

CHARTERED INSTITUTE OF FACILITIES MANAGEMENT OF NIGERIA

BILL, 2015

ARRANGEMENT OF CLAUSES

Clauses:

1. Establishment of the Chartered Institute of Facilities and Management of Nigeria
 2. Establishment and composition of the Governing Council of the Institute
 3. Election of President and Vice - President
 4. Functions of the Institute
 5. Membership of the Institute
 6. Procedures for Membership
 7. Duties of the Members
 8. Powers of the Council
 9. Appointment of Registrar, Other Staff and Duties.
 10. Funds of the Institute
 11. Registration of Members
 12. Approval of Qualifications, etc
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- 1 (a) a President who shall be Chairman;
- 2 (b) 1st and 2nd Vice-President;
- 3 (c) Ten Persons nominated one each by the Institute from Urban and
4 Regional Planning, Nigerian Institute of Quantity Surveyors, Council for the
5 Regulations of Engineers, Nigerian Institute of Builders, Nigerian Institute of
6 Architect and other related profession;
- 7 (d) All immediate past President of the Institute, including the six (6)
8 founding members who shall be life Council Member;
- 9 (e) Two persons who shall be member of the Institute to represent
10 Institutions of higher learning in Nigeria offering courses leading to an
11 approved qualifications, in rotation, so however that the two shall not come
12 from the same Institution;
- 13 (f) Two persons to represent the Federal, State and Local Government
14 in rotation;
- 15 (g) one representative each of the following Ministry-
- 16 (i) Education,
17 (ii) Health,
18 (iii) Works,
19 (iv) Petroleum,
20 (v) Environmental.
- 21 (h) a representative of the Infrastructure Concession Regulatory
22 Commission;
- 23 (i) one representative each of the following-
- 24 (i) Urban and Regional Planning,
25 (ii) Nigerian Institute of Architect,
26 (iii) Nigerian Institute of Builders,
27 (iv) Nigerian Institute of Quantity Surveyors,
28 (v) Council for the Regulation of Engineering in Nigeria (COREN);
29 and
- 30 (j) one fellow of the Institute each from the six geopolitical zones.

1 (3) The President, 1st and 2nd Vice-President shall each hold office
2 for a term of three years from the date of their nomination; and the President
3 shall be the Chairman at meetings of the Institute Where in the event of the
4 death, incapacity or inability for any reason of the President, the 1st and 2nd
5 Vice-President shall act as President for the unexpired portion of the term in
6 office as Chairman, as the case may be, pending the Annual General
7 Meeting where election shall be conducted.

8 (4) Where the President or any of the Vice-President ceases to be a
9 member of the Institute he shall cease to hold any of the offices designated
10 under this Clause.

11 (5) Registrar of the Institute shall be the Secretary to the Council.

12 (6) The Council may increase the membership of the Council as it
13 may deem necessary.

14 (7) The provision set out in the Schedule to this Bill shall have
15 effect with respect to the qualifications and tenure of office of members of
16 the Council and other matter. First Schedule

17 **3.-(1)** The President and the two Vice - President shall-

18 (a) be fellows of the Institute;

19 (b) be elected at the Annual General Meetings of the Council; and

20 (c) hold office each for a term of three years renewable for another
21 term and no more

22 (2) A person shall be qualified for election to the office of president
23 and vice president of the institute if he or she-

24 (a) is a citizen of Nigeria;

25 (b) has been educated up to at least University or Polytechnic level
26 with a First Degree, Higher National Diploma, Professional Membership
27 Certificate or their equivalent;

28 (c) has paid all his or her dues for five consecutive years
29 immediately preceding the year of election; and

30 (d) has not been adjudged to be a lunatic or declared to be of

Election of
President and
Vice-President

Functions of the
Institute

- 1 unsound mind, adjudge or declared to be bankrupt;
- 2 4. The functions of the Institute shall be to-
- 3 (a) advance Art and Science of Facilities Management in Nigeria and
- 4 beyond;
- 5 (b) determine and review, from time to time the academic standards,
- 6 knowledge and skills that shall be attained by persons seeking to qualify as
- 7 registered Members of the Chartered Institute of Facilities Management;
- 8 (c) ensure that its Members maintain a reputable and high standard of
- 9 behavior expected of any Professional in Facilities Management, Facilities
- 10 Consultant, Facilities Service in Nigeria and other parts of the world;
- 11 (d) provide for the training, education and conduct examination of
- 12 persons desiring to become Professional Facilities Managers according to the
- 13 provisions of this Bill whether in Nigeria or aboard;
- 14 (e) conduct induction course for aspiring members for a specified
- 15 period of time as may be determine by regulations of the Institute;
- 16 (f) certification of private and public facilities to ensure their standard
- 17 and compliance with relevant laws in the development and management of
- 18 such properties;
- 19 (g) issue licence to any person qualified to practice the profession of
- 20 facilities management in Nigeria. irrespective of where he obtains the
- 21 qualification;
- 22 (h) regulate the discipline and professional conduct of its members;
- 23 (i) promote and project the welfare of its members both in Nigeria and
- 24 aboard;
- 25 (j) link up with educational authorities for advanced academic studies
- 26 in Facilities Management;
- 27 (k) provide a conducive learning environment, educational resources,
- 28 manpower and institutional knowledge;
- 29 (l) award certificates and diplomas as well as advise on matters
- 30 relating to the practice of Facilities Management in Nigeria;

- 1 (m) organize-
- 2 (i) conferences, seminars, symposia, meetings, workshop and
- 3 lectures on facilities management and related issues from eminent speakers
- 4 from around the world;
- 5 (ii) post qualification courses for its members; and
- 6 (n) perform such functions as are incidental to its functions or as
- 7 the Council may deem necessary for the attainment of all or any of its
- 8 functions.

9 5.-(1) Subject to the provision of this Bill, persons admitted to

10 membership of the Institute shall possess adequate interest, knowledge and

11 understanding of facilities management and related matters and must be

12 registered as member in the category of-

Membership of
the Institute

- 13 (a) Fellow Member; (FCFM);
- 14 (b) Full Member; (MCFM);
- 15 (c) Associate Member; (ACFM);
- 16 (d) Graduate Member; (GCFM);
- 17 (e) Student Member (SCFM); and
- 18 (f) Corporate (CFM).

19 (2) Person qualified and registered as member of the Institute shall

20 have the privileges of-

- 21 (a) using the abbreviation as designated by the Institute for his or
- 22 her class of category;
- 23 (b) affixing a member seal and stamp on every document endorsed
- 24 or emanating from him or her.

25 (3) Subject to the provision of this Clause, no other title or

26 abbreviation shall be used to describe membership of the Institute.

27 6.-(1) A person who desires to be admitted into the Institute shall

28 make formal application to the Registrar of the Institute on the appropriate

29 form as shall be prescribed by the Council and shall state under what class of

30 membership he or she seeks admission.

Procedures for
Membership

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

3 (a) he or she is of good character; and

4 (b) has not been convicted by any Court or Tribunal in Nigeria or
5 elsewhere of an offence involving fraud or dishonesty, or such other elsewhere
6 of an offence as, in the opinion of the Council, would render the applicant unfit
7 to be a member of the Institute.

8 (3) The Registrar shall place before the Council all applications for
9 admission stating in each case whether the applicant is qualified for
10 registration in the class under which he or she seeks for admission and if not so
11 qualified, whether he or she qualifies for admission under any other class.

12 (4) Where the Council is satisfied that the person is qualified for
13 admission under the class for which he or she applies, and upon payment of the
14 prescribed fees by the applicant, the Registrar shall enroll the person-

15 (a) in that class, and issue him or her a certificate of membership
16 appropriate for that class; and

17 (b) into another class other than that for which he or she applied, the
18 Registrar shall amend the application to state the class under which he or she is
19 qualified and the prescribed fees by the applicant, register him or her, issue a
20 certificate of membership appropriate for that class.

Duties of
Members

21 7.-(1) It shall be the duty of a registered member of the Institute to
22 abide by the rules, regulations, code of conduct and any other policy made by
23 the Institute for the purpose of sound practice.

24 (2) A member of the Institute shall conduct his or her behaviour in a
25 manner to uphold the dignity and reputation of the Institute.

Powers of
Council

26 8. The Council shall have powers to do anything which in its opinion
27 is calculated to facilitate the carrying on of the activities of the Institute.

Appointment of
Registrar, other
staff and their
duties

28 9.-(1) The Council shall-

29 (a) appoint a fit and proper person who shall be a member of the
30 institute to be the registrar for the purpose of this Bill; and;

1 (b) such other persons as the council may, from time to time, deem
2 necessary to assist the registrar in the performance of his functions under
3 this Bill.

4 (2) A person shall be qualified to be appointed to the office of the
5 registrar of the institute if he-

6 (a) is a citizen of Nigeria;

7 (b) possesses a relevant qualification from a recognized institution
8 of higher learning;

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

10 (d) possesses professional qualification of Chartered Institute of
11 Facilities Management (CIFM) and any of the followings-

12 (i) British Institute of Facilities Management (BIFM),

13 (ii) International Facilities Management Association (IFMA),

14 (iii) Must have held position of Deputy Registrar in any recognized
15 Institution.

16 (3) The Registrar shall prepare and maintain, in accordance with
17 rules made by the Council, as a register of names, addresses and approved
18 qualifications and of such particulars, as may be specified in the rules, of all
19 persons who are entitled, in accordance with the provisions of this Bill. "

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

22 (a) Fellows;

23 (b) Full Members;

24 (c) Graduate members;

25 (d) Associate Members;

26 (e) Student Member; and

27 (f) Corporate Members.

28 (5) Subject to this Clause, the Council shall make rules with respect
29 to necessary professional forms and keeping of the register and the making
30 of entries of particulars in-

1 (a) regulating the making of application for enrolment or registration,
2 as the case may be, and providing for the nature of evidence to be produced in
3 support of the applications.

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

6 (c) authorizing a registered member to have any qualification it fit is
7 in relation to the relevant division of the profession, for the purpose Bill.

8 (d) specifying the fees, including annual subscription, to be paid in the
9 institute; and

10 (e) specifying anything failing to be specified under this Clause.

11 (6) Any rule for the purpose of sub-clause (5) (d) of this Clause shall
12 not come into force until they are confirmed at a special meeting of the institute
13 convened for the purpose or at the next annual general meeting, as the case may
14 be.

15 (7) The registrar shall together prove that a member of the institute
16 was so registered at the date of the edition or the list of corrections, as the case
17 may be, and that any person not so named should not be so registered.

18 (8) Where in accordance with sub-clause (2) of this Clause, a person
19 is, in any proceedings, shown to have being, or not have being registered at a
20 particular date, lies shall, unless the contrary is proved, be take or the purpose
21 of those proceedings, having at all material times thereafter continued to be or
22 not be so registered.

Fund and Account
of the Institute

23 **10.-(1)** There shall be established for the Institute a fund which shall
24 be managed and controlled by the Council.

25 (2) There shall be paid into the fund established pursuant to sub-
26 Clause (1) of this Clause-

27 (a) the following fees and other monies payable to the Institute-

28 (i) membership fees,

29 (ii) membership annual dues,

30 (iii) induction fees,

- 1 (iv) exposition, conferences, seminars, workshop and symposium,
2 (v) practicing license fees,
3 (vi) training fees,
4 (vii) grants,
5 (viii) membership continuous development fees,
6 (ix) debenture,
7 (x) private and public facilities certification fees,
8 (xi) return on investment,
9 (xii) sales of facilities management books, emblem, journals,
10 magazines and other periodicals,
11 (xiii) consultancy fees,
12 (xiv) default charges.
- 13 (b) such monies shall be made payable to the Institute whether in
14 the course of discharge its functions or otherwise; and
- 15 (c) money as may be held by the Institute of Global Facilities
16 Management incorporated under the Companies and Allied Matters Bill,
17 1990 on its ceasing to exist as provided in this Bill.
- 18 (3) There shall be paid out of the fund of the institute-
- 19 (a) all expenditure incurred by the council in the discharge of its
20 functions under this Bill;
- 21 (b) salaries and allowances of the registrar and other employees of
22 the institute; and
- 23 (c) such reasonable travelling, subsistence allowances and other
24 expenses as may be approved by the Council.
- 25 (4) Subject to guidelines issued by the council from time to time,
26 the institute's funds and assets shall be invested in any bond, bill or other
27 security issued guaranteed by the Federal Government or the Central bank
28 of Nigeria.
- 29 (5) The council may from time to time, borrow money for the
30 purpose of the institute and may mortgage or charge the properties and

1 assets of the institute or any part thereof and may issue of debenture and other
2 securities whether outright or as securities for any debt, liability or obligation
3 of the institute and any interest or charge payable on monies so borrowed shall
4 be paid out of the fund of the institute.

5 The Council shall keep proper account on behalf of the institute in;

6 (6) respect of each year and proper records in order to cause the
7 accounts to be audited by an auditor in accordance with the guidelines of the
8 federation .

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

11 (8) All assets and liabilities held or incurred immediately before the
12 commencement date, by or on behalf of the incorporated institute shall vest in
13 the institute and beheld by it for the purpose of the Institute

Second Schedule

14 (9) The provision of Second Schedule to this Bill shall have effect
15 with respect to the matters arising from transfer of assets and liabilities to the
16 institute of the properties of the incorporated institute and with respect to other
17 matters mentioned in that schedule.

Registration of
Members

18 **11.-(1)** Subject to Clause 5 of this Bill, a person should be entitle to be
19 registered as a member of the profession if he satisfies the Council that-

20 (a) immediately before the commencement of this Bill, he holds a
21 qualification approved for members of the Institute and has the prescribed post
22 qualification experience;

23 (b) he is by law entitled to practice for all purposes as facilities
24 management practitioner in the country in which the qualification was granted;
25 and

26 (c) he holds at least one of the qualifications prescribed for the
27 purpose of registration and has complied with the other requirements
28 prescribed under this Bill.

29 (2) A person shall be entitled to be registered under this Bill if he holds
30 such certificate as approved by the Council.

1 (3) A person shall be entitled to be accredited as a member of the
2 Institute if he produces sufficient evidence to the Council that prior to the
3 commencement of this Bill he has been in practice in accordance with the
4 directions of the Council.

5 12. The Council may-

Approval of
Qualifications, etc.

6 (a) approve course of training which are intended for person
7 seeking to become a member;

8 (b) prescribe the period of practical training and experiences of a
9 member before such a member will be qualifies for registration or issuance
10 of license to practice as chartered member;

11 (c) prescribe the amount and date of payment of the annual
12 practicing fees;

13 (d) restrict the right to practice as member if default of payment of
14 annual practicing fees continues for longer than such period as may be
15 prescribed by the Council;

16 (e) restrict the right to practice as a member if the qualification
17 obtained outside Nigeria does not entitled the holder to practice as a
18 chartered member;

19 (f) prescribe any other fees or commission payable by member or
20 any other person;

21 (g) accredit any Institute whether in Nigeria or elsewhere, which
22 the Council considers is properly organized and equipped for conducting the
23 whole or any part of a program of training approved by the Institute.

24 13.-(1) There shall be a body to be known as the Chartered Institute
25 of Facilities Management of Nigeria Disciplinary Tribunal (in this Bill
26 referred to as "the Tribunal") charged with the duty of considering and
27 determining all cases referred to it by the investigating panel established
28 under sub-clause (3) of this Clause, and any other case which the tribunal
29 takes cognizance under this Bill.

Establishment of
Tribunal and
Investigative Panel

30 (2) The Tribunal shall consist of a Chairman and six other members

1 who shall be appointed by the Council from among members of the institute,
2 who are not member of the council.

3 (3) There shall be a body to be known as the Chartered Institute of
4 Facilities Management of Nigeria Investigating Panel (in this Bill referred to
5 the Panel) charged with the duties of-

6 (a) conducting a preliminary investigation into any case where it is
7 alleged that a member has committed any professional misconduct, or should
8 for any other reason committed any act which is the subject of proceedings
9 before the tribunal; and

10 (b) deciding whether the case shall be referred to the tribunal after
11 affording such a member opportunity of being heard either personally or by a
12 legal practitioner of his own choice in Nigeria.

13 (4) The Council shall appoint members of the panel from members of
14 the institute who are not members of the Council or Tribunal.

15 (5) A person shall not be appointed as a member of the Tribunal or of
16 the Panel unless such a person is a full member or fellow of the institute.

17 (6) The provisions set out in the Schedule to this Bill so far as they are
18 applicable to the Tribunal and Panel respectively have effect with respect to the
19 bodies.

20 (7) The Council may, from time to time, make rules consistent with
21 this Bill as to acts, conducts or omissions which constitute professional
22 misconduct.

Professional
Misconduct

23 **14.-(1) Where-**

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

26 (b) a person enrolled or registered under this Bill is convicted by any
27 court or tribunal in Nigeria or elsewhere having power to impose a term of
28 imprisonment for an offence (whether or not punishable with imprisonment)
29 which in the opinion of the Tribunal is incompatible with the status of a
30 Facilities Management Professional; or

1 (c) the tribunal is satisfied that the name of any person has been
2 fraudulently enrolled or registered; he shall be guilty of an offence and shall
3 on conviction be liable to a term of imprisonment not exceeding five years

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

5 (a) give a directive reprimanding that person or ordering the
6 register -to- strike his name off the relevant part of the register; or

7 (b) deter or further defer its decision as to the giving of such
8 directive under this Clause until a subsequent meeting of the tribunal.

9 (3) The Tribunal shall not deferred decision under this Clause for
10 periods exceeding one year in the aggregate and no person shall be a
11 member of the tribunal for the purposes of reaching a decision which has
12 been deferred or further deferred unless he was absent as a member of the
13 tribunal when that decision was deferred.

14 (4) For the purpose of sub clause (1) (b) of this Clause, a person
15 shall not be treated as convicted unless the conviction stands and when no
16 appeal or further appeal is pending or no application for extension of time to
17 appeal is brought in connection with the conviction,

18 (5) When the tribunal gives a directive under sub-clause (2) of this
19 Clause, the tribunal shall cause notice or the directive to be served on the
20 person to whom it relates.

21 (6) The person to whom a directive given under sub-clause (2) of
22 this Clause relates may, at any time within 21 days from the date of service
23 on him or notice of the directives, appeal against the directives of the Federal
24 High Court Tribunal may appear as respondent to the appeal and for the
25 purpose or enabling directives to be given as to the costs or the appeal of
26 proceedings before the Federal High Court, the Tribunal shall be deemed to
27 be a party there to whether or not it appears on the hearing of the appeal.

28 (7) A directive of the tribunal under this Clause shall take effect
29 where-

30 (a) no appeal is brought against the directive within the time

1 limited in the appeal;

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

4 (c) such appeal brought is not withdrawn or struck out but the appeal
5 is dismissed.

6 (8) A person whose name is struck off the register in pursuance of a
7 directive of the tribunal under the section shall not be entitled to be registered
8 again except in pursuance of a direction on that behalf given by the Federal
9 High Court on the application of that person A directive under this Clause for
10 the striking off a person's name from the register may prohibit an application
11 under this subsection.

12 (9) by that person until the expiration of such period from the date of
13 the directive and where he has recently made such an application as may be
14 specified in the directive.

15 The Tribunal shall liaise with relevant law enforcement agencies to apprehend
16 perpetual defaulters.

Miscellaneous

17 **15.-(1)** If any person for the purpose of procuring the registration of
18 any name, qualification or other matter-

19 (a) makes a statement which he or she knows to be false in a material
20 particular; or

21 (b) recklessly makes a statement which is false in a material time
22 particular, he or she is guilty of an offence.

23 (2) If, on or after the commencement date of this Bill, a person who is
24 not a member of the institute practices or holds himself out as a member in
25 expectation of a reward or takes or uses any name, title addition or description
26 implying that he is member, he is guilty of an offence.

27 (3) If the registrar or any other person employed by or on behalf of the
28 institute willfully makes any falsification in any matter relating to the register,
29 he is guilty of an offence.

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

1 (a) on summary conviction to a fine not exceeding N50,000.00;

2 and

3 (b) On conviction or indictment to a fine not exceeding
4 N20,000,00; or to imprisonment for a term not exceeding two years, or both
5 such fines and imprisonment.

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

13 16.-(1) Any regulation made under this Bill shall be published in
14 the Federal Government Gazette as soon as they are made and a copy of the
15 regulations shall be forwarded to the Ministry of Environment and Office of
16 the Head of Service not less than seven days before they are published.

Gazetting of
Regulation

17 (2) The rules proposed for the purpose of this Bill shall be subject to
18 confirmation by the institute at its next general meeting or at any special
19 meeting of the institute convened for the purpose and if then annulled shall
20 cease to have effect on the day after the date of annulment, but without
21 prejudice to anything done in pursuance to intended profession of to such
22 rule.

23 17.-(1) The Council may make rules:

Council Power
to make Rules

24 (a) for the training of registered members of the profession or
25 suitable persons in facilities management method;

26 (b) For the supervision, regulation, engagement and training of
27 such persons;

28 (c) Prescribing the amount and date for payment of the annual
29 subscription, and for such purpose, different amounts may be prescribed by
30 the rules according to whether time member of the institute is a fellow

1 SCHEDULES

2 FIRST SCHEDULES

3 [Clause 2(8)]

4 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

5 *Qualification and tenure of Office of Members*

6 1.-(1) Subject of the provision of this paragraph, a member of the
7 council shall hold for a period to three years beginning from the date of his
8 appointment or election.

9 (2) Any member of this institute who ceases to be a member there of
10 shall if he also a member of the council, cease to hold office on the council.

11 (3) Any elected member of the council may by notice in writing, under
12 his hand addressed to the president of the institute resign his office.

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

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

16 (b) If such member was elected, the council may if the time between
17 the unexpired portion of the term of office and the annual general meeting of
18 the institute appears to warrant the filling of the vacancy co-opt some fit and
19 proper persons.

20 *Power of the council, etc.*

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

23 *Proceeding of the Council*

24 3.-(1) Subject to the provisions of this Bill, the council may in the
25 name of the institute make standing orders regulating the proceedings of the
26 institute makes standing orders regulating the proceedings of the council or any
27 of their committees.

28 (2) Standing order shall provide for decision to be taken by a majority
29 of the members and in the event of equality of vote, the president of the institute
30 of the chairman as the case may be, have a second or casting vote;

1 (3) Standing orders made' of committee shall provide for
2 committee to report back to the council on any matter referred to it by the
3 council.

4 (4) The quorum of the council shall be 20 and the quorum of a
5 committee of the council shall be determined by the council Meetings of the
6 institute.

7 4.-(1) the council shall convene an annual general meetings of the
8 institute on the 30th day of October every year or such other day as the
9 council may, from time to time, appoint so that if tile meeting is not held
10 within one year after previous meeting not more than 15 months shall elapse
11 between the respective dates of two meetings.

12 (2) A Special meeting of the Institute may be convened by the
13 council at any time, lifeless than 20 members of the institute are informed by
14 notice in writing addressed to the registrar of the institute setting out the
15 objects of the proposed meetings, the chairman of the council shall
16 overcome a special meeting of the institute.

17 (3) The quorum of any meeting of the institute shall be 25 members
18 and that of any special meeting of the institute shall be 20 members.

19 *Meetings of the council.*

20 5.-(1) subject to the provisions of any standing order, the council
21 shall meet whenever it is summoned by the chairman, and if the chairman is
22 required to do so by notice in writing given to him by not less than seven
23 other members, he shall summon a meeting of the council to be held within
24 seven days from day on which the notice is given.

25 (2) At any meeting of the council, the chairmen or his absence, the
26 Vice-Chairman in their order (first, Second) shall preside, but if both are
27 absent the members present at the meeting shall appoint one of them to
28 preside at the meeting.

29 (3) Where the council desire to obtain the advice of any person on a
30 particular matters, the council may co-opt him as a member for such period

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

4 (4) Notwithstanding anything in the foregoing provision of this
5 paragraph the first meeting of the council shall be summoned by the minister
6 who may give such directions as he thinks fit as to the procedure which shall be
7 followed at the meeting of the committee

8 6.-(1) the council may appoint one or more committees to carry out on
9 behalf of the institute or the council such functions as the council may
10 determine.

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

16 (3) A decision of a committee of the council shall of no effect until it is
17 confirmed by the council.

18 *Miscellaneous*

19 7.-(1) the fixing of the common seal of the institute shall be
20 authenticated by the signature of the president or any other member of the
21 council authorized generally or specially by the institute to act for that purpose.

22 (2) any contract or instrument which, if made or executed by a person
23 not being a body corporate would not be required to be under seal, may be
24 executed un-behalf of the Institute or the council as the case may require, by
25 any person generally or specially authorized to act for that purpose by the
26 council,

27 (3) Any document purporting to be a document duly executed under
28 the seal of the institute shall be received in evidence and shall, unless the
29 contrary is proved, be deemed to be executed.

30 8. The validity of any proceeding of the institute or the councilor of a

1 committee of the council shall not be adversely' affected by' any vacancy in
2 membership, or by any defect in the appointment of a member of the
3 institute or of the councilor 15 of a person to serve on the committee or by
4 reason that the person is not entitled to 16 do so took part in the proceedings.

5 9. Any member of the institute or council, and any person holding
6 office on a committee of the council, who has a personal interest in any
7 contractor arrangement entered into or proposed to be considered by the
8 council or a committee thereof, shall forth with disclose his interest to the
9 president or council, as the case may be, and shall not vote on any question
10 relating to the contract or 22 arrangement.

11 SECOND SCHEDULE

12 [Clause 10(9)]

13 TRANSITIONAL PROVISIONS AS TO PROPERTIES, ETC.

14 *Transfer of Properties*

15 1.-(1) every agreement to which the incorporated institute was a
16 part immediately before the commencement of this Bill, whether it is
17 writing or not and whether 29 or not is of such nature that the rights,
18 liabilities and obligations there-under could be assigned by the incorporated
19 institute, shall unless the terms or subject matter 31 make it impossible that it
20 should have effect or been modified in the manner provided by this
21 subparagraph have effect from the appointed day so far as it relates to
22 property transferred by this Bill to the institute as if:

23 (a) The institute had been a party to the agreement;

24 (b) For any reference (however worded and, whether express or
25 implied) to be incorporated institute, there were substituted as respects
26 anything failing to be done on or after the commencement of the Bill, a
27 reference to the Institute; and

28 (c) for any reference (however worded and whether express or
29 implies (to a member or members of the council of the incorporated institute
30 there were substituted, as respect anything failing to be done on or after the

1 commencement of the Bill, a reference to a member or members of the council
2 under this Bill.

3 (2) other documents which refer, whether specifically or generally, to
4 the incorporated institute shall be constructed in accordance with sub-
5 paragraph (1) of this paragraph so far as applicable,

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

13 (4) Any legal proceeding or application to any authority pending on
14 the commencement of this Bill or against the incorporated institute may be
15 combined on or after that day or against the institute.

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

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

THIRD SCHEDULES

Clause 13 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

TRIBUNAL AND INVESTIGATING PANEL

The Tribunal, the quorum of:

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

2.-(i) The council may make rules as to the selection of the tribunal for the purpose of proceedings and the procedure to be followed and the rules of evidence to be observed in proceedings before the tribunal.

(2) The rules shall in particular provide:

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

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

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

(d) For publishing in the Gazette notice of any directive of the tribunal which has taken effect providing that a person's name shall be struck off a register. For the purpose of any member, the tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of *subpoena ad testificandum and duces tecum*; but no person appearing before the tribunal shall be compelled:

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

4.-(1) for the purpose of advising the tribunal on question of law arising in proceeding before it, there shall in all proceedings be an assessor to the tribunal who shall in all proceedings be a recommendation of the council and shall be a legal practitioner of not less than seven years standing.

1 (2) The council shall make rules to the function of an assessor
2 appointed under this paragraph, and in particular such rules shall contain
3 provisions for securing-

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

10 (b) Every such party or person shall be informed if in any case the
11 tribunal does not accept the advice of the assessor on such a question generally
12 or for any particular proceeding or class of proceedings and shall hold and
13 vacate office in accordance with the terms of the instrument by which he is
14 appointed.

15 *The Panel*

16 The quorum of the panel shall be three.

17 5.-(1) The panel may, at any of its meetings attended by all the
18 members of the panels, make standing orders with respect to the panel.

19 (2) Subject to the provisions of any such standing order, the panel may
20 regulate its own procedures,

21 *Miscellaneous*

22 6.-(1) A person on ceasing to be a member of the tribunal or the panel
23 shall not be eligible for appointment as a member of that body.

24 (2) A person shall not, if otherwise eligible, be a member of both the
25 tribunal and the panel and a person who acted as a member of the panel, with
26 respect to a matter shall not act as a member of the tribunal with respect to that
27 case or any other case.

28 7. The proceedings of both the tribunal and the panel shall not be
29 invalidated by irregularity in the appointment of any member or vacancy in the
30 membership bodies not by reason that any person who was not entitled to

1 do so take part in the proceedings of the body.

2 8. any document authorized or required by virtue of this act to be
3 served on the tribunal or the panel shall be serve on the register appointed in
4 pursuance of section 8 of this Bill.

5 9. Any expenses of the tribunal or the panel shall be defrayed by
6 the institute library facilities.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Charter Institute of Facilities Management charged with the responsibilities to among other things register persons seeking to be Facilities Managers, set regulations and standards, inspect facilities, discipline erring members, sanction facilities, advance professionalism in the study and practice of Facilities Management, organizes exposition, publish books, journals, magazines and other periodicals as well as regulate and control the practice of Facilities Profession.