

CHARTERED INSTITUTE OF LOGISTICS AND TRANSPORT OF NIGERIA

BILL, 2016

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF LOGISTICS AND TRANSPORT OF NIGERIA CHARGED WITH THE RESPONSIBILITY FOR, AMONG OTHER THINGS, DETERMINING THE STANDARD OF KNOWLEDGE, SKILL AND QUALIFICATION OF PERSONS SEEKING TO BECOME CHARTERED LOGISTICIANS AND TRANSPORTANTS IN NIGERIA; AND FOR RELATED MATTERS.

Sponsored by Senator Gbenga B. Ashafa

Commencement

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

PART I - ESTABLISHMENT, ETC OF THE CHARTERED INSTITUTE OF LOGISTICS AND TRANSPORT OF NIGERIA

Establishment of the Chartered Institute of Logistics and Transport of Nigeria

1.-(i) There is established the Chartered Institute of Logistics and Transport of Nigeria (in this Bill referred to as the "Institute") which:

(a) Shall be a body corporate with:

(i) Perpetual succession, and

(ii) A common seal which shall be kept in such custody as the Council may direct;

(b) May sue and be sued in its corporate name; and

(c) May, subject to the Land Use Act, acquire, hold and dispose of any property, moveable or immovable.

2. The Institute shall have the General duty for:

General duty of Institute

(a) Determining the standard of knowledge, skill and qualification of persons seeking to become Chartered Logisticicians or Transportants (referred to in this Bill as Professionals) and raising those standards from time to time as determined by the circumstances;

(b) Securing, in accordance with the provisions of this Bill, the

1 establishment and maintenance of a register of Chartered members of the
2 Institute including Honorary Fellows, Chartered Members and Non Chartered
3 Members, Affiliates and Students and publication, from time to time, of lists of
4 those persons;

5 (c) Conducting, encouraging and sponsoring research in the field of
6 logistics and transport, publishing and disseminating same;

7 (d) Organizing, conducting and regulating the education of current
8 and prospective professional logisticians and transportants and regulating
9 practitioners with standards and ethics of practice;

10 (e) Certifying and licensing of persons that wants to practice as
11 logisticians or Transportants;

12 (f) Establishing and monitoring of standards of practice of
13 professionals;

14 (g) Collaborating with other reputable examination bodies and
15 educational institutions;

16 (h) Determining the standard of knowledge and skill required for
17 transportation practice in Nigeria;

18 (i) Regulating practitioners with standard of knowledge and skill
19 required for transportation practice in Nigeria;

20 (j) Establishing and maintaining a register of transport professionals
21 and practitioners in Nigeria;

22 (k) Performing, through the Council established by this Bill, the
23 functions conferred on it by this Bill.

Membership of
the Institute

24 3.-(1) Subject to this provision of this Bill, a person admitted to
25 membership of the Institute shall be registered as a member and shall be
26 entitled to use the appropriate abbreviation (GCILT/ACILT/MCILT, FCILT)
27 after his name.

28 (2) A person shall not be qualified to become a member of Institute
29 unless;

1 (a) He has obtained an approved Degree or a Higher National
2 Diploma;

3 (b) He has passed the professional examination at the Academy of
4 Chartered Institute of Logistics and Transport of Nigeria which shall be
5 established and administered by the Institute;

6 (c) He has undergone a two-year supervised experience training
7 programme;

8 (d) The council shall, from time to time, publish the list of Tertiary
9 Institutions whose award of degrees are approved for admission into the
10 Academy of Logistics and Transport. However, a degree obtained from any
11 of the Nigeria Universities and Polytechnics shall be deemed an accepted
12 qualification for membership of the Institute;

13 (e) The council may approve a degree from any overseas
14 universities if its deems it fit and is satisfied that the course of study and the
15 standard of examination are comparable and equivalent of other
16 professional bodies may be acceptable as qualification for membership of
17 the Institute.

18 PART II - ELECTION OF PRESIDENT, DEPUTY PRESIDENT AND VICE

19 PRESIDENTS OF THE INSTITUTE

20 (1) There shall be a President, Deputy President and 3 Vice
21 Presidents of the Institute all of whom shall:

22 (a) Be fellows of the Institute;

23 (b) Be elected by the members of the institute; and

24 (c) Hold office each for a term of 2/3 years only from the date of
25 election, renewable for another two years tenure;

26 (d) Must have served as a member of councilor if three years only,
27 the Deputy or any of the Vice President will be elected.

28 (2) The President shall be the Chairman and preside over all the
29 meeting of the Institute.

30 (3) In the event of death, incapacity or incapability for any reason,

1 of the President, the Deputy President shall fill the vacancy and act in
2 his stead for the unexpired portion of the term of office.

3 (4) Reference in this Bill to the President shall, in the circumstance, be
4 construed accordingly.

5 (5) The President, Deputy President and Vice-President shall
6 respectively be Chairman, Deputy and Vice-Chairman of the Council.

7 (6) If the President, Deputy President or Vice-President ceases to be a
8 member of the Institute, he shall, Ipso facto, cease to hold the office designated
9 under this section.

10 PART III - COUNCIL OF THE INSTITUTE AND MEMBERSHIP, ETC

11 (1) There is established for the Institute the Governing Council (in
12 this Bill referred to as "the Council") charged with the responsibilities for the
13 administration and general management of the Institute.

14 (2) The Council shall consist of:

15 (a) The President of the Institute, who will be the Chairman of the
16 Council;

17 (b) The Deputy President of the Institute, who shall be the Deputy
18 Chairman of the Council;

19 (c) 3 Vice-President of the Institute, who shall be the Vice Chairman
20 of the Council;

21 (d) Seven (7) persons elected by the Institute who shall be Honorary
22 Fellows, Chartered Fellows or Chartered Members representing the following
23 transport modes:

24 (i) Air Transport;

25 (ii) Maritime Transport;

26 (iii) Rail Transport;

27 (iv) Road Transport;

28 (v) Pipeline Transport;

29 (vi) Aviation;

30 (vii) Logistics.

1 (a) The Chief Executives or their nominees representing the
2 following transport modes:

3 (i) Land;

4 (ii) Air;

5 (iii) Rail;

6 (iv) Sea; and

7 (v) Pipeline.

8 (b) Registrar and Secretary to Council who will be at least a
9 Chartered Member (Registrar and Secretary to Council) of the Institute;

10 (c) The past Presidents of the Institute who each shall be entitled to
11 serve on the Council for a maximum period of one year from the expiration
12 of their terms of office as Presidents;

13 (d) A Representative each of the Federal Ministry of Transport,
14 Education, Trade and Investment and Justice, Director, Transport
15 coordinating and Inspection Department of Federal Ministry of Transport.

16 (3) The provisions of First Schedule to this Bill shall have effect
17 with respect to the qualifications and tenure of office of members of the
18 Council and the other matters therein mentioned.

19 (4) Regulations made by the Council may provide for an increase
20 or reduction in the membership of the Council and may make such
21 amendments of subsection (2) of this section and the First Schedule to this
22 Bill as the Council considers expedient for the purpose of, or in consequence
23 of, the increase or reduction.

24 (5) Control of the Council:

Structure

25 (i) The Governing Council may give to the Council directions of a
26 general character or relating generally to particular matters (but not to any
27 individual person or case) with regard to the exercise by the Council of its
28 functions and it shall be the duty of the Council to comply with the
29 directions;

30 (ii) The Council shall consist of Registered Transportants

1 representatives from all modes of transport;

2 (iii) The Council shall be reconstituted after every two years;

3 (iv) The Chairman and other principal officers shall be elected by the
4 members; and

5 (v) There shall be one representative each from the Federal Ministries
6 of Transport, Aviation, Justice and trade and Investment.

7 PART IV - FINANCIAL PROVISIONS

8 (1) The Council shall establish and maintain a fund for the Institute
9 the management and control of which shall be in the hands of the Council and
10 into which shall be paid:

11 (a) All monies received by the Council pursuant of this Bill
12 including fees; levies, grants, investments, donations and honoraria;

13 (b) Such moneys as may be payable to the Council whether in the
14 course of the discharge of its functions or otherwise;

15 (c) Such moneys as may, from time to time, be granted to the Institute
16 by government, parastatals, companies, agencies and institutions in the
17 transport sector and such other funds as may be provided by donors,
18 benefactors or other external sources; and

19 (d) Such moneys as are held by the Chartered Institute of Logistics
20 and Transport in Nigeria incorporated under the Companies and Allied Matters
21 Act 1990 (in this Act hereinafter referred to as "the incorporated Institute") on
22 its ceasing to exist as provided in this Bill.

23 (2) There shall be disbursed out of the Fund of the Institute:

24 (a) All reasonable expenditures incurred by the Council in the
25 discharge of its functions under this Bill;

26 (b) The remuneration and allowances of the National Executive
27 Director and other staff of the Institute; and

28 (c) Such reasonable traveling and subsistence allowances of members
29 of the Council in respect of the time spent on the duties of the Council as the
30 Council may determine.

1 (3) Subject to sub-section (3) of this section, the Council may
2 accept gifts of land, money, or other property upon such terms is
3 inconsistent, if any, as may be specified by the person making the gift.

4 (4) The Council shall not accept any gift if any of the conditions
5 attached by the person making the gift is inconsistent with the functions of
6 the Council.

7 (5) The Council may invest its funds in any legal, safe and secure
8 venture such as treasury bills, shares or other securities in Nigeria approved
9 by the Council.

10 (6) The Council may, when necessary, borrow for the purposes of
11 the Institute and any interest payable on money so borrowed shall be paid
12 out of the Fund.

13 (7) The Council shall:

14 (a) The Auditor appointed for the purpose of this section shall not
15 be a member of the Council.

16 PART V - TRANSFER TO INSTITUTE OF CERTAIN ASSETS AND LIABILITIES

17 (1) On the Commencement of this Bill:

18 (a) all assets and liabilities held or incurred immediately before
19 that day by or on behalf of the Incorporated Institute shall, by virtue of this
20 Bill and without further assurance, vest in the Institute and be held by it for
21 the purposes of the Institute;

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

23 (c) subject to subsection (2) of this section, any act or thing done or
24 made by the Incorporated Institute shall be deemed to have been made or
25 done by the Institute.

26 (2) The provisions of the second schedule to this Bill shall have
27 effect with respect to matters arising from the transfer by this section to the
28 Institute and with respect to the other matters mentioned therein.

1 PART VI - APPOINTMENT OF REGISTRAR/CHIEF EXECUTIVE OFFICER

2 DIRECTORS AND OTHER OFFICERS OF THE INSTITUTE

3 (1) The Council shall appoint a fit and proper person to be the
4 Registrar/Chief Executive Officer, Directors of Education and Membership,
5 Finance and Administration, Project and such other persons as employees of
6 the Institute as the Council may, from time to time, deem necessary and
7 expedient for the discharge of the functions conferred on it under this Bill. The
8 person to be appointed as the Registrar/Chief Executive Officer should be a
9 Nigerian citizen, possess relevant qualifications and must be at least a Chartered
10 Member.

11 (2) Subject to the general control of the Council, shall be the
12 Registrar, Chief Executive Officer of the Institute, and shall be responsible for
13 the execution of the policies and the Institute and the day-to-day running of the
14 Institute:

15 1. The Registrar shall prepare and maintain, in accordance with rules
16 made by the Council, a register of names, particulars, as may be specified in the
17 rules, of all persons to be enrolled as Honorary Fellows, Fellows or Chartered
18 Members or registered as Members; affiliates and Students who, in the manner
19 prescribed by such Rules, apply to be so registered.

20 2. The register shall consist of 6 parts of which each part respectively
21 shall be in respect of Honorary Fellows, Fellows, Chartered Members,
22 Members, Affiliates and Students.

23 3. Subject to this section, the Council shall make rules with respect to
24 the form and keeping of the register and the making of entries therein and in
25 particular:

26 (a) Regulating the making of application for enrollment or
27 registration, as the case may be, and providing for the evidence to be produced
28 in support of applications;

29 (b) Providing for notification to the Registrar by the person to whom
30 particulars relate, of any change in those particulars;

1 (c) Authorizing an enrolled or a registered person to have any
2 qualification which is, in relation to the relevant division of the profession,
3 either an approved qualification or an accepted qualification for the
4 purposes of this Bill, registered in relation to his name in addition to or, as he
5 may elect, in substitution for any other qualifications so registered;

6 (d) Specifying the fees, including any annual subscription, to be
7 paid to the Institute in respect of the entry of names into the register, and
8 authorizing the Registrar to refuse to enter a name on the register until a fee
9 specified for the entry has been paid; and

10 (e) Specifying anything not specified under this section.

11 4. Rules made for the purpose of subsection 5. (d) of this section
12 shall not come into force until confirmed at a special meeting of the Institute
13 convened for the purpose thereafter, or at the annual general meeting, as the
14 case may be.

15 5. The Registrar shall:

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

19 (b) make, from time to time, any necessary alteration in the
20 registered particulars of registered persons; and

21 (c) record the names of members of the Institute who are in default
22 for more than 6 months in the payment of annual subscriptions, and to take
23 such actions in relation thereto (including removal of the names of
24 defaulters from the register) as the Council may direct or require.

25 (d) Delete from the register the name of any registered member
26 who died or ceased to be a member by conviction or professional
27 misconduct.

28 5. If the Registrar:

29 (a) Sends by post to any registered person a registered letter
30 addressed to that person at his address on the register enquiring whether the

1 registered particulars relating to him are correct and receives no reply to the
2 letter within the period of 6 months from the date of posting it; and

3 (b) upon the expiration of that period, sends in the like manner to the
4 person in question a second similar letter and receives no reply to that letter
5 within 3 months from the date of posting it, or a period to be determined by
6 Council having regards to the circumstances, the Registrar may remove the
7 particulars relating to the person from the register but the Council may direct
8 the Registrar to restore to the appropriate part of the register any particular
9 removed from under this subsection.

10 PART VII - PUBLICATION OF REGISTER AND LIST OF CORRECTIONS

11 (1) The Registrar shall:

12 (a) cause the register to be printed, published and put on sale to
13 members of the public not later than 2 years from the commencement of this
14 Bill;

15 (b) in each year after that in which the register is first published under
16 paragraph (a) cause to be printed, published and put on sale, either a corrected
17 edition to the register or a list of alterations made to the register since it was last
18 printed; and

19 (c) cause a print of each edition of the register and of each list of
20 corrections to be deposited at the principal office of the Institute, and the
21 Council shall keep the register and lists so deposited and make same available
22 at all reasonable times for inspection by members of the public.

23 (2) A document purporting to be a print of an edition of the register
24 published under this section by authority of the Registrar or documents
25 purporting to be prints of an edition of the register so published and of a list of
26 corrections to last edition so published, shall, without prejudice to any other
27 mode of proof, be admissible in any proceeding as evidence that any person
28 specified in the document, or the edition or list of corrections as being
29 registered, was so registered at the date of the edition or last correction, as the
30 case may be, and that any person not so specified was not so registered.

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

PART VIII - REGISTRATION OF CHARTERED TRANSPORTANTS

AND LOGISTICIANS

(1) Subject to section 15 of this Bill and rules made under section 10(5) of this Bill, a person shall be entitled to be enrolled or registered as a Chartered Transportant or Logisticians if he:

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

(b) holds a qualification granted within or outside Nigeria and for the time being accepted by the Institute and satisfies the Council that he has had sufficient practical experience as a Chartered Transportant or Logistician.

(2) An applicant for registration shall, in addition to evidence of qualification, satisfy the Council that he:

(a) is of good character and high integrity;

(b) has attained the age of 25 years; and

(c) has not been convicted in Nigeria or elsewhere of an offence involving fraud, dishonesty or gross misconduct.

(3) The Council may, in its sole discretion, provisionally accept a qualification produced in respect of an application for registration under this section, or direct that application be renewed within such period as may be specified in the direction.

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

1 Council signified in writing in that behalf.

2 (5) The Council shall, from time to time, publish in the Gazette
3 particulars of qualifications for the time being acceptable for enrollment or
4 registration by the Institute bearing in mind the Nigerian Institute of
5 Transport Technology offering courses in professional and technical
6 education in transportation and other institutions of higher learning that may
7 be doing so.

8 (6) The professional members from abroad who reside in Nigeria
9 and wants to practice the probation shall within twelve months register with
10 the institute.

11 (7) The Council may approve any qualification for the purposes of
12 this Bill and may for those purposes, approve any:

13 (a) course or programme for the purpose of accreditation by an
14 accreditation panel appointed by the Council;

15 (b) course of training at an approved institution which is intended
16 for persons seeking to become Chartered Transportants and which the
17 Council considers is designed to confer on persons completing it sufficient
18 knowledge and skill for admission to the Institute;

19 (c) qualification which is, as a result of an examination taken in
20 conjunction with a course of training approved by the Council under this
21 section, is granted to candidates reaching a standard at the examination,
22 indicating, in the opinion of the Council, that the candidates have sufficient
23 knowledge and skills to practice as Chartered Logisticians or Transportants;

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

27 (e) give notice that is proposes to do so for each person in Nigeria
28 appearing to the Council to be a person by whom the course is conducted or
29 the qualification is granted or the institution is controlled, as the case may be;

30 (f) afford such person an opportunity of making to the Council

1 representations with regard to the proposals; and
2 g. take into consideration any representation made in respect of the proposal
3 made under ii(b) of this subsection.

4 (3) With regard to any period during which the approval of the
5 Council under this section for a course, qualification or institution is
6 withdrawn, the course, qualification or institution shall not be treated as
7 approved under this section, but the withdrawal of such an approval shall not
8 prejudice the registration or eligibility for registration of any person who, by
9 virtue of the approval, was registered or eligible for registration (either
10 unconditionally or subject to his obtaining a certificate of experience)
11 immediately before the approval was withdrawn.

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

16 (a) as soon as may be, publish a copy of every such instrument in
17 the Gazette; and

18 (b) not later than 7 days after its publication, send a copy of the
19 instrument to the Minister of Transport.

20 (8) The Council shall keep itself informed of the nature of:

21 (a) the instruction given at approved institutions to persons
22 attending approved courses of training;

23 (b) the examination as a result of which approved qualifications are
24 granted, and for the purposes of performing that duty, the Council may
25 appoint a Professional Development Committee (PDC), either from among
26 its own members or otherwise, to visit approved institutions or to attend
27 such examinations; and

28 (c) any matter relating to the instructions or examinations which
29 the Council may, either generally or in a particular case, request it to report:

30 PROVIDED always that no member of the Professional Development

1 Committee (PDC), shall interfere with the giving of any instruction or the
2 holding of any examination.

3 (9) The Professional Development Committee (PDC), appointed
4 under subsection (1)(b) of this section shall report to the Council on:

5 (a) the adequacy of the instruction given to persons attending
6 approved courses of training at institutions visited by it:

7 (b) the adequacy of the examination attended by it: and

8 (c) any matter relating to the instructions or examinations which the
9 Council may, either generally or in a particular case, request it to report,

10 (3) On receipt of a report made in pursuance of this section, the
11 Council may, if it deems fit, and shall, if so required by the Institute, send a copy
12 of the report to the person appearing to the Council to be in charge of the
13 institution or responsible for the examinations to which the report relates
14 requesting that person to make observations on the report to the Council within
15 such period as may be specified in the request, not less than one month
16 beginning with the date of the request.

17 PART IX - ESTABLISHMENT OF DISCIPLINARY TRIBUNAL AND

18 INVESTIGATION PANEL

19 (1) There is established the Chartered Institute of Logistics and
20 Transport Disciplinary Tribunal (in this Bill referred to as "the Tribunal"),
21 which shall be charged with the duty of considering and determining any case
22 referred to it by the Panel established under sub-section (3) of this section, and
23 any other case of which the Tribunal has cognizance under this Bill.

24 (2) The Tribunal shall consist of the Chairman and 6 other members
25 appointed by the Council.

26 (3) There is established the Chartered Institute of Logistics and
27 Transport or Investigation Panel (in this Bill referred to as "the Panel") which
28 shall be charged with duty of:

29 (a) conducting a preliminary investigation into any case where it is
30 alleged that a member has misbehaved in his capacity as a Chartered

1 Transportant or Logistician or, should for any other reason, be the subject of
2 proceedings before the Tribunal; and

3 (b) deciding whether the case shall be referred to the Tribunal.

4 (4) The Panel shall be appointed by the Council and shall consist of
5 two members of the Council and one Chartered Transportant or Logistician
6 who is not a member of the Council.

7 (5) The provisions of the Third Schedule to this Bill shall, so far as
8 they are applicable to the Tribunal and Panel respectively, have effect with
9 respect to those bodies.

10 (6) The Council may make rules not inconsistent with this bill as to
11 acts which constitute professional misconduct.

12 (7) Where:

13 (a) a person enrolled or registered under this Bill is:

14 (i) Adjudged by the Tribunal to be guilty of infamous conduct in
15 any professional respect; or

16 (ii) Convicted by any court in Nigeria or elsewhere having power
17 or competent jurisdiction, of an offence (whether or not punishable with
18 imprisonment) which, in the opinion of the Tribunal, is incompatible with
19 the status of a Chartered Logistician or Transportant, or

20 (b) the Tribunal is satisfied that the name of a person has been
21 fraudulently enrolled or registered, the Tribunal may, if it deems fit, give a
22 direction reprimanding that person or ordering the Registrar to strike his
23 name off the relevant part of the Tribunal.

24 (8) The Tribunal may, if it deems fit, defer or further defer its
25 decisions as to the giving of a direction under subsection (1) of this section
26 until a subsequent meeting of the Tribunal.

27 (9) No decision of the Tribunal shall be deferred under subsection
28 (2) of this section for periods exceeding one year in the aggregate.

29 (10) As far as possible, no person shall be a member of the Tribunal
30 for the purposes of reaching a decision which has been deferred or further

1 deferred, unless he was present as a member of the Tribunal when the decision
2 was deferred.

3 (11) For the purpose of subsection (1)(ii) of this section, a person shall
4 not be treated as convicted pending the final determination of an appeal, if any,
5 against the conviction or further appeal is pending or may (without extension
6 of time) be brought in connection with the conviction.

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

10 (13) The person to whom a direction given under subsection (1) of this
11 section relates may, at any time within 28 days of the date of service on him of
12 notice of that direction, appeal against the direction to the Federal High Court,
13 and the Tribunal may appear, as respondent to the appeal and, for the purpose of
14 enabling directions to be given as to the costs of the appeal and of proceedings
15 before the Tribunal, the Tribunal shall be deemed to be a party thereto whether
16 or not it appears on the hearing of the appeal.

17 (14) A direction of the Tribunal given under subsection (1) of this
18 section shall take effect where.

19 (a) No appeal under this section is brought against the direction within
20 the time limited for such an appeal, or on the expiration of that time;

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

23 (c) Such an appeal is brought and it not withdrawn or struck out if and
24 when the appeal is dismissed.

25 (15) A person whose name is removed from the registrar in pursuance
26 of the Tribunal under this section shall not be entitled to be registered again
27 except in pursuance of a direction in that behalf given by the Tribunal on the
28 application of that person.

29 (16) A direction under this section for the removal of a person's name
30 from the register may prohibit an application under subsection (9) of this

1 section by that person until the expiration of such period from the date of this
2 direction (and where he has duly made such an application, from the date of
3 his last application) or may be specified in the direction.

4 APPLICATION OF BILL TO UNENROLLED PERSONS

5 (1) Any person not being a member of the Incorporated Institute
6 who, but for this Bill, would have been qualified to apply for and obtain
7 membership of the incorporated Institute may, within the period of 3 months
8 from the commencement of the Bill, apply for membership of the Institute in
9 such a manner as may be prescribed by the rules made by the Council.

10 (2) Where an application under subscription (1) of this section is
11 approved by the Council, the applicant shall be enrolled or registered, as the
12 case may be, according to his qualification.

13 WHEN PERSONS ARE DEEMED TO PRACTICE AS CHARTERED

14 LOGISTICS OR TRANSPORTANTS

15 (1) Subject to subscription (2) of this section, a person shall be
16 deemed to practice as a Chartered Logistician or Transportant if, in
17 consideration of remuneration received or to be received, and whether by
18 himself or in partnership with any other person, he:

19 (a) Engages himself in the practice of transport or logistics
20 management or holds himself out to the public as a Chartered Logistician or
21 Transportant;

22 (b) Renders professional service or assistance in or about matters
23 of principle or detail relating to logistics, transport, supply, chain, material
24 management; or

25 (c) Renders any other service which may, by regulation made by
26 the council, be designated as service constituting practice as Chartered
27 Logisticians or Transportant.

28 (2) Nothing in this section shall be construed so as to apply to
29 persons who, while in the employment of any government or person, are
30 required under the terms or in course of such employment, to perform the

1 duties of a Chartered Logistician or Transportant.

2 (3) The Council may make rules for:

3 (a) the training, with chartered logisticians or transportants, of
4 suitable persons, in transport and logistics management methods and practice:

5 (b) the supervision and regulation of the engagement, training and
6 transfer of such persons; and

7 (c) the provision of Articles.

8 (2) The council may also make rules:

9 (a) prescribing the amount and date for payment of the annual
10 subscription and the annual renewal of studentship and for such purpose
11 different amounts may be prescribed by the rules depending on whether the
12 member of the institute is an Honorary Fellow, a fellow, Chartered Member,
13 Member, an Affiliate or a Student'

14 (b) prescribing the form of licence to practice issued annually or, if the
15 council deems fit, by endorsement on an existing licence;

16 (c) restricting the right to practice as a Chartered Logistician or
17 Transportant in default of payment of the amount of the annual subscription
18 where the default continues for longer than such period as may be prescribed by
19 the rules;

20 (d) restricting the right to practice as a Chartered Logistician or
21 Transportant if the qualification granted outside Nigeria does not entitle the
22 holder to practice as a Chartered Logistician or Transportant; and

23 (e) Prescribing the period of practice training in the office of a
24 Chartered Logistician or transportant in practice as a Chartered Logistician
25 Transportant.

26 (3) Rules when made shall, if the council so directs, be published in
27 the Gazette:

28 (1) Any regulation made under this Bill shall be published in the
29 Gazette as soon as may be possible after it has been made; and the Minister of
30 Transport shall, as soon thereafter as they are so published, lay a copy of such

1 regulation before the Federal Executive Council.

2 (2) Rules made for the purposes of this Bill shall be subject to
3 confirmation by the Institute at its annual meeting or at any special meeting
4 of the Institute convened for the purpose and, if annulled, shall cease to
5 have effect on the day after the date of annulment without prejudice to
6 anything done in pursuance or intended pursuance of such rules.

7 PART X - OFFENCES

8 (1) If a person, for the purpose of procuring the enrollment or
9 registration of any name, qualification or other matter:

10 (a) makes a statement which he believes to be false in any material
11 particular; or

12 (b) recklessly makes a statement which is false in any material
13 particular, commits an offence.

14 (2) If, on or after the relevant date, a person who is not a member of
15 the Institute practices as a Chartered Transportant or Logistician for or in
16 expectation of reward or takes or, uses any name, title, addition or
17 description implying that he is in practice as a Chartered Transportant or
18 Logistician, commits an offence.

19 (3) In the case of a person falling within section 17 of this Bill:

20 (a) the provision of subsection (2) of this section shall not apply in
21 respect of anything done by him during the period of 3 months mentioned in
22 that section; and

23 (b) If within that period he duly applies for membership of the
24 Institute, then unless within that period he is notified that his application has
25 not been approved, the provision of subsection (2) of this section shall not
26 apply in respect of anything done by him between the end of that period and
27 the date in which he is enrolled or registered or is notified.

28 (4) If the Registrar or any other person employed by or on behalf of
29 the Institute willfully makes any falsification in any matter relating to the
30 register, commits an offence.

1 (5) A person who commits an offence under this section is liable:

2 (a) on summary conviction, to a fine of an amount not exceeding
3 N5,000; or

4 (b) on conviction or indictment, to a fine not exceeding N10,000 or to
5 imprisonment for a term not exceeding 2 years, or to both such fine and
6 imprisonment.

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

13 (7) In this section, "the relevant date" means the first anniversary of
14 the commencement of this Bill.

Provision for
Library

15 22.-(1) The Institute shall:

16 (a) provide and maintain a library comprising books and publications
17 for the advancement of knowledge of Chartered Transportants and
18 Logisticians and such other books and library publications as the Council may
19 deem necessary for the purpose; and

20 (b) encourage research in transport and logistics management and
21 allied subjects to the extent Council may, from time to time, consider
22 necessary.

Interpretation

23 23.-(1) In this Bill:

24 "commencement date" means the day this Bill comes into force;

25 "Chartered Transportant" means a Chartered Transportant enrolled as a
26 Chartered Member of the Institute;

27 "Chartered Logistician" means a Chartered Logistician enrolled as a Chartered
28 Member of the institute;

29 "Council" means the Council established as the governing body of the Institute
30 under section 3(1) of this Bill;

1 "Executive Director" means Executive Director appointed under section
2 9(1) of this Bill;

3 "enrolled" in relation to a Honourary Fellow, a Fellow, or Chartered
4 Member, means registered in the part of the register relating to Honourary
5 Fellow, Fellow and Chartered Member as the case may be;

6 "Registered" in relation to a Member, Affiliate or Student, means registered
7 in the part of the register relating to Members, Affiliates and Students.

8 "fees" includes annual subscriptions;

9 "Incorporated Institute" means the Chartered Institute of Logistics and
10 Transport of Nigeria incorporated under the Companies and Allied Matters
11 Act;

12 "Institute" means the Chartered Institute of Logistics and Transport of
13 Nigeria established under section 1 (1) of this Bill;

14 "Member" means a member of the Council and includes the President,
15 Deputy President and Vice-President; "Minister" means the Minister
16 charged with responsibility for matters related to Transport;

17 "Panel" means the Chartered Institute of Transport and Logistics
18 Investigation Panel established under by section 15(3) of this Bill;

19 "President, Deputy President and Vice- President" means respectively the
20 office holders under those names in the Institute; and

21 "Register" means the register prepared and maintained under section 10(2)
22 of this Bill.

23 Citation

24 24. This Bill may be cited as the Chartered Institute of Logistics Citation
25 and Transport of Nigeria Bill, 2016.

SCHEDULES

FIRST SCHEDULE

Section 3 (3) and (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

QUALIFICATIONS AND TENURE OF OFFICE OF MEMBERS

(1) Subject to the provisions of this Bill, a member of the Council shall hold office for a period of 3 years only beginning with the date of his appointment or election.

(2) In the case of a person who is a member by virtue of having been President of the Institute, he shall hold office for a period of one year from the date of his having ceased to be President of the Institute.

(3) 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 on the Council.

(4) An elected member may, by notice in writing under his hand addressed to the President of the Institute, resign his office, and any appointed member may, with the consent of the Council in the same manner, resign his office.

(5) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council and any appointed member may be reappointed.

(6) Members of the Council shall at its meeting next before the annual meeting of the Institute, arrange for the 5 members of the Council appointed or elected and longest in office to retire at that annual meeting.

(7) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council, and, until so prescribed; they shall be decided by a show of hands.

(8) If, for any reason, there is a vacation of office by a member and such member:

(a) such member represents any of the bodies mentioned in section 3

(2) (e), such bodies shall appoint another fit and proper person from the

1 organization in respect of which the vacancy occurs; or

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

6 *Power Of The Council*

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

10 3.-(1) Subject to the provisions of this Bill, the Council may, in the
11 name of the Institute, make standing orders regulating the proceedings of the
12 Institute, Council or any of the Institute's committees.

13 (2) The standing orders shall provide decisions to be taken by a
14 majority of the members, and, in the event of equality of votes, the President
15 of the Institute or of a meeting, as the case may be, shall have a second or
16 casting vote.

17 (3) The standing orders made for a Committee shall provide that
18 the Committee reports back to the Council on any matter not within its
19 competence to decide.

20 (4) The quorum of the Council or Committee of the Council shall be
21 one-third of its membership.

22 *Meetings Of The Institute*

23 4.-(1) The Council shall convene the Annual General Meeting of
24 the Institute in October of every year or in such other month as the Council
25 may, from time to time, appoint so that if the meeting is not held within one
26 year after the previous annual meeting not more than 15 months shall elapse
27 between the respective dates of the 2 meetings.

28 (2) A special meeting of the Institute may be convened by the
29 Council any time; and if, not less than 20 members of the Institute require it
30 by notice in writing addressed to the Executive Director setting out the

1 objects of the proposed meeting, the Chairman of the Council shall convene a
2 special meeting of the Institute.

3 (3) The quorum of a meeting of any organ of the Institute shall be one-
4 third of its membership.

5 *Meetings Of The Council*

6 5.-(1) Subject to the provisions of any standing order of the Council,
7 the Council shall meet whenever it is summoned by the President, and if the
8 President is required to do so by notice in writing given to him by not less than 7
9 other members, he shall summon a meeting of the Council to be held within 7
10 days from the date on which the notice is given but. In the absence of the
11 President, the Deputy President or any of the 3 Vice- Presidents shall perform
12 the function.

13 (2) At any meeting of the Council, the President or in his absence, the
14 Deputy President or any of the 3 Vice-Presidents shall preside, but if the
15 President, Deputy President and Vice President are absent, the members
16 present at the meeting shall appoint one of them to preside at that meeting
17 provided a quorum is present.

18 (3) Where the Council desires to obtain the advice of any person on a
19 particular matter, the Council may co-opt him as a member for such period as
20 the Council deems fit but a person who is a member by virtue of this sub-
21 paragraph shall not be entitled to vote at any meeting of the Council and shall
22 not count towards a quorum.

23 *Committees*

24 6.-(1) The Council may appoint one or more Committees to carry out,
25 on behalf of the Institute or of the Council, such functions as the Council may
26 determine.

27 (2) A Committee appointed under this paragraph shall consist of the
28 number of persons determined by the Council, of whom not more than one-
29 third shall be members of the Council and a person other than a member of the
30 Council shall hold office on the Committee in accordance with the terms of the

instrument by which he is appointed.

(3) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

7.-(1) The fixing of the seal of the Institute shall be authorized by the signature of the President of the Institute or of some other member of the Council authorized generally or specially by the Institute to act for that purpose.

(2) A 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 be, by any person generally or specially authorized to act for that purpose by the Council.

(3) A 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, Council or Committee of the Council shall not be adversely affected by:

(a) any vacancy in membership;

(b) any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the Committee; or

(c) reason that a person not entitled to do so took part in the proceedings.

9. The member of the Institute or Council and any 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, Council or Committee, shall disclose his interest to the President of the Institute or to the Council; as the case may be, and shall not vote on any question relating to the contract or arrangement.

1 SECOND SCHEDULE

2 *Section 8(2)*

3 TRANSITIONAL PROVISIONS AS TO ASSETS AND LIABILITIES

4 TRANSFER OF INSTITUTE

5 1.-(1) Every agreement to which the incorporated Institute was a
6 party immediately before the commencement of this Bill, whether in writing or
7 not and whether or not of such a nature that the rights, liabilities and obligations
8 thereunder could be assigned by the Incorporated Institute, shall, unless its
9 terms and subject matter make it impossible that it should have effect as
10 modified in the manner provided by this sub-paragraph, have effect from the
11 commencement of this Bill, so far as it relates to assets and liabilities
12 transferred by this Bill to the Institute as if:

13 (a) the Institute had been a party to the agreement:

14 (b) for any reference (however worded and whether express or
15 implied) to the Incorporated Institute, there were substituted as respects
16 anything done on or after the commencement of this Bill, a reference to not the
17 Institute; and

18 (c) for any reference (however worded and whether express or
19 implied) to a member or members of the Council of the Incorporated Institute
20 or an officer of the Incorporated Institute, there were substituted, as respects
21 anything not done on or after the commencement of this Bill, a reference to a
22 member or members of the Council under this Bill or the officer of the
23 Incorporated Institute who corresponds as nearly as may be to the member or
24 officer in question of the Incorporated Institute.

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

28 (3) Without prejudice to the generality of the provisions of this
29 Schedule where, by the operation of this Schedule or of section 5 of this Bill,
30 any right, liability or obligation vests in the Institute, the Institute and all other

1 persons shall, as from the commencement of this Bill, have the same rights,
2 powers and remedies (and, in particular, the same rights as to taking or
3 resisting of legal proceedings or the making or resisting of applications to
4 any authority) for ascertaining, perfecting or enforcing that right, liability or
5 obligations as they would have had if it had at all times been a right liability
6 or obligation of the Institute.

7 (4) Any legal proceeding or application to any authority pending
8 on the commencement of this Bill by or against the Incorporated Institute
9 and relating to the assets or liabilities transferred by this Bill to the Institute
10 may be continued on or after that day by or against the Institute.

11 (5) If the law in force at the place where any property transferred by
12 this Bill is situated provides for the registration of transfers of property of the
13 kind in question (whether by reference to an instrument of transfer or
14 otherwise), the law shall, so far it provides for alterations of a register (but
15 not for avoidance of transfers, the payment of fees or any other matter) apply
16 with the necessary modifications to the transfer of the property and the
17 Council shall furnish the necessary particulars of the transfer to the officer of
18 the registration authority, and for that officer to register the transfer
19 accordingly.

20 *Transfer Of Functions, Etc.*

21 2.-(1) At its first meeting, the Council of the Institute shall fix a date
22 (not later than 6 months after the commencement of this Bill) for the annual
23 meeting of the Institute.

24 (2) The members of the Council of the Incorporated Institute shall
25 be deemed to be the members of the Council of the Institute until the date
26 determined subparagraph (1) of this paragraph when the Institute shall have
27 its first annual meeting and they shall cease to hold office at the conclusion
28 of such meeting.

29 (3) Any person who immediately before the commencement of this
30 Bill, held office as a President, Deputy President or Vice-President of the

1 Council of the Incorporated Institute by virtue of the Articles of the
2 Incorporated Institute shall on that day become the President or, as the casemay
3 be, the Deputy President or the Vice-President of the Institute, and shall be
4 deemed to have been appointed:

5 (a) to the office under this Bill correspondence to the relevant
6 provision in the said articles of the Incorporated Institute; and

7 (b) on the date on which he took the office, or last took office, under
8 the relevant provision of the Articles.

9 (4) The members of the Incorporated Institute shall, as from the
10 commencement of this Bill, be registered as members of the Institute; and
11 without prejudice to the provisions of this Schedule relating to the transfer of
12 property, any person who, immediately before commencement of this Bill, was
13 a member of staff of the Incorporated Institute shall on that day become the
14 holder of an appointment which corresponds with the status, designation and
15 functions which corresponds as nearly as may be, to those which appertained to
16 him in his capacity as a member of that staff.

17 (5) Any person being office-holder or member of the Council of
18 the Incorporated Institute immediately before the commencement of this Bill
19 and deemed under this paragraph to have been appointed to any like position in
20 the Institute, or on the Council, and thereafter ceasing to hold office otherwise
21 than by reason of his misconduct, shall be eligible for appointment to office in
22 the Institute or to membership of the Council, as the case may be.

23 (6) All regulations, rules and similar instruments made for the
24 purposes of the Incorporated Institute and in force immediately before the
25 commencement of this Bill shall, except in so far as they are subsequently
26 revoked or amended by any authority having power in that behalf, have effect,
27 with any necessary modifications, as if duly made for the corresponding
28 purposes of the Institute.

THIRD SCHEDULE

Section 15(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

TRIBUNAL AND INVESTIGATION PANEL

1. The quorum of the Tribunal shall be 3 of whom at least 2 shall be Chartered Transportants or Logisticians.

2.-(1)The Chief Justice of Nigeria may make rules as to the election of members of the Tribunal for the purposes of any proceeding and as to the procedure to be followed and the rules of the evidence to be observed in proceedings before the Tribunal.

(2)The rules shall in particular provide:

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

(b) for determining who, in addition to that person shall be party to the proceedings;

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

(d) for enabling a party to the proceedings to be represented by a legal practitioner;

(e) subject to the provisions of section 16 (7) of this Bill, as to the cost of proceedings before the Tribunal;

(f) for requiring, in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;

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

1 (3) For the purpose of any proceeding before the Tribunal, a member
2 of the Tribunal may administer oaths and any party to the proceedings may
3 issue out of the registry of the High Court writs of subpoena ad testificandum,
4 and duces tecum but no person appearing before the Tribunal shall be
5 compelled to:

6 (a) make any statement before the Tribunal tending to incriminate
7 himself or: (b) produce any document under such a writ which he could not be
8 compelled to produce at the trial of an action.

9 (4) For the purpose of advising the Tribunal on questions of law
10 arising in the proceedings before it, there shall, in all such proceedings, be an
11 assessor to the Tribunal who shall be appointed by the Council on the
12 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of
13 not less than 10 years standing.

14 (5) The Chief Justice of Nigeria shall make rules as to the functions of
15 assessors appointed under this paragraph, and in particular such rules shall
16 contain provisions for securing that:

17 (a) where an assessor advises the Tribunal on any question of law as to
18 evidence, procedure or any other matter specified by the rules, he shall do so in
19 the presence of every party or person representing a party to the proceedings
20 who appears thereat or, if the advice is tendered while the Tribunal is
21 deliberating in private, that every such party or person shall be informed what
22 advice the assessor has tendered; and

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

25 (6) An assessor may be appointed under this paragraph either
26 generally or for any particular proceeding or class of proceedings and shall
27 hold and vacate office in accordance with the terms of the instrument by which
28 he is appointed.

29 *Panels*

30 1. The quorum of any of the Panels shall be one-third of its

1 membership.

2 2.-(1) The panel may, at any meeting attended by all the members
3 of the Panel, make standing orders with respect to the Panel.

4 (2) Subject to the provisions of any standing order, the Panel may
5 regulate its own procedure.

6 3.-(1) A person ceasing to be a member of the Tribunal or the Panel
7 shall be eligible for reappointment as a member of that body.

8 (2) A person may, if otherwise eligible, be a member of both the
9 Tribunal and the Panel but no person who acted as a member of the Panel
10 with respect to any case shall act as a member of the Tribunal with respect to
11 that case.

12 4. The Tribunal or Panel may act notwithstanding any vacancy in
13 its membership and the proceedings of either body shall not be invalidated
14 by any irregularity in the appointment of a member of that body, or (subject
15 to paragraph 8 of this Schedule) by reason of the fact that any person who
16 was not entitled to do so took part in the proceedings of that body.

17 5. Any document authorized or required by virtue of this Bill to be
18 served on the Tribunal or Panel shall be served on the Executive Director.

19 6. Any expenses of the Tribunal or the Panel shall be defrayed by
20 the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Logistics and Transport of Nigeria charged with the responsibility for, among other things, determining the standard of knowledge, skill and qualifications of persons seeking to become chartered transportants or logisticians in Nigeria.

