

INSTITUTE OF TRANSPORT ADMINISTRATION OF NIGERIA ACT, 2019

EXPLANATORY MEMORANDUM

This Act establishes the Institute of Transport Administration Nigeria charged with the responsibility of advancing the study, training and practice of transport management and administration in Nigeria.

INSTITUTE OF TRANSPORT ADMINISTRATION OF NIGERIA ACT, 2019

Arrangement of Sections

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INSTITUTE OF TRANSPORT ADMINISTRATION OF NIGERIA ACT, 2019

A Bill

For

An Act to establish the Institute of Transport Administration of Nigeria charged with the responsibility of advancing the study, training and practice of transport management and administration in Nigeria; and for related matters.

[]

Commencement

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

PART I — ESTABLISHMENT, COMPOSITION OF THE INSTITUTE OF TRANSPORT ADMINISTRATION, NIGERIA AND ITS GOVERNING COUNCIL

1. (1) There is established the Institute of Transport Administration of Nigeria (in the Act referred to as “the Institute”).
(2) The Institute:
 - (a) is a body corporate with perpetual succession and common seal which shall be kept in such custody as the Council may authorise; and
 - (b) may sue and be sued in its corporate name.
2. The objectives of the Institute are to:
 - (a) set standards of practice and determine the knowledge and skills to be attained by persons seeking to become registered members of the Institute and practice as Chartered Transportants and reviewing those standard from time to time as circumstances may require;
 - (b) secure, in accordance with the provisions of this Act, the establishment and maintenance of register of Students, Associate, Associate Members, Members and Fellows of the Institute and the publication from time to time of a list of those members entitled to practise as Chartered Transportants;
 - (c) perform such other functions, as may be necessary for the advancement of the Institute and the transport management profession.

Establishment of the Institution of Transport Administration of Nigeria.

Objectives of the Institute.

3. The Functions and powers of the Institute are to:

Functions and powers of
the Institute.

- (a) organise and conduct examinations and award professional certificates and diplomas, from time to time, in transport and other subjects related to the profession for the purposes of admitting members to the Institute, enhancing their status therein, and issue membership certificates to persons admitted;
- (b) organise and conduct seminars, workshops, conferences and research in all aspects of transport management and administration, and provide professional training for persons aspiring to qualify and practice as Chartered Transportants in Nigeria;
- (c) secure the professional status and do all such things as may be necessary to promote the interest of its members and the advancement of the art and science of transport, knowledge and efficiency in transport management and administration in the public and private sectors of the Nigerian economy;
- (d) acquire and hold such movable and immovable property as may be necessary or expedient for putting into effect the provisions of this Act;
- (e) demand and receive from any course participant, student member of the Institute such fees as the Institute may prescribe;
- (f) have powers to recognise and affiliate with any university or other tertiary institutions for the purpose of offering degree programmes; and
- (g) have powers to regulate and control the practice of professional transport management and administration in all its ramifications through the establishment of Council for the Registration of Transportants (CORTRANSP).

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

Membership of the
Institute.

- (a) Fellows;
- (b) Members;
- (c) Associate Members;

(d) Corporate Members (Institutional Members); and

(e) Graduate or Students.

(2) Without prejudice to the provisions of section 4 (1) of the Act, persons registered or accorded the status of Chartered Transportant by the Council of the Institute under this Act, are entitled to the use of that name and shall be enrolled as:

(a) Fellows, if they satisfy the Council within the period of at least 10 years immediately preceding their enrollment that they:

- (i) are fit and proper persons,
- (ii) are holders of approved academic qualifications, and
- (iii) have been continuously active as professional transport managers and administrators in the public or private sectors of the economy and as members of the Institute; or

(b) Members, if for the period of at least five years, immediately preceding their enrollment in the Institute, have gained practical transport experience after being admitted as an associate member or holds postgraduate qualification in transport studies, found to be fit and proper persons, and as may be approved by Council; or

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

(d) Corporate Members if:

- (i) it satisfies the Council that it is eligible to be so registered,
- (ii) it satisfies all other criteria as may be specified by the Council,
- (iii) a corporate or institutional member of the Institute is entitled to receive, from the Council, a certificate in such a form as the Council may approve for that purpose.

(3) All newly admitted members into the relevant grades of membership shall undergo membership induction programmes before the confirmation of their admission

into such grades.

(4) The order of precedence and designated titular abbreviations for:

- (a) a Fellow of the Institute of Transport Administration Nigeria, shall be FinstTA;
- (b) a Member of the Institute of Transport Administration Nigeria, shall be MinstTA; and
- (c) an Associate Member of the Institute of Transport Administration Nigeria, shall be AMinstTA;

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

(6) A person is deemed a Chartered Transportant or practitioner, if, for consideration of remuneration received or to be received and whether by himself or in partnership with any other person he:

- (a) engages himself in the practice of transport and holds himself out to the public as a member of the Institute;
- (b) renders professional services (training, research and consultancy) which may by rules or bye-laws made by the Council is designed as service constituting professional transport administration practice.

(6) A firm or person shall not practise as professional transport managers and administrators (in this Act referred to as "Chartered Transportants"), transport consultants or senior officer in any job ancillary to all modes of transport, fleets, distribution, logistics, tourism and traffic administration firm in Nigeria unless they have been duly registered by the Institute.

5. (1) There is established for the Institute a Governing Board (in the Act referred to as the "Council") which shall provide general policy guidelines for the effective administration of the Institute.

Establishment and composition of the Governing Council.

(2) The Council shall consist of:

- (a) the National President of the Institute who is the Chairman, and shall be a person of proven integrity and a Fellow of the Institute with at least five years of post-registration experience;
- (b) the Deputy President and Vice-President of the Institute who shall be the Deputy Chairman and Vice-Chairman respectively;

(c) the National Secretary who is the Secretary to the Council as well as Secretary of Council for the Registration of Transportants;

(d) the National Financial Secretary;

(e) the National Treasurer;

(f) all members of the National Executive Committee including ex-officio members and zonal representatives of approved centres and zones of the Institute;

(g) Chairmen and representatives of approved committees of the Institute; and

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

(i) Federal Ministry of Transport,

(ii) Federal Ministry of Aviation,

(iii) Federal Ministry of Education,

(iv) Federal Ministry of Works,

(v) Federal Ministry of Industry, Trade and Investment,

(vi) the National Planning Commission,

(vii) National Building and Roads Research Institute,

(viii) two representatives from Nigerian universities or tertiary, specialised institutions offering programmes in transport, logistics and transport related professional courses,

(viii) Federal Road Safety Corps;

(j) immediate past elected National President of the Institute who had successfully served out his tenure.

(3) The supplementary provisions set out in the First Schedule to this Act shall apply to the proceedings of the Council and other related matters. First Schedule.

6. (1) Subject to the provisions of this Act, all elected officers of the Institute serving in the Council shall be financial members of the Institute in the grades of fellows, members and associate members, and shall be elected biennially at the Annual General Membership of the Board.

Meeting and hold office for two years from the date of their election.

(2) The President shall be the Chairman at all meetings of the Council, but, in the event of death, incapacity or inability for any reason of the President, the Deputy President shall act as President for the unexpired portion of the term of office as President, as the case may be, and the President shall be construed accordingly.

(3) If the President or Deputy President ceases to be a member of the Institute, he shall cease to hold any of the offices designated under this section.

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

PART II — FINANCIAL PROVISIONS

7. There is established for the Institute a fund (in this Act referred to as "the Fund") into which shall be paid and credited: Funds of the Institute.

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

(b) gifts, loans, grants-in-aid, testamentary dispositions, endowments, contributions from philanthropic organisations;

(c) returns on investments made by the Institute and Fund of the Institute; and

(d) all other assets or money that may accrue to the Institute.

8. (1) The Council may invest the Fund of the Institute in accordance with the Investment and Security Act. Investment of the Fund of the Institute.

(2) The Institute may apply the proceeds of the Fund of the Institute to: Cap. 124, LFN, 2004.

(a) the general administration of the Institute;

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

(c) the payment of salaries, allowances or other remuneration and benefits payable to the officers and other employees of the Institute;

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

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

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

Expenditure and audited account of the Institute.

PART III — APPOINTMENT AND FUNCTIONS OF THE REGISTRAR

10. (1) The Council shall appoint a fit and proper person to be the Registrar of the Institute.

Appointment and functions of the Registrar.

- (2) The Registrar shall:

(a) be the Secretary to the Council;

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

(c) correct in accordance with the Council's directive, any entry in the register which the Council directs him to correct as being, in the Council's opinion, an entry which was incorrectly made;

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

- (3) Subject to the provisions of this section, the Institute may make such other rules as may be expedient for the proper keeping of the register and the making of entries therein; and

- (4) Subject to the provisions of this Act, a person who holds a qualification obtained outside Nigeria, and is acceptable to the Institute is eligible to be registered as a Chartered Transportant (Transport Professional).

PART IV — REGISTRATION

11. (1) A person is deemed a professional transport administration practitioner (in this Act referred to as "Chartered Transportant") if, for consideration of remuneration received or to be received, and whether by himself or in partnership with any other person, he:

When a person is deemed a Chartered Transportant.

- (a) passes the qualifying examinations approved by the Council and completes practical training prescribed by the Institute.
- (b) qualifies for enrolment as member in any category under Section 4 (a) - (d).
- (c) engages himself in practice of transport management and administration;
- (d) renders professional service or assistance in or about matters of principles or details relating to transport management and administration: or
- (e) renders any other service which may, by rules or Bye-Laws made by the Council, be designated as service constituting practice as a professional transport administration practitioner.

(2) All Nigeria based Fellows, Members and Associate Members and other membership grades of the Institute of Transport Administration, Westoning, Bedfordshire, United Kingdom, before the commencement of the Act shall be required to apply for registration under the Act.

(3) Any applicant for registration shall satisfy the Council that he:

- (a) has good character;
- (b) has attained the age as prescribed in the bye-law of the Institute; and
- (c) has not been convicted in Nigeria or elsewhere of any offence involving fraud or dishonesty.

12. (1) The Council may approve any institution for the purposes of this Act, and may:

Approval of courses and qualifications.

- (a) approve courses of training at an approved institution which is intended for persons who are seeking to become or are already transport management and administration practitioners and which the Council considers confer on persons completing it sufficient knowledge and skills for admission as registered members of the Institute;
- (b) accredit any institution whether in Nigeria or abroad which the Institute considers as properly organised and equipped for conducting the whole or any part of a programme of training approved by the Institute; and
- (c) approve any qualification which, as a result of an

examination taken in conjunction with the course of training approved by the Institute under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the Institute that such candidates have sufficient knowledge and skill to practise transport management and administration as a profession.

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

- (a) give notice that it proposes to make the withdrawal;
- (b) give such person an opportunity of making to the Council representation with regard to the proposal; and
- (c) take into consideration any representations made in respect of the proposal.

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

13. (1) It is the duty of the members of the Council to keep themselves informed of the nature of the:

Supervision of instruction and examination leading to approved qualification.

- (a) instruction given at approved institutions to persons attending approved courses of training; and
- (b) examination as a result of which approved qualifications are granted, and for the purpose of performing that function, the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend each examinations.

(2) It is the duty of a visitor appointed under this section to report to the Council on:

- (a) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him;
- (b) the sufficiency of the examination attended by him; and
- (c) any other matter relating to the institution or examination on which the Council may, either generally or in a particular case, request him to report, but no

visitor shall interfere with the giving of any instruction or the holding of any examination.

PART V — PROFESSIONAL DISCIPLINE

14. (1) There shall be constituted, a Disciplinary Committee which shall be charged with the duty of considering and determining any case of professional misconduct referred to it. Establishment of disciplinary committee for professional misconduct.
- (2) The Disciplinary Committee shall consist of a Chairman and four other members of the Institute, and the Supplementary provisions set out in the Second Schedule shall apply to it and other related matters. Second Schedule.
- (3) The Disciplinary Committee shall conduct investigation into any allegations against any registered member of the Institute for professional misconduct or other conducts that warrants proceedings against him before the Disciplinary Committee and shall make determination as to his guilt or innocence.
- (4) Where the Disciplinary Committee determines that a member is guilty of misconduct, it shall refer the matter, including all its proceedings, to the Council which shall determine whether the member should be:
- (a) reprimanded,
 - (b) suspended for a period not exceeding 12 months,
 - (c) deregistered and have his name removed from the register, or
 - (d) sanctioned in any other agreed manner or appropriate measure, including financial surcharge.
- (5) The Council may make rules consistent with this Act as to acts which constitute professional misconduct.
- (6) If a member is convicted of a criminal offence by a court or tribunal of competent jurisdiction, he shall have his name removed from or struck off the register.
- (7) A person suspended by the Council shall cease to practise as a transport management professional or transport administrator during the period of his suspension.
- (8) A person whose name is removed from the register in pursuance of a directive of the Council under this section is not entitled to be registered again except in pursuance of a new directive in that behalf given by the Council upon the application of that person, at least two years from the date on which his or her name was removed from the register.

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

Offences and penalties for unprofessional misconduct.

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

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

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

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

(a) a fine not exceeding ₦50,000.00 or imprisonment for a term not exceeding one year or both, for an individual offender; and

(b) a fine of at least ₦250,000.00 for a corporate body.

PART VI — MISCELLANEOUS AND SUPPLEMENTARY

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

Application of the Act to enrolled persons.

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

17. The Council may make rules for:

Rules as to practicing fees, etc.

(a) training of suitable persons in transport management and administration;

(b) licensing of persons to be employed in transport

management and administration position;

(c) prescribing the amount and due date for payment of the annual subscription and levies and for such purposes different amounts may be prescribed by the rules according to whether the person is enrolled as a Fellow, Member, Associate Member, Associate, Student Member including Honourary Members;

(d) restricting the right to practise as a Chartered Transportant or practitioner in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules.

18. The Council shall be free to award honorary membership of the Institute to persons whom it considers worthy of such honour, on terms and conditions prescribed by the Council, and approved by the Institute in its Annual General Meeting. Honourary membership.

19. The Institute shall:

Provision of library facilities, etc.

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

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

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

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

20. (1) Any regulation made under this Act for the purposes of giving full meaning to the provisions of this Act, shall be published in the Federal Government Gazette as soon as possible. Regulations and rules.

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

21. (1) On the commencement of the Act:

Transfer of the Institute
of certain properties,
etc.

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

- (b) the former Institute shall cease to exist; and

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

- (2) The provisions of the Third Schedule to the Act shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the former Institute, and with respect to other related matters.

Third Schedule.

22. In this Act:

Interpretation.

"Institute" means the Institute of Transport Administration Nigeria established under Section 1 (1) of the Act;

"Council" means the Council established as the governing body of the Institute under Section 5 (1) of the Act;

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

"A Chartered Transportant" means any person qualified in a transport discipline, transport management technology, transport engineering, transport economics, maritime management, Marine Engineering, Nautical Sciences, Naval Architecture, Aeronautical Engineering, Aviation Management, Road, Rail and Pipeline discipline, Transport Planning, Logistics and Supply Chain Management, or other specialist courses in a related discipline with an acceptable qualification, and who has acquired knowledge in the practice of transport management and administration, and who is registered under this Act in any of the categories of membership of the Institute;

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

"Fees" includes Annual Subscriptions and levies;

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

"Profession" means the profession of transport;

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

"register" means the register maintained in pursuance of section 10 of the Act;

"Minister" means the Minister of Transport or the person for the time being charged with the responsibility for matters relating to transport and allied profession.

23. This Act may be cited as the Institute of Transport Administration of Nigeria Act, Citation.
2019.

Schedules

First Schedule

Section 5 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualification of Tenure of Office of Principal Officers of Council

1. (1) Subject to the provisions of this paragraph and in pursuant to section 5 of this Act, elected principal officer or the council shall hold office for two years in the first instance and shall be eligible for re-election for another two years in the same office beginning with the date of his appointment or election.
- (2) A member of the Institute who ceases to be a member shall, if he is also a member of the Council cease to hold office in the Council.
- (3) A member of the Council may, by notice in writing under his hand addressed to the president, resign his office, and any appointee may, likewise resign his office.
- (4) A person who retires from or otherwise ceases to be a member of the Council because of expiration of his term of office may be eligible again to become a member by being re-appointed.
- (5) A member of the Council who has served for a full term of four years shall at its next meeting before the annual general meeting of the Institute retire, provided always that if any such members is the Chairman of the Council, Deputy President or Vice-President of the Institute he shall remain member of the Council.
- (6) Election to the Council shall be held in such a manner as may be prescribed by rules made by the Council and until so prescribed they shall be decided by secret ballot.
- (7) If for any reason there is a vacation of office by a member who was elected, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to warrant filling of the vacancy, co-opt someone fit for the residue of the time.
- (8) The appointment of members of the Council shall be effected in a manner herein prescribed in the Schedule:
 - (a) at least eight weeks before each annual general meeting of the Institute, the Council may nominate for election to the Council, such candidates as it shall deem fit, who are willing to serve if elected provided that number of candidates so nominated shall not exceed 50% of those retiring;
 - (b) at least seven weeks before each annual general meeting of the Institute, the Secretary shall issue to all professional members a notice which shall:

- (i) specify the names of elected Council members whose terms of office will expire at the close of the next annual general meeting,
 - (ii) specify any other vacancy in the membership of the Council which may be filled by elected members,
 - (iii) specify names of any candidate nominated by the Council for election to the Council,
 - (iv) invite nominations of other candidates on the prescribe nomination form, and
 - (v) contain such other particulars as shall be prescribed by the Council.
- (c) at least five weeks before each annual general meeting, nomination forms including details of all particulars required to be given) shall be duly completed in the manner set out below and shall be sent to the Secretariat of the Institute;
 - (d) each nomination form shall relate to one candidate only and shall contain his class and grade of membership in the Institution, managerial or other appointment or, if retired, such appointment immediately before retirement and his date of retirement and such other particulars as shall be prescribed by the Council; and
 - (e) each candidate shall be sponsored by two persons who shall be financial members of the Institute entitled to vote and each nomination form shall contain, in addition to the particulars referred to in paragraph (c) a statement for the name, address, class, and grade of membership of each of the sponsors and vote shall be taken by secret ballot at the annual General Meeting.

(9) A person is eligible for election as President, Deputy President or Vice-President, if he:

- (a) is a person of proven integrity and a Fellow of the Institute with at least five years of post-registration experience;
- (b) is a chief executive of a transport establishment; and
- (c) is a professional transport manager and administrator.

Power of Council

2. The Council shall have power to do any legitimate thing which in its opinion is calculated to facilitate the carrying on of the activities of the Institute.
3. (1) Subject to the provisions of this Act, the Council may, in the name of the Institute, make standing orders regulating the proceedings of the Institute, the Council or any of the Institute's committees.
 - (2) The standing orders shall provide for decisions to be taken by a majority of the members, and in the event of equality of votes, the President of the Institute, or the Chairman as the case may be, shall have a second or casting vote.
 - (3) The standing orders made for a committee shall provide that the committee reports back to the Council on any matter not within its competence to decide.
 - (4) The quorum of the Council is seven and the quorum of a committee of the Council shall be determined by the Council.

Meetings of the Institute

4. (1) The Council shall convene the meeting of the Institute on such other day as the Council may from time to time appoint, and that if the meeting is not held within one year after the previous annual meeting, not more than 15 months shall elapse between the respective dates of the two meetings.
 - (2) A special meeting of the Institute may be convened if members of the Institute require it by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Institute.
 - (3) The quorum of any meeting of the Institute is 10 members and that of any special meeting of the Institute is 15 members.

Meeting of the Council

5. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice in writing given to him by at least five other members he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.
 - (2) At any meeting of the Council, the President, or in his absence, the Deputy or Vice President shall preside in that order, but if all are absent, the members present at the meeting shall appoint one of them to preside at the meeting.
 - (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council deems fit, but a person who is a member by virtue of this subparagraph is not entitled to vote at any meeting of the Council and shall not count towards a quorum.

- (4) The first meeting of the Council shall be summoned by the President of the Institute who may give such direction as he thinks fit as to the procedure which shall be followed at the meeting.

Committee

6. (1) The Council may set up one or more committees to perform on behalf of the Institute or the Council, such functions as the Council may determine.
- (2) A committee set up under this paragraph shall consist of the number of persons determined by the Council of whom not more than one-third shall be persons who not being members of the Council shall hold office in the committee in accordance with the terms of the instrument by which he is appointed.
- (3) A decision of a committee of the Council is of no effect until it is confirmed by the Council.

Miscellaneous

7. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the Chairman or of some other members of the Council authorised generally or specially by the Institute to act for that purpose.
- (2) Any contract or Instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or of the Council, as the case may require, by the person generally or specially authorised to act for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall unless the contrary is proved be deemed to be so executed.
8. The validity of any proceeding of the Institute or the Council or of a committee of the Council is not adversely affected by:
- (a) any vacancy in the membership;
 - (b) any defect in the appointment of a member of the Institute or of the Council or of a person serving on the committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings.
9. Any member of the Institute or Council or person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute or on behalf of the Council or a committee thereof, shall forthwith disclose his interest to the President or to the Council as the case may be and shall not vote on any question relating to the

contract or arrangement.

10. A person shall not by any reason only of his membership of the Institution or the Council be treated as holding an office in the Public Service or the Federation.

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
COMMITTEE AND INVESTIGATIVE PANEL

The Disciplinary Committee

1. The quorum of the Disciplinary Committee is four members of the committee for the purposes of any proceeding, the procedure to be followed and the rules of evidence to be observed in the proceedings shall be set before the Disciplinary Committee.
2. The rules shall, in particular provide for:
 - (a) securing that notice of the proceedings shall be given at such time and in such manner, as may be specified by the rules, so the person who is the subject of the proceedings;
 - (b) determining who, in addition to the person, who is the subject of the proceedings shall be a party to the proceedings;
 - (c) securing that any party to the proceedings shall, if he so requires be entitled to be heard by the Disciplinary Committee; and
 - (d) securing that any party to the proceedings may be represented by a legal practitioner.

The Investigating Panel

5. The quorum of the Investigating Panel (Tribunal) is three out of which at least two shall be Chartered Transportants.
6. (1) The Investigating Panel may, at any of its meeting attended by all the members of the Investigating Panel, make standing orders with respect to the Investigating Panel.
(2) Subject to the provisions of any such standing order, the Investigating Panel may regulate its own procedure.
7. (1) A person ceasing to be a member of the Disciplinary Committee or the Investigating Panel is eligible for appointment as a member of the Disciplinary Committee or Investigating Panel, as the case may be.
(2) A person may, if otherwise eligible, be a member of both the Disciplinary Committee and the Investigating Panel, but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.

8. The Disciplinary Committee or the Investigating Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (2) of the Schedule by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. Any document authorised or required by virtue of this Act to be served on the disciplinary committee or the investigating panel shall be served on the Registrar.
10. Any expenses of the Disciplinary Committee or Investigating Panel shall be defrayed by the Institute.

TRANSITIONAL POSITION AS TO ASSET AND LIABILITY, ETC.

Transitional Provision

1. (1) Any agreement to which the Incorporated Institute was a party immediately before the appointed day, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligation thereunder could be assigned by the Incorporated Institute, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by these subparagraphs, have effect from the appointed day it relates to assets and liabilities 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 expressed or implied to the corporate Institute, there were substitutions as regards anything failing to be done on or after the appointed day.
- (2) Other documents which refer, whether specifically or generally, to the Incorporated Institute shall be construed in accordance with subparagraph (1) of this paragraph applicable.
- (3) Without prejudice to the generality of the foregoing provisions of this Schedule, whereby, by the operation of any of the provision of section 5 of this Act, any right, liability or obligation vested in the Institute, the Institute and all other persons shall, as from the appointed day, have the same rights, powers and remedies and in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had at all times been a right, liability or obligation of the Institute.
- (4) Any legal proceeding or application to any authority pending on the appointed day by or against the Incorporated Institute and relating to assets or liabilities transferred by this Act to the Institute, may be continued on or after that day by or against the Institute.
- (5) If the law in effect at the place where any property transferred by this Act is situate, provides for the registration or transfer of property of the kind in question (whether by reference as to an instrument of transfer or otherwise), the law shall so far as it provides for alterations of a register (but not for avoidance of transfer, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property, and it shall be the duty of the Council to finish the necessary particulars of the transfer to the proper office of the registration authority, and for that officer to register the transfer accordingly.

Transfer of Functions, etc.

2. (1) Immediately after the commencement of this Act the President shall summon a general meeting of the Institute to elect the Institute's representatives on the Council of the Institute.
- (2) The persons who were members of the Council of the former Institute immediately before the commencement of this Act are deemed to be members of the Council of the Institute until the date when the Council established by the Act is duly constituted.
- (3) Any person who, immediately before the commencement of this Act held office as the President, Deputy President or Vice-president of the Council of the former Institute by virtue of the articles of association of the former Institute shall, on the day this Act comes into effect become the President or Deputy Presidents or Vice-President, as the case may be, of the Institute and shall be deemed:
 - (a) to have been so appointed to that office in pursuance of the relevant provisions of the Act corresponding to the relevant provisions in the articles of association, and.
 - (b) to have been so appointed on the date on which he or she took or last took office, in pursuance of the relevant provisions of the articles.
- (4) The persons who were members of the former Institute shall, as from the commencement of this Act be registered, as members of the Institute, and without prejudice to the generality of the provisions of the Schedule relating to the transfer of property.
- (5) Any person who was an employee of the Council of the former Institute or was otherwise employed by the former Institute shall become the holder of an appointment in the council or Institute as the case may be, with the status, designation and functions which correspond as nearly as may be to those which appertained to him as such employee.
- (6) All regulations, rules and similar instruments made for the purposes of the former Institute and in force immediately before the coming into force of this Act shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect with any necessary modifications, as if duly made for the corresponding purposes of the Institute.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

24th DAY OF MAY, 2019

Schedule to the Institute of Transport Administration of Nigeria Bill, 2019

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Institute of Transport Administration of Nigeria Bill, 2019.	A Bill for an Act to establish the Institute of Transport Administration of Nigeria charged with the responsibility for advancing the study, training and practice of transport management and administration in Nigeria; and for related matters.	This Bill establishes the Institute of Transport Administration of Nigeria charged with the responsibility for advancing the study, training and practice of transport management and administration in Nigeria.	22 nd May, 2019	17 th April, 2019

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT


MOHAMMED ATABA SANI-OMOLORI

Clerk to the National Assembly

24th Day of May, 2019


MUHAMMADU BUHARI, GCFR

President of the Federal Republic of Nigeria

24 Day of May, 2019

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