

NIGERIA INSTITUTE OF SOIL SCIENCE BILL, 2016

ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT OF THE NIGERIA INSTITUTE OF SOIL SCIENCE

AND ITS GOVERNING COUNCIL

1. Establishment of Institute and Incorporation
2. Functions of Institute
3. Powers of Institute

PART II - ESTABLISHMENT AND FUNCTIONS OF COUNCIL

4. Establishment of Council
5. Election of Members of Council
6. Tenure of Office
7. Functions of Council
8. Funds
9. Banks Account
10. Investment
11. Borrowing Power
12. Accounts of Institute

PART III - REGISTRAR AND REGISTRATION

13. Appointment of Registrar
14. Register of Institute
15. Registration of Members
16. Registered Members
17. Associates
18. Fellow
19. Honourary Fellow
20. Certificate and Honours

PART IV - ACCREDITATION OF SOIL SCIENCE INSTITUTE

21. Accreditation

PART V - PROFESSIONAL DISCIPLINE

22. Professional Misconduct
23. Disciplinary Tribunal

24. Investigating Panel
25. Tribunal Rules
26. Penalties

PART VI - MEETINGS

27. Convening of Council Meetings
28. President of Council Meetings
29. Validity of Proceedings
30. Standing Orders
31. Annual General Meeting of Institute

PART VII - MISCELLANEOUS

32. Regulations

33. Interpretation
34. Short Title

SCHEDULE

1. Parties
2. Notice of Hearing
3. Hearing in absence of party
4. Hearing of witnesses
5. Amendment of complaint
6. Proceedings be in public
7. Adjustment
8. False evidence
9. Finding and costs in certain cases
10. Publication of finding
11. Record of proceedings
12. Miscellaneous powers of Tribunal
13. Powers to retain Exhibit pending
14. Appeal Appointment and Duties of Assessors

MISCELLANEOUS

15. Interpretation
16. Short Title

A BILL

FOR

AN ACT TO REGULATE THE PROFESSION OF SOIL SCIENCE AND TO MAKE PROVISIONS FOR THE ESTABLISHMENT, FUNCTIONS AND ADMINISTRATION OF THE NIGERIA INSTITUTE OF SOIL SCIENCE AND FOR RELATED MATTERS

Sponsored by Senator Emmanuel Bwacha

[] Commencement

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

1 1.-(1) There is established for the profession of Soil Science, an
2 Institute to be known as the Nigeria Institute of Soil Science (in this Bill
3 referred to as "Institute").

Establishment of
Institute and
Incorporation

4 (2) The Institute shall be a body corporate with perpetual
5 succession and a common seal and shall sue and be sued in its corporate
6 name and shall have power to own, hold and dispose of property whether
7 movable or immovable.

8 2. The functions of the Institute are to-
9 (a) prescribe and regulate the standards of academic qualification
10 and practical skills to be attained by persons seeking to become registered as
11 Members, Associates or Fellows of the Institute, as the case may be;

Functions of
Institute

12 (b) regulate the practice of the profession for Soil Scientists;

13 (c) establish, update and maintain a register of Soil Science
14 Practitioners under this Bill according to their various ranks and to regulate
15 the prerogatives and privileges pertaining to those ranks;

16 (d) ensure that Soil Science Practitioners in Nigeria uphold the
17 ethics of the profession such as demonstrate integrity by refraining from
18 fraudulent corrupt criminal practices, be objective and truthful and practice
19 fairly with good faith towards clients, colleagues and others to guarantee the
20 sustain ability of high quality soil;

1 (e) advance the education, science, technology and art of Soil Science
2 and Crop production;

3 (f) promote soil quality management;

4 (g) promote rapid sustain ability of high quality soil through scientific
5 methods, and regulate all issues pertaining to soil management in Nigeria;

6 (h) advise and encourage the enactment and the enforcement of laws
7 and regulations that will:

8 (i) guarantee efficient production and consistent supply of high
9 quality food to Nigerians;

10 (ii) guarantee sustainable use of soil for other purposes such as
11 engineering, recreation etc.

12 (i) educate the public on Soil Science activities;

13 (j) co-operate or affiliate with any relevant association and Soil
14 Science either locally or internationally; and

Powers of Institute

15 **3. The Institute shall have power to-**

16 (a) establish and promote research facilities and all manner of studies
17 in Soil Science;

18 (b) establish such offices, departments, units and branches of the
19 Institute as may be required for the proper administration and operation of the
20 Institute;

21 (c) subject to such terms and conditions as the Institute may approve,
22 engage staff, agents and other workers as the Institute may from time to time
23 require for the performance of its functions under this Bill;

24 (d) establish necessary organization for the proper and efficient
25 conduct of the affairs of the Institute;

26 (e) provide staff regulations for all staff of the Institute and provide
27 pension and welfare schemes for the staff; and

28 (f) do such other acts and things as may be necessary for the
29 performance of the functions of the Institute.

- 1 4.-(1) There shall be established for the Institute a Governing Establishment of
2 Council to be known as the Council of the Nigeria Institute of Soil Science Council
3 (in this Bill referred to as the "Council").
- 4 (2) The Council shall consist of:
- 5 (a) the President;
- 6 (b) three Vice Presidents; (North, West and East);
- 7 (c) the Registrar; and
- 8 (d) fourteen persons who shall be elected by the Institute,
9 respectively to represent each of the following disciplines of Soil Science
10 studies:
- 11 (i) Soil Fertility;
- 12 (ii) Soil Microbiology;
- 13 (iii) Pedology;
- 14 (iv) Soil Chemistry;
- 15 (v) Soil Physics;
- 16 (vi) Soil Conservation Techniques;
- 17 (vii) Soil quality and Environment;
- 18 (viii) Pollution Management;
- 19 (ix) Fertilizer Technology;
- 20 (x) Water Management and Conservation;
- 21 (xi) Soil Survey/Classification;
- 22 (xii) Land Use;
- 23 (xiii) Hydrology;
- 24 (xiv) Waste Management,
- 25 (e) The Minister of Agriculture or his representative;
- 26 (f) The Minister of Education or his representative;
- 27 (g) The Minister of Environment or his representative;
- 28 (h) The Minister of Science and Technology or his representative;
- 29 (i) The Minister of Water Resources or his representative;
- 30 (j) One representative of the Nigerian Chamber of Commerce,

	1	Industry, Mines and Agriculture to be elected by the Chamber;
	2	(k) One person to be elected by the Institute to represent agro-allied
	3	industries;
	4	(l) Three persons to be elected by the Institute to represent the various
	5	faculties, colleges and universities of Agriculture in Nigeria.
Election of members of Council	6	5.-(1) The President, 3 Vice-Presidents and other members of the
	7	Council mentioned in paragraphs (c), (i) and (k) of subsection (2) of section 4
	8	of this Bill, shall be elected by the Institute from amongst the Members, at an
	9	annual general meeting of the Institute.
	10	(2) Provided that, such members shall be elected at a special general
	11	meeting convened by the Soil Science Society of Nigeria immediately after the
	12	commencement of this Bill, for the purpose of electing them.
Tenure of Office	13	6.-(1) The term of office of a member of the Council other than an ex-
	14	officio member may be three years but such member shall at the end of that
	15	term be eligible for re- election, for one more term only.
	16	(2) The office of a member of the Council shall become vacant if the
	17	member:
	18	(a) resigns his office, by notice under his hand, addressed to the
	19	Council;
	20	(b) is removed from office by the Council, by reason of his
	21	professional misconduct or physical or mental infirmity; or;
	22	(c) without leave of the Council, absents himself from 3 consecutive
	23	meetings of the Council;
The functions of Council	24	7. The functions of the Council shall be to:
	25	(a) carry into effect the functions and powers of the Institute;
	26	(b) govern the affairs of the Institute;
	27	(c) effect proper management of the Institute; and
	28	(d) do other acts and things as the Council may consider necessary for
	29	carrying out the functions and powers of the Institute.

- 1 **8.** The funds of the Institute shall consist of: Funds
- 2 (a) contributions, levies, subscriptions, fees and other dues paid by
- 3 the Members:
- 4 (b) revenue accruing to the Institute from its investments, activities
- 5 and services;
- 6 (c) grants, endowments and donations from governments,
- 7 agencies, organizations, benefactors and other donors;
- 8 (d) revenue accruing to the Institute from any other source
- 9 approved by the Council.
- 10 **9.** The funds of the Institute shall be paid into an account in a Bank Account
- 11 reputable bank approved by the Council and no instrument for the
- 12 withdrawal of any money from that account shall be valid unless it is
- 13 authenticated by the signatures of the President and the Registrar or by the
- 14 signatures of such officers of the Institute as may from time to time be
- 15 approved by the Council.
- 16 **10.** The Institute may from time to time subject to such terms and Investment
- 17 conditions as the Council may approve, invest any part of its funds in any
- 18 securities and may at any time dispose of such securities.
- 19 **11.** The Institute may from time to time, subject to such terms and Borrowing power
- 20 conditions as the Council may approve, borrow such money as the Council
- 21 may require for carrying out any of the functions of the power of the
- 22 Institute.
- 23 **12.**-(1) The Institute shall keep and maintain proper accounts of its Accounts of the
- 24 income and expenditure and shall by the 30th day of September of each year Institute
- 25 submit such accounts to be audited by any auditor approved by the
- 26 Accountant-General of the Federation.
- 27 (2) The audited accounts of the Institute and the auditor's report
- 28 thereon shall, not later than the 31st day of December of each year, be
- 29 submitted by the Institute, to the Council.

	1	PART III - REGISTRAR AND REGISTRATION
Appointment of Registrar	2	13. -(1) There shall be appointed by the Council, a fit and proper
	3	person to be the Registrar of the Institute.
	4	(2) The Registrar shall, subject to the overall control of the Council:
	5	(a) be the Secretary to the Council;
	6	(b) keep custody of the Register of the Institute and make such entries
	7	in the Register as the Council may from time to time by resolution, direct;
	8	(c) keep custody of the common seal of the Institute and affix same to
	9	such documents as the Council may direct; and
	10	(d) carry out other duties as the Council or the President may from
	11	time to time direct.
Register of the Institute	12	14. The Institute shall keep and maintain a register of all the Members
	13	including the Associates, Fellows and Honorary Fellows.
Registration of members	14	15. The Institute may subject to the provisions of this Bill, and such
	15	rules as the Council may make in that regard, admit and register any person as:
	16	(a) A Member;
	17	(b) an Associate;
	18	(c) as a Fellow; or
	19	(d) an Honorary Fellow.
Registered member	20	16. A person shall be eligible to be admitted and registered as a
	21	Member if that person is:
	22	(a) At least a holder of a first degree or equivalent qualification in Soil
	23	Science or Agronomy from any accredited institution and has in addition 5
	24	years post graduation or post qualification working experience;
	25	(b) a member of any equivalent Soil Science body or Institute,
	26	recognized by the Council.
Associates	27	17. A member shall be eligible to be registered as an Associate if:
	28	(a) that person has by research efforts, publications and experience in
	29	any area of Soil Science, contributed significantly to the growth and
	30	development of Soil Science or related areas; and

1 (b) the Council is satisfied that the Member is a fit and proper
2 person to be elevated to the rank of Associate.

3 **18.** A person who is a Member or Associate shall be eligible to be Fellows
4 registered as a Fellow if:

5 (a) that person has by research efforts, publications and experience
6 in any area of Soil Science, contributed significantly to the growth and
7 development of Soil Science or related areas;

8 (b) the Council is satisfied that the Member is a fit and proper
9 person to be elevated to the rank of Fellow;

10 (c) the person holds the minimum academic qualification that
11 admits ordinary members.

12 **19.** A person may be registered as an Honorary Fellow if: Honorary

13 (a) that person is distinguished in any area of Soil Management or
14 related industry; and

15 (b) the Council is satisfied that the person is a fit and proper person
16 to be elevated to the rank of Honorary Fellow.

17 **20.** The Council may subject to its rules in that regard award Certificate and
Honours
18 distinctive certificate and other honours to any person, Member, Associate,
19 fellow or Honourary Fellow as the case may be, for any distinctive Honours,
20 achievement in any discipline or area of agriculture.

21 **PART IV - ACCREDITATION OF SOIL ANALYTICAL LABORATORIES**

22 **21.-(1)** Every Faculty, College or University of Agriculture in Accreditation
23 Nigeria shall on demand by the Council submit to the Council details of its
24 curricula and courses of study in Soil, Plant, Water and Fertilizer Analysis
25 for the consideration and approval of the Council.

26 (2) The Council shall thereupon, delegate a technical committee of
27 the Council to evaluate the contents of such curricular and courses and
28 ensure that such curricular and courses sufficiently endow any person
29 pursuing such curricular and courses with the requisite knowledge, skill and
30 working experience for the practice of the Soil Science profession.

1 (3) The Council shall where such curricular and courses are approved,
2 thereafter by instrument, accredit such analytical laboratory in the Faculty,
3 College or University as the case may be, as a fit and proper facility for the
4 training of prospective Members.

5 (4) Subject to the provisions of this Bill a person who has not obtained
6 his first degree or other academic qualification from an accredited institution
7 shall not be eligible to be registered as a Member.

8 PART V - PROFESSIONAL DISCIPLINE

Professional
Misconduct

9 22. In this part. "professional misconduct" means any conduct
10 considered by the Council to be professional misconduct and includes
11 professional indiscipline, unjust enrichment of any person, abuse of office and
12 corrupt practice in the conduct of a member in the public service.

Disciplinary
Misconduct

13 23.-(1) There shall be established for the Institute a Disciplinary
14 Tribunal to be known as the Nigeria Institute of Soil Science Disciplinary
15 Tribunal (in this Bill referred to as the "Tribunal").

16 (2) The Tribunal shall hear and determine any case of professional
17 misconduct against any Soil Scientist in the discharge of his official duties as a
18 professional Soil Scientist.

19 (3) The Tribunal shall consist of the President and six other Members
20 to be appointed by the Council.

Investigating
Panel

21 24.-(1) There shall, for the purpose of the proceedings before the
22 Tribunal be established a panel to be known as the Investigating Panel of the
23 Nigeria Institute of Soil Science (in this Bill referred to as the "Panel").

24 (2) The Panel shall:

25 (a) conduct preliminary investigations into any allegation of
26 complaint of professional misconduct against any member, Associate or
27 Fellow of the Institute; and

28 (b) decide whether or not such member, Associate or Fellow has a
29 case to answer before the Tribunal and where applicable to refer such case to
30 the Tribunal for hearing and determination.

1 (3) The Panel shall consist of a Chairman and 4 other members to
2 be appointed by the Council.

3 **25.** The Council may make rules to regulate the proceedings of the Tribunal Rules
4 Tribunal and the Investigating Tribunal Rules Panel, but until such rules are Schedule
5 made the rules contained in the Schedule to this Bill are applicable.

6 **26.** Where: Penalties

7 (a) a member is adjudged by the Tribunal to be guilty of
8 professional misconduct;

9 (b) a member is convicted of an offence by any court in Nigeria or
10 elsewhere having power to sentence an offender to imprisonment (whether
11 or not punishable with imprisonment) and the offence in the opinion of the
12 Tribunal derogates from his membership in the Institute; or

13 (c) the Tribunal is satisfied that any person has been fraudulently
14 registered in the Register of Members, the Tribunal shall give directions to
15 the Registrar either to reprimand that Member or to strike that Member's
16 name off the Register and the Registrar shall comply with such directions.

17 PART VI - MEETINGS

18 **27.** The Council shall hold not less than 4 Council meetings every Convening of
19 year, but the President shall upon the requisition of not less than 5 members Council Meetings
20 convene an emergency Council meeting to transact the business Council
21 specified in the notice of that emergency Council meeting.

22 **28.** The President shall preside at any meeting of the Council, and President at
23 in the absence of the President, the First Vice-President shall preside and in Council Meetings
24 the absence of both the President and the First Vice-President, the Second
25 Vice-President shall preside and in the absence of the Second Vice
26 President, the Third Vice President shall preside. But where both the
27 President and the three Vice-Presidents are absent, members of the Council
28 present shall elect one of their members to preside at such a meeting.

29 **29.** The proceedings of the Council shall not be affected by the Validity of
30 absence of any member of the Council or any defect in the election or proceedings

	1	appointment of any member or by reason that a person not entitled to
	2	Proceedings, has taken part in such proceedings.
Standing Orders	3	30. The Council may make standing orders to regulate its proceedings
	4	and those of any of its committees.
Annual General Meeting of Institute	5	31. -(1) The Institute shall every year hold an annual general meeting
	6	of the Members.
	7	(2) The President shall preside at any annual general meeting of the
	8	Institute; and in the absence of the President, the First Vice-President shall
	9	preside, and in the absence of the First Vice-President, the Second Vice
	10	President shall preside and in the absence of the absence of the Second Vice
	11	President, the Third Vice President shall preside, and where both the President
	12	and the 3 Vice-Presidents are absent, the members present shall elect one of
	13	their members to preside at such meeting.
	14	PART VII - MISCELLANEOUS
Regulations	15	32. -(1) The Council may make regulations to carry into effect any of
	16	the provisions of this Bill.
	17	(2) Without prejudice to Subsection (1), the Council may make
	18	regulations to:
	19	(a) prescribe the fees, dues and subscriptions payable by the
	20	Members;
	21	(b) prescribe the forms of the licenses and certificates, to be issued to
	22	Soil Scientists;
	23	(c) prescribe the date, procedure and agenda of the annual general
	24	meeting of the Institute; and
	25	(d) specify the offices and duties of the officers of the Institute.
Interpretation	26	33. In this Bill:
	27	"Council" means Council established by Section 4;
	28	"Institute" means Nigeria Institute of Soil Science established by Section I;
	29	"Institution" means Faculty, College or University of Agriculture;
	30	"Member" means member of the Institute and includes an Associate and a

	1	(a) handed to the party concerned or affected, personally; or
	2	(b) sent by registered post to the last known place of abode of the
	3	party;
Hearing in absence of parties	4	3.-(1) Subject to paragraph (2) of this rule, the Tribunal may bear and
	5	determine a case in the absence of any party.
	6	(2) Any party to any proceeding before a Tribunal who fails to appear
	7	or be represented may apply within one month after the date when the
	8	pronouncement of the findings and directions of the Tribunal were given, for a
	9	rehearing on the ground of want of notice or other good and sufficient reason;
	10	and the Tribunal, in appropriate cases may grant the application upon such
	11	terms as to costs or otherwise as it thinks fit.
Hearing of witnesses	12	4. The Tribunal may in the course of its proceedings hear witnesses
	13	and receive any , documentary evidence necessary in its opinion to assist it in
	14	arriving at a conclusion as to the truth or otherwise of the allegation of
	15	misconduct in the complaint referred to it by the panel; and in the application of
	16	this rule, the provisions of the Evidence Act shall apply in any such
	17	proceedings.
Amendment of Complaint	18	5. If in the course of the proceedings it appears to the Tribunal that the
	19	complaint before it requires to be amended in any respect, the Tribunal may, on
	20	such terms as it thinks fit, allow the amendment to be made and the complaint
	21	as amended shall thereupon be dealt with accordingly.
Proceedings be in public	22	6. The proceedings of the Tribunal shall be held, and its findings and
	23	directions shall be delivered in public unless otherwise directed by the
	24	Tribunal.
Adjustment	25	7. The Tribunal may, on its own motion, or upon the application of any
	26	party, adjourn the hearing, on such terms as to cost or otherwise as the Tribunal
	27	thinks fits.
False evidence	28	8. If any person willfully gives false evidence on oath before the
	29	Tribunal during the course of any proceedings, or willfully makes a false
	30	statement in any affidavit sworn to for the purpose of such proceedings, the

1 Tribunal may refer the matter to the Attorney-General of the Federation for
2 such action as the Attorney-General may think fit.

3 9. If after the hearing, the Tribunal adjudges that the charge of
4 professional misconduct has not been proved, the Tribunal:

Finding and
Costs in certain
cases

5 (a) shall record the findings that the respondent is not guilty of such
6 misconduct in respect of which the charge was preferred; and

7 (b) may nevertheless order any party (except the complainant) to
8 pay the costs of the proceedings, having regard in his conduct and to all the
9 circumstances of the case.

10 10. Any finding made or direction given by the Tribunal shall be
11 published in the Federal Gazette immediately after such finding or direction,
12 as the case may be.

Publication of
finding

13 11. The Chairman shall during the hearing, take the minutes of the
14 proceedings which shall be open to inspection by the parties and shall be
15 made available to any party upon the payment of such charges as the
16 Registrar may by instrument published in the Federal Gazette, fix.

Record of
Proceedings

17 12. The Tribunal may dispense with any requirements of these
18 rules regarding notices, affidavits, documents, service or time for doing or
19 omitting anything, in any case where it appears to the Tribunal to be just or
20 expedient so to do, and the Tribunal may in any particular case extend the
21 time for doing anything under these rules.

Miscellaneous
powers of
Tribunal

22 13. Books and other exhibits whatsoever produced or used at the
23 hearing shall unless the Tribunal otherwise directs, be retained by the
24 Registrar until the expiry of the time for filing an appeal against any finding
25 or direction of the Tribunal or, if notice of any such appeal is given, until the
26 hearing and disposal of the appeal.

Power to retain
exhibit pending
appeal

27 14.-(1) An Assessor, shall be appointed by the Council by
28 instrument, and the assessor shall hold and vacate office as provided in his
29 instrument of appointment, and where the appointment is not a general one,
30 it shall have effect only in respect of a particular proceeding of the Tribunal.

Appointment and
duties Assessors

