

A BILL

FOR

AN ACT TO ESTABLISH THE COUNSELLING PRACTITIONERS COUNCIL OF NIGERIA TO CONDUCT QUALIFYING EXAMINATIONS, REGULATE THE COUNSELLING PROFESSION AND OTHER RELATED MATTERS, 2018

Sponsored by Senator Isah Hamma Misan

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE COUNSELLING PRACTITIONERS

2 COUNCIL OF NIGERIA

3 1.-(1) There is established a body known as the Counselling
4 Practitioners Council of Nigeria (in this Act referred to as "the Council").

Establishment of
the Counselling
Practitioners
Council of Nigeria

5 (2) The Council:

6 (a) shall be a body corporate with perpetual succession and a
7 common seal kept in its custody;

8 (b) may sue or be sued in its corporate name.

9 (3) The Council may acquire, hold or dispose of any movable or
10 immovable property for the purpose of its functions under this Bill.

11 2. The Council shall be charged with the general duty of:

Duties of the
Council

12 (1) advancing the science of Counselling;

13 (2) determining the standards of knowledge and skill to be attained
14 by persons seeking to become registered members of the Counselling
15 Profession (in this Act referred to as "the Profession") and reviewing those
16 standards, from time to time as circumstances may require;

17 (3) establishing and maintaining in accordance with the provisions
18 of this Bill, a register of certified members of the Profession and the
19 publication of the list of such members from time to time;

20 (4) preparing and reviewing from time to time, a statement as to the

1 Members of the Council code of conduct which the Council considers
2 desirable for the practice the Profession;

3 (5) promoting the highest standard of competence, practice and
4 conduct among members of the Profession;

5 (6) regulating and controlling the practice of the Profession in all its
6 respects and ramifications;

7 (7) promoting, regulating and controlling training, continuing
8 education and scientific research which the Council considers necessary for
9 the practice of the Profession;

10 (8) publishing and disseminating scientific, educational, informative
11 and Professional literature 011 the Profession;

12 (9) encouraging the establishment or Counselling units in schools,
13 hospitals, government Ministries, Departments and Agencies, and other
14 organizations; and

15 (10) performing such other functions as may be required of the
16 Council under this Bill.

Composition
of the Council

17 3.-(1) Subject to the provisions of this Bill, the Council shall consist
18 of the following:

19 (a) One person who shall be appointed as President of the Council on
20 the recommendation of the Counselling Association of Nigeria (in this Bill
21 referred to as "the Association");

22 (b) One person who shall be appointed by the Council as the Registrar
23 of the purpose of this Bill;

24 (c) One person appointed by the Minister charged with responsibility
25 for matter relating to Counselling (in this bill referred to as "The Minister") to
26 represent the Ministry under his control;

27 (d) Six persons with professional backgrounds that have a
28 counselling bias, appointed by the Minister to represent each geo-political
29 zone of Nigeria, no two of whom, shall come from the same state;

30 (e) Six persons appointed by the Counselling Association of Nigeria

1 (in this Bill referred to as "the Association") in the manner for the time being
2 provided by the constitution of the Association; and

3 (f) Two persons to represent the universities offering courses
4 leading to approved qualification in Guidance and Counselling or
5 Counselling Psychology: no university referred to in this paragraph shall
6 have more than one representative at a time.

7 (2) the provisions of the First Schedule to this Bill shall have effect
8 with respect to the qualification and tenure of office of members of the
9 Council, powers and procedure of the Council and the other matters therein
10 mentioned.

11 4.-(1) The Council shall prepare and submit to the Minister no later
12 than the 31st day of December of the year in which this subsection comes
13 into force (so however, that for that year the minister may if he considers it
14 necessary extend the period) and of each subsequent year an estimate of its
15 expenditure and income during each succeeding financial year.

16 (2) The Council shall keep proper records in respect of each
17 financial year and proper records in relation to those accounts, and shall
18 cause its accounts to be audited as soon as may be after the end of the
19 financial year to which the accounts related, by a list of auditors approved as
20 respects that year by the Council.

21 PART II - THE REGISTRAR

22 5.-(1) The Council shall appoint a fit and proper person to be
23 Registrar for the purpose of this Bill;

Appointment of
the Registrar of
Council

24 (2) The Registrar shall prepare and maintain in accordance with the
25 rules made by the Council under this section, a register of Professional
26 Counsellors (in this Bill referred to as "the Register").

27 (3) The Register shall contain the names, address, Approved
28 qualifications and such other particulars as may be specified by the Council,
29 of all persons who are entitled, in accordance with the provisions of the Bill,
30 to be registered as Professional Counsellors (and who apply in the specified

1 manner to be so registered.

2 (4) The Register shall consist of two parts of which one shall be in
3 respect of fully registered persons and the other in respect or provisionally
4 registered persons.

5 (5) Subject to the following provision of this section, the Council
6 shall make rules with respect to the formal keeping of the register and the
7 making of entries therein, and in particular:

8 (a) regulating the making of applications for registration and
9 providing for the evidence to be produced in support of application;

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

12 (c) Authorizing a registered person to have any qualification which is
13 registered in relation to his name in addition to or, as he may elect in
14 substitution for any other qualification so registered. As either a corrected
15 edition of the register or a list of alteration made to the register since it was last
16 printed; and

17 (d) specifying anything failing to be specified under the provisions of
18 this section.

19 (6) The Registrar shall:

20 (a) correct, in accordance with the Council's direction, any entry in the
21 register which the Council directs him to correct as being in the Council's an
22 entry which was incorrectly made:

23 (b) make, from time to time, any necessary alteration to the registered
24 particulars of registered persons;

25 (c) remove from the relevant part of the register the name of any
26 registered person who has died, or as the case may be, has ceased to be entitled
27 to be registered.

28 (7) If the Registrar:

29 (a) sends by post to any registered person a letter addressed to him at
30 his address on the register enquiring whether the registered particulars relating

1 to him are correct and receives on reply to the letter within the period of six
2 months from the date of posting it; and

3 (b) Upon the expiration of that period sends in like manner to the
4 person in question a second similar letter and receives no reply to that letter
5 within three months from the date of posting, it, the Registrar may remove
6 the particulars relating to the person in question from the relevant part of the
7 register.

8 (8) the Council may for any reason which seems to be sufficient
9 direct the Registrar to restore to the appropriate part of the register any
10 particular remove there from under this subsection.

11 6.-(1) The Registrar shall:

12 (a) cause a list of persons whose name and qualifications are
13 indicated in the register to be printed, published and put sale to members of
14 the public not later than two years from the beginning of the year in which
15 Bill comes into force;

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

20 (c) Cause a print of each edition of the register and of each list of
21 correction to be deposited at the principal office of the Council, and the
22 Council shall keep the register and list so deposited open at all reasonable
23 times for inspection by members of the public.

24 (2) A document purporting to be a print of an edition of a register
25 published under this section by authority of the Registrar in the current year,
26 or documents purporting to be prints of an edition of a register so published
27 in a previous year and a list of corrections to that edition so published in the
28 current year, shall without prejudice to any other mode of proof, be
29 admissible in any proceeding as evidence that a person specified in the
30 document, or the documents read together, as being fully or provisionally

1 registered, is so registered, and that any person not so specified is not so
2 registered.

3 PART III - REGISTRATION

4 7.-(1) subject to the provision of this Bill and to rules made under
5 section 6, a person shall not be entitled to be fully registered under this bill as a
6 Professional Counsellor unless:

7 (a) he has attended a course of training approved by the Council under
8 section 9 of this Bill;

9 (b) The course was conducted at an institution so approved;

10 (c) He holds a Bachelor's degree in Guidance and Counselling or
11 Counselling Psychology with a minimum of two years experience in
12 counselling practice, or a Graduate degree (Masters) in Guidance and
13 Counselling or Counselling Psychology with a minimum of one year
14 experience in counselling practice;

15 (d) He has passed the Professional practice competence examination
16 conducted by the Association and moderated by the Council; and

17 (e) He is a certified member of the Association.

18 (2) An Applicant for registration under this Bill shall, in addition to
19 the evidence of qualification, satisfy the Council that:

20 (a) he is of good character;

21 (b) He has attained the age of twenty-one years;

22 (c) he has not been convicted in Nigeria or elsewhere of an offence
23 involving fraud or dishonesty;

24 (3) A fully registered Professional Counsellor shall be entitled to a
25 seal from the Council but any seal presented in pursuant of this subsection may
26 be withdrawn by the Council from such a member on:

27 (a) his ceasing to become a registered member;

28 (b) being convicted of an offence under this Bill;

29 (c) Disciplinary grounds: and His ceasing to become a member of the
30 Association.

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

(5) The Council shall from time to time, publish in the Federal Gazette particulars of the qualification accepted for registration under this Bill.

(6) The Council may, impose further conditions for the purpose of any registration under this bill but such conditions shall not come into force until published in the Federal Gazette.

8.-(1) Subject to subsection (2) of this section, the Council may approve for the purpose of section 7 of this Bill:

(a) Any course of training which is intended for persons who are seeking to become, or are already qualified as, Professional Counsellors;

(b) any institution, either in Nigeria or elsewhere which the Council on the recommendations of the Association considers properly organized and equipped for conducting the whole or any part of a course of training approved by the Council under this section;

(c) any qualification which as a result of examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council that they have sufficient knowledge and skills to practice Counselling as a Profession, otherwise as a principle.

(2) the Council shall from time to time publish in the Federal Gazette a list of qualifications in the Profession of Professional Counsellors approved by it and the Council shall not approve for the purposes of subsection (1) qualifications granted by an institution unless the qualifications have been so published by the Council.

(3) the Council, shall, on the recommendation of the Association, withdraw any approval given under this section in respect of any course,

1 qualifications or institution, but before withdrawing such as approval the
2 Council shall:

3 (a) give notice that it proposes to do so to each person in Nigeria
4 appearing to the Council to be a person by whom the course is conducted or the
5 qualification is granted or the institution is controlled, as the case may be;

6 (b) Afford each such person an opportunity of making to the Council
7 representations with regard to the proposal; and proposal in pursuance of
8 paragraph (b) of this subsection.

9 (4) As respects any period during which the approval of the Council
10 under this section for a course, qualification or institution is withdrawn, the
11 course qualification or institution shall not be treated as approved under this
12 section but the withdrawal of such an approval shall not prejudice the
13 registration or eligibility for registration of any person who by virtue of the
14 approval was registered or eligible for registration immediately before the
15 approval was withdrawn.

16 (5) The giving or withdrawal of an approval under this section shall
17 have the effect from such date, either before or after the execution of the
18 instrument signifying the giving or withdrawal of the approval, as the Council
19 may specify in the instrument, and the Council shall:

20 (a) as soon as possible publish a copy of every such instrument in the
21 Federal gazette and supervision instructions and examination leading to
22 approved qualifications;

23 (b) not later than 7 days before its publication as aforesaid, send a
24 copy of the instrument to the Minister.

25 9.-(1) The Council shall keep itself informed of the nature of the
26 instruction given at the approved institutions to persons sent for approved
27 course of training and the examinations as a result or which approved
28 qualification are granted;

29 (2) for the purposes of performing its functions, the Association shall
30 visit the approved institutions, monitored their examinations and thereafter

1 make recommendations to the Council.

2 (3) The Association shall determine and make recommendations to
3 the Council as to:

4 (a) Competence of the instructors;

5 (b) the adequacy of the instruction given to persons attending
6 approved courses at the institutions visited;

7 (c) the adequacy and quality of the examination conducted; and

8 (d) any other matter relating to the institution of examination on
9 which the Council may either generally or in a particular case, request the
10 Association to report, but the Association shall not interface with the giving
11 of any instruction or the holding of any examination.

12 (4) On receiving a report made in pursuance of this section, the
13 Council shall, as soon as may be possible send a copy of the report to the
14 person appearing to the Council to be in charge of the institution or
15 responsible for the examinations to which the report relates requesting that
16 person to make observations on the report to the Council within such period
17 as may be specified in the request, not being less than one month beginning
18 with the date of the request.

19 10.-(1) Any person who:

20 (a) has been approved and endorsed by the Council as a
21 "Foundation Member" this includes all persons present at the preliminary
22 inaugural meetings of the Association held on November 15, 1975; June 17
23 and 18, 1976, and all persons who though absent, expressed the desire to be
24 members at those times; or

25 (b) holds the accepted qualification or its equivalent obtained ten
26 years before the commencement of this bill and satisfies the conditions
27 mentioned in section 7 (2), would be exempted from taking the Professional
28 practice competence examination, but issued-, the certificate of Professional
29 competence after payment of the prescribed fees to enable him register fully
30 as a Professional Counselling provided the Council is satisfied that he has

1 acquired adequate Professional practice experience as a Professional
2 Counsellor to deserve the exemption.

3 (2) the conditions for the issuance of Certificate of Professional
4 Competence are:

5 (a) he shall, during his employment after qualification have acquired
6 practical experience under the personal supervision and guidance of one or
7 more fully registered Counsellor for the period of two years: and

8 (b) the manner in which he carried out the duties of his employment
9 and his conduct during the period of his employment shall have been
10 satisfactory.

11 (3) It shall be the duty of the employer being a fully registered
12 Counsellor supervising the work of persons employed with a view to obtaining
13 a certificate of Professional competence to ensure that the last mentioned
14 person is afforded proper opportunities of acquiring the practical experience
15 for the purposes of paragraph (a) of subsection (2) the Registrar shall, as soon
16 as practicable, after the entry' in the register of any person's name, or after the
17 removal of such name from the register, give notice in writing to the institution
18 of the entry or removal, as the case may be together with all the particulars
19 relevant thereto.

20 PART IV - PROFESSIONAL DISCIPLINE

21 11.-(1) there shall be a Tribunal to be known as the Counsellors
22 Disciplinary Tribunal (in this Bill referred to as "the Tribunal") which shall be
23 charged with the duty of considering and determining any case referred to it by
24 the Panel established under Subsection (3) of this section and any other case of
25 which the Tribunal has cognizance under the following provisions of the Bill.

26 (2) the Tribunal shall consist of the President of the Council and
27 eleven other members appointed by the Council of whom not less than four
28 shall be members of the Council holding office by virtue of Section 3 (I) (e) of
29 this bill or where the number of those members is for time being less than four
30 of those members;

(3) there shall be a body to be known as the Counsellors Investigation Panel (in this Bill referred to as "the Panel") which shall be charged with the duties of:

(a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a Professional Counsellor, or should for any other reason be the subject of proceedings before the Tribunal; and

(b) deciding whether the case shall be referred to the Tribunal. The Panel shall be appointed by the Council and shall consist of seven members.

12.-(1) The provisions of the schedule to this Bill shall, so far as applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies where:

(a) a person fully registered or provisionally registered under this bill is judged by the Tribunal to be guilty of infamous misconduct in any Professional respect;

(b) such a person is convicted of all offence in Nigeria or elsewhere by any court having power to impose imprisonment (whether or not such as offence is punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of the Professional Counsellor; or

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

(2) The Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal, but:

(a) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and

(b) no person shall be a member of the Tribunal for the purpose of reaching a decision which has been deferred or further deferred unless he

1 was present as member of the Tribunal when the decision was deferred or
2 further deferred.

3 (3) For the purpose of subsection (1) of this section, a person shall not
4 be treated as convicted unless the conviction stands at a time when no appeal or
5 further appeal is pending or may (without extension of time) be brought in
6 connection with the conviction.

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

10 (5) a person to whom such a direction relates may at any time within
11 twenty-eight days from the date of service on him of the notice of the direction
12 appeal against the direction to the Court of Appeal, and the Tribunal may
13 appear as respondent to the appeal and for the purpose of enabling, directions to
14 be given as to the cost of the appeal and of proceedings before the Tribunal,
15 shall be deemed to be a party thereto whether or not it appears to the hearing of
16 the appeal.

17 (6) A direction of the Tribunal under subsection (1) of this section
18 shall take effect:

19 (a) where no appeal under this section is brought against the direction
20 within the time for the appeal, on the expiration of that time;

21 (b) where an appeal is brought and is withdrawn or struck out for want
22 of diligent prosecution, on the withdrawal or striking out of the appeal: and

23 (c) where an appeal is brought and is not withdrawn or struck out If
24 and when the appeal is dismissed.

25 (7) A person whose name is removed from the register in pursuance or
26 a direction of the Tribunal under this section shall not be entitled to be
27 registered again except in pursuance of a direction in that behalf given by the
28 Tribunal on the application of that person, and a direction under this section of
29 the removal of a person's name from the register may prohibit an application
30 under this subsection by that person until the expiration of such period from the

1 date or the direction, and where he has duly made such as application, from
2 the date of his last application, as may be specified in the direction.

3 PART V - MISCELLANEOUS AND GENERAL

4 13.-(1) Where a person satisfies the Council:

5 (a) that has been selected for employment for a specified period in a
6 capacity in which a person registered as a Counsellor under this Bill is
7 qualified to be employed and that he is or intends to be in Nigeria
8 temporarily for the purpose of serving for that period in the employment in
9 question;

10 (b) that holds a qualification or has passed the necessary
11 examination;

12 (c) obtains some qualification granted outside Nigeria which is for
13 the time being accepted by the Council as respects the capacity in which if
14 employed, he is to serve, satisfies the Council, the Council may, if it thinks
15 fit, give a direction that he shall be temporarily registered as a Counsellor;

16 (2) the temporary registration of a person shall continue while he is
17 in employment as is mentioned in Subsection (1) (a) of this section and shall
18 cease at the end of the period of the employment specified to the Council
19 under that subsection or the prior determination of the employment
20 whichever occurs;

21 (3) Nothing in subsection (2) shall preclude the Council from
22 giving a further direction under subsection (1) or this section in respect or
23 specified period whose commencement coincides with the termination or
24 prior determination of another employment.

25 (4) A person who is temporarily registered shall, in relation to his
26 employment and to things done or omitted to be done in the course or that
27 employment, be deemed to be fully registered, but in relation to all matters,
28 he shall be treated as not so registered.

29 (5) In case of doubt as to whether a person's employment has been
30 terminated, the decision of the Council shall be conclusive for the purpose of

1 subsection (2) of this section.

2 (6) the Registrar, as directed from time to time by the Council, shall
3 remove from the register the name of any person ceasing to be entitled to the
4 benefit of this section.

5 14.-(1) A person, not being a registered Professional Counsellor, who:

6 (a) for or in expectation of reward, practices or holds himself out to
7 practice as such; or

8 (b) without reasonable excuse takes or uses any name, title addition or
9 description implying that he is authorized by law to practice as a registered
10 Counsellor, shall be guilty of an offence under this Bill.

11 (2) If a person, for the purpose of procuring the registration of any
12 name, qualification or other matter:

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

15 (b) recklessly makes a statement which is false in a material
16 particular, he shall be guilty of an offence under this Bill.

17 (3) If the Registrar or any other person employed by the Council
18 wilfully makes any falsification in any matter relating to the register, he shall
19 be guilty of an offence under this Bill.

20 (4) A person guilty of an offence under this Bill shall be liable:

21 (a) On conviction in a High Court, to a fine not exceeding
22 N200,000.00 (Two Hundred Thousand Naira) or imprisonment for a term not
23 exceeding live years or both and where the offence is a continuous one, to a
24 further fine not exceeding N30,000 (Thirty Thousand Naira) for each and every
25 day the offence continues.

26 (5) Where an offence under this section has been committed by a body
27 corporate, is proved to have been committed with the consent or connivance of,
28 or to be attributable to any neglect on the part of any director, manager,
29 secretary, or any person purporting to act in any such capacity he as well as the
30 body corporate, shall be deemed to be guilty of that offence and shall be liable

1 to be proceeded against and punished accordingly.

2 15.-(1) Subject to the following provisions of this section, a person
3 not otherwise exempted shall not hold an appointment requiring status as
4 Professional Counsellor under this Bill in the Public and civil service of the
5 Federation or of a State or in the Armed Forces of the Federation; or public
6 and/or private limited or unlimited liability organizations unless he is a
7 Counsellor registered under this Bill.

8 (2) A Counsellor shall to the extent only of his particular
9 qualification, be entitled to practice as a registered Counsellor throughout
10 the Federation;

11 (3) A person in charge of any university in the Federation offering
12 courses leading to an approved qualification intended for persons who are
13 seeking to become registered as Professional Counsellors under this bill
14 shall furnish the Registrar, not later than 31st day of March in every year,
15 with a list of the names and or such other particulars as the Council may
16 specify, of all persons who attended any such courses at the University in
17 question at any time during the preceding year;

18 (4) In this section, "public service" includes services as a registered
19 Professional Counsellor in or with any educational institution, commission,
20 corporation or state-owned or joint Venture Company and any employment
21 in the Federation.

22 16.-(1) the Minister may give to the Council directions of a general
23 character relating generally to particular matters (but not to any individual
24 person or case: with regard to the exercise by the Council of its functions and
25 it shall be the duty of the Council to comply with the directions, provided the
26 direction does not infringe on the ethics and codes of conduct of the
27 Profession.

28 (2) before giving a direction under subsection (1) of this section,
29 the Minister shall serve a copy of the proposed direction on the Council
30 which shall afford the Council an opportunity of making representations to

1 him with respect to the direction; and after considering any representations
2 made to him in pursuance of this subsection, the Minister may give the
3 direction either without modification or with such modifications as appear to
4 him to be appropriate having regard to the representatives.

Regulations

5 17.-(1) the Council shall have power to make regulations which in its
6 opinion, be necessary or expedient for giving full effect to the provisions of this
7 Bill and for the administration thereof.

8 (2) Any power to make regulations, rules and orders under this section
9 shall include power:

10 (a) to make provision for such incidental or supplemental provision,
11 as the person or authority making the instrument considers expedient for the
12 purpose of the instrument; and

13 (b) to make different provision for different circumstances,

Interpretation

14 18.-(1) In this Bill:

15 "approved qualification" means such qualification which is approved for the
16 time being by the Council;

17 "Council" means the Counselling Practitioners Council of Nigeria established
18 under section (1) of this Bill;

19 "Professional Counsellor" means any person fully registered as such under this
20 Bill;

21 "Association" means the Counsellors Association of Nigeria (CASSON);

22 "Profession" means the Profession of Counselling;

23 "Register" means the register maintained under this Bill;

24 "registered" shall be constructed accordingly;

25 "Registrar" means the Registrar appointed in pursuance of section 6 this Bill;

26 (2) for the purpose of this Bill, a person is registered if his name is for
27 the time being, entered in the register;

28 (3) Any approval, consent, direction, notice, observation, report
29 representation or request authorized or required to be given or made by or
30 under this Bill shall be in writing and, may without prejudice to any other

1 method of service but subject to the rules made under the second schedule to
2 this Bill be served by post.

3 19. This Bill may be cited as the Counselling Practitioners Council Citation
4 of Nigeria Bill, 2018.

5 SCHEDULES

6 FIRST SCHEDULE

7 *Section 3 (2)*

8 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

9 1.-(1) A person shall not be appointed a member of the Council
10 unless he is a citizen of Nigeria and he is registered as a Professional
11 Counsellor under this Bill.

12 (2) Subject to the provisions of this paragraphs, a person who is a
13 member of the Council otherwise than by virtue of Section 3 (10) (d) of this
14 Bill shall hold office for a period not exceeding five years beginning with the
15 date of his appointment or election. as the case may be: provided that a
16 person shall not hold office, whether appointed or elected, for a term of less
17 than five years unless the Minister after consultation with the Council
18 otherwise directs.

19 (3) Any member of the Council holding office otherwise than as
20 mentioned in sub-paragraph (2) of this paragraph may, with notice to the
21 Council, resign his office;

22 (4) Subject to section J of this Bill, a person who has ceased to be a
23 member of the Council shall be eligible again to become a member of the
24 Council;

25 (5) When: a member of the Council ceases to hold office before
26 due-date when his term of office would have expired by effluxion to time.
27 the body or person by whom he was appointed or elected shall, as soon as
28 may be possible, appoint or, as the case may be elect a person to fill the
29 vacancy for the residue of the term so that provisions of this-sub-paragraph
30 shall not apply where a person holding office as a member of the Council

1 ceases to hold office at a time when the residue of his term does not exceed one
2 year;

3 (6) the power of appointing a person as President of the Council shall:

4 (a) during the period beginning with the date when this Bill comes
5 into force, be exercisable by the Minister on the recommendations of the
6 Association; and

7 (b) after the expiration of that period, be exercisable by the Council
8 and where an existing member of the Council is appointed President, his office
9 as an existing member shall become vacant and his term of office as President
10 shall begin on the date of his appointment as President.

11 (7) notwithstanding that the term of office of a member or the Council
12 has expired by the effluxion of time, a person appointed as President, Vice
13 President and one other person shall continue in that office until a fresh
14 appointment is made to the office.

15 (8) the quorum of the Council shall be seven so that at least two of the
16 person elected by the Association and two of the representatives of the states of
17 the Federation are present at the particular meeting, and the quorum of any
18 committee of the Council shall be determined by the Council.

19 *Power of Council*

20 2.-(1) The Council shall have power to do anything, which is in its
21 opinion is calculated to facilitate the carrying on of its activities;

22 (2) The Council shall have power to borrow money or to dispose of
23 any property and it shall have power to pay remuneration (including pensions)
24 allowances, or expenses to any member, officer or servant of the Council or to
25 any other person.

26 *Proceedings of the Council*

27 3. Subject to the provision of this bill and of section 27 of the
28 Interpretation Act (which provides for decisions of a body to be taken by a
29 majority of the Members of the body and for the president to have a second or
30 casting vote), the Council may make standing orders regulating the

1 proceedings of the Councillor of any committee thereof

2 *Vice-President of the Council*

3 4.-(1) The Council shall appoint one of its members to be the Vice
4 President of the Council for such period as the Council may determine so
5 that the Vice president who ceases to be a member shall cease to be a Vice-
6 President;

7 (2) At any time while the office of the President either is vacant or
8 the president is, in the opinion of the Council permanently or temporarily
9 unable to perform the function of his office, the Vice-President shall perform
10 those functions, and references in this schedules to the President shall be
11 constructed accordingly.

12 *Meetings of the Council*

13 5.-(1) Subject to the provisions of any standing orders of the
14 Council the Council shall meet whenever it is summoned by the President
15 and if the President is required so to do, by notice given to him by not less
16 than six other members, he shall summon a meeting of the Council to be held
17 within seven days from the date of which the notice is given.

18 (2) at any meeting of the Council, the President or in his absence
19 the Vice-President shall preside, but if both are absent, the members present
20 at the meeting shall appoint one of them to preside at that meeting.

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

26 (4) Notwithstanding anything in the foregoing provisions this
27 paragraph, the first meeting of the Council shall be summoned by the
28 Minister who may give such directions as he thinks fit as to the member who
29 shall preside and as to the procedure which shall be followed at the meeting.

Committee

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

(2) A Committee appointed under this paragraph shall consist of number of persons determined by the Council, and not more than one- third of those persons may be persons who are not members of the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

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

Miscellaneous

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

(2) Any contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Council by any person authorized to act for that purpose by the Council.

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

8. The validity of any proceeding or the Counsellor of a Committee shall not be affected by any vacancy in the membership or the Counsellor or Committee, or by any defect in the appointment of a member of the Council of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

9. A member of the Council or any person holding office on a committee of the Council who has a personal interest in any contract of arrangement entered into or proposed to be considered by the Counsellor a committee thereof shall forthwith disclose his interest to the Council, be

1 treated as holding an office in the public service of the Federation or of state
2 thereof.

3 SECOND SCHEDULE

4 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

5 TRIBUNAL AND INVESTIGATING PANEL

6 *The Tribunal*

7 *The Quorum of the Tribunal shall be Four*

8 1.-(1) The Chief Justice of Nigeria shall make rules as to the
9 procedure to be followed and the rules of evidence to be observed in
10 proceedings before the Tribunal.

11 (2) The rules shall in particular provide:

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

15 (b) for determining who, in addition to the persons aforesaid, shall
16 be a party to the proceedings;

17 (c) For securing that any party to the proceedings shall, if so
18 required, be entitled to be heard by the Tribunal;

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

21 (e) subject to the provisions of section 13 (5) of this, as to the costs
22 of proceedings before the Tribunal;

23 (f) for requiring, in a case where it is illegal that the person who is
24 the subject of the proceedings is guilty of infamous conduct in any
25 professional respect, that where the Tribunal adjudges that the allegations
26 have not been proved, it shall record a finding that the person is not guilty of
27 such conduct in respect of the matters to which the allegation relates; and

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

1 (3) for the purposes of any proceeding before the Tribunal, any
2 member of the Tribunal may administer oaths and any party to the proceedings
3 may sue out of the registry of the high court, as the case may require, writs of
4 subpoena, but no person appearing before the Tribunal shall be compelled:

5 (a) to make any statement before the Tribunal tending to incriminate
6 himself; or

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

9 2.-(1) for the purpose of advising the Tribunal on questions of law
10 arising in the proceedings before it, there in all such proceedings, be an
11 assessor to the Tribunal who shall be appointed by the Council on the
12 nomination of the Chief justices of Nigeria and shall be a legal practitioners of
13 not less seven years standing.

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

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

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

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

28 *The Panel*

29 3. The Quorum of the Panel shall be Three.

30 4.-(1) The Panel may, at any meeting attended by not less than six

1 members make standing order with respect to the Panel.

2 (2) subject to the Provisions of any such standing order the Panel
3 may regulate its own procedure.

4 *Miscellaneous*

5 5.-(1) A person ceasing to be a member of the Tribunal or the Panel
6 shall be eligible for re-appointment as a member of that body.

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

11 6. The Tribunal or the Panel may act notwithstanding any vacancy
12 in its membership and the proceedings of either body shall not be invalidated
13 by any irregularity in the appointment of a member of that body, or (subject
14 to sub-paragraph (2) of paragraph 6 of this schedule) by reason of the fact
15 that any person who was not entitled to do so took part in the proceedings of
16 that body.

17 7. The Tribunal and the Panel may each sit in two or more
18 divisions.

19 8. Any document authorized or required by virtue of this Bill to be
20 served on the Tribunal or the Panel shall be served on the Registrar.

21 9. Any expenses of the Tribunal or the Panel shall be defrayed by
22 the Council.

23 10. A person shall not, by reason only of his appointment as an
24 assessor to the Tribunal or as a member of the Panel, be treated as holding an
25 office in the public service of the Federation or of any state thereof.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Counselling Practitioners Council of Nigeria for the conduct of qualifying examinations, regulating the Counselling Profession and determining the standard of knowledge and skill required of persons seeking to become members of the Counselling Profession in Nigeria.

