

NATIONAL INSTITUTE FOR HOSPITALITY AND TOURISM BILL, 2016

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SCHEDULES

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL INSTITUTE FOR HOSPITALITY AND TOURISM FOR THE TRAINING AND REGULATION OF THE PRACTICE OF HOSPITALITY AND TOURISM IN NIGERIA AND FOR RELATED MATTERS

*Sponsored by Senator Matthew Uroghide*

[ ] Commencement

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

1 PART I - OBJECTIVE AND APPLICATION

2 1. The objective of this Act is to provide for an effective legal and  
3 institutional framework for the training and regulation of the practice of  
4 hospitality and tourism in Nigeria.

Objective

5 2. The provisions of this Act applies throughout the Federal  
6 Republic of Nigeria.

Application

7 PART II - NATIONAL INSTITUTE FOR HOSPITALITY AND TOURISM

8 3.-(a) There is established an institute known as the National  
9 Institute for Hospitality and Tourism (in this Act referred to as "the  
10 Institute");

Establishment of  
the National  
Institute for  
Hospitality and  
Tourism

11 (b) The Institute shall be a body corporate with perpetual  
12 succession and a common seal; and may sue or be sued in its corporate  
13 name;

14 (c) Subject to the provisions of the Land Use Act, the Institute may  
15 acquire, own, hold, purchase, dispose, mortgage and deal howsoever with  
16 property, movable or immovable, real or personal in its corporate name;

17 (d) The headquarter of the Institute shall be in Abuja, and it may  
18 have campuses in any part of Nigeria for the purpose of carrying out its  
19 functions under this Act.

Objects of the  
Institute

- 1                   4. The objects of the Institute shall be to -
- 2                   (a) train and set standards for training in the field of hospitality and
- 3 tourism so as to make- practitioners in the industry sufficiently equipped to
- 4 cope with the dynamics of the tourism world;
- 5                   (b) regulate and professionalize the practice of hospitality and
- 6 tourism to make the industry attain and maintain international standards;
- 7                   (c) develop basic intermediate and advanced skills to upgrade
- 8 personnel in the field of Hospitality, Travel and Tourism Industry; and
- 9                   (d) maximize the gains of the industry to the economy of Nigeria and
- 10 developing a human resource base for Nigeria, Africa and the world.

Functions of  
the Institute

- 11                  5. The Institute shall-
- 12                  (a) provide full-time and part-time courses of instruction,
- 13 professional, technical and specialized training in hotel, catering, travels and
- 14 tourism;
- 15                  (b) provide managerial and supervisory training in the hospitality and
- 16 tourism industry;
- 17                  (c) operate as a Sector Skills Council (SSC) for the delivery of
- 18 National Vocational Qualification (NVQs) in Nigeria subject to extant laws;
- 19                  (d) determine the standard of knowledge and skills to be attained by
- 20 persons seeking to become members of the hospitality and tourism profession
- 21 and review the standard from time to time as circumstances may permit;
- 22                  (e) maintain a register of fellows, associates and registered members
- 23 entitled to practice as hospitality and tourism professionals in Nigeria and the
- 24 publication from time to time of lists of those person(s);
- 25                  (f) cooperate with relevant bodies in developing and updating the
- 26 national training curriculum for all levels of personnel in the hotel, catering,
- 27 travel and tourism industry by-
- 28                  (i) organizing and facilitating staff development programmes and
- 29 supervisors in approved educational institutions and the hotel, catering, travel
- 30 and tourism industry such as study courses, conferences, lectures, workshops,

- 1 seminars in the industry, and
- 2 (ii) issuing certificates of merit and attendance to successful  
3 participants in the courses and training.
- 4 (g) provide consultancy services in hotel, catering, travel and  
5 tourism industry and accept  
6 National and International reputable consultants to the Institute;
- 7 (h) provide training for trainers in the hospitality, travel and  
8 tourism industry;
- 9 (i) in accordance with prescribed standards, monitor, coordinate  
10 and regulate the activities of all catering and other training schools for travel  
11 and tourism in Nigeria;
- 12 (j) award certificates and diplomas as appropriate;
- 13 (k) establish and maintain a library for research on hotel, catering,  
14 travel and tourism and matters connected with the industry;
- 15 (l) establish and maintain a training hotel, exchange programmes  
16 and encourage the intake of foreign students;
- 17 (m) undertake and provide for the publication of journals, research  
18 papers, books and magazines on hotel, catering, travel and tourism;
- 19 (n) provide a forum at which representatives of both public and  
20 organized private practitioners and proprietors of institutions in the hotel,  
21 catering and tourism industry meet to exchange ideas and information on  
22 developments in the hotel, catering and tourism industry;
- 23 (o) organize seminars and workshops on tourism, hospitality and  
24 travel trade practices for the purpose of quality control;
- 25 (p) ensure that all practitioners in the hospitality and tourism sub-  
26 sectors are certified by the Institute in order to ensure a common standard;
- 27 (q) affiliate with any University or Tertiary Institution to offer  
28 degree or higher degree programmes in hotel, catering and tourism;
- 29 (r) source for funds and technical assistance to carry out its  
30 functions, activities and programmes as provided in this Act;

1 (s) in conjunction with any professional body, government or  
2 organization carry out its functions, activities and programmes as provided in  
3 this Act;

4 (t) enter into such contracts as maybe necessary and expedient for  
5 carrying into effect the provisions of this Act;

6 (u) acquire and hold such movable and immovable property as may be  
7 necessary or expedient for carrying into effect the provisions of this Act and for  
8 the same purpose sell, lease, mortgage or otherwise allocate or dispose of any  
9 such property;

10 (v) establish such faculties, institutes, schools, extra-mural  
11 departments and other teaching and research units throughout Nigeria as may  
12 from time to time be necessary subject to the approval of the National Board for  
13 Technical Education (NBTE), National Universities Commission (NUC) or  
14 any other approving or accreditation body for effective training and  
15 administrative convenience of the Institute; and

16 (w) carry out such activities as are necessary or expedient for the  
17 performance of its functions under this Act.

Powers of the  
Institute

18 6.-(1) The Institute shall have power in addition to any other powers  
19 contained in this Act to-

20 (a) set conditions and standards for institutions or organizations  
21 offering courses in hotel, catering, travel and tourism management or skill in  
22 Nigeria;

23 (b) approve programmes or courses of training for institutions or  
24 organizations offering courses in hotel, catering, travel and tourism  
25 management or skill in Nigeria.

26 (c) impose subscriptions, fees, levies, penalties and other charges for  
27 services rendered to private individuals, corporate bodies, institutions and  
28 groups;

29 (d) assess relevant records, documents, assets and properties of any  
30 institution or tourism or hospitality practitioner to which this Act applies for the

1 purpose of inspection or investigation;

2 (e) require a person in apparent control of any hotel, catering, travel  
3 and tourism, training school to furnish the Institute with such information on  
4 any aspects of the school's operation as may appear necessary to enable the  
5 Institute carry out any of its functions under this Act;

6 (f) establish and maintain subsidiaries either by itself or in  
7 collaboration with other organizations or persons to enhance the attainment  
8 of the functions of the Institute;

9 (g) regulate tourism and hospitality personnel and services of the  
10 institutions and establishments specified in the Second Schedule of this Act;  
11 and

12 (h) do such other things as are necessary for the efficient  
13 performance of the Institute.

14 (2) The Institute shall have the power to award Diplomas and  
15 Certificates in accordance with the highest academic standards as may be  
16 prescribed by the relevant accreditation body.

17 (3) For the purposes of carrying out the objects listed under section  
18 4 of this Act, the Institute shall-

19 (a) institute professorship, readership, lectureship or other posts  
20 and establish offices and make appointments as may be considered  
21 appropriate;

22 (b) institute and award fellowships, scholarships, exhibitions,  
23 bursaries, medals, prizes, distinctions, awards and other forms of  
24 recognition or title;

25 (c) be responsible for the discipline and welfare of members of the  
26 Institute within the Public Service Rules;

27 (d) conduct examinations, award diplomas, certificates and other  
28 distinctions to persons pursuing courses of studies approved and that have  
29 satisfied the requirements prescribed by the Institute;



- 1 (e) conduct research in relevant fields of learning and other human  
2 endeavours;
- 3 (f) determine the standard of knowledge and skill to be attained by  
4 persons seeking to become members of the profession and review such  
5 standards, from time to time;
- 6 (g) determine and set standards for the degree courses in Faculties of  
7 Hospitality and Tourism in Nigeria;
- 8 (h) formulate, publish and review from time to time, the Code of  
9 Conduct, Ethics and Practice of the Profession;
- 10 (i) erect, provide, equip and maintain libraries, laboratories, lecture  
11 halls, halls of residence, refectories, sports grounds, playing fields and other  
12 buildings as are necessary for the carrying out of the objects of the Institute;
- 13 (j) register, regulate and control the activities of all participants in the  
14 Hospitality and Tourism industry in Nigeria; and
- 15 (k) do such other things as are considered necessary for the  
16 development, maintenance and sustenance of a prestigious learning institution  
17 to rank amongst the best institution in the world in support of the attainment of  
18 the highest standard of professionalism;

19 PART III - ESTABLISHMENT OF THE GOVERNING COUNCIL OF  
20 THE INSTITUTE

Establishment  
of the Governing  
Council

21 7.-(1) There is established for the Institute a Governing Council (in  
22 this Act referred to as "the Council") which shall initiate, approve and provide  
23 the general policy guidelines for the administration of the Institute.

Membership of  
the Council

24 8. The Council shall consist of-

- 25 (a) Chairman who shall be a hospitality and/or tourism practitioner  
26 with not less than twenty- five years post qualification experience; one  
27 representative each of the following Ministries and Institutions not below the  
28 rank of a Director or its equivalent-
- 29 (i) the Federal Ministry charged with Information and Culture,  
30 (ii) the Federal Ministry of Education,

- 1 (iii) National Board for Technical Education,  
2 (iv) National Directorate of Employment  
3 (b) the Director - General, Center for Management Development,  
4 (c) the Director - General, Tertiary Education Trust Fund,  
5 (d) United Nations Development Programme,  
6 (e) International Labour Organisation,  
7 (f) the Director-General of the Institute.

8 9. -(1) The Chairman and other members of the Council shall-

9 (a) be appointed by the President on the recommendation of the  
10 Minister in charge of Culture and Tourism;

11 (b) hold office on part time basis for a term of three years; and

12 (c) eligible for re-appointment on satisfactory performance for a  
13 further term of three years and no more.

14 (2) The office of the Chairman or a member of the Council shall  
15 become vacant where-

16 (a) his term of office expires;

17 (b) he resigns his appointment as a member of the Council by a  
18 notice in writing under his hand addressed to the President; or

19 (c) he dies.

20 (3) The President may on the recommendation of the Minister  
21 remove the Chairman or a Member of the Council where-

22 (a) he has been absent from the Council meetings for four  
23 consecutive times without permission;

24 (b) he is incapable of carrying out his duties due to mental or  
25 physical infirmity;

26 (c) he has been declared bankrupt or he makes compromise with  
27 his creditors;

28 (d) he is guilty of gross misconduct relating to his duties;

29 (e) the President is satisfied that it is not in the interest of the  
30 Council or of the public for the person to continue in office; or

Appointment and  
tenure of Members  
of the Council

1 (f) in the case of an ex - officio member, he ceases to hold the office on  
2 the basis of which he became a member of the Council.

3 (4) Where a vacancy occurs in the membership of the Council, it shall  
4 be filled by an appointment by the President of a successor to hold office for the  
5 remainder of the term of office of his predecessor and the successor shall  
6 represent the same interest as that member whose exit created the vacancy.

7 (5) The Council may invite any person to attend and participate at any  
8 of its meetings provided that a person so invited shall only be in attendance and  
9 shall not count towards the quorum or vote at the meeting.

10 (6) The provisions of the First Schedule to this Act shall have effect  
11 with respect to the proceedings of the Council and other matters mentioned  
12 under there-in.

Functions and  
powers of the  
Council

13 10. The Council shall-

14 (a) set administrative policies in accordance with government policy  
15 directives and supervise the policy, finances and property of the Institute;

16 (b) appoint the principal academic and administrative staff of the  
17 Institute and, stipulate terms and conditions of their appointment, determine  
18 their remuneration and scope of responsibilities;

19 (c) promote and discipline staff of the Institute on the advice of the  
20 appropriate Committee of the Council;

21 (d) consider and approve the Institute's annual budget or estimates,  
22 external auditor's report and any variation therein;

23 (e) approve the Rules and Regulations of the Institute as may be  
24 required under this Act;

25 (f) ensure that income and expenditure account of the Institute are  
26 kept and audited annually by auditors appointed by the Council;

27 (g) approve the academic programmes and curricula of the Institute,  
28 plan of activities, programme of studies, research to be undertaken by the  
29 Institute and regulatory operations of the Institute;

30 (h) exercise all such powers as may be conferred on the Council by

1 this Act, directive of the Minister or by the Regulations of the Institute; and

2 (i) carry out such other activities as are necessary or expedient for  
3 the full discharge of any of the functions of the Institute and the Council  
4 under this Act.

5 11. -(a) The Council may subject to such conditions as it may deem  
6 fit, delegate any or all the powers conferred on it to any of its Committees or  
7 the Director-General of the Institute;

Delegation of  
powers of the  
Council

8 (b) Nothing in this section shall prevent the Committee of the  
9 Council or the Director-General from exercising any of the powers so  
10 delegated within reasonable limits except where reversed by the Council.

11 12. The Chairman and members of the Council shall be paid such  
12 emoluments, allowances and benefits as the President may, from time to  
13 time, direct in line with the recommendations of the Revenue Mobilization,  
14 Allocation and Fiscal Commission.

Remuneration

#### 15 PART IV - DIRECTOR-GENERAL AND OTHER STAFF OF THE INSTITUTE

16 13.-(1) There shall be for the Institute a Director-General who shall  
17 be appointed by the President on the recommendation of the Minister.

Appointment,  
Tenure and Duties  
of Director-General

18 (2) A person shall not be appointed as the Director-General, except  
19 he is a person of proven ability and integrity.

20 (3) The Director-General shall hold office-

21 (a) for a period of four years' subject to re-appointment by the  
22 President on the recommendation of the Minister for a further term of four  
23 years and no more; and

24 (b) on such other terms and conditions as may be specified in his  
25 letter of appointment.

26 (4) The Director-General shall be the chief executive and  
27 accounting officer of the Institute and be responsible for the-

28 (a) day-to-day management and administration of the Institute;

29 (b) execution of the policies and programmes of the Institute;

1 (c) organisation, control and management of the affairs of the  
2 Institute;

3 (d) implementation of the Institute's functions and ensuring that it  
4 achieves its goals;

5 (e) direction, supervision and control of other employees of the  
6 Institute;

7 (f) promoting research within the Institute;

8 (g) ensuring the maintenance of accounting records in accordance  
9 with applicable laws governing statutory bodies and generally accepted  
10 international best practices; and

11 (h) perform such other functions and duties as may be directed by the  
12 Council.

13 (5) The Director-General shall supervise the keeping and maintaining  
14 of register of Hospitality and Tourism Practitioners under this Act.

15 (6) The office of the Director - General shall become vacant where-

16 (a) his term of office expires;

17 (b) he resigns his appointment as Director - General by a notice in  
18 writing under his hand addressed to the President; or

19 (c) he dies.

20 (7) The President may on the recommendation of the Minister remove  
21 the Director - General where-

22 (a) he has been absent from the Council meetings for four consecutive  
23 times without permission;

24 (b) he is incapable of carrying out his duties due to mental or physical  
25 infirmity;

26 (c) he has been declared bankrupt or he makes compromise with his  
27 creditors;

28 (d) he has been convicted of a felony or any offence involving fraud or  
29 dishonesty;

30 (e) he is guilty of gross misconduct relating to his duties; or

1 (f) the President is satisfied that it is not in the interest of the  
2 Councilor of the public for the person to continue in office.

3 14.-(1) There shall be for the Institute a Legal Adviser who shall be  
4 appointed by the Institute with the approval of Council.

Legal Adviser  
to the Institute

5 (2) The Legal Adviser shall-

6 (a) be a Legal Practitioner and shall have been so qualified for a  
7 period of not less than 10 years;

8 (b) be the Secretary to the Council and the Legal Adviser to the  
9 Institute;

10 (c) conduct the correspondence of the Council and arrange the  
11 meetings of the Council; and

12 (d) perform any other functions as the Council or the Director -  
13 General, may from time to time assign to him.

14 15.-(1) The Institute shall with the approval of the Council appoint,  
15 designate or cause to be deployed, directly or on secondment from any  
16 public or private body such number and category of employees as it may  
17 require to assist it in the effective discharge of its duties and functions under  
18 this Act.

Other Staff of  
the Institute

19 (2) The Council shall be responsible for determining the job  
20 description, title, terms, qualifications and salaries, including allowances of  
21 the employees of the Institute, subject to the approval of the National  
22 Income, Salaries and Wages Commission in the case of remunerations.

23 (3) The Council shall make rules relating generally to the  
24 conditions of service of employees of the Institute, including rules providing  
25 for the appointment, promotion, advancement, determination of  
26 appointment, and disciplinary control of those employees.

27 (4) The members of staff of the Institute shall be public officers as  
28 defined in the Constitution of the Federal Republic of Nigeria, 1999 (as  
29 amended).

Departments,  
Special Units  
and Committees

1                   16.-(1) The Institute may set up Departments, Special Units, technical  
2 committees, working groups and task forces to assist it in the performance of its  
3 duties and functions under this Act; and may make changes to its structure,  
4 from time to time, with the approval of the Council.

5                   (2) There shall be appointed for each of the Departments and Special  
6 Units, a principal officer who shall be known by such designation as the  
7 Institute may determine.

Service in the  
Institute to be  
Pensionable

8                   17.-(1) Service in the Institute shall be public service for the purpose  
9 of the Pension Reform Act and accordingly, officers and other staff of the  
10 Institute shall in respect of their service in the Institute, be entitled to pension,  
11 severance and other retirement benefits in conformity with provisions of the  
12 Pension Reform Act.

13                   (2) Notwithstanding the provisions of subsection (1) of this section,  
14 nothing in this Act shall prevent the appointment of a person to any office on  
15 terms which preclude the grant of pension and retirement benefits in respect of  
16 that office.

17                   (3) For the purpose of the application of the provisions of the Pension  
18 Reform Act, any power exercisable by a Minister or other authority of the  
19 Government of the Federation are hereby vested in and shall be exercisable by  
20 the Governing Council of the Institute.

Campuses of  
the Institute

21                   18. The Council shall have the power to establish Campuses in any  
22 part of Nigeria to enhance its operations and the performance of its functions  
23 under this Act.

Co-operation  
with other Bodies

24                   19. The Institute may cooperate with relevant organisations and  
25 authorities involved in hospitality and tourism related issues in the  
26 performance of its functions under this Act

Appointment  
of experts

27                   20. In exercising and performing the powers, functions and duties  
28 conferred on it under this Act, the Institute may appoint, contract, liaise or co-  
29 operate with experts, including specialized agencies, resource persons,  
30 academic and technical institutes, advisory committees, etc, in order to assist it

1 in carrying out its functions or duties under this Act.

2 PART V - FINANCIAL PROVISIONS

3 21.-(1) There shall be established for the Institute a fund which  
4 shall consist of-

Funds of the  
Institute

5 (a) budgetary and extra budgetary allocations, grants and annual  
6 subventions received from the Government of the Federation;

7 (b) all monies held immediately before the commencement of this  
8 Act by the National Institute for Hospitality and Tourism;

9 (c) all monies raised for the Institute by way of gifts, loans,  
10 endowment, grants-in-aids, testamentary disposition, bequest or other  
11 voluntary contributions from philanthropic organizations or persons; where  
12 the terms and conditions attached are not inconsistent with the functions of  
13 the Institute;

14 (d) two percent of tourism and hospitality Consumption Tax for  
15 regulatory services including supervision, standardization and provision of  
16 professional ethics for enhanced service delivery in the tourism and  
17 hospitality industry;

18 (e) charges, fees and other sums collected or received for services  
19 rendered by the Institute; and

20 (f) all other funds which may, from time to time, accrue to the  
21 Institute.

22 (2) Subject to the provisions of the Constitution of the Federal  
23 Republic of Nigeria, 1999 (as amended), the fund established pursuant to  
24 subsection (1) of this section shall be managed in accordance with extant  
25 Financial Regulations applicable in the Public Service of the Federation.

26 (3) The Institute may apply the fund established under subsection  
27 (1) of this section-

28 (a) to pay the costs of administration, charges and expenses of the  
29 Institute;

30 (b) to discharge the cost of maintaining the Head Office and other



1 campuses of the Institute and for the development and maintenance of any  
2 property vested in or owned by the Institute;

3 (c) for the payment of the allowances and other benefits of members  
4 of the Council or any committee set up by it;

5 (d) for the payment of emoluments, allowances, benefits and other  
6 entitlements of the Director - General and other staff of the Institute;

7 (e) for the payment for all purchases made by the Institute and the  
8 training of members of its staff including the provision of scholarships,  
9 bursaries and awards for specialized training of members of staff of the  
10 Institute;

11 (f) for the payments required to publicize and promote the activities of  
12 the Institute;

13 (g) for the payment to various stakeholders involved in regulatory  
14 activities of the Institute;

15 (h) for counterpart payments, annual and other subscriptions and  
16 contributions for the support of national and international professional  
17 organizations including International Exchange programmes;

18 (i) for maintaining general financial reserves subject to general or  
19 specific directives that may be given by the Minister;

20 (j) for the payment of all consultancies, legal fees, judgment debts and  
21 costs of contracts awarded by the Council; and

22 (k) for any other expenditure as may be approved by the Council,  
23 from time to time, in connection with all or any of its functions and powers  
24 under this Act.

Investment of  
the Fund of the  
Institute t

25 **22.-(1)** The Institute may invest any or all monies in its fund, not  
26 immediately required for its current expenditure in-

27 (a) any securities created or issued by or on behalf of the Federal  
28 Government, as may be approved by the Council, from time to time;

29 (b) the purchase or improvement of any land in any part of the  
30 Federation; or

1 (c) any venture in Nigeria as may be approved by Minister,  
2 including investment in stocks quoted at the Nigerian Stock Exchange.

3 (2) In the exercise of its powers of investment of its fund under  
4 subsection (1) of this section, the Institute may from time to time vary any  
5 such investments in line with extant Government Regulations.

6 23. The Institute may with the approval of the Minister engage in  
7 the establishment of staff housing Scheme.

Establishment of  
Housing Scheme

8 24.-(1) The Institute shall submit to the Minister an estimate of its  
9 expenditure and income for the next succeeding financial year.

Annual Estimate  
of Income and  
Expenditure

10 (2) Notwithstanding the provisions of subsection (1) of this  
11 section, the Institute may, where necessary, due to unforeseen  
12 circumstances, submit supplementary or adjusted statements of estimated  
13 income and expenditure to the Minister for onward transmission to the  
14 National Assembly for approval.

15 25.-(1) The Institute shall keep proper and regular accounts and  
16 other records of monies received and paid by the Institute and for other  
17 purposes for which monies have been received or paid, and of its assets,  
18 credits and liabilities in respect of each year and shall cause its accounts to be  
19 audited on or before 31st March of the following year to which the accounts  
20 relate, by a firm of auditors appointed from the approved list of auditors, and  
21 in accordance with guidelines, supplied by the Auditor-General for the  
22 Federation.

Accounts,  
Records and Audit

23 (2) The Institute shall do all things necessary to ensure that all  
24 payments of its funds and bank account are correctly made and properly  
25 authorised and that adequate control is maintained over its assets.

26 (3) As soon as the accounts and the financial statements of the  
27 Institute have been audited in accordance with the requirement of this Act,  
28 the Institute shall forward a copy of the audited financial statements to the  
29 Minister together with any report or observations made by the auditors and  
30 the Auditor-General of the Federation on the statement of accounts.

1 (4) The remuneration of the auditor shall be paid out of the funds of  
2 the institute.

Annual Reports

3 26. The Institute shall, not later than 31st July of each year, prepare  
4 and submit to the Minister and the Auditor-General of the Federation, a report  
5 in such form as the Minister may direct on the activities and administration of  
6 the Institute during the immediately preceding year and shall include in the  
7 report a copy of the audited accounts of the Institute for the year and Auditor-  
8 General's report thereon.

Borrowing  
Power

9 27. The Institute may with the approval of the Minister, borrow such  
10 sums by way of loan, overdraft or from any other source, as may be required for  
11 the performance of its functions and meeting its obligations under this Act; and  
12 any interest payable on monies so borrowed shall be paid out of the funds of the  
13 Institute.

Power to  
accept Gifts

14 28.-(1) The institute may accept gifts of land, money, books, vehicles,  
15 equipment or other property from within or outside Nigeria upon such terms  
16 and conditions, if any, as may be specified by the person or organization  
17 making the gift.

18 (2) The Institute shall not accept any gift if the conditions attached by  
19 the person or organization making the gift are inconsistent with the objectives  
20 and functions of the Institute under this Act.

#### 21 PART VI - REGISTRATION OF HOSPITALITY AND TOURISM PRACTITIONERS

Registration of  
Hospitality and  
Tourism  
Practitioners

22 29.-(1) A person shall not hold any appointment or practice as a  
23 Hospitality and Tourism Practitioner in Nigeria unless he is registered with the  
24 institute under the provisions of this Act.

25 (2) A registered Hospitality and Tourism Practitioner shall be entitled  
26 to practice in any part of Nigeria provided he is licenced to practice.

27 (3) Subject to the relevant provisions of this Act, a person shall be  
28 entitled to be enrolled or registered as a certified registered tourism or  
29 hospitality practitioner where-

30 (a) he passes the qualifying examination for membership conducted

1 by the Institute and completes the prescribed practical training; or

2 (b) he holds a qualification granted outside Nigeria and for the time  
3 being accepted by the Institute; and

4 (c) satisfies the Council that he has had sufficient practical  
5 experience as a tourism or hospitality practitioner, if the Council so requires.

6 (4) An applicant for registration shall, in addition to evidence of  
7 qualification, satisfy the Institute and the Governing Council that he-

8 (a) is of good character; and

9 (b) has attained the age of twenty-one years.

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

14 (6) Any entry directed to be made in the register under subsection  
15 (3) of this section shall show that registration is provisional, and no entry so  
16 made shall be converted to full registration without the written consent of  
17 the Council.

18 (7) The Institute shall subject to the approval of the Council,  
19 publish in the Federal Gazette particulars of qualifications for the time being  
20 acceptable for registration as Hospitality and Tourism Practitioner.

21 (8) As from the commencement of this Act, a Company, Firm or  
22 Business outfit to operate as tourism or hospitality outfit or consultant shall  
23 have at least one of its registered Directors as a registered member of the  
24 Institute.

25 30.-(1) A person admitted to membership of the profession in  
26 Nigeria under the provisions of this Act may be registered as-

27 (a) a provisional member; or

28 (b) a member.

29 (2) A person shall be entitled to be enrolled as a provisional  
30 member where he -

Registration of  
Provisional  
Member or  
Member

1 (a) has completed a degree course of study in a recognised University,  
2 College of Education or Polytechnic;

3 (b) has submitted a written application in the form prescribed by the  
4 Institute and has paid the prescribed registration fee;

5 (c) has sworn to the Hospitality and Tourism oath;

6 (d) is of good character;

7 (e) has not been convicted in Nigeria or elsewhere of any criminal  
8 offence involving fraud or dishonesty; and

9 (f) meets any other requirements for registration as a provisional  
10 member of the profession as may be prescribed by the Institute.

11 (3) A person shall be entitled to be registered as a member of the  
12 profession where in addition to holding the qualifications and satisfying all the  
13 conditions set out in subsection (2) of this section; he-

14 (a) has submitted a written application in the form prescribed by the  
15 Institute and paid the prescribed fee for his registration;

16 (b) has completed the statutory continuous internship training for not  
17 less than one year in an institution approved by the Institute and has obtained  
18 from the approved institution a certificate of experience in that regard; and

19 (c) meets any other requirements for registration as a member of the  
20 profession as may be prescribed by the Institute.

Registration of  
Nigerian citizen  
who qualified  
outside Nigeria

21 **31.** A Nigerian citizen who qualified as Hospitality and Tourism  
22 Practitioner in an approved institution outside Nigeria shall be registered under  
23 this Act; where he-

24 (a) holds a qualification in a recognised field in Hospitality and  
25 Tourism awarded by an approved or recognised university outside Nigeria  
26 which qualification for the time being, is acceptable to the Council for the  
27 purposes of this Act; .

28 (b) holds a certificate of registration as a Practitioner acceptable to the  
29 Council;

30 (c) has completed in Nigeria the statutory internship course of

1 training and obtained certificate specified in section 30 (3) (b) of this Act  
2 (where applicable);

3 (d) has received instructions in a recognised field in Hospitality  
4 and Tourism for a period specified by the Institute in an institution in Nigeria  
5 approved by the Council for the purpose, and has passed such examinations  
6 as the Institute may prescribe;

7 (e) is of good character;

8 (f) has not been convicted in Nigeria or elsewhere of any criminal  
9 offence involving fraud or dishonesty;

10 (g) submits a duly completed application in writing in the  
11 prescribed form and paid the prescribed fee for his registration; and

12 (h) Meets any other requirements for registration as a member of  
13 the profession as may be prescribed by the Council.

14 32.-(1) A person who is not a citizen of Nigeria may be registered as  
15 a Practitioner under this Act where the country of which he is a citizen grants  
16 reciprocal registration facilities to Nigerian citizens and where he-

Registration of  
non-Nigerian  
Practitioners

17 (a) holds a requisite qualification recognised by the Institute;

18 (b) has passed the Institute's examination and such other  
19 examinations as the Institute may prescribe;

20 (c) has acquired the requisite experience in accordance with  
21 section 30(3) (b) of this Act;

22 (d) has been resident in Nigeria for not less than twelve calendar  
23 months immediately preceding the date of his application for registration;  
24 and

25 (e) meets all other requirements for registration as may be  
26 prescribed by the Institute.

27 (2) An applicant applying for registration under this section shall in  
28 addition to evidence of qualification, satisfy the Institute that he-

29 (a) is of good character;

30 (b) has not been convicted in Nigeria or elsewhere of any criminal

Rules for keeping  
and maintaining  
Register

- 1 offence involving fraud or dishonesty;
- 2 (c) submits a duly completed application in writing in the prescribed
- 3 form; and
- 4 (d) has paid the prescribed fee for registration.
- 5 **33.-(1)** Subject to the provisions of this Act, the Institute shall subject
- 6 to the approval of the Council make rules with respect to the form, contents,
- 7 parts and procedures for keeping and making of entries in the register of
- 8 Hospitality and Tourism Practitioners under this Part.
- 9 (2) The rules made pursuant to subsection (1) of this section shall in
- 10 particular make provision for-
- 11 (a) regulating the making and processing of applications for
- 12 enrolment of provisional members or registration of full members;
- 13 (b) providing for the notification to the Director - General of any
- 14 change in those particulars by the person to whom any registered particulars
- 15 relates;
- 16 (c) providing for the procedure for the acceptance and registration of
- 17 additional qualification to the earlier qualification held which is in relation to
- 18 the profession;
- 19 (d) specifying the fees, including any annual subscription to be paid to
- 20 the Institute in respect of-
- 21 (i) entry of names in the register of Hospitality and Tourism
- 22 Practitioners, and
- 23 (ii) payment of annual practising fee.
- 24 (e) authorising the Director - General to refuse to enter a name in the
- 25 register until any fees specified for the entry has been paid in compliance with
- 26 the requirements of this Act or of rules made on that behalf which are for the
- 27 time being in force; and
- 28 (f) specifying any other thing not mentioned under the foregoing
- 29 provisions which the Council considers necessary or expedient.

1                   34.-(1) It shall be the duty of the Institute under the supervision of  
2 the Director-General to cause the register of Hospitality and Tourism  
3 Practitioners to be published and put on sale not later than two years from the  
4 commencement of this Act.

Publication of  
Register

5                   (2) In each year after that in which the register is first published  
6 under subsection (1) of this section, the Institute shall update and cause the  
7 updated version of the Register to be published showing alterations made in  
8 the register since it was last printed.

9                   (3) The Institute shall cause a reprint of each edition of the register  
10 and of each list of corrections to be deposited at the principal offices of the  
11 Institute and it shall be the duty of the Institute to keep the register and lists of  
12 corrections so deposited, available at all reasonable times for inspection by  
13 members of the public.

14                   (4) A document purporting to be a print of an edition of the register  
15 published under this section by the authority of the Institute, or documents  
16 purporting to be prints of an edition of the register and of a list of corrections  
17 to that edition so published shall, without prejudice to any other mode of  
18 proof, be admissible in any proceedings as evidence that any person  
19 specified in the document or the documents read together, as being  
20 registered was so registered at the date of the edition or of the list of  
21 corrections, as the case may be, and that any person not so specified was not  
22 so registered.

23                   (5) Where in accordance with subsection (4) of this section a  
24 person is, in any proceedings, shown to have been, or not to have been,  
25 registered at a particular date, he shall, unless the contrary is proved, be  
26 taken for the purposes of those proceedings as having at all material times  
27 thereafter continued to be, or not be, so registered.

28                   35. It shall be the duty of the Institute under the supervision of the  
29 Director-General, to-

Correction of  
entries in the  
Register

30                   (a) correct any entry in the register of Hospitality and Tourism



1 Practitioners in accordance with the Council's directions or order of court;

2 (b) make or update, from time to time, any necessary alteration in the  
3 register as may be necessary or expedient; and

4 (c) remove from the register of any registered person who is dead or  
5 who has ceased to be so registered.

Removal of  
names from the  
Register

6 36.-(1) Where the Institute-

7 (a) sends by registered post, e-mail or other recognised means of  
8 communication to any person, a letter addressed to him at the address on the  
9 register of Practitioners enquiring whether the registered particulars relating to  
10 him are correct and the Institute receives no reply to the letter within a period of  
11 six months from the date of posting or sending it; and

12 (b) considers it necessary upon the expiration of that period of six  
13 months, sends in the like manner to the person in question, a second similar  
14 letter and receives no reply within three months from the date of posting or  
15 sending it; the Institute may remove the name and particulars of that person  
16 from the Register of Hospitality and Tourism Practitioners.

17 (2) The Council may direct the Institute to restore to the register any  
18 name or particulars removed from the register under subsection (1) of this  
19 section.

Payment of  
membership  
and practicing  
fees

20 37.-(1) No person shall practice in any year unless he has paid to the  
21 Institute the appropriate practicing fees prescribed by the Council which shall  
22 be due in January of each year.

23 (2) A Practitioner with at least thirty - five years' post registration  
24 experience or who has attained the age of sixty years shall be exempted from  
25 the payment of practicing fees.

26 (3) A registered Practitioner who fails to pay the prescribed practicing  
27 fee by 31st day of March of every year shall in addition to the fee, pay a fine of a  
28 sum which is equivalent to ten per cent of the applicable fee within the year.

29 (4) A registered Practitioner who has paid his practicing fee in any  
30 year as prescribed in subsection (1) of this section or who is exempted from

1 payment of practicing fee under subsection (2) of this section, shall be  
2 entitled to a practicing licence for that year authorising him, subject to any  
3 enactment or regulation in force applicable to him to carry on any legitimate  
4 business relating to Hospitality and tourism.

5 (5) The Institute may from time to time, vary the practicing fees  
6 prescribed in subsection (1) of this section provided that any variation of the  
7 practicing fee shall not come into force unless approved by the Minister

8 (6) A Practitioner who in respect of any year practices the  
9 profession without paying his annual practicing fee commits a misconduct  
10 and shall be liable-

11 (a) in the case of a first offender, to a fine of twice the prescribed  
12 practicing fee;

13 (b) in the case of a second or subsequent offender, to a fine of not  
14 less than ten times the prescribed practicing fees; and

15 (c) where the Practitioner is in the employment of any person, the  
16 employer shall be guilty of an offence punishable in the like manner as the  
17 Practitioner where it is proved that the Practitioner's failure to pay the  
18 prescribed fees was with the knowledge, consent or connivance of the  
19 employer.

20 38.-(1) The Institute may, subject to the approval of the Minister  
21 make rules-

Rules as to  
Practicing fees

22 (a) prescribing the amount and due date for payment of the  
23 practicing fees;

24 (b) prescribing the different amounts to be paid either as a fellow,  
25 provisional member or a registered hospitality and tourism practitioner;

26 (c) prescribing the form of license to practice to be issued annually  
27 or, if the council considers fit, by endorsement on an existing license; or

28 (d) restricting the right to practice as a practitioner in default of  
29 payment of the amount of the annual subscription where the default  
30 continues for longer than such period as may be prescribed by the rules; and

1 (e) prescribing the period of practical training in the office of a  
2 tourism/hospitality practitioner in practice to be completed before a person  
3 qualifies for enrolment or a license to practice as a hospitality/tourism  
4 practitioner.

5 (2) Rules made under this section shall be published in the Federal  
6 Gazette.

Application of  
this Act to  
unenrolled  
persons

7 39. Any person not being a hospitality and tourism practitioner who,  
8 but for this Act would have been qualified to apply for and obtain membership  
9 of the Institute, may within the period of three months from the commencement  
10 of this Act, apply for membership of the Institute in such manner as may be  
11 prescribed by rules made by the Council and if approved, shall be enrolled or  
12 registered, as the case may be, according to his qualifications.

13 PART VII - APPROVAL OF INSTITUTIONS AND COURSE OF TRAINING

Approval of  
Institutions and  
course of Training

14 40.-(1) The Council shall approve any institution for the purposes of  
15 this Act, and may for those purposes approve-

16 (a) any course of training at an approved institution which is intended  
17 for persons seeking to become or are already hospitality and Tourism  
18 practitioners and which the Institute considers is designed to confer on persons  
19 completing it sufficient knowledge and skill for admission to the Institute; and

20 (b) any qualification which, as a result of an examination taken in  
21 conjunction with a course of training approved by the Institute under this  
22 section, is granted to candidates reaching a standard at the examination  
23 indicating in the opinion of the members of the Council that the candidates  
24 have sufficient knowledge and skill to practice Hospitality and Tourism.

25 (2) The Institute may, withdraw any approval given under this section  
26 in respect of any course, qualification or institution.

27 (3) Before withdrawing an approval under subsection (1) of this  
28 section, the Institute shall-

29 (a) give notice that it proposes to do so to each person in Nigeria  
30 appearing to the Institute to be a person by whom the course is conducted or the

1 qualification is granted or the institution is controlled, as the case may be;

2 (b) afford each of such persons an opportunity of making to the  
3 Institute representations with regard to the proposal; and

4 (c) take into consideration any representations made in respect of  
5 the proposal.

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

14 (5) The giving or withdrawal of an approval under this section shall  
15 have effect from such date, either before or after the execution of the  
16 instrument signifying the giving or withdrawal of the approval, as the  
17 Institute may specify in that instrument; and the Institute shall as soon  
18 possible with the approval of the Minister, publish such instrument in the  
19 Federal Gazette.

20 41.-(1) The Institute shall, from time to time, assess the nature of  
21 instructions given to persons attending course of training by Institutions  
22 approved by the Institute.

Supervision of  
Institutions and  
Examinations  
leading to approved  
qualifications

23 (2) The Institute may where necessary engage external assessors  
24 and visitation panels to evaluate degree examinations in approved  
25 Institutions.

26 (3) A visitation panel or external assessor shall submit a - report to  
27 the Institute on the approved institution visited and the report shall disclose-

28 (a) the adequacy of the instructions given to persons attending the  
29 course of training in the approved institution;

30 (b) the adequacy of the professional or degree examinations; and

1 (c) any other matter relating to the institutions and examinations on  
2 which the Institute may, either generally or in a particular case direct;  
3 provided that a visitation panel or external assessor shall not in the  
4 performance of its functions under this section interfere with the giving of any  
5 instruction or the holding of any examination.

6 (4) The Institute may, on the receipt of a report made under this  
7 section by a visitation panel or external assessors, demand for a clarification  
8 from the institution visited.

9 PART VIII - PROFESSIONAL DISCIPLINE

Establishment  
of Disciplinary  
Tribunal

10 42.-(1) There shall be for the Profession, a tribunal to be known as the  
11 Hospitality and Tourism Practitioners Disciplinary Tribunal (in this Act  
12 referred to as "the Tribunal"), which shall be charged with the responsibility of  
13 considering and determining any case referred to it by the Investigating Panel  
14 established under section 43 of this Act and any other case of which the  
15 Tribunal has cognizance under the provisions of this Act.

16 (2) The Tribunal shall consist of the Chairman of the Council and four  
17 other members of the Hospitality and Tourism Practitioners as maybe  
18 appointed by the Council.

Establishment  
of an Investigating  
Panel

19 43.-(1) There shall be a body, to be known as the Hospitality and  
20 Tourism Investigating Panel (in this Act referred to as "the Panel") which shall  
21 be charged with the following responsibilities-

22 (a) the duty of conducting a preliminary investigation into any case  
23 where it is alleged that a member has misbehaved in his capacity as a  
24 Professional Hospitality and Tourism Practitioner, or should for any other  
25 reason be subject of proceedings before the Tribunal; and

26 (b) deciding whether the case should be referred to the Tribunal or not.

27 (2) The Panel shall be appointed by the Institute and shall consist of  
28 two members of the Council, one member of the Profession who is not a  
29 member of Council and a Legal Practitioner from the Institute.

30 (3) The provisions of the Third Schedule to this Act shall, as far as

1 applicable to the Tribunal and Panel, respectively; have effect with respect  
2 to those bodies.

3 44.-(1) For the purposes of this section, professional misconduct or  
4 infamous conduct in a professional respect includes-

Meaning of  
professional  
misconduct or  
infamous conduct

5 (a) the publication or circulation of false, misleading or deceptive  
6 statements concerning the practice of Hospitality and Tourism;

7 (b) divulging or revealing to unauthorized persons, a client or  
8 another practitioner's information, or the nature of professional services  
9 rendered, without the Client's express consent, or without order or direction  
10 of a court;

11 (c) engaging in conduct likely to deceive, defraud or harm the  
12 Client or the public, or demonstrating a wilful or careless disregard for the  
13 health, welfare or safety of a Client or the public or engaging in conduct  
14 which substantially departs from the standards of care ordinarily exercised  
15 by a Hospitality and Tourism Practitioner; or

16 (d) obtaining any monies by fraud, misrepresentation or deception.

17 (2) Without prejudice to the provisions of subsection (1) of this  
18 section, the Institute may make rules prescribing other acts or omissions  
19 which shall constitute professional misconduct or infamous conduct in  
20 professional respect under this Act.

21 45.-(1) Where-

Penalties for  
unprofessional  
conduct, etc.

22 (a) a member is adjudged by the Tribunal to be guilty of infamous  
23 conduct in any professional respect;

24 (b) a member is convicted by any court in Nigeria or elsewhere  
25 having power to impose imprisonment for an offence (whether or not  
26 punishable with imprisonment) which in the opinion of the Tribunal is  
27 incompatible with the status of a Professional Hospitality and Tourism  
28 Practitioner; or

29 (c) the Tribunal is satisfied that the name of any person has been  
30 fraudulently registered; the tribunal may, if it considers fit, give a direction-

- 1 (i) reprimanding that person;
- 2 (ii) ordering the Institute to strike out his name off the register of  
3 practitioners;
- 4 (iii) ordering the Institute to suspend him from practice; or
- 5 (iv) pay a fine of not less than N200,000.00 as may be specified in the  
6 direction.
- 7 (2) The Tribunal may, if it considers fit, defer or further defer its  
8 decision as to the giving of a direction under subsection (1) of this section until  
9 a subsequent meeting of the tribunal provided that-
- 10 (a) no decision shall be deferred under this subsection for periods  
11 exceeding six months in the aggregate; and
- 12 (b) a person shall not be a member of the tribunal for the purposes of  
13 reaching a decision which has been deferred or further deferred, unless he was  
14 present as a member of the tribunal when the decision to defer the tribunal's  
15 decision was taken.
- 16 (3) When the tribunal gives a direction under subsection (1) of this  
17 section, the tribunal shall cause notice of the direction to be served on the  
18 person to whom it relates.
- 19 (4) A person to whom a direction under subsection (1) of this section  
20 relates may at any time within thirty days from the date of service on him of the  
21 notice of direction, appeal against the direction to the Federal High Court and  
22 the Tribunal may appear as respondent to the appeal.
- 23 (5) For the purpose of enabling directions to be given by the Federal  
24 High Court as to the costs of the appeal and of proceedings before the tribunal,  
25 the Institute shall be considered to be a party to the appeal, whether or not it  
26 appears on the hearing of the appeal.
- 27 (6) A direction of the tribunal under subsection (1) of this section shall  
28 take effect, where-
- 29 (a) no appeal under subsection (5) of this section is brought against

1 the direction within the time limited for such an appeal, on the expiration of  
2 that time;

3 (c) an appeal under subsection (4) of this section is brought against  
4 the direction, but it is withdrawn or struck out for want of prosecution, from  
5 the date of the withdrawal or striking out of the appeal;

6 (d) an appeal under subsection (4) of this section is brought against  
7 the direction and it is not withdrawn or struck out for want of prosecution,  
8 from the date when the appeal is dismissed.

9 (7) A person whose name is struck out of a register kept under this  
10 Act, in pursuance of a direction of the tribunal or whose name as a registered  
11 person is removed or suspended from the register shall not be entitled to be  
12 re-registered in that register, except in pursuance of a direction given by the  
13 Tribunal.

14 46. For the purposes of section 45(1) (b) of this Act, a person shall  
15 not be treated as convicted unless;

When a person  
shall be treated  
as convicted

16 (a) as at the time the conviction is subsisting, no appeal is pending  
17 in an appellate court; or

18 (b) when an appeal or further appeal is brought in connection with  
19 the conviction, the appellate court upheld the conviction, provided that such  
20 notice of appeal is brought within sixty days after the date of conviction.

21 47. A person shall be considered to be a Hospitality and Tourism  
22 practitioner if, in consideration of remuneration received or to be received  
23 and whether by himself or in partnership with any other person, he-

When a person  
is deemed to be  
a Hospitality and  
Tourism  
Practitioner

24 (a) engages himself in activities relating to hospitality and tourism  
25 or holds himself out to the public as a Hospitality and Tourism Practitioner;

26 (b) renders any of the services listed under the Second Schedule to  
27 this Act or any professional service or assistance in or about matters of  
28 principle or details relating to Hospitality and Tourism; or

29 (c) renders any other service which may, by regulations made by  
30 the Institute, be designated as service constituting practice as a Hospitality



The jurisdiction  
of the Disciplinary  
Tribunal

1 and Tourism Practitioner.  
2 48. Criminal proceedings shall not oust the jurisdiction of the  
3 Disciplinary Tribunal from determining any case of misconduct or infamous  
4 conduct in a professional respect.

5 PART IX - OFFENCES AND PENALTIES

Power to enter  
premises and  
penalty for  
obstruction

6 49.-(1) An officer of the Institute may in the course of his duty, at any  
7 reasonable notice and on the production of his certificate of designation if so  
8 required, enter the premises, office of any of the establishments mentioned  
9 under the Second Schedule to this Act for the purposes of supervision,  
10 standardization and compliance with professional ethics to ensure enhanced  
11 service delivery in the hospitality and tourism industry.

12 (2) Any person who obstructs an officer of the Institute in the  
13 performance of his duties under this Act commits an offence and is liable on  
14 conviction-

15 (a) in the case of an individual to a fine of not less than N200,000.00 or  
16 to imprisonment for a term not exceeding one year or to both; and

17 (b) in the case of a body corporate, to a fine of not less than  
18 N500,000.00.

General offences  
and penalties

19 50. -(1) Any person who knowingly makes a false statement for the  
20 purpose of procuring enrolment, registration or admission into the Institute,  
21 commits an offence.

22 (2) A person who is not a registered Hospitality and Tourism  
23 Practitioner under this Act, but practices as such or holds himself out as being  
24 so registered and entitled to practice in that capacity whether for reward or not,  
25 or takes or uses any name, title, addition or description implying that he is so  
26 registered and authorized by law to so practice, commits an offence under this  
27 Act.

28 (3) A person convicted of any offence under this section is liable on-

29 (a) conviction in the case of subsection (1) of this section, to a fine of

1 not less than N200,000.00 or to a term of imprisonment not exceeding one  
2 year or to both; or

3 (b) conviction in the case of subsection (2) of this section, to a fine  
4 of not less than N500,000.00 or to a term of imprisonment not exceeding two  
5 years, or to both.

6 (4) A body corporate that violates the provisions of this section  
7 commits an offence and is liable on-

8 (a) conviction in the case of subsection (1) of this section, to a fine  
9 of not less than N1,000,000.00 and the directors or principal officers of the  
10 body corporate shall be liable to a fine of not less than N200,000.00 or to a  
11 term of imprisonment not exceeding one year or to both; or

12 (b) conviction in the case of subsection (2) of this section, to a fine  
13 of not less than N2,000,000.00 and the directors or principal officers of the  
14 body corporate shall be liable to a fine of not less than N500,000.00 or to a  
15 term of imprisonment not exceeding two years or to both.

16 (5) Where any employer fails, neglects or refuses to furnish the  
17 required returns under this Act, the Director - General of the Institute or any  
18 staff authorized on his behalf shall assess the appropriate contribution,  
19 payment or levy, the employer shall pay to the Institute.

20 (6) Where an offence under this Act which has been committed by a  
21 body corporate is proved to have been committed with the consent,  
22 connivance or collusion of or to be attributable to any neglect on the part of a  
23 director, manager, secretary or any other similar officer of the body  
24 corporate or any person who was purporting to act in any such capacity, he,  
25 as well as the body corporate shall be guilty of that offence and shall be liable  
26 to be proceeded against and punished accordingly in like manner as if he had  
27 himself committed the offence, unless he proves that the act or omission  
28 constituting the offence took place without his knowledge, consent or  
29 connivance.

30 (7) Where any contribution or payment as required under the

1 provision of this Act is not paid within the time specified for that purpose, a sum  
2 equal to five percent of the amount unpaid shall be added for each month or part  
3 of the month after the date which payment should have been made provided  
4 that for the purpose of this subsection "contribution or payment" includes any  
5 interest or penalty payable or imposed for non-payment or for late payment as  
6 the case may be.

7 (8) Notwithstanding any other provision of this Act, a contribution or  
8 payment shall be recoverable by action as a debt owed to the Institute at any  
9 time within six years from the date when the contribution or payment became  
10 due.

11 (9) Any person who contravenes any provisions of this Act for which  
12 no specific penalty was provided, commits an offence and, shall be liable on  
13 conviction to a fine not exceeding N200,000.00 or imprisonment for a term not  
14 exceeding one year or to both fine and imprisonment.

Arrest and  
investigation and  
prosecution of  
criminal cases

15 51. Subject to the provisions of the Constitution of the Federal  
16 Republic of Nigeria, 1999 (as amended) and the Administration of Criminal  
17 Justice Act, 2015, the Nigerian Police or other relevant law enforcement  
18 agencies shall have power under this Act to arrest and investigate cases under  
19 this Act.

#### 20 PART X - MISCELLANEOUS

Visitation

21 52.-(1) The Visitor may, as circumstances require, not being less than  
22 once in every two years, conduct a visitation to the Institute or cause a visitation  
23 to the Institute to be conducted by such persons as the Visitor may appoint to  
24 visit the Institute to look into any of the affairs of the Institute where the need  
25 arises.

26 (2) It shall be the duty of the bodies and persons comprising the  
27 Institute, to-

28 (a) Make available to the visitor and to other persons conducting a  
29 visitation in pursuance to this section, such facilities and assistance as may be  
30 reasonably required for the purposes of a visitation: and

1 (b) comply with any instruction that is consistent with the  
2 provisions of this Act, which may be directed by the Visitor in consequence  
3 of a visitation.

4 53. The Federal High Court shall have the jurisdiction to hear and Jurisdiction  
5 determine criminal and civil matters including appeals under this Act.  
6 Appeals from the Hospitality and Tourism Practitioners Tribunal  
7 established under section 42 of this Act shall be heard and determined by the  
8 Federal High Court.

9 54.-(1) The Institute may, with the approval of the Minister, make Regulations,  
Rules and  
Guidelines  
10 regulations, rules and guidelines as may be required to give effect to the  
11 provisions of this Act.

12 (2) Any Regulation, rule or guideline made under this Act shall be  
13 published in the Gazette.

14 (3) The contravention of any regulations, rules or guidelines issued  
15 pursuant to any of the provisions of this Act shall constitute an offence and  
16 shall be punishable as prescribed in the particular regulations, rules or  
17 guidelines.

18 55. The Minister may give directive to the Institute or through the Power of Minister  
to give directives  
19 Governing Council, directives of a general character with respect to the  
20 carrying out of the functions of the Institute under this Act and the Institute  
21 shall comply with the directives.

22 56.-(1) The seal of the Institute shall be such as may be The seal of the  
Institute  
23 administered by the Council and the fixing of the seal of the Institute shall be  
24 signed by the Chairman and the Director- General.

25 (2) Academic Certificates issued by the Institute shall have the seal  
26 of the Institute fixed and signed by the Director-General.

27 57. For the purposes of the Land Use Act which provides for the Compulsory  
acquisition of  
land  
28 compulsory acquisition of land for overriding public interest, any  
29 requirement of land by the Institute shall be deemed to be for the public  
30 purposes of the Federation.

Pre-action notice 1                    58.-(1) Subject to the provisions of this Act, the provisions of the  
2 Public Officers Protection Act shall apply to any suit instituted against the  
3 Institute, a member of the Council, Director-General, Academic Staff, officer  
4 or employee of the Institute.

5                    (2) No suit shall be commenced against the Institute before the  
6 expiration of a period of one month after a written notice of intention to  
7 commence the suit had been served on the Institute by the intending plaintiff or  
8 his agent and the notice shall clearly state the-

9                    (a) cause of action;

10                    (b) particulars of the claim;

11                    (c) name and place of abode of the intending plaintiff; and

12                    (d) relief which plaintiff claims.

13                    (3) The notice referred to in subsection (1) of this section and any  
14 summons, notice or other document required or authorized to be served on the  
15 Institute under this Act or any other law, may be served by-

16                    (a) delivering it to the Director - General of the Institute; or

17                    (b) sending it by registered post addressed to the Director - General of  
18 the Institute at the Principal Office of the Institute.

Restriction on  
execution against  
property of the  
Institute

19                    59. Without prejudice to the provisions of the Sheriff and Civil  
20 Process Act, no execution shall be levied or attachment process issued against  
21 the Institute unless not less than 90 days' notice of the intention to execute or  
22 attach has been given to the Institute.

Indemnity of  
officers of the  
Institute

23                    60. A member of the Council, Director-General, Academic Staff,  
24 officer or employee of the Institute shall be indemnified out of the assets of the  
25 Institute against any proceedings brought against him  
26 in his capacity as a member of the Council, Director-General, Academic Staff,  
27 officer or employee of the Institute where the act complained of is not ultra  
28 vires his powers.

Meetings of  
the Council

29                    61. The Council shall meet at least four times in each year.

1           62.--(1) No employee of the Institute shall be arrested while on  
2           essential duty.

Stay of arrest of  
employee of the  
Institute on  
essential duty

3           (2) Notwithstanding the provisions of subsection (1) of this  
4           section, where such arrest is unavoidable and might result in danger to  
5           public health or safety-

6           (a) the head of Department in which the person to be arrested is  
7           employed; or

8           (b) the officer in charge of the person to be arrested,  
9           shall be given reasonable time to make provision for the replacement of the  
10          officer to be arrested before he is released to the person carrying out the  
11          arrest.

12          63.--(1) Any lawful act done or purported to have been done by the  
13          National Institute for Hospitality and Tourism existing immediately before  
14          the commencement of this Act (in this Act referred to as the "executing  
15          agency") is hereby validated under this Act.

Transitional  
Provisions

16          (2) Any act lawfully done or purported to have been done by any  
17          person however designated appointed before the commencement of this Act  
18          for and on behalf of the Institute, including the acquisition of landed  
19          properties or erection of buildings, rentals, supervision or control of the  
20          Institute hereby established, is hereby validated.

21          (3) Any agreement to which the executing agency under this Act  
22          was a party, whether or not made in writing and whether or not of such a  
23          nature that the rights, liabilities and obligations under the agreement may be  
24          assigned by the executing agency shall, unless its terms or subject matter  
25          make it impossible that it should, have effect so far as it relates to property as  
26          if the Institute was a party to the agreement and-

27          (a) reference (however worded and whether express or implied) to  
28          the executing agency, in respect of anything failed to be done shall be a  
29          reference to the Institute; and

30          (b) any document which refers, whether specifically or generally,

1 to the executing agency shall be construed as referring to the Institute.

2 (4) Without prejudice to the generality of the provisions of this  
3 section, any right, liability or obligation which the executing agency had before  
4 the commencement of this Act shall vest in the Institute.

5 (5) Any application, liability or obligation, legal proceedings or  
6 enforcement of rights pending against the executing agency may be continued  
7 against the Institute established under this Act.

8 (6) Notwithstanding the provisions of subsections (1) to (5) of this  
9 section-

10 (a) existing regulations or rules made or guidelines issued by the  
11 executing Agency before the commencement of this Act shall be deemed to  
12 have been made or issued pursuant to the relevant sections of this Act;

13 (b) any register kept by the executing Agency shall be deemed to be  
14 part of the register kept under this Act;

15 (c) any direction, orders and appointments lawfully given, made or  
16 other acts done by the executing Agency and in force immediately before the  
17 commencement of this Act, shall be deemed to have been given, made or done  
18 under this Act and shall have effect accordingly; and

19 (d) all property held by or on behalf of the Council immediately  
20 before the commencement of this Act, shall on the commencement of this Act  
21 be deemed to have been vested in the Institute without further assurance.

22 (7) Subject to the provisions of this Act, the Director - General of the  
23 executing Agency is deemed to have been transferred to the Institute  
24 established under this Act under the same conditions as Director - General.

25 (8) Any person who immediately before the commencement of this  
26 Act held appointment as an employee of the Institute shall on the  
27 commencement of this Act be deemed to have been appointed under this Act  
28 for purposes of pension.

29 (9) As from the commencement of this Act, any disciplinary  
30 proceedings pending or existing against any employee of the executing Agency

1 shall be continued and completed by the Institute established under this Act.

2 64. In this Act, unless the context otherwise requires:

Interpretation

3 "Academic staff" means a member of staff of the Institute whose sole and  
4 primary responsibility is teaching, research and assessment of students;

5 "Academic year" means semesters covered by a period of not more than  
6 twelve calendar months within which students must complete a level of  
7 study;

8 "Administrative staff" means those persons in the employment of the  
9 Institute other than academic staff who hold administrative, professional or  
10 technical posts;

11 "Alumni Association" means any association recognised by the Institute as  
12 being representative of graduates or former students of the Institute;

13 "Chairman" means the Chairman of the Council;

14 "Council" means the Governing Council of the Institute established under  
15 Section 7 of this Act;

16 "Director-General" means the Director-General of the Institute and charged  
17 with the day to day running of the Institute;

18 "enrolled" in relation to a member registered under this Act;

19 "executing agency" means the National Institute for Hospitality and  
20 Tourism established and existed immediately before the commencement of  
21 this Act;

22 "fees" includes annual subscription;

23 "functions" includes powers and duties;

24 "Graduate" means a person on whom a degree other than an honorary degree  
25 has been conferred to by the Institute;

26 "Hospitality" includes a broad category of fields within the service industry  
27 that includes lodging, event planning, theme parks, transportation, cruise  
28 line, and additional fields within the tourism industry;

29 "Hospitality and Tourism" includes the activities enumerated under the  
30 Second Schedule to this Act;



1 "Institute" means the National Institute for Hospitality and Tourism  
2 established under this Act;  
3 "Minister" means the Minister charged with the responsibility for matters  
4 relating to hospitality and tourism;  
5 "multi campus system" means the Institute campuses established in any part of  
6 Nigeria and the Federal Capital Territory, Abuja as the Minister may by order  
7 designate;  
8 "Officer" means a staff of senior rank holding an administrative post, but does  
9 not include Visitor and members of the Council;  
10 "Register" means the register of Hospitality and Tourism Practitioners  
11 maintained under this Act;  
12 "Tourism" includes the business or industry of providing information,  
13 accommodations, transportation, and other services to tourists; and  
14 "Tribunal" means the Hospitality and Tourism Practitioners Disciplinary  
15 Tribunal established under this Act;  
16 "Visitor" means the President, Commander in Chief of the Armed Forces of the  
17 Federal Republic of Nigeria who is also the Proprietor of the Institute.

Short title

18 65. This Bill may be cited as the National Institute for Hospitality and  
19 Tourism Bill, 2016.

## FIRST SCHEDULE

[Section 9 (6)]

## SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

*Proceedings of the Council*

24 1. Subject to this Act and section 27 of the Interpretation Act, the  
25 Council shall have power to regulate its proceedings and may make standing  
26 orders with respect to the holding of its meetings, and those of its committees,  
27 notices to be given, the keeping of minutes of its proceedings, the custody and  
28 production for inspection of such minutes and such other matters as the  
29 Council may, from time to time determine.

30 2. There shall be at least one ordinary meeting of the Council in each

1 quarter of the year and subject thereto, the Council shall meet whenever it is  
2 convened by the Director General, and if the Director-General is requested  
3 to do so by notice given to him by not less than four other members, he shall  
4 convene a meeting of the Council to be held within 30 days from the date on  
5 which the notice was given.

6 3. Every meeting of the Council shall be presided over by the  
7 Chairman and if the Chairman is unable to attend a particular meeting, the  
8 members present at the meeting shall elect one of them to preside at the  
9 meeting.

10 4. The minutes of the Council shall be recorded by the Secretary  
11 and signed by the Chairman or the person who presided at the meeting, after  
12 confirmation by the Council.

13 5. A quorum at a meeting of the Council shall be one-third of the  
14 total number of members.

15 *Convening of Meetings of the Council*

16 6. The Director General shall, at any time, if five other members  
17 request in writing, convene an emergency meeting of the Council, provided  
18 that not less than 48 hours' notice is given to members for the meeting.

19 7. The Council shall meet for the conduct of its business at such  
20 places and on such days as the Director General may appoint.

21 8. A question put before the Council at a meeting shall be decided  
22 by consensus and where this is not possible, by a majority of the votes of the  
23 members present and voting.

24 9. The Chairman shall, in the case of an equality of votes, have a  
25 casting vote in addition to his deliberative vote.

26 10. Where the Council seeks the advice of any person on a  
27 particular matter, the Council may invite that person to attend for such  
28 period as it deems fit, but a person who is invited by virtue of this paragraph  
29 shall not be entitled to vote at any meeting of the Council and shall not count  
30 towards the quorum.

1 *Committees*

2 11. The Council may appoint one or more committees to carry out on  
3 behalf of the Council such of its functions as the Council may determine and  
4 report on any matter with which the Council is concerned.

5 12. A committee appointed under paragraph 11 of this Schedule shall  
6 be presided over by a member of the Council and shall consist of such number  
7 of persons (not necessarily all members of the Council) as, may be determined  
8 by the Council, and a person other than a member of the Council shall hold  
9 office on the committee in accordance with the, terms of his appointment.

10 13. A person who is not a member of the Council shall hold office on  
11 the committee in accordance with his letter of appointment.

12 14. A decision of a committee of the Council shall be of no effect until  
13 it is confirmed by the Council.

14 *Seal of the Institute*

15 15. The application of the common seal of the Institute shall be  
16 authenticated by the signature of the Chairman or the Director - General on  
17 behalf of the Institute.

18 16. A contract or an instrument which, if made or executed by any  
19 person not being a body corporate, would not be required to be under seal, may  
20 be made or executed on behalf of the Corporation by the Director - General or  
21 by any person generally or specifically authorized to act for that purpose by the  
22 Council.

23 17. A document purporting to be a contract, an instrument or other  
24 document signed or sealed on behalf of the Corporation shall be received in  
25 evidence and unless the contrary is proved, be presumed without further proof,  
26 to have been properly signed or sealed.

27 *Miscellaneous*

28 18. The validity of any proceeding of the Council or its committees  
29 shall not be affected by-

30 (a) any vacancy in the membership of the Council or its committees;

1 (b) reason that a person not entitled to do so took part in the  
2 proceedings; or

3 (c) any defect in the appointment of a member.

4 19. Any member of the Council or committee who has a personal  
5 interest in any arrangement entered into or proposed to be considered by the  
6 Council or any committee shall-

7 (a) disclose his interest to the Council or committee; and

8 (b) not vote on any question relating to the arrangement.

9 20. A resolution of the Council is valid, even though it is not  
10 passed at a meeting of the Council, if-

11 (a) the notice in writing of the proposed resolution was given to  
12 each member; and

13 (b) the resolution is signed or assented to by a majority of members  
14 of the Council, including the Director - General.

15 SECOND SCHEDULE

16 *[Sections 6 (1) (g), 47(b), 49 (1)]*

17 PROVISIONS RELATING TO REGULATED HOSPITALITY AND TOURISM

18 ACTIVITIES AND SERVICES

19 (1) Class "A" Enterprises-

20 (i) Hotels;

21 (ii) Members clubs;

22 (iii) Motels;

23 (iv) Inns;

24 (v) Hostels;

25 (vi) Health and spa resorts;

26 (vii) Retreat lodges;

27 (viii) Eco lodges;

28 (ix) Tree houses;

29 (x) Flotels;

30 (xi) Service flats,

- 1 (xii) Service apartments,
- 2 (xiii) Beach cottages,
- 3 (xiv) Holiday cottages,
- 4 (xv) Game lodges,
- 5 (xvi) Tented camps;
- 6 (xvii) Mobile camps,
- 7 (xviii) Banda's,
- 8 (xix) Cultural homes and centres,
- 9 (xx) Villas;
- 10 (xi) Homestays;
- 11 (xii) Guest houses; and
- 12 (xxiii) Time shares.
- 13 (2) Class "8" Enterprises-
- 14 (i) Restaurants; and
- 15 (ii) Other food and beverage services.
- 16 (3) Class "e" Enterprises-
- 17 (i) Tour operators;
- 18 (ii) Tourist service vehicle hire;
- 19 (iii) Local air charter;
- 20 (iv) Travel agency;
- 21 (v) Water sports;
- 22 (vi) Balloon operators; and
- 23 (vii) Boat excursions;
- 24 (4) Class "0" Enterprises-
- 25 (i) Game fishing outfitters;
- 26 (ii) Enterprises offering camps and camping equipment for hire;
- 27 (iii) Nature parks;
- 28 (iv) Nature reserves;
- 29 (v) Nature trails;
- 30 (vi) Game ranches;

- 1 (vii) Amusement parks; and  
2 (viii) Non-citizen tour leaders or guides.  
3 (5) Class "E" Enterprises-  
4 (i) Local traditional boat operators;  
5 (ii) Professional tour photographers;  
6 (iii) Curio vendors;  
7 (iv) Private zoos;  
8 (v) Citizen tour leaders or guides; and  
9 (vi) General vendors; and  
10 (vii) Beach operators.  
11 (6) Class "F" Enterprises-  
12 Entertainment facilities  
13 (7) Class "G" Enterprises  
14 Conference and event services  
15 (8) Class "H" Enterprises  
16 Tourism and hospitality training institutions

17 THIRD SCHEDULE

18 [Section 43(3)]

19 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

20 TRIBUNAL AND INVESTIGATING PANEL

21 *The Tribunal*

22 1. The quorum of the Tribunal shall be three of whom at least one  
23 shall be a certified Tourism and Hospitality Practitioner.

24 2. The Attorney-General of the Federation shall make rules for the  
25 purposes of any proceedings and as to the procedure to be followed and the  
26 rules of evidence to be observed in proceedings before the Tribunal.

27 3. The rules shall make pursuant to Paragraph 2 of this Schedule  
28 shall in particular provide for-

29 (a) securing that notice of the proceedings shall be given, at such  
30 time and in such manner as may be specified by the rules, to the person who

1 is the subject of the proceedings;

2 (b) determining who in addition to the person aforesaid, shall be a  
3 party to the proceedings;

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

6 (d) enabling any party to the proceedings to be represented by a legal  
7 practitioner;

8 (e) the appointment of an assessor to the Tribunal; and

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

12 4. For the purposes of any proceedings before the Tribunal, any  
13 member of the Tribunal may administer oaths and any party to the proceedings  
14 may be summoned by the Registrar of the Federal High Court with writs of  
15 subpoena or *testificandum and duces tecum*; but no person appearing before  
16 the Tribunal shall be compelled, to-

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

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

21 5. For the purpose of advising the Tribunal on questions of law  
22 arising in proceedings before it, there shall in all such proceedings be an  
23 assessor to the Tribunal who shall be appointed by the Council on the  
24 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of  
25 not less than seven years standing.

26 6. The Attorney-General of the Federation shall make rules as to the  
27 functions of assessors appointed under this Schedule, and in particular such  
28 rules shall contain provisions for securing that-

29 (a) where an assessor advises the Tribunal on any question of law as to  
30 evidence, procedure or any other matters specified by the rules, he shall do so in

1 the presence of every party or person representing a party to the proceedings  
2 who appears there or, if the advice is tendered while the Tribunal is  
3 deliberating in private, that every such party or person as aforesaid shall be  
4 informed on advice the assessor has tendered; and

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

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

#### 12 *The Panel*

13 8. The quorum of the Panel shall be three.

14 9. The Panel may, at any meeting of the Panel attended by all the  
15 members of the Panel, make standing orders with respect to the Panel.

16 10. Subject to the provisions of any such standing orders, the Panel  
17 may regulate its own procedure.

#### 18 *Miscellaneous*

19 11. A person ceasing to be member of the Tribunal or the Panel  
20 shall be eligible for reappointment as a member of that body.

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

25 13. The Tribunal or the Panel may act notwithstanding any vacancy  
26 in its membership; and the proceedings of either body shall not be  
27 invalidated by any irregularity in the appointment of a member of that body,  
28 or (subject to paragraph 6 (b) of this Schedule) by reason of the fact that any  
29 person who was not entitled to do so took part in the proceedings of that  
30 body.



1           14. Any document authorized or required by virtue of this Act to be  
2 served on the Tribunal or the Panel shall be served on the registrar appointed in  
3 pursuance of this Act.

4           15. Any expenses of the Tribunal or the Panel shall be defrayed by the  
5 Institute.

#### EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the above Act but is intended to  
explain its purport)*

The Act establishes the National Institute for Hospitality and Tourism charged with the duty, amongst others, of regulating and controlling the training, basic, intermediate and advance skills development, travel and tourism industry, registration and practice of Hospitality and Tourism Practitioners and to provide an effective legal and institutional framework for the training and regulation of the practice of hospitality and tourism in Nigeria to ensure improved and quality service delivery.