowledge of Forensic Accounting, and
13 such other books and publications as the Council may think necessary for that
14 purpose;

15 (b) encourage research into Forensic Accounting methods and allied
16 subjects to the extent that the Council may from time to time consider
17 necessary.

Offences

18 **18.**-(1) If any person, for the purpose of procuring the registration of
19 any name, qualification or other matter-

20 (a) make a statement which he believes is false in a material
21 particular, or

22 (b) recklessly make a statement which is false in a material particular,
23 he shall be guilty of an offence.

24 (2) If, on or after the relevant date, any person not a member of the
25 Institute practices or holds himself out to practice Forensic Accounting for or in
26 expectation of reward or takes or uses any name, title, addition or description
27 implying that he is in practice of forensic accounting, he shall be guilty of an
28 offence, provided that, in the case of a person failing within section 16 of this
29 Bill-

30 (a) this subsection shall not apply in respect of anything done by him

1 during the period of three months mentioned in that section; and

2 (b) if within that period he duly applies for membership of the
3 Institute, then, unless within that period he is notified that his application has
4 not been approved, this subsection shall not apply in respect of anything
5 done by him between the end of that period and the date on which he is
6 enrolled or registered or is notified as aforesaid.

7 (3) If the Registrar or any other person employed by or on behalf of
8 the Institute wilfully makes any falsification in any matter relating to the
9 Register, he shall be guilty of an offence.

10 (4) A person guilty of an offence under this section shall be liable-

11 (a) on summary conviction, to a fine of an amount not exceeding
12 N50,000 Naira;

13 (b) on conviction on indictment, to a fine of an amount not
14 exceeding N100,000 Naira or to imprisonment for a term not exceeding two
15 years or to both such fine and imprisonment.

16 (5) Where an offence under this section which has been committed
17 by a body corporate is proven to have been committed with the consent or
18 connivance of, or to be attributed to any neglect on the part of any director,
19 accountant, secretary or other similar officer of the body corporate or any
20 person purporting to act in any such capacity, he as well as the body
21 corporate, shall be deemed to be guilty of that offence and shall be liable to
22 be prosecuted and punished accordingly.

23 (6) In this section, "the relevant date" means the third anniversary
24 of the appointed day or such earlier date as may be prescribed for the purpose
25 of this section by order of the Ministry published in the Federal Government
26 Gazette.

27 **19.-(1)** Any regulation made under this Bill shall be published in
28 the Federal Government Gazette as soon as may be after they are made and a
29 copy of any such regulations shall be sent to the Ministry not later than seven
30 days before they are so published.

1 (2) Rules made for the purposes of this Bill shall be subject to
2 confirmation by the Institute at its next general meeting or at any special
3 meeting of the Institute convened for that purpose, and if then annulled shall
4 cease to have effect on the day after the date of annulment, but with prejudice to
5 anything done in pursuance or intended pursuance of any such rules.

Dissolution of
the former
Institute of
Forensic
Accountants

6 **20.**-(1) The body known as the Institute of Forensic Accountants of
7 Nigeria is hereby dissolved.

8 (2) Accordingly, all the property held by or on behalf of the former
9 Institute shall by virtue of this section and without further assurance vest in the
10 Institute and held by it for the purposes of the Institute.

11 (3) The provisions of the Third Schedule to this Bill shall have effect
12 with respect to matters arising from the transfer by this section to the institute of
13 property of the former Institute, and with respect to the other matter mentioned
14 in that schedule.

Interpretation

15 **21.** In this Bill-
16 "Institute" means Chartered Institute of Forensic Accountants established
17 under section 1 of this Bill;
18 "Council" means the Council established as the governing body of the
19 Institute;
20 "Disciplinary Tribunal" means the Chartered Institute of Forensic Accountants
21 Discipline Tribunal;
22 "Member of the Institute" means an enrolled fellow or associate member of the
23 Institute; and "membership of the Institute" shall be construed accordingly;
24 "Investigative Panel" means the Chartered Institute of Forensic Accountants
25 Investigative Panel;
26 "Ministry" means the Ministry charged with the responsibility for matters
27 relating to finance;
28 "Profession" means the profession of Forensic Accountants; and
29 "Register" means the register maintained under this Bill pursuant to section
30 9(2) of this Bill;

1 "President and Vice President" means respectively the office holder under
2 those names of the Institute.

3 **22.** This Bill may be cited as the Chartered Institute of Forensic Short title
4 Accountants of Nigeria Bill, 2016.

5 SCHEDULES

6 FIRST SCHEDULE

7 *Section 5 (3)*

8 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

9 *Qualifications and tenure of members*

10 1.-(1) Subject to the provisions of this paragraph, a member of the
11 Council hold office for a period of two years beginning with the date of his
12 appointment of election.

13 (2) Any member of the Institute who cease to be a member
14 therefore shall, if he is also a member of the Council, cease to hold office on
15 the Council.

16 (3) Any elected member may by notice in writing under his hand
17 addressed to the President resign his office, and any appointed member may,
18 likewise resign his appointment.

19 (4) A person who retires from or otherwise cease to be an elected
20 member of the Council shall be eligible again to become a member of the
21 Council, and any appointed member may be reappointed.

22 (5) Members of the Council shall at a meeting next before the
23 annual general meeting of the Institute arrange for five members of the
24 Council appointed or elected, and longest in office to retire at that annual
25 general meeting.

26 (6) Elections to the Institute shall be held in such manners as may
27 be prescribed by rules made by the Council and until so prescribed they shall
28 be decided in a secret balloting process.

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

30 (a) such member was appointed by the Minister or any other body

1 corporate, the Minister or any such body corporate shall appoint another fit
2 person to occupy the office in which the vacancy occurs; or

3 (b) such member was elected, the Council may, if the period
4 between the unexpired portion of the tenure of office and the next general
5 meeting of the Institute appears to warrant the prompt filling of the vacancy,
6 co-opt some fit person for such period as aforesaid.

7 *Powers of Council*

8 2. The Council shall have powers to do anything which in its
9 opinion is calculated to facilitate the Activities of the Institute.

10 *Proceedings of the Council*

11 3.-(1) Subject to the provision of this Bill, the Council may in the
12 name of the Institute make standing orders regulating the proceedings of the
13 institute of the Institute or of the Council, and in the exercise of its powers
14 under this Bill, may setup committees in the general interest of the Institute,
15 and make standing orders therefore.

16 (2) Standing orders shall be provided for decision to be taken by a
17 majority of the members, and in the event of equality of votes, for the
18 President or the Chairman, as the case may be, to have a second or casting
19 vote.

20 (3) Standing orders make for a committee shall provide the
21 committee report back to the Council on any matter not within its
22 competence to be decided upon.

23 4. The quorum of the Council shall be nine, and the quorum of a
24 committee of the Council shall be as fixed by the Council.

25 *Meetings:*

26 *(a) of the Institute*

27 5.-(1) The Council shall convene the annual general of the Institute
28 on a day as the Council may from time to time appoint any particular year, so
29 however that if the meeting is not held within one year, so however that if the
30 meeting is not held within one year after the previous annual general

1 meeting, not more than fifteen months shall elapse between the respective
2 dates of the two meetings.

3 (2) A special meeting of the institute may be convened by the
4 Council at any time, and if not less than thirty members of the Institute
5 require it by notice in writing addressed to the General Secretary of the
6 Institute setting out the objects of the proposed meeting, the Chairman of the
7 Council shall convene special meeting of the Institute.

8 (3) The quorum of any general meeting of the Institute shall be
9 fifteen members, and that of any special meeting of the Institute shall be
10 twenty-five members.

11 *(b) of the Council*

12 6.-(1) Subject to the provision of any standing orders of the
13 Council, the Council shall meet whenever it is summoned by the Chairman,
14 and if the Chairman is required to do so by notice in writing given to him by
15 not less than seven other members, he shall summon a meeting of the
16 Council to held within seven days from the date on which the notice is given.

17 (2) At any meeting of the Council, the Chairman or in his absence
18 the Deputy Chairman shall preside; but if both are absent the members
19 present at the meeting shall appoint one of their numbers to preside at the
20 meeting.

21 (3) Where the Council desires to obtain advise of any person on a
22 particular matter, the Council may co-opt him as a member for such period
23 as the Council thinks fit, but a person who is a member by virtue of the
24 provisions of this subparagraph shall not be entitled to vote at any meeting of
25 the Council and shall not count towards a quorum.

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

1 *Committees*

2 7.-(1) The Council may appoint one or more committee to carry out
3 on behalf of the Institute or of the Council, such functions as the Council may
4 determine.

5 (2) A committee appointed under this paragraph shall consist of the
6 number of persons determined by the Council, and a person other than a
7 member of the Council shall hold office on the committee in accordance with
8 the terms of the instrument by which he is appointed.

9 (3) Any recommendations of a committee of the Council shall be of
10 no effect until it is approved by the Council.

11 *Miscellaneous*

12 8.-(1) The fixing of the seal of the Institute shall be authenticated by
13 the signature of the National President or of some other member of the Council
14 authorized generally by the Institute to Bill for that purpose.

15 (2) Any contract or instrument which, if made or executed by a person
16 not being a body corporate, would not be required to be under seal, may be
17 made or executed on behalf of the Institute or the Council as the case may
18 require, by any person generally or specially authorized to Bill for the purpose
19 by the Council.

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

23 (4) The validity of any proceedings of the Institute or Council of a
24 committee of the Council shall not be affected by any vacancy in membership,
25 or of any defect in the appointment of a member of the Institute or of the
26 Council or of a person to serve on the committee, or by reason that a person not
27 entitled to do took part in the proceedings.

28 (5) Any member of the Institute or the Council, and any person
29 holding office on a committee of the Council, who has a personal interest by the
30 Council or a committee thereof, shall forthwith disclose his interest to the

1 President or to the Council, as the case may be, and shall not vote on any
2 question relating to the contract or arrangement.

3 (6) A person shall not be reason only of his membership of the
4 Institute be required to disclose any interest any interest relating solely to the
5 audit to the accounts of the Institute.

6 SECOND SCHEDULE

7 *Section 15(5)*

8 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

9 TRIBUNAL AND INVESTIGATING PANEL

10 *The Tribunal*

11 1. The quorum of the Tribunal shall be three of whom at least two
12 shall be professional commercial practitioners.

13 2.-(1) The Chief Justice of Nigeria shall make rules as to the
14 selection of members of the Tribunal for the purposes of any proceedings
15 and as to the procedures to be followed and the rules of evidence to be
16 observed in proceedings before the Tribunal-

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

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

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

24 (d) for enabling any party to be proceedings to be presented by a
25 legal practitioner;

26 (e) subject to the provisions of Section 16(5) of this Bill, as to the
27 costs of proceedings before the Tribunal;

28 (f) for requiring, in a case where it is alleged that the person who is
29 subject of the proceedings is guilty of infamous conduct in any professional
30 respect, that where the Tribunal adjudges that the allegation has not been

1 proved it shall record a findings that the person is not guilty of such conduct in
2 respect of the matters to which the allegation relates; and

3 (g) for publishing in the media notice of any direction of the Tribunal,
4 which has taken effect providing that a person's name shall be struck off a
5 register.

6 3. For the purposes of any proceedings before the Tribunal, any
7 member of the Tribunal may administer oaths and any party to the proceedings
8 may sue through the Supreme Court writs of *subpoena ad testandum* and *dues*
9 *talcum*, but no person appearing before the Tribunal shall be compelled-

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

12 (b) to produce any document under such a writ which he could be
13 compelled to produce at the trial of an Billion.

14 4.-(1) For the purposes of advising the Tribunal on question of law
15 arising in proceedings before it, there shall in all such proceedings be an
16 assessor to the Tribunal who shall be appointed by the Council on the
17 nomination of the Chief justice of Nigeria and shall be a legal practitioner of
18 not less than seven years standing.

19 (2) The Chief Justice of Nigeria shall make rules as to the function of
20 assessors appointed under this paragraph, and in particular such rules shall
21 contain provisions for securing-

22 (a) that where an assessor advises the Tribunal on any question of law
23 as the evident, procedure or any matters specified in the rules, he shall do so in
24 the presence of every party or person presenting a party to the proceedings who
25 appears thereat or, if the advises is tendered while the Tribunal is deliberating in
26 private, that every such party or persons are aforesaid;

27 (b) that every such party or person as aforesaid shall be informed if in
28 any case the Tribunal does not accept the advice of the assessor on such a
29 question as aforesaid.

30 (3) An assessor may be appointed under this paragraph either

1 generally or for any particular proceedings or class of proceedings, and shall
2 hold and vacate office in accordance with the terms of the instrument by
3 which he is appointed.

4 *The Panel*

5 5. The quorum of the panel shall be two.

6 6.-(1) The panel may, at any sitting of the panel attended by all
7 members of the panel, make standing orders with respect to the panel.

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

10 *Miscellaneous*

11 7.-(1) A person ceasing to be a member of the Tribunal or the panel
12 shall be eligible for reappointment as a member of that body.

13 (2) A person may, if otherwise eligible, be a member of both the
14 Tribunal and the panel, but no person who Billed as a member of the panel
15 with respect to any case shall Bill as a member of the Tribunal with respect to
16 that case.

17 8. The Tribunal or the panel may Bill notwithstanding any vacancy
18 in its membership, and the proceedings of either body shall not be
19 invalidated by any irregularity in the appointment of a member of that, or
20 (subject to paragraph 7(2) of this schedule) by reason of the Bill that any
21 person who was not entitled to do so took part in the proceedings of the body.

22 9. Any document authorized or required by virtue of this Bill to be
23 served on the Tribunal or the panel shall be served on the Registrar
24 appointed in pursuance of section 10 of this Bill.

25 10. Any expenses of the Tribunal or the panel shall be defrayed by
26 the Institute.

27 **THIRD SCHEDULE**

28 *Section 23(3)*

29 **TRANSITIONAL PROVISION AS A PROPERTY, ETC.**

30 1.-(1) Every agreement to which the former Institute was a party

1 immediately before the appointment day, whether in writing or not and whether
2 or not of such a nature that the right, liabilities and obligations there under
3 could be assigned by the former Institute shall, unless its terms or subject
4 matter make it impossible that it should have effect as modified in the manner
5 provided by this subparagraph, have effect from the appointed day, so far as it
6 relates to property transferred by this Bill to the Institute, as if-

7 (a) the Institute had been a party to the agreement;

8 (b) for any reference (however worded and whether expressed or
9 implied) to the former Institute they were substituted, as respects anything
10 falling to be done or after the appointed day, a reference to the Institute; and

11 (c) for any reference (however worded and whether expressed or
12 implied) to a member or members of the Council of the former Institute or an
13 officer of the former Institute they were substituted, as respects anything
14 falling to be done on or after the appointed day, a reference members of the
15 Council under this Bill or the officers of the former Institute who corresponds
16 as nearly as may be to the member or officer in questions of the former Institute.

17 (2) Other documents which refer, whether especially or generally, to
18 the former Institute shall be construed in accordance with subparagraph (1) of
19 this paragraph so far as applicable.

20 (3) Without prejudice to the generality of the foregoing provisions of
21 this schedule, where, by the operation of any of them or of section 23 of this
22 Bill, any right, liability or obligation vests in the Institute and all other persons
23 shall, as from the appointed day, have the same rights as to the making or
24 resisting of legal proceedings or the making or resisting of applications to any
25 authority for ascertaining, perfecting or enforcing that right, liability or
26 obligation as they would have had at all times been a right, liability or
27 obligations of the Institute.

28 (4) Any legal proceedings or application to any authority pending on
29 the appointed by or against the former Institute and relating to property
30 transferred by this Bill to Institute may be continued on or after that day by or

1 against the Institute.

2 (5) If the law in force at the place where any, property transferred
3 by this Bill is situated (whether by reference to an instrument of transfer or
4 otherwise), the law shall, so far as it provided for alterations of a Registered
5 (but not for avoidance of transfer, the payment of fees or any matter) apply
6 with the necessary modifications to the transfer of the property aforesaid,
7 and it shall be the duty of the Council to furnish the necessary particulars of
8 the transfer to the proper office of the registration authority, and of that
9 officer to register the transfer accordingly.

10 *Transfer of functions, etc*

11 2. -(1) At its first meeting, the Council of the Institute shall fix a date
12 (not later than six months after the appointed day) for the annual general
13 meeting of the Institute.

14 (2) The members of the Council of the former Institute shall be
15 deemed to be members of the Council of the Institute until the date
16 determined in pursuance of the foregoing subparagraph when the Institute
17 shall have its first annual general meeting, and they shall cease to hold office
18 at the conclusion of such meeting.

19 (3) Any person who, immediately before the appointed day, held
20 offices as the President or Vice President of the Council of the former
21 Institute shall on that day become the President or, as the case may be, the
22 Vice-President of the Institute and shall be deemed-

23 (a) to have been appointed to that office in pursuance of the
24 provision of this Bill corresponding to the relevant provision in the said
25 articles of Institute; and

26 (b) to have been appointed on the date on which he took office, or
27 last took office, in pursuance of the relevance of the relevant provision of
28 those articles.

29 (4) The members of the former Institute shall, as from the
30 appointed day, be registered as members of the Institute, and without

1 prejudice to the generality of the provisions of this schedule relating to the
2 transfer of property, any person who, immediately before the appointed day,
3 was a member of the staff of the former Institute shall on that day become the
4 holder of an appointment with the Institute with the status, designation and
5 functions which corresponds as nearly as may be to those which appertained to
6 him in his capacity as a member of that staff.

7 (5) Any person being an office-holder on, or member of the Council of
8 the Institute immediately before the appointed day and deemed under this
9 paragraph to have been appointed to any like position in the Institute, or on the
10 Council of the Institute, and thereafter otherwise than by reason of this
11 misconduct, shall be eligible for appointment in the Institute or to membership
12 of the Council as the case may be.

13 (6) All allegations, rules and similar instrument made for the
14 purposes of the Institute, and in force immediately before they are
15 subsequently revoked or amended by any authority have power in that behalf
16 have effect, with any necessary modifications, as if duly made for the
17 corresponding purposes of the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Chartered Institute of Forensic Accountants charged with the responsibility of determining the standard of knowledge and skills to be attained by persons seeking to become forensic accountants in Nigeria.