

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA AND FOR OTHER RELATED MATTERS.

Sponsored by Senator Oluremi Tinubu

[] Commencement

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

1 PART I- ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL
2 PRACTITIONERS OF NIGERIA

3 1.-(1) There is hereby established a body to be known as the
4 Institute of Environmental Practitioner OF Nigeria (in this bill referred to as
5 the Institute)

Establishment of the Institute of Environmental Practitioners of Nigeria

6 (2) The Institute:

7 (a) Shall be a body corporate with perpetual succession and a
8 Common seal;

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

10 (c) may for the purpose of carrying out its functions, subject to the
11 Limitations in this bill and to any law for the time being in force, acquire,
12 hold or dispose of property, whether moveable or immoveable

13 2.-(1) there shall be established for the Institute a Governing
14 Council charged with the administration and general management of the
15 Institute.

Establishment of the Governing Council

16 3. The Governing Council of the Institute shall be the regulatory
17 organ of the profession and the institute. The Council shall determine who
18 shall be an Environmental Practitioner, maintain the register, and prescribe
19 standards, mode, way and manner for admission and registration-

Powers and Functions of the Governing Council

20 (a) Each affiliating bodies (i.e. Nigerian Environmental Society,

1 Waste Management Association of Nigeria others as may be admitted by the
2 Governing Council shall have five representatives each in the Governing
3 Council;

4 (b) Two representatives of the Minister for Environment;

5 (c) One representative each from the following: Ministry of Mines
6 and Steel, Ministry of Petroleum, Ministry of Agriculture and Ministry of
7 Science and Technology;

8 (d) Members of the Council shall elect among themselves, the
9 following:

10 (i) The President and Chairman of Council;

11 (ii) The Vice-Chairman;

12 (iii) The Registrar and Secretary to Council;

13 (iv) Chairman, Standing Membership Certification/Admission
14 Committee;

15 (v) Chairman, Technical Committee;

16 (vi) Chairman, Practice Ethics Committee;

17 (vii) Chairman Disciplinary Tribunal.

18 4. Members of the Council shall be elected to serve two years tenure
19 in the first instance and thereafter be entitled for re-election and no more. The
20 Governing Council shall be inaugurated by the Hon. Minister of
21 Environment.

22 (2) The Council shall consist of-

23 (a) two persons nominated by the Minister, of whom one shall not be
24 below;

25 (b) the position of a director and vested with membership of NES,
26 WAMASON;

27 (c) one representative each of the Ministries of Agriculture,
28 Petroleum Resources, Mining, and Science & Technology; five elected
29 representatives each from NES, WAMASON and other recognized
30 Environmental Societies or Association that has been approved by Council, of

1 whom; three shall be members of the National Executive Committee of the
2 Institute. These shall include the President, Secretary and the immediate
3 past President of the affiliating bodies and Two other Representatives each
4 elected by constituting of affiliate bodies (i.e. NES & WAMASON) shall be
5 elected by the bodies they represent;

6 (d) The leadership of the Council shall be created through an
7 election based on simple majority of the Council Members. The offices of
8 the President and Chairman of Council, Vice-President, shall be by rotation
9 (based on alphabetical order) amongst the affiliating bodies of the Institutes
10 during-

11 (a) the time of the General Assembly-

12 (f) The Council shall have:

13 (i) President (Chairman of the Governing Council);

14 (ii) Vice President;

15 (iii) Registrar (Secretary of the Governing Council);

16 (iv) Legal Adviser (a Legal Practitioner with background in
17 Environmental Law);

18 (v) Chairman of Practice Committee Secretary;

19 (vi) Chairman of Disciplinary Panel;

20 (vii) Chairman of Membership and Admission Committee;

21 (viii) Chairman of Technical Committee.

22 (2) The provision of schedule 1 of this Act shall have effect with
23 respect to the qualifications and tenure of the office of the members of the
24 Council and the other matters aforementioned.

25 (3) Regulations made by the Council with the approval of the
26 Minister may provide for increasing or reducing the membership of the
27 Council and may make such amendments of sub-section (1) of this section
28 and schedule 1 paragraph 1 of this Act as the Minister considers expedient
29 for the purpose of or in consequence of the increase or reduction.

1 *Constitution of the General Assembly of Institute of Environmental*
 2 *Practitioners of Nigeria*

The Constitution
 of the General
 Assembly of the
 Institute

3 5.-(1) There shall be a General Assembly of the Institute at the
 4 General Meeting of the Institute of Environmental Practitioners of Nigeria.
 5 The General Assembly shall meet at least once a year to make recommendation
 6 to the Council and ratify decisions referred to it by the Governing Council. The
 7 General Assembly shall consist of membership as may result from sub-section
 8 (a) (b) (c) and (d) below:

9 (a) Chairman of functional State Chapters of NES and the other
 10 WAMASON;

11 (b) five representatives, each nominated by NES, WAMASON and
 12 other environmental entities as may from time to time be approved by Council;

13 (c) The leadership of the Council shall be created through an election
 14 based on simple majority of the members. The office of the presiding Chairman
 15 and Co-Chairman of the General Assembly shall be occupied by the current
 16 Presidents of the affiliated Bodies (i.e.: NES and WAMASON);

17 (d) The offices of the General Secretary shall be by rotation between
 18 the Secretaries of NES and WAMASON.

19 (2) Decisions of the General Assembly shall be by simple majority
 20 and General Assembly may set-up Committees/Sub-Committees to carry out
 21 certain duties/assignment that may be approved at General Meeting;
 22 such duties are in consonance with the purpose for which the Institute is
 23 established.

Membership
 and Admission
 Committee

24 6.-(1) There shall be a committee, to be known as the Membership
 25 and Admission Committee under this Act; which shall be charged with the duty
 26 of keeping the Council abreast on the nature of:

27 (a) The instruction giving at approved Institutions for persons
 28 attending approved course of training for professional development, and

29 (b) The examinations as a result of which approved qualification
 30 granted; and for the purpose of performing the duty of membership

1 qualification and admission of candidates and carry out inspection and visit
2 to Institutions of higher learning and other approved Institutions to ascertain
3 compliance with established curriculum, learning and teaching facilities
4 and resources.

5 (2) The Membership and Admission Committee shall consist of a
6 Chairman, Vice-Chairman, Secretary and four other members. The position
7 of the Chairman and Secretary of the committee shall be rotatory between
8 the affiliating bodies of the INSTITUTE. Each member of the Membership
9 and Admission Committee like any other Committee of the Institute shall be
10 elected during the Annual General Assembly of the Institute.

11 (3) It shall be the duty of the Committee to report to the Council
12 on:

13 (a) the sufficiency of the instruction given to persons attending
14 approved course of training instruction visit by him;

15 (b) the sufficiency of the examinations attended by him; and

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

20 7.-(1) There shall be a Tribunal to be known as the Ethics and
21 Professional Disciplinary Tribunal (in this Act hereafter referred to as "the
22 Tribunal") which shall be charged with duty of considering and determining
23 any case referred to it by the Practice Committee established by the
24 following provisions of this section, and any other case of which the
25 Tribunal has cognizance under the following provisions of this Act.

Disciplinary
Tribunal

26 (2) The Tribunal shall subject to section 2 of schedule 2 of this Act,
27 consist of a Chairman, Vice-Chairman, Secretary, Legal Adviser,
28 Secretaries of the affiliate bodies, three Council members and one appointed
29 by the Chief Justice of Nigeria.

30 (3) Where:

1 (a) a member is by the tribunal to be guilty of infamous conduct in any
2 professional respect; or

3 (b) a member is convicted, by any competent court of law in Nigeria
4 or elsewhere having power to award imprisonment, of an offence (whether or
5 not punishable with imprisonment) which, in the opinion of the tribunal, is
6 incompatible with the status of a Registered Environmental Practitioner; or

7 (c) the Tribunal is satisfied that the name of any person has been
8 fraudulently registered, the tribunal may, if it thinks fit, give a direction
9 reprimanding that person or ordering the Registrar to strike his name off the
10 relevant part of the register.

11 (4) The Tribunal may, if it thinks fit, defer or further its decision as to
12 giving of a direction under the foregoing subsection until a subsequent meeting
13 of the Tribunal; but-

14 (a) no decision shall be deferred under this subsection for periods
15 exceeding one year in the aggregates; and

16 (b) deferred unless he was present as a member of the Tribunal when
17 the decision was deferred.

18 (5) For the purposes of subsection (1) (b) of this section, a person shall
19 not be treated as convicted as herein mentioned unless the conviction stands at
20 a time when no appeal or further appeal or may (without extension of time) be
21 brought in connection with the conviction.

22 (6) When the Tribunal gives a direction under subsection (1) of this
23 section, The Tribunal shall cause notice of the direction to be served on the
24 person to whom it relates.

25 (7) The person to whom such a direction relates, at any time within
26 twenty-eight (28) days from the date of service on him of notice of the
27 direction, appeal against the direction to the High Court; and the Tribunal may
28 appear as respondent to be given as to the costs of the appeal and of proceedings
29 before the Tribunal shall be deemed to be a party thereto whether
30 appears on hearing of the appeal.

1 (8) A direction of the Tribunal under subsection (1) of this section
2 shall take effect:-

3 (a) Where no appeal under this section is brought against the
4 direction within the time limited for such an appeal on the expiration of that
5 time;

6 (b) Where such an appeal is brought and is withdrawn or struck out
7 for want of prosecution, on the withdrawal or striking out of the appeal;

8 (c) Where such an appeal is brought and is not withdrawn or struck
9 out as aforesaid, if and when the appeal is dismissed; and

10 (d) Shall not take effect except in accordance with the foregoing
11 provisions of this subsection.

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

20 8.-(1) There shall be a Committee, to be known as the Practice
21 Committee under this Act hereafter referred to as "the Practice Committee",
22 which shall be charged with the duty of:

23 (a) Conducting a preliminary investigation into any case where it is
24 alleged that a member has misbehaved in his capacity as a Registered
25 Environmental Practitioner, or should for any other reason be the subject of
26 proceeding before the tribunal; and

27 (b) reason be the subject of proceeding before the tribunal; and

28 (2) The Practice Committee shall consist of two representatives,
29 each of the member Institutes elected during the Biennial Congress of the
30 Institute.

Practice
Committee

1 (3) The provisions of schedule 3 of this Act shall, so far as applicable
2 to the Tribunal and Practice Committee respectively, has effect with respect to
3 the two affiliating bodies and others that may admitted by Council. The
4 Council may make rules not inconsistent with this Act as to acts which
5 constitute professional misconduct.

Retrospect
Registration

6 9. A person not Registered to Practice who but for this Act, would
7 have been qualified to apply for and obtain registration of the Institute may
8 within the period of six month beginning with the appointed day apply for
9 Registration in such manner as may be prescribed by rules made by the
10 Council; and if approved, he or she may be registered.

11 (1) Subject to sub-section (2) of this section, a person shall be
12 deemed to Practice as Registered Environmental Practitioner (REP) if, in
13 consideration of remuneration received or to be received, and whether by
14 himself or in partnership with any other person-

15 (a) He engages himself in the practice of Environmental Management
16 or holds himself out to the public as a Registered Environmental Practitioner;

17 (b) He offers to perform or performs any service involving;
18 Environmental Auditing and Pollution Investigation/Diagnosis/Control,
19 Environmental Planning, Environmental Impact Assessment an Studies Waste
20 Management and Facility Design, or

21 (c) He renders professional service or assistance in or about matters of
22 principle or detail relating to Environmental Management Procedure or
23 certification or product of the above practices; or

24 (d) He renders any other service which may by regulations made by
25 the Council with approval of the Minister be designated as service constituting
26 practice as an Environmental Practitioner.

27 (2) This section shall be construed so as to apply to person who, while
28 in the employment of any government, agency of government, parastatal or
29 department or person, is required under the terms or in course of such

1. employment, to perform the duties of a Registered Environmental
2. Practitioner.

3. 10.-(1) Any Regulations made for the purpose of this Act shall be
4. subject to confirmation by the Institute at its next Annual General Meeting
5. or at any special Meeting of the Institute convened for the purpose, and if
6. then annulled shall not be laid before the Senate of the Federal Republic of
7. Nigeria.

Power to make
Regulations

8. (2) Any Regulation made under this Act shall be published in the
9. Federal Gazette as soon as may be after they are made; and the Minister
10. shall ~~submit any such Regulations before the Senate of the Federal~~
11. Republic of Nigeria as soon as may be after they are so published.

12. (1) is any person for the purpose of procuring the Registration of
13. any name, qualification or other matter-

14. (a) Makes a statement which he believes to be false in a material
15. particular, or

16. (b) Recklessly makes a statement which is false in a material

17. (c) He shall be guilty of an offence

18. (2) if, on or after the relevant date, any person not a member of the
19. Institute Practices Environmental Management or in expectation of award,
20. or text or uses any name, titled addition implying that he is in Practice as a
21. Registered Environmental Practitioner, he shall be guilty of an offence.

22. (3) If the Registrar or any other person employed by or on behalf of
23. the Institute willfully makes any falsification in any matter relating to the
24. Registered he shall be guilty of an offence.

25. (4) A person guilty of an offence under this section shall be liable-

26. (a) On summary conviction, a fine of an amount not exceeding five
27. million naira (N5,000,000.00);

28. (b) On conviction, a fine of an amount not exceeding five million
29. naira (N5,000,000.00), or to imprisonment to a term not exceeding two
30. years, or both.

1 (5) Where an offense under this section is committed by a body
2 corporate, is proved to have been committed with the consent or connivance of
3 or to be attributable to any neglect on the part of any director, Manager,
4 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 proceed against and
7 punished accordingly.

8 (6) In this section "the relevant date" means the third anniversary of
9 the appointed day or such earlier date as may be prescribed for the purposes of
10 this section by order of the minister published in the Federal Gazette; and for
11 the purposes of this section different dates may be prescribed for different
12 territories within the meaning of the Constitution of the Federation.

13 PART 11 - FINANCIAL PROVISIONS

Funds of the
Institute

14 11.-(1) There shall be established for the Institute a Fund, which shall
15 be managed and controlled by the Council.

16 (2) There shall be paid into the fund:

17 (a) all fees, charges and monies payable to the Institute pursuant to
18 this Bill;

19 (b) all monies provided by the Federal Government to the Council by
20 way of appropriating grant, loan or otherwise; and

21 (c) other monies received by the Institute in course of its operations or
22 in relation to the exercise of its function under this Bill.

23 (3) There shall be paid out of the Fund of the Institute:

24 (a) remuneration and allowances of the Institute;

25 (b) any money borrowed by the Council on behalf of the Institute and
26 interest payable on such monies;

27 (c) such reasonable expenses and allowances of members of the
28 Council in discharging their duties for the Institute, as council may determine;
29 and

30 (d) any other expenses incurred by the Council in the discharge of its

1 function under this Bill.

2 (4) The Council may invest monies from the fund in any security
3 created or issued by or on behalf of the Government of the Federation or any
4 other security in Nigeria as may be approved by the Council.

5 (5) The Council may on behalf of the Institute, from time to time
6 borrow money for the purpose of running the Institute, which shall be paid
7 into the Fund.

8 (6) The Council shall on behalf of the Institute keep proper
9 accounts in respect of each year, and the Council shall cause the accounts to
10 be audited by an external auditor appointed in accordance with the
11 guidelines supplied by the Auditor-General for the Federation and the
12 audited account is submitted to the members at the general meeting of the
13 Institute.

14 **PART III - THE REGISTRATION AND THE REGISTER**

15 **12.-(1)** The Council shall appoint a person knowledgeable in
16 Environmental practice for at least ten years to be Registrar of the Institute
17 and such other persons as the Council may from time to time think necessary
18 to assist the Registrar in the performance of his functions under this Bill.

Appointment of
Registrar etc and
preparation of
register

19 (2) The Registrar shall be the chief Executive officer of the
20 institute and secretary to the Council.

21 (3) The Registrar shall prepare and maintain a Register of names,
22 addresses and approved qualifications and other relevant particulars as may
23 be specified in the rules made by Council, of all categories and classes of
24 members/persons registered as Environmental practitioners in this Country.

25 (4) Subject to the provisions of this section, the Council may make
26 rules with respect to the creation and maintenance of the register
27 including:

28 (a) the making of applications for enrolment;

29 (b) notifying the Registrar as to any change in any particulars
30 submitted by any person:

1 (c) authorizing a registered person to have any qualification relevant
2 to this Bill; and

3 (d) specifying the fees, including subscription to be paid to the
4 institute upon the entry of names on the register and authorizing the Registrar
5 to refuse the entry of a name in the register until specified entry fees have been
6 paid.

7 (9) It shall be the duty of the Registrar to:

8 (a) correct, as directed by the council, any wrong entry in the
9 Register;

10 (b) update the registered particulars of registered persons.

Duties of the
Registrar

11 13. The Registrar may be removed by the Council where he/she is
12 found wanting in the performance of his/her duties, convicted of criminal
13 offence or offences, where he/she has become bankrupt or incapable of
14 performing his/her duties or has become involved in any fraudulent conduct in
15 his/her duties in any or outside the Institute, and such removal shall be subject
16 to approval or ratification of members at a general meeting so properly
17 conveyed and in which such removal shall be among the agenda of the meeting
18 with all information including the registrar's defense, relating to the matter
19 made available to members before the general meeting;

20 (c) remove from the register the name of any registered person
21 who has died;

22 (d) record the names of members of the Institute who defaulted for
23 more than four months in the payment of annual subscriptions;

24 (e) take such action in relation thereto (including removal of the
25 names of defaulters from the register) as the Council, under this Bill, may
26 direct or require.

Publication of
Register and its
correction

27 14.-(1) The Registrar shall ensure that:

28 (a) the register or any correction made therein shall be
29 published and put on sale for members of the public not later than two
30 months from the commencement of this Act; and

1 (b) a copy of each edition of the register and a list of any corrections
2 made shall be deposited at the principal's office of the Institute and made
3 available to members of the public.

4 (2) A published copy of the Register and any corrections therein
5 shall be admissible in evidence to prove registration of a person.

6 PART IV - REGISTRATION

7 15.-(1) The Council shall register annually all qualified
8 Environmental Practitioners and organisations.

Registration of
Environmental
Practitioners,
organisation

9 (2) A person, organisation or firm shall not practice as an
10 Environmental Practitioners or consultants in Nigeria unless registered by
11 the Council.

12 PART V - MISCELLANEOUS PROVISIONS

13 16. Any Persons who possess acceptable qualifications with at
14 least five years cognate experience shall be admitted as members of the
15 Institute :

Qualification for
Membership of
the Institute

16 (a) provide and maintain a library comprising of books, research
17 materials and publications that will build the capacity of the Environmental
18 Practitioners and other materials approved by the Council;

19 (b) encourage research into environmental and other related
20 subject and

21 (c) formulate and make rules and regulations guiding the use of the
22 Library in particular and the Institute in general

23 17. The Institute may own, register, transfer and receive
24 properties in its corporate name.

Property of the
Institute

25 18. In the execution or carrying out of any environmental contract
26 or job in any area or locality, residents of such area or locality shall be
27 properly notified and as much as possible allowed to fully participate in such
28 contract or job.

29 An environmental contractor or consultant carrying out an Environmental
30 contract or job in an area shall in all cases ensure that reasonable number of

1 his staff available for such jobs come from the area or locality where the job or
 2 contract is to be undertaken and shall set aside temporary job and local
 3 supplies for residents of the area or locality concerned.

Interpretation

4 19. In this Bill:

5 "Institute" means the Institute of Environmental Practitioners of Nigeria;

6 "Association" means the Association of Environmental Practitioners;

7 "Minister" means Minister in charge of Environment;

8 "Council" means Governing council of the Institute;

9 "Fees" means annual subscription;

10 "Member" means a registered member of the Institute;

11 "Practitioners" means environmental practitioners;

12 "Tribunal" means Environmental Practitioners Discipline Tribunal;

13 "Register" means register of members; and

14 "Affiliating bodies" means the Nigerian Environmental Society and the Waste
 15 Management Association of Nigeria;

16 "NES" means the Nigerian Environmental Society;

17 "WAMASSON" means Waste Management Association of Nigeria;

18 "General Assembly" means the Annual or Extra Ordinary General Meeting of
 19 the Institute of Environmental Practitioners of Nigeria.

Citation

20 20. This Bill may be cited as the Institute of Environ
 21 Practitioners of Nigeria (Establishment) Bill, 2018.

22 SCHEDULE

23 SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE :

24 *Proceedings of the Council*

25 1. Subject to provisions of this Bill and other applicable laws, Council
 26 may make orders regulating its proceeding or those of any committee it

27 2. Where standing orders made under paragraph 1 of this Schedule
 28 provide for the absence of the Council on any matter referred to them by the
 29 Council, but shall not be entitled to vote at a meeting of the Council

30 towards a quorum.

1 3. The Council may appoint one or more committees to carry out
2 on its behalf such as the Council may determine

3 4. A committee appointed under this paragraph shall consists of
4 such number of persons as may be determined by the Council and a person
5 shall hold office in accordance with the terms of his appointment.

6 A decision of a committee of the Council shall be of no effect until it is
7 confirmed by the Council

8 *Meetings of the Council*

9 6. The Council shall meet whenever it is considered necessary
10 (but not less than twice a year) by giving notice to all members concerned,
11 at least (7) days before the meeting.

12 7. The Chairman shall preside at every meeting of the council and
13 in his absence, the Vice Chairman shall preside

14 8. Five members of the Council, other than the Chairman shall
15 form a quorum at the Meeting

16 9. Unless otherwise provided in this Bill, decisions shall be by a
17 simple majority of the votes of the members present, but in the event that
18 equal votes are cast, the person presiding shall cast the deciding vote.

19 *Committees*

20 10. Subject to standing orders, the Council may appoint one or
21 more committees to carry on its behalf such duties as the Council may
22 determine and to make necessary report.

23 11. A committee appointed under paragraph 10 of this schedule
24 shall consist of the number of persons to be determined by the Council and
25 not more than one third of those persons may be persons who are not
26 members of the Council; a person other than a member of the Council may
27 hold office on the Committee in accordance with the letter of appointment
28 provided.

29 12. The quorum of any meeting set up by the council shall be
30 determined by the Council.

1 13. The decision of the committee shall be of no effect until confirmed
2 by the Council.

3 *Miscellaneous*

4 14. The fixing of the seal of the Institute shall be authenticated by
5 signature of the Chairman and some other members authorised generally or
6 specially by the Council to act for that purpose.

7 15. A document purporting to be an instrument issued by the Institute
8 and to be sealed with the seal of the Institute authenticated in the manner
9 provided by the forgoing paragraph or to be signed by the Chairman shall
10 receive in evidence and shall be deemed to be the instrument without further
11 proof, unless there is proof otherwise.

12 16. Any contract or instrument which, if made or executed by a
13 person not being a Body corporate would not be required to be under seal, if
14 made by or executed on behalf of the Council by any person authorised
15 generally or specially by the Council to act for that purpose

16 17. The validity of a proceeding of the council shall not be affected
17 by:

18 (a) a vacancy in the membership of the Council;

19 (b) by a defect in the appointment of a member of the Council; or

20 (c) by reason that a person not entitled to do so took part in the
21 Proceedings

22 18. A member of the Council and a person holding office on a
23 Committee of the Council, who has a personal interest in a contract or an
24 arrangement entered into or proposed to be considered by the Council or the
25 Committee shall forthwith disclose his interest to the Council or committee and
26 shall not vote on any question relating to that contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Institute of Environmental Practitioners of Nigeria, to be charged with the responsibility of regulating and managing environmental practices in Nigeria and for other purposes related thereto.