

CHARTERED INSTITUTE OF COMMERCE OF NIGERIA

(ESTABLISHMENT, ETC.) BILL, 2016

ARRANGEMENT OF SECTIONS

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# A BILL

## FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF COMMERCE OF NIGERIA TO PROMOTE AND FOSTER THE PROFESSIONAL CAPABILITIES OF PERSONS INVOLVED IN COMMERCIAL ADMINISTRATION IN THE FEDERATION; AND FOR OTHER PURPOSES CONNECTED THEREWITH

*Sponsored by Senator Shetima Danjuma Lah*

[ ] Commencement

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

1 PART I - ESTABLISHMENT, COMPOSITION, ETC. OF THE CHARTERED  
2 INSTITUTE OF COMMERCE OF NIGERIA, GOVERNING COUNCIL, ETC.

3 1.-(1) There is established a body to be known as the Chartered  
4 Institute of Commerce of Nigeria (in this Act referred to as "the Institute").

Establishment of the Institute

5 (2) The Institute:

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

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

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

10 2. The objects of the Institute shall be to:

Objects of the Institute

11 (a) determine what standards of knowledge and skill are to be  
12 attained by persons seeking to become registered members of the Institute  
13 and reviewing those standards from time to time as circumstances may  
14 require;

15 (b) secure, in accordance with the provisions of this Act the  
16 establishment and maintenance of a register of students, associates,  
17 members and fellows of the Institute and the publication from time to time of  
18 a list those members;

19 (c) regulating and controlling the practice of professional

1 commercial administration in all its ramifications;

2 (d) organize and conduct examinations, from time to time, in  
3 commerce and other related subjects to the profession for the purposes of  
4 admitting members to the Institute, enhancing their status, therein, and issue  
5 membership certificates to persons admitted;

6 (e) secure the professional status necessary for the promotion and  
7 encouragement of the study and advancement of the science of commerce,  
8 knowledge and efficiency in commercial administration in the public and  
9 private sectors of the Nigerian economy;

10 (f) maintain, in accordance with this Act, professional discipline,  
11 protect the interests of members through the provision of professional  
12 consultative advice and the issue of journals and other publications,  
13 organisation and conduct of seminars, workshops, conferences, etc.; and

14 (g) do such other things that are incidental and supplementary to the  
15 foregoing objects of the Institute.

Membership of  
the Institute

16 3.-(1) Subject to the provisions of this Act, persons admitted into the  
17 Institute shall possess adequate knowledge, experience and qualifications in  
18 the science of commerce and other related disciplines specified under this Act,  
19 and be enrolled in the category of-

20 (a) fellows;

21 (b) members; and

22 (c) associate members.

23 (2) Without prejudice to the last foregoing provisions of this Act,  
24 persons registered as members of the Institute under this Act shall be entitled to  
25 be enrolled:

26 (a) as fellows, if they satisfy the Council within the period of not less  
27 than five years immediately preceding their enrollment that:

28 (i) they are fit and proper persons,

29 (ii) they are holders of approved academic qualifications,

30 (iii) they have been continuously active as professional commercial

1 administrators in the public or private sectors of the economy and as  
2 members of the Institute;

3 (b) as members, if for the period of not less than five years,  
4 immediately preceding their enrollment in the Institute, have gained  
5 commercial experience after being admitted as an associate member or  
6 holds post-graduate qualification, found to be fit and proper persons, and as  
7 may be approved in the discretion of the Council; or

8 (c) as associate members, if they satisfy the Council that they have  
9 passed the mandatory final examination conducted by the Institute, hold  
10 equivalent qualifications from recognised institutions of higher education  
11 and are otherwise howsoever found to be fit and proper persons by the  
12 Council.

13 (3) All newly admitted members into the grades of members and  
14 associates shall undergo membership induction programmes before the  
15 confirmation of their admission into such grades.

16 (4) The following are the order of precedence and designated  
17 titular abbreviations for:

18 (a) a Fellow of the Chartered Institute of Commerce of Nigeria,  
19 which shall be FCICN;

20 (b) a Member of the Chartered Institute of Commerce of Nigeria,  
21 which shall be MCICN; and

22 (c) an Associate of the Chartered Institute of Commerce of Nigeria,  
23 which shall be ACICN.

24 (5) Graduates and students registered for training shall become  
25 professional members only after satisfying specified qualification  
26 requirements for membership as prescribed by the Council or bye-laws of  
27 the Institute.

28 4.-(1) The Principal officers of the Institute shall be:

29 (a) the President;

30 (b) the Vice-Presidents;

Principal Officers  
of the Institute

- 1 (c) the National Secretary;  
2 (d) the Assistant National Secretary;  
3 (e) the National Treasurer; and  
4 (f) the Public Relations Officer.

5 (2) The Principal Officers listed under subsection (1) of this section  
6 shall be financial members of the Institute in the grades of fellows, members  
7 and associates, and shall be elected biennially at the second Council meeting  
8 after the annual general meeting, and be eligible to hold office for another term  
9 of two years, and no more.

10 (3) The President shall be the Chairman at the meetings of the  
11 Institute, but in the event of his death, incapacity or inability to perform the  
12 duties reposed on him under this subsection, the Vice-President shall perform  
13 such duties for the unexpired portion of the term of office of that President.

14 (4) If any of the officers listed under subsection (1) of this section  
15 ceases to be a member of the Institute, he shall cease to hold any of the offices  
16 designated thereof.

Establishment  
and composition  
of the Governing  
Council

17 5.-(1) There shall be for the Institute, a governing body to be known as  
18 "the Council" which shall have responsibility for the administration and  
19 general management of the Institute.

20 (2) The Council shall consist of the following members, that is:

- 21 (a) the President of the Institute, who shall be the Chairman;  
22 (b) the Vice-President of the Institute, who shall be the Deputy-  
23 Chairman;  
24 (c) the Registrar;  
25 (d) twelve members nominated by the Institute from the six  
26 geopolitical zones of the Federation;  
27 (e) the immediate past President of the Institute;  
28 (f) two persons who shall be members of the Institute, to represent  
29 institutions of higher education in Nigeria offering courses leading to an  
30 approved qualification to be appointed in rotation;

1 (g) one person to represent the National Association of Chambers  
2 of Commerce, Industry, Mines and Agriculture, not below the rank of a  
3 director;

4 (h) one person to represent the Manufacturers Association of  
5 Nigeria, not below the rank of a director; and

6 (i) one person each to represent each of the following Federal  
7 Ministries, that is:

8 (i) Commerce,

9 (ii) Industry.

10 (iii) Education.

11 (3) The provisions of the First Schedule to this Act shall have effect  
12 with respect to the supplementary provisions of the Council and the  
13 qualifications and tenure of office of members of the Council, and the other  
14 matters therein mentioned.

15 6.-(1) There shall be appointed annually by the Council a Board of  
16 Fellows, to coordinate the activities of Fellows of the Institute and to  
17 recommend to the Council on yearly basis admission of members to the  
18 fellowship.

Appointment of  
Board of Fellows

19 (2) The Board of Fellows shall consist of persons who have been  
20 duly elected as Fellows of the Institute, and shall have a Chairman who shall  
21 preside over the activities of the Board.

22 PART II - FINANCIAL PROVISIONS

23 7.-(1) The Council shall establish and maintain a fund for the  
24 Institute, the management and control of which shall be under the authority  
25 of the Council and into which shall be paid:

Establishment  
of fund and  
expenditure

26 (a) all monies received by the Council in pursuance of this Act;

27 (b) all subscriptions, fees and other charges payable to the Institute  
28 by members, individuals and bodies corporate;

29 (c) such monies as may be provided by the Federal, State or Local  
30 Government from time to time by way of grants, subvention or loan; and

1 (d) all monies raised for the purposes of the Institute by way of gifts,  
2 donations, grants-in-aid, testamentary dispositions from individuals, bodies  
3 corporate or philanthropic organisations, non-governmental organisations  
4 within and outside Nigeria, or otherwise howsoever.

5 (2) The Council shall, from time to time, apply the proceeds of the  
6 fund of the Institute to:

7 (a) all expenditure incurred by the Institute in the discharge of its  
8 functions under this Act;

9 (b) the remunerations and allowances of the Registrar and other staff  
10 of the Institute;

11 (c) the maintenance of the premises and property owned and vested in  
12 the Institute;

13 (d) the payment of traveling allowances and such stipend for  
14 members of the Council as may be determined by the Council; and

15 (e) the payment of such other charges as may be reasonably incurred  
16 in the exercise of the functions of the Institute and the Council.

17 (3) For the purposes of the Companies Income Tax, any donation  
18 made by any company in Nigeria to the Institute shall be a deductible donation  
19 within the meaning of that Act.

Borrowing and  
investment power

20 8.-(1) The Council may, with the consent of its members or in  
21 accordance with the general guidelines or authority given by the Government  
22 of the Federation, borrow, on behalf of the Institute, by way of loan or overdraft  
23 from any source, any monies required by the Council to meet the obligations of  
24 the Institute in order to perform its functions under this Act, so however that  
25 such consent or authority shall be required where the sum or aggregate of the  
26 sums involved at any time does not exceed such amount as is for the time being  
27 projected in relation to the Institute in any particular year.

28 (2) The Council may, subject to the provisions of this Act and  
29 conditions of trust in respect of funds held or any property owned by the



1 Institute, invest any but not all of its funds with the same consent or general  
2 authority.

3 9.-(1) The Chairman of the Council shall cause to be prepared not  
4 later than six months before the end of the year, estimates of recurrent and  
5 capital expenditure (if any) and income of the Institute during the next  
6 succeeding financial year which shall be presented to the annual general  
7 meeting of the Institute by the Council for approval.

Annual estimates,  
account and audit

8 (2) The Council shall keep proper accounts and records in relation  
9 thereto, and shall prepare in respect of each financial year, a statement of  
10 account in such form as the Chairman or the Council shall direct.

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

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

20 (a) a general report setting out the observations and  
21 recommendations of the said auditors on the financial affairs of the Institute  
22 and the Council for that year, and on any important matters which the  
23 auditors may consider necessary to bring to the notice of the Council; and

24 (b) a detailed report containing the observations and  
25 recommendations of the auditors on all aspects of the operations of the  
26 Institute and the Council.

27 PART III - THE REGISTRAR

28 10.-(1) The Council shall appoint a fit and proper person to be the  
29 Registrar of the Institute.

Appointment and  
duties of the  
registrar, etc.

30 (2) The Registrar appointed in terms of subsection (1) of this

1 section shall be the head of the administration of the Institute and Secretary to  
2 the Council.

3 (3) The Registrar shall prepare and maintain, in accordance with the  
4 rules made by the Council, a Register of the names, addresses, approved  
5 qualifications and other relevant particulars as may be specified in the rules, of  
6 all persons who are entitled to be enrolled as fellows, members or associates.

7 (4) The Register shall consist of five parts of which the first part shall  
8 be in respect of fellows, the second part shall be in respect of members, the third  
9 part shall be in respect of associates, the fourth part shall be in respect of  
10 graduates and students, and the fifth part in respect of corporate members and  
11 other honorary members.

12 (5) Subject to the following provisions of this subsection, the Council  
13 may make rules with respect to the form and keeping of the Register and  
14 making of entries therein and in particular:

15 (a) the making of applications for enrolment;

16 (b) providing for notification to the Registrar, by the person to whom  
17 registered particulars relate, of any change in those particulars;

18 (c) authorising a registered person to have any qualification which is  
19 in relation to the relevant discipline of the profession of commercial  
20 administration, either an approved qualification or an accepted qualification  
21 for the purposes of this Act registered in relation to his name in addition to or, as  
22 he may elect, in substitution for any other qualifications so registered;

23 (d) specifying from time to time the fees including subscription to be  
24 paid to the Institute in respect of the entry of names on the Register authorising  
25 the Registrar to refuse to enter a name on the Register until the fee specified for  
26 the entry has been paid; and

27 (e) specifying anything falling to be specified under this section, but  
28 rules made for the purposes of subsection (5) of this section shall not come into  
29 force until they are approved at a special meeting of the Institute convened for

1 that purpose or at the next annual general meeting of the Institute, as the case  
2 may be.

3 (6) The Registrar shall:

4 (a) correct, in accordance with the Council's directives, any entry  
5 in the Register which the Council directs him to correct as being in the  
6 Council's opinion an entry which was incorrectly made;

7 (b) remove from the Register the name of any registered person  
8 who has died;

9 (c) record the names of the members of the Institute who are in  
10 default in the payment of annual subscriptions, dues or other charges for  
11 more than twelve months, and take such action in relation thereto (including  
12 removal of the names of the defaulters from the Register) as the Council may  
13 determine or direct; and

14 (d) make from time to time any necessary alterations in the  
15 registered particulars of registered persons.

16 (7) If the Registrar:

17 (a) sends by post to any registered person a letter addressed to him  
18 at his address on the Register enquiring whether the registered particulars  
19 relating to him are correct and receives no reply to the letter within the period  
20 of six months from the date of posting; and

21 (b) upon the expiration of the period specified in paragraph (a) of  
22 this subsection, sends in like manner to the person in question a second  
23 similar letter and receives no reply to the letter within three months from the  
24 date of posting it, then the Registrar may remove the particulars relating to  
25 the person in question from the Register and the Council may direct the  
26 Registrar to restore to the appropriate part of the Register any particulars  
27 removed therefrom under this subsection.

28 11.-(1) The Registrar shall:

29 (a) cause the Register to be printed, published and put on sale to  
30 members of the public not later than two months from the appointed day;

1 (b) in each year after the year in which the Register is first published,  
2 cause to be printed, published and put on sale a corrected edition of the Register  
3 or a list of alterations made to the Register since it was last printed; and

4 (c) cause a print of each edition of the Register and of each list of  
5 correction to be deposited at the principal offices of the Institute, and the  
6 Council shall keep the Register and the list so deposited available at all  
7 reasonable times for inspection by members of the Institute.

8 (2) A document purporting to be a print of an edition of the Register  
9 published under this section by authority of the Registrar, or documents  
10 purporting to be prints of an edition so printed, shall (without prejudice to any  
11 other mode of proof) be admissible in any proceeding as evidence that any  
12 person specified in the document, for the documents read together, as being  
13 registered was so registered at the date of the edition or of the list of corrections,  
14 as the case may be, and that any person not so specified was not so registered.

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

20 PART IV - REGISTRATION

21 12.-(1) Subject to the rules made by the Council under section 10 (5)  
22 of this Act, a person shall be entitled to be enrolled or registered as a  
23 professional commercial administrative Consultant or associate consultant of  
24 the Institute if:

25 (a) he passes the qualifying examination accepted by the Council and  
26 completes the practical training prescribed by the Institute under this Act;

27 (b) he holds any other qualification accepted by the Institute for the  
28 time being; or

29 (c) he qualifies for enrolment as member in any of the categories  
30 specified under section 3 (2) of this Act.

1 (2) Without prejudice to the provisions of subsection (1) of this  
2 section, a person shall be registered as a member of the Institute if:

3 (a) he satisfies the Council immediately before the commencement  
4 of this Act that he has not less than one year experience in commercial  
5 administration, in the case of registered member of the Institute of  
6 Commerce of London, after passing the Part III final examinations of the  
7 Institute which includes syllabuses in general commercial knowledge,  
8 Business Communications, economics, fundamentals of marketing, office  
9 management, principles of accounting, behavioural studies, data  
10 processing, etc.; or

11 (b) he satisfies the Council that immediately before the  
12 commencement of this Act he has not less than three years practical  
13 experience in commercial administration in the case of any other person  
14 possessing a degree certificate from any recognised institution of higher  
15 education within or outside Nigeria, majoring in commerce, marketing  
16 management, planning, control, etc.

17 (3) In addition to evidence of qualification, an application for  
18 registration shall satisfy the Council that:

19 (a) he is of good character;

20 (b) he has attained the age as prescribed in the bye-laws of the  
21 Institute; and

22 (c) he has not been convicted of a criminal offence involving fraud  
23 or dishonesty in Nigeria or elsewhere.

24 (4) The Council shall, from time to time, publish particulars of  
25 qualifications prescribed by the Council, for the time being, for registration.

26 13.-(1) The Council may approve any institution for the purposes  
27 of this Act and may for those purposes approve:

28 (a) any course of training at any approved institution which is  
29 intended for persons seeking to become or are already commercial  
30 administrators or practitioners, and which the Council considers as

Approval of  
qualifications,  
etc.

1 necessary to confer on persons completing the course, sufficient knowledge  
2 and skill for admission to the Institute;

3 (b) any qualification which, as a result of an examination taken in  
4 conjunction with a course of training approved by the Council under this  
5 section, is granted to candidates reaching a standard at the examination  
6 indicating in the opinion of the members of the Council that the candidates have  
7 sufficient knowledge and skill to practice as professional commercial  
8 administrators or practitioners.

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

12 (a) give notice that it proposes to withdraw such approval to each  
13 person in Nigeria appearing to the Council to be a person by whom the course is  
14 conducted or the qualification is granted or the institution is controlled, as the  
15 case may be;

16 (b) give each of such persons an opportunity of making  
17 representations to the Council with regard to the proposal; and

18 (c) take into consideration any proposal made in respect of the  
19 proposal.

20 (3) Where the approval of the Council under this section for a course,  
21 qualification or institution is withdrawn, the course, qualification or institution  
22 shall not be treated as approved under this section, but the withdrawal of any  
23 such approval shall not prejudice the registration or eligibility for registration  
24 of any person who by virtue of the approval was registered or eligible for  
25 registration immediately before the approval was withdrawn.

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

30 (a) publish as soon as possible a copy of every such instrument in the

1 print media; and

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

4 14.-(1) It shall be the duty of the members of the Council to keep  
5 themselves informed of the nature of:

Supervision of  
instructions and  
examination  
leading to approved  
qualifications

6 (a) the instructions given and the examinations undertaken at  
7 approved institutions to persons attending approved courses of training; and

8 (b) the examinations as a result of which approved qualifications  
9 are granted, and for the purposes of performing that duty the Council may  
10 appoint, either from among its own members or otherwise, persons to visit  
11 approved institutions, or to attend such examinations.

12 (2) It shall be the duty of the visitor appointed under this section to  
13 report to the Council on:

14 (a) the sufficiency of the instructions given to persons attending  
15 approved courses of training at institutions visited by him;

16 (b) the conduct and adequacy of the examinations observed by  
17 him; and

18 (c) any other matters relating to the instructions or examinations on  
19 which the Council may, either generally or in a particular case, request him  
20 to report, but no visitor shall interfere with the giving of any instruction or  
21 the conduct of any examination.

22 (3) Upon the receipt of a report made in terms of this section, the  
23 Council may, if it thinks it fit, and shall if so required by the Institution, send  
24 a copy of the report to the person appearing before the Council to be in  
25 charge of the institution or responsible for examination to which the report  
26 relates requesting that person to make observations on the report to the  
27 Council within such period as may be specified in the request, not being less  
28 than one month beginning with the date of the request.

Establishment of  
the Chartered  
Institute of  
Commerce  
Disciplinary  
Tribunal and  
Investigating Panel

29 PART V - PROFESSIONAL DISCIPLINE

30 15.-(1) There shall be established a tribunal to be known as the

1 Chartered Institute of Commerce Disciplinary Tribunal (in this Act, referred to  
2 as "the Tribunal") which shall be charged with the duty of considering and  
3 determining any case referred to it by the Panel established pursuant to  
4 subsection (3) of this section, and any other matter for which the Tribunal has  
5 jurisdictional authority under this Act.

6 (2) The Tribunal shall consist of a Chairman and six other members  
7 appointed by the Council.

8 (3) There shall be a body to be known as the Chartered Institute of  
9 Commerce Investigating Panel (in this Act, referred to as "the Panel") which  
10 shall be charged with the duty of:

11 (a) conducting a preliminary investigation into any case where it is  
12 alleged that a member of the Institute has misbehaved in his capacity as a  
13 consultant or associate consultant or professional commercial administrator or  
14 should for any other reason be the subject of proceedings before the Tribunal;  
15 and

16 (b) deciding whether the case should be referred to the Tribunal.

17 (4) The Panel shall be appointed by the Council and shall consist of  
18 three members of the Council and two other persons who are registered  
19 members of the Institute, but who are not members of the Council at the time of  
20 their appointment.

21 (5) The provisions of the Second Schedule to this Act shall, so far as  
22 applicable to the Tribunal and Panel respectively, have effect with respect to  
23 the bodies thereof.

24 (6) The Council may make rules or bye-laws not contained in this Act  
25 as to acts which constitute professional misconduct.

26 **16.-(1) Where:**

27 (a) a member of the Institute is judged by the Tribunal to be guilty of  
28 infamous conduct in any professional manner;

29 (b) a member is convicted, by any court in Nigeria or elsewhere  
30 having power to award imprisonment, of an offence (whether or not punishable



1 with imprisonment) which in the opinion of the Tribunal is incompatible  
2 with the status of a professional commercial administrator; or

3 (c) the Tribunal is satisfied that the name of any person has been  
4 fraudulently registered, the Tribunal may, if it thinks fit, give a direction  
5 reprimanding that person or ordering the Registrar to strike his name off the  
6 relevant part of the Register.

7 (2) The Tribunal may, if it thinks it proper, defer the decision as to  
8 the giving of a direction until a subsequent meeting of the Tribunal, but:

9 (a) no decision shall be deferred under this subsection for periods  
10 exceeding two years on the aggregate; and

11 (b) no person shall be a member of the Tribunal for purposes of  
12 reaching a decision which has been deferred or further deferred unless he  
13 was present as a member of the Tribunal when the decision was deferred.

14 (3) For the purposes of subsection (1) of this section, a person shall  
15 not be treated as convicted unless the conviction stands at a time when an  
16 appeal or further appeal is pending or may (without extension of time) be  
17 brought in connection with the conviction.

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

21 (5) The person to whom such a direction relates may, at any time  
22 within three months from the date of the service on him of notice of the  
23 direction, appeal against the direction to the Court of Appeal and the  
24 Tribunal may appear as respondent to the appeal and, for the purpose of  
25 enabling direction to be given as to the costs of the appeal and of  
26 proceedings before the Tribunal, shall be deemed to be a party thereto  
27 whether or not it appears at the hearing of the appeal.

28 (6) A decision of the Tribunal under subsection (1) of this section  
29 shall take effect where:

30 (a) no appeal permitted under this section is brought against the

1 direction within the period specified for such an appeal on the expiration of that  
2 period;

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

5 (c) an appeal is brought and is not withdrawn or struck out if and when  
6 the appeal is discussed and shall not take effect except in accordance with the  
7 provisions of this subsection.

8 (7) A person whose name is removed from the Register in pursuance  
9 of a direction of the Tribunal under this section shall not be entitled to be  
10 registered again except in pursuance of a direction in that behalf given by the  
11 Tribunal on the application of that person, and a direction under this section for  
12 the removal of a person's name from the Register may prohibit an application  
13 under this subsection by that person until the expiration of such period from the  
14 date of the direction (and where he has duly made such an application, from the  
15 date of his last application) as may be specified in the direction.

16 PART VI - MISCELLANEOUS AND SUPPLEMENTARY

Application of  
this Act to enrolled  
persons

17 17. At the commencement of this Act, any person not a member of the  
18 former Institute of Commerce of Nigeria (in this Act referred to as "the former  
19 Institute") who, but for this Act, would have been qualified to apply for and  
20 obtain membership of the profession of commercial administrators may,  
21 within the period of three months beginning with the date of commencement of  
22 this Act, apply for membership of the Institute in such manner as may be  
23 prescribed by rules made by the Council and if approved he shall be enrolled or  
24 registered, as the case may be, according to his qualification.

When a person  
is deemed to be  
professional  
practitioner of  
commercial  
administration

25 18. A person shall be deemed a professional commercial  
26 administrator or practitioner, if for consideration of remuneration received or  
27 to be received, and whether by himself or in partnership with any other person:

28 (a) he engages himself in the practice of commerce or hold himself  
29 out to the public as a member of the Institute;

30 (b) he renders professional services which may by rules or bye-laws

1 made by the Council is designed as service constituting professional  
2 commercial administration practice.

3 19.-(1) The Council may make rules for:

Rules as to  
professional  
practicing fees, etc.

4 (a) the training of suitable persons in commercial administration  
5 methods and practice;

6 (b) the licensing of persons to practice as professional commercial  
7 administrators;

8 (c) prescribing the form to be used and annual subscriptions to be  
9 paid by practitioners of commercial administration; and

10 (d) restricting the right of any practitioner when all prescribed  
11 conditions have not been met, in terms of this section.

12 (2) The Council may also make rules prescribing the amount and  
13 the date for payment of the annual subscription, and for such purpose  
14 different amounts may be prescribed by the rules according to the grades of  
15 membership.

16 20. The Council shall be free to award honorary membership of the  
17 Institute to persons whom it considers worthy of such honour, on terms and  
18 conditions prescribed by the Council, and approved by the Institute in its  
19 annual general meeting.

Honorary  
membership

20 21. The Institute shall:

Provision of  
Library, Research  
facilities, etc.

21 (a) provide and maintain a library comprising books and  
22 publications for the advancement of knowledge of commercial  
23 administration, and such other books and publications as the Council may  
24 think necessary for that purpose;

25 (b) encourage research and other advanced learning into  
26 commerce and such subjects as may be relevant to enhance the knowledge  
27 of commercial administration, and as the Council may from time to time  
28 consider necessary;

29 (c) undertake regular study of modern developments and  
30 information on commerce obtainable from the Internet and electronic mail

1 services and other related developments so as to keep abreast with current  
2 technology-driven research and publications on commercial administration,  
3 and to enable the Institute to collaborate with organisations having related  
4 interests within and outside Nigeria;

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

Regulations  
and rules

8 22.-(1) Any regulation made under this Act for the purposes of giving  
9 full meaning to the provisions of this Act, shall be published in the Federal  
10 Government Gazette as soon as possible.

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

Transfer to the  
Institute of  
certain property,  
etc.

16 23.-(1) On the commencement of this Act:

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

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

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

23 (2) The provisions of the Third Schedule to this Act shall have effect  
24 with respect to matters arising from the transfer by this section to the Institute  
25 of the property of the former Institute, and with respect to other matters therein  
26 mentioned.

Offences and  
punishment

27 24.-(1) If any person for the purpose of procuring the registration of  
28 any name, qualification or other matter relating thereto:

29 (a) makes a statement which he believes to be false in a material  
30 particular; or

1 (b) recklessly makes a statement which is false in a material  
2 particular, that person commits an offence.

3 (2) If, on or after the commencement of this Act, any person not a  
4 member of the Institute practices as a registered member of the profession of  
5 commercial administrator for or in expectation of reward or takes or uses  
6 any name, title, addition or description implying that he is in practice as a  
7 registered member of the profession of commercial administration, he  
8 commits an offence:

9 Provided that in the case of a person falling within section 17 of this Act:

10 (a) this subsection shall not apply in respect of anything done by  
11 him during the period of three months mentioned in that section;

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

17 (3) If, on or after the commencement of this Act, a registered  
18 member holds himself out as a commerce consultant or association  
19 consultant, or takes or uses any name, title, addition or description implying  
20 that he is a commercial administrator, he commits an offence.

21 (4) If the Registrar or any other person employed on behalf of the  
22 Institute willfully makes any falsification in any matter relating to the  
23 Register, he commits an offence.

24 (5) A person found guilty of an offence under this section shall be  
25 liable:

26 (a) on summary conviction to a fine of an amount not exceeding  
27 50,000 Naira;

28 (b) on conviction on indictment to a fine of an amount not  
29 exceeding 250,000 Naira or to imprisonment for a term not exceeding two  
30 years, or to both such fine and imprisonment.

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

Interpretation

8 25. In this Act, except the context otherwise implies, the following  
9 words and expressions have the meaning assigned to them, that is:

10 "Council" means the governing body of the Institute established under section  
11 5 (1) of this Act;

12 "enrolled" in relation to a fellow, member or an associate member of the  
13 Institute, means registered in the part of the Register for fellows, members or  
14 associate member, as the case may be;

15 "Institute" means the Chartered Institute of Commerce of Nigeria established  
16 pursuant to section I (1) of this Act;

17 "member" means a member of the Institute;

18 "Minister" means the Minister charged with responsibility for matters relating  
19 to commerce, and

20 "Ministry" shall be construed, accordingly;

21 "Part III final examinations" includes the following core subjects such as  
22 Commerce (International Trade), Commerce (Finance), Commercial  
23 Management, General Commercial Knowledge, Marketing Management,  
24 Planning and Control, Marketing Management, analysis and decision and the  
25 desertification on the application of commercial terminologies in promotion of  
26 trade;

27 "President" and "Vice-President" means respectively the office holders under  
28 those names in the Institute, elected in accordance with the provision of this  
29 Act;

30 "Register" means the Register of the Chartered Institute of Commerce of

1 Nigeria maintained pursuant to section 10 (4) of this Act;  
2 "Registrar" means the Registrar of the Chartered Institute of Commerce of  
3 Nigeria appointed in terms of section 10 (1) of this Act; and  
4 "Tribunal" means the Chartered Institute of Commerce Disciplinary  
5 Tribunal established under section 15 (1) of this Act.

6 26. This Bill may be cited as the Chartered Institute of Commerce Citation  
7 of Nigeria (Establishment, etc.) Bill, 2016.

8 SCHEDULES

9 FIRST SCHEDULE

10 *Section 5 (3)*

11 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

12 *Qualifications and tenure of office of members*

13 1.-(1) Subject to the provisions of this paragraph, a member of the  
14 Council shall hold office for a period of two years beginning with the date of  
15 his appointment or election.

16 (2) Any member of the Institute who ceases to be a member thereof  
17 shall, if he is also a member of the Council, cease to hold office on the  
18 Council.

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

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

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

29 Provided that if any of the members listed thereof is the Chairman of the

1 Councilor, the Vice-President of the Institute, he shall remain a member of the  
2 Council.

3 (6) Elections to the Institute shall be held in such manner as may be  
4 prescribed by rules made by the Council, and until so prescribed they shall be  
5 decided by a secret balloting process.

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

7 (a) such member was appointed by the Minister or any other body  
8 corporate, the Minister or any such body corporate shall appoint another fit  
9 person to occupy the office in which the vacancy occurs; or

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

14 *Powers of Council*

15 2. The Council shall have powers to do anything which in its opinion  
16 is calculated to facilitate the carrying on of the activities of the Institute.

17 *Proceedings of the Council*

18 3.-(1) Subject to the provisions of this Act, the Council may in the  
19 name of the Institute make standing orders regulating the proceedings of the  
20 Institute or of the Council, and in the exercise of its powers under this Act, may  
21 set up committees in the general interest of the Institute, and make standing  
22 orders therefor.

23 (2) Standing orders shall provide for decision to be taken by a  
24 majority of the members, and, in the event of equality of votes, for the President  
25 or the Chairman, as the case may be, to have a second or casting vote.

26 (3) Standing orders made for a committee shall provide that the  
27 committee report back to the Council on any matter not within its competence  
28 to decide upon.

29 4. The quorum of the Council shall be nine, and the quorum of a  
30 committee of the Council shall be as may be fixed by the Council.



1 *Meetings*

2 *(a) of the Institute*

3 5.-(1) The Council shall convene the annual general meeting of the  
4 Institute on a day as the Council may from time to time appoint in any  
5 particular year, so however that if the meeting is not held within one year  
6 after the previous annual general meeting, not more than fifteen months  
7 shall elapse between the respective dates of the two meetings.

8 (2) A special meeting of the Institute may be convened by the  
9 Council at any time, and if not less than thirty members of the Institute  
10 require it by notice in writing addressed to the General Secretary of the  
11 Institute setting out the objects of the proposed meeting, the Chairman of the  
12 Council shall convene a special meeting of the Institute.

13 (3) The quorum of any general meeting of the Institute shall be  
14 fifteen members, and that of any special meeting of the Institute shall be  
15 twenty-five members.

16 *(b) of the Council*

17 6.-(1) Subject to the provisions of any standing orders of the  
18 Council, the Council shall meet whenever it is summoned by the Chairman,  
19 and if the Chairman is required to do so by notice in writing given to him by  
20 not less than seven other members, he shall summon a meeting of the  
21 Council to be held within seven days from the date on which the notice is  
22 given.

23 (2) At any meeting of the Council, the Chairman or in his absence  
24 the Deputy Chairman shall preside; but if both are absent, the members  
25 present at the meeting shall appoint one of their numbers to preside at that  
26 meeting.

27 (3) Where the Council desires to obtain advice of any person on a  
28 particular matter, the Council may co-opt him as a member for such period  
29 as the Council thinks fit, but a person who is a member by virtue of the  
30 provisions of this subparagraph shall not be entitled to vote at any meeting of

1 the Council and shall not count towards a quorum.

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

6 *Committees*

7 7.-(1) The Council may appoint one or more committees to carry out  
8 on behalf of the Institute or of the Council, such functions as the Council may  
9 determine.

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

14 (3) Any recommendation of a committee of the Council shall be of no  
15 effect until it is approved by the Council.

16 *Miscellaneous*

17 8.-(1) The fixing of the seal of the Institute shall be authenticated by  
18 the signature of the National President or of some other member of the Council  
19 authorised generally by the Institute to act for that purpose.

20 (2) Any contract or instrument which, if made or executed by a person  
21 not being a body corporate, would not be required to be under seal, may be  
22 made or executed on behalf of the Institute or the Council as the case may  
23 require, by any person generally or specifically authorised to act for that  
24 purpose by the Council.

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

28 9. The validity of any proceedings of the Institute or the Council or of  
29 a committee of the Council shall not be affected by any vacancy in  
30 membership, or by any defect in the appointment of a member of the Institute

1 or of the Councilor of a person to serve on the Committee, or by reason that a  
2 person not entitled to do so took part in the proceedings.

3 **10.** Any member of the Institute or of the Council, and any person  
4 holding office on a committee of the Council, who has a personal interest in  
5 any contract or arrangement entered into or proposed to be considered by the  
6 Councilor a committee thereof, shall forthwith disclose his interest to the  
7 President or to the Council, as the case may be, and shall not vote on any  
8 question relating to the contract or arrangement.

9 **11.** A person shall not by reason only of his membership of the  
10 Institute be required to disclose any interest relating solely to the audit of the  
11 accounts of the Institute.

12 SECOND SCHEDULE

13 *Section 15 (5)*

14 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

15 TRIBUNAL AND INVESTIGATING PANEL

16 *The Tribunal*

17 **1.** The quorum of the Tribunal shall be three of whom at least two  
18 shall be professional commercial practitioners.

19 **2.-(1)** The Chief Justice of Nigeria shall make rules as to the  
20 selection of members of the Tribunal for the purposes of any proceedings  
21 and as to the procedure to be followed and the rules of evidence to be  
22 observed in proceedings before the Tribunal.

23 **(2)** The rules shall in particular provide:

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

27 **(b)** for determining who in addition to the aforesaid, shall be a party  
28 to the proceedings;

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

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

3 (e) subject to the provisions of section 16 (5) of this Act, as to the costs  
4 of proceedings before the Tribunal;

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

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

13 3. For the purposes of any proceedings before the Tribunal, any  
14 member of the Tribunal may administer oaths and any party to the proceedings  
15 may sue through the registry of the Supreme Court writs of subpoena ad  
16 testificandum and duces tecum, but no person appearing before the Tribunal  
17 shall be compelled:

18 (a) to make any statement before the Tribunal tending to incriminate  
19 himself; or

20 (b) to produce any document under such a writ which he could not be  
21 compelled to produce at the trial of an action.

22 4.-(1) For the purposes of advising the Tribunal on question of law  
23 arising in proceedings before it, there shall in all such proceedings be an  
24 assessor to the Tribunal who shall be appointed by the Council on the  
25 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of  
26 not less than seven years standing.

27 (2) The Chief Justice of Nigeria shall make rules as to the functions of  
28 assessors appointed under this paragraph, and in particular such rules shall  
29 contain provisions for securing:

30 (a) that where an assessor advises the Tribunal on any question of law

1 as to evidence, procedure or any other matters specified in the rules, he shall  
2 do so in the presence of every party or person representing a party to the  
3 proceedings who appears thereat or, if the advice is tendered while the  
4 Tribunal is deliberating in private, that every such party or person as  
5 aforesaid shall be informed what advice the assessor has tendered,

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

9 (3) An assessor may be appointed under this paragraph either  
10 generally or for any particular proceedings or class of proceedings, and shall  
11 hold and vacate office in accordance with the terms of the instrument by  
12 which he is appointed.

13 *The Panel*

14 5. The quorum of the Panel shall be two.

15 6.-(1) The Panel may, at any sitting of the Panel attended by all  
16 members of the Panel, make standing orders with respect to the Panel.

17 (2) Subject to the provisions of any such standing orders, the Panel  
18 may regulate its own procedure.

19 *Miscellaneous*

20 7.-(1) A person ceasing to be a member of the Tribunal or the Panel  
21 shall be eligible for reappointment as a member of that body.

22 (2) A person may, if otherwise eligible, be a member of both the  
23 Tribunal and the Panel, but no person who acted as a member of the Panel  
24 with respect to any case shall act as a member of the Tribunal with respect to  
25 that Case.

26 8. The Tribunal or the Panel may act notwithstanding any vacancy  
27 in its membership, and the proceedings of either body shall not be  
28 invalidated by any irregularity in the appointment of a member of that body,  
29 or (subject to paragraph 7 (2) of this Schedule) by reason of the fact that any

1 person who was not entitled to do so took part in the proceedings of that body.

2 9. Any document authorised or required by virtue of this Act to be  
3 served on the Tribunal or the Panel shall be served on the Registrar appointed in  
4 pursuance of Section 10 of this Act.

5 10. Any expenses of the Tribunal or the Panel shall be defrayed by the  
6 Institute.

7 **THIRD SCHEDULE**

8 *Section 23 (2)*

9 **TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.**

10 1-(1) Every agreement to which the former Institute was a party  
11 immediately before the appointment day, whether in writing or not and whether  
12 or not of such a nature that the rights, liabilities and obligations thereunder  
13 could be assigned by the former Institute shall, unless its terms or subject  
14 matter make it impossible that it should have effect as modified in the manner  
15 provided by this subparagraph, have effect from the appointed day, so far as it  
16 relates to property transferred by this Act to the Institute, as if:

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

18 (b) for any reference (however worded and whether expressed or  
19 implied) to the former Institute they were substituted, as respect anything  
20 falling to be done or after the appointed day, a reference to the Institute; and

21 (c) for any reference (however worded and whether expressed or  
22 implied) to a member or members of the Council of the former Institute or an  
23 officer of the former Institute they were substituted, as respects anything  
24 falling to be done on or after the appointed day, a reference to members of the  
25 Council under this Act or the officers of the former Institute who corresponds  
26 as nearly as may be to the member or officer in question of the former Institute.

27 (2) Other documents which refer, whether specially or generally, to  
28 the former Institute shall be construed in accordance with subparagraph (1) of  
29 this paragraph so far as applicable.

30 (3) Without prejudice to the generality of the foregoing provisions of

1 this Schedule, where, by the operation of any of them or of section 23 of this  
2 Act, any right, liability or obligation vests in the Institute, the Institute and  
3 all other persons shall, as from the appointed day, have the same rights,  
4 powers and remedies (and, in particular, the same rights as to the making or  
5 resisting of legal proceedings or the making or resisting of applications to  
6 any authority) for ascertaining, perfecting or enforcing that right, liability or  
7 obligation as they would have had if it had at all times been a right, liability  
8 or obligation of the Institute.

9 (4) Any legal proceedings or application to any authority pending  
10 on the appointed day by or against the former Institute and relating to  
11 property transferred by this Act to the Institute may be continued on or after  
12 that day by or against the Institute.

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

21 *Transfer of Functions, etc.*

22 2.-(1) At its first meeting, the Council of the Institute shall fix a date  
23 (not later than six months after the appointed day) for the annual general  
24 meeting of the Institute.

25 (2) The members of the Council of the former Institute shall be  
26 deemed to be the members of the Council of the Institute until the date  
27 determined in pursuance of the foregoing subparagraph when the Institute  
28 shall have its first annual general meeting, and they shall cease to hold office  
29 at the conclusion of such meeting.

30 (3) Any person who, immediately before the appointed day, held

1 office as the President or Vice-President of the Council of the former Institute  
2 by virtue of the articles of association of the former Institute shall on that day  
3 become the President or, as the case may be, the Vice-President of the Institute,  
4 and shall be deemed:

5 (a) to have been appointed to that office in pursuance of the provision  
6 of this Act corresponding to the relevant provision in the said articles of  
7 association; and

8 (b) to have been so appointed on the date on which he took office, or  
9 last took office, in pursuance of the relevant provision of those articles.

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

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

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



EXPLANATORY NOTE

This Bill seeks to establish the Chartered Institute of Commerce of Nigeria to promote and foster the professional capabilities of persons involved in commercial administration, and development of professional practice of the all-encompassing science of commerce in Nigeria.

