

ENVIRONMENTAL MANAGERS REGISTRATION COUNCIL OF NIGERIA

BILL, 2015

ARRANGEMENT OF CLAUSES

*Clause:*

PART I – ESTABLISHMENT OF THE ENVIRONMENTAL MATTERS

REGISTRATION COUNCIL OF NIGERIA

1. Establishment of the Environmental Managers Registration Council of Nigeria
2. Functions of the Council
3. Membership of the Council
4. Financial Provisions

PART II - THE REGISTRAR

5. Appointment of Registrar, Preparation and maintenance of a register.
6. Publication of the Register and list of corrections

PART III - REGISTRATION

7. Registration of Environmental Managers
8. Approval of institutions, courses of training and qualifications by council
9. Supervision of instructors and examinations leading to approved qualifications
10. Certificate of Professional Competence
11. Registrar to notify institutions of entries in the register

PART IV - PROFESSIONAL DISCIPLINE

12. Disciplinary Power of the Council
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14. Temporary registration of persons not citizens of Nigeria.
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SCHEDULES



1 establishment and maintenance of a register of person entitled to practice as  
2 environmental managers and the publication from time to time of the list of  
3 such persons;

4 (d) regulating and controlling the practice of environment  
5 management (in this Bill referred to as "the profession") in all its aspects and  
6 ramifications; and

7 (e) performing other functions conferred on the council by this Bill.

Membership of  
the Council

8 **3.-(1)** Subject to the provision of this Bill, the Council shall consist of  
9 the following:

10 (a) one person who shall be appointed as President of the Council,

11 (b) four persons appointed by the Minister charged with  
12 responsibility for matter relating to the environmental (in this Bill referred to as  
13 "the Minister") of whom at least one person shall be employed by the Ministry  
14 under his control, and the other interest in the field environmental management  
15 covered by this Bill, which in his opinion are not adequately represented;

16 (c) six person appointed by the Minister to represent the states in  
17 rotation for two years at a time, no two of whom shall come from the same state;

18 (d) six persons elected by the Environmental Management  
19 Association (in this Bill referred to as "the Association") in the manner for the  
20 time being provided by the constitution of the Association; and

21 (e) two persons to represent the Universities and other institutions of  
22 higher education offering courses leading to approved qualification for  
23 environmental management in institution of higher education referred to in this  
24 paragraph shall have more than one representative at a time.

25 (2) The provisions of the First Schedule to this Bill shall have effect  
26 with respect to the qualification and tenure of office members of the Council,  
27 powers and procedure of the Council and the other matters therein mentioned.

Financial  
Provisions

28 **4.-(1)** The Council shall prepare and submit to the Minister not later  
29 than the 31st day of December of each year in which this subsection comes into  
30 force (so however, that for that year the Minister may if it considers it necessary

1 extend the period) and of each subsequent year an estimated of its  
2 expenditure and income during the next succeeding financial year.

3 (2) The Council shall keep proper records in respect of each  
4 financial year and proper records in relation to those accounts, and shall  
5 cause its accounts to be audited as soon as may be after the end of the  
6 financial year to which the accounts related, by a firm of auditors approved  
7 as respects that year by the Minister.

8 PART II - THE REGISTRAR

9 5.-(1) The Council shall appoint a fit and proper person to be  
10 Registrar for the purpose of this Bill.

Appointment of  
Registrar,  
preparation and  
maintenance of a  
Register

11 (2) The Registrar shall prepare and maintain, in accordance with  
12 the rules made by the Council under this section, a register of environmental  
13 managers (in this Bill referred to as "the register").

14 (3) The register shall contain the names, address approved  
15 qualifications and such other particulars as may be specified by the Council,  
16 of all persons who are entitle, in accordance with the provisions of the Bill,  
17 to be registered as environmental manager (and who apply in the specified  
18 manner to be so registered.

19 (4) The register shall consist of two parts of which one shall be  
20 respect of fully registered persons and the other in respect of provisionally  
21 registered persons.

22 (5) Subject to the following provision of this section, he Council  
23 shall make rules with respect to the form and keeping of the register and the  
24 making of entries therein, and in particular:

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

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

29 (c) authorizing a registered person to have any qualification which  
30 is registered in relation to his name in addition to or, as he may elect, in

1 substitution for any other qualifications so registered;

2 (d) specifying anything falling to be specified under the provisions of  
3 this section.

4 (6) The Registrar shall:

5 (a) correct, in accordance with the Council's direction, any entry in the  
6 register which the Council directs him to correct as being in the Council's an  
7 entry which was incorrectly made;

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

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

13 (7) If the Registrar:

14 (a) sends by post to any registered person a letter addressed to him at  
15 his address on the register enquiring whether the registered particular relating  
16 to him are correct and receives on reply to the letter within the period of six  
17 months from the date of posting it; and

18 (b) upon the expiration of that period sends in like manner to the  
19 person in question a second similar letter and receive no reply to that letter  
20 within three months from the date of posting, it, the registrar may remove the  
21 particular relating to the person in question from the relevant part of the  
22 register.

23 (8) The Council may for any reason which seems to be sufficient,  
24 direct the registrar to restore to the appropriate part of the register any particular  
25 remove there from under this subsection.

Publication of  
the Register and  
list of correction

26 **6.-(1)** The Registrar shall:

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

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

5 (c) cause a print of each edition of the register and of each list of  
6 correction to be deposited at the principal office of the Council, and the  
7 Council shall keep the register and list so deposited open at all reasonable  
8 times for inspection by members of the public.

9 (2) A document purporting to be a print of an edition of a register  
10 published under this section by authority of the Registrar in the current year,  
11 or documents purporting to be prints of an edition of a register so published  
12 in a previous year and a list of corrections to that edition so published in the  
13 current year, shall, without prejudice to any other mode of proof, be  
14 admissible in any proceeding as evidence that a person specified in the  
15 document, or the documents read together, as being fully or provisionally  
16 registered, is so registered, and that any person not so specified is not so  
17 registered.

18 PART III - REGISTRATION

19 7.-(1) Subject to the provision of this Bill and to rules made under  
20 Section 6, a person shall not be entitled to be fully or provisionally registered  
21 under this Bill as an environmental manager unless:

Registration of  
Environmental  
Managers

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

24 (b) the course was conducted at an institution so approved, or  
25 partly at one such institution and partly at another or other;

26 (c) he holds a qualification so approved;

27 (d) he has passed the professional practice competence  
28 examination conducted by the Association; and

29 (e) he is a member of the Association.

30 (2) An applicant for registration under this Bill shall, in addition to

1 the evidence of qualification, satisfy the Council that:

2 (a) he is of good character;

3 (b) he has attained the age of twenty-one years

4 (c) he has not been convicted in Nigeria or elsewhere of an offence  
5 involving fraud or dishonesty.

6 (3) A fully registered environmental manager shall be entitled to a seal  
7 from the Council but any seal presented in pursuant of this subsection may be  
8 withdraw by the Council from such a member on:

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

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

11 (c) disciplinary grounds; and

12 (d) his ceasing to become a member of the Association.

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

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

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

Approval of  
Institutions,  
Courses of  
Training and  
qualifications  
by Council

23 **8.-(1)** Subject to Subsection (2) of this section, the Council may  
24 approve for the purpose of Section 7 of this Bill:

25 (a) any course of training which is intended for persons who are  
26 seeking to become, or are already qualified as, environmental manager;

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



1 (c) any qualification which as a result of examination take in  
2 conjunction with a course of training approved by the Council under this  
3 section, is granted to candidates reaching a standard at the examination  
4 indicating, in the opinion of the Council that they have sufficient knowledge  
5 and skills to practice environmental management as a profession, otherwise  
6 as a principal.

7 (2) The Council shall from time to time publish in the Federal  
8 Gazette a list of qualifications in the profession of environmental  
9 management approved by it and the Council shall not approve for the  
10 purposes of Subsection (1) qualifications granted by an institution unless the  
11 qualifications have been so published by the Council.

12 (3) The Council shall, on the recommendation of the Association,  
13 withdraw any approval given under this section in respect of any course,  
14 qualification or institution, but before withdrawing such an approval the  
15 Council shall:

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

20 (b) afford each such person an opportunity of making to the  
21 Council representations with regard to the proposal; and

22 (c) take into consideration any representation made as respect the  
23 proposal in pursuance of paragraph (b) of this subsection.

24 (4) As respects any period during which the approval of the  
25 Council under this section for a course, qualification or institution is  
26 withdrawn, the course qualification or institution shall not be treated as  
27 approved under this section but the withdrawal of such an approval shall not  
28 prejudice the registration or eligibility for registration of any person who by  
29 virtue of the approval was registered or eligible for registration immediately  
30 before the approval was withdrawn.

1 (5) The giving or withdrawal of an approval under this section shall  
2 have the effect from such date, either before or after the execution of the  
3 instrument signifying the giving or withdrawal of the approval, as the council  
4 may specify in the instrument, and the Council shall:

5 (a) as soon as possible publish a copy of every such instrument in the  
6 Federal Gazette; and

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

Supervision of  
Instructors and  
Examination  
leading to  
approved  
qualification

9 **9.**(1) The Council shall keep itself informed of the nature of:

10 (a) the instruction given at approved institutions to persons attending  
11 approved course of training; and

12 (b) the examinations as a result of which approved qualification are  
13 granted.

14 (2) For the purposes of performing its functions, the Association shall  
15 visit the approved institutions, attend their examinations and thereafter make  
16 recommendations to the Council.

17 (3) The Association shall report to the Council as to:

18 (a) the adequacy of the instruction given to persons attending  
19 approved courses at the institutions visited;

20 (b) the adequacy of the examination attended; and

21 (c) any other matter relating to the institution of examination on  
22 which the Council may, either generally or in a particular case, request the  
23 association to report, but the association shall not interfere with the giving of  
24 any instruction or the holding of any examination.

25 (4) On receiving a report made in pursuance of this section, the  
26 Council shall, as soon as may be possible send a copy of the report to the person  
27 appearing to the Council to be in charge of the institution or responsible for the  
28 examinations to which the report relates requesting that person to make  
29 observations on the report to the Council within such period as may be  
30 specified in the request, not being less than one month beginning with the date

1 of the request.

2 **10.**-(1) Any person who having qualified as an environmental  
3 manager by examination after the commencement of this Bill or within two  
4 years before the commencement as the case maybe, satisfies the conditions  
5 mentioned in Section 7 (2) and (2) of this section, may apply for and be  
6 entitled to receive free of charge a certificate of professional competence  
7 from the association entitling him to be fully registered as an environmental  
8 manager under this Bill, and such certificate shall, when received by the  
9 person, be field with his application for full registration.

Certificate of  
Professional  
Competence

10 (2) The conditions are:

11 (a) he shall, during his employment after qualification have  
12 acquired practical experience under the personal supervision and guidance  
13 of one or fully registered environmental manager for the period of two years;  
14 and

15 (b) the manager in which he carried out the duties of his  
16 employment and his conduct during the period of his employment shall have  
17 been satisfactory.

18 (3) It shall be the duty of the employer being a fully registered  
19 environmental manager supervising the work of persons employed with a  
20 view to obtaining a certificate of professional competence to ensure that the  
21 last mentioned person is afforded proper opportunities of acquiring the  
22 practical experience required for the purposes of paragraph (a) of  
23 Subsection (2).

24 **11.** The Registrar shall, as soon as practicable, after the entry in the  
25 register of any person's name, or after the removal of such name from the  
26 register, give notice in writing to the institution of the entry or removal, as  
27 the case may be, together with all the particulars relevant thereto.

Registrar to  
notify institution  
of entries in the  
register

28 PART IV - PROFESSIONAL DISCIPLINE

29 **12.**-(1) There shall be a Tribunal to be know as the Environmental  
30 Managers Disciplinary Tribunal (in this Bill referred to as "the Tribunal")

Disciplinary  
Power of the  
Council

1 which shall be charged with the duty of considering and determining any case  
2 referred to it by the Panel established under Subsection (3) of this section and  
3 any other case of which the Tribunal has cognizance under the following  
4 provisions of the Bill.

5 (2) The Tribunal shall consist of the President of the Council and  
6 eleven other members appointed by the Council of whom not less than four  
7 shall be members of the Council holding office by virtue of Section 3 (1) (d) of  
8 this Bill or where the number of those members is for time being less than four  
9 of those members.

10 (3) There shall be a body to be known as the Environmental Managers  
11 Investigation Panel (in this Bill referred to as "the Panel") which shall be  
12 charged with the duties of:

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

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

18 (4) The Panel shall be appointed by the Council and shall consist of  
19 seven members.

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

Penalties for  
unprofessional  
conduct, etc.

23 **13.-(1) Where:**

24 (a) a person fully registered or provisionally registered under this Bill  
25 is judged by the Tribunal to be guilty of infamous conduct in any professional  
26 respect;

27 (b) such a person is convicted of an offence in Nigeria or elsewhere by  
28 any court having power to impose imprisonment (whether or not such an  
29 offence is punishable with imprisonment) which in the opinion of the Tribunal  
30 is incompatible with the status of the environmental manager;

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

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

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

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

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

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

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

28           (6) A direction of the Tribunal under Subsection (1) of this section  
29 shall take effect:

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

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

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

4 (c) where an appeal is brought and is not withdrawn or struck out, if  
5 and when the appeal is dismissed.

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

14 PART V - MISCELLANEOUS AND GENERAL

Temporary  
registration of  
persons not citizen  
of Nigeria

15 **14.**-(1) Where a person satisfies the Council:

16 (a) that has been selected for employment for a specified period in a  
17 capacity in which a person registered as an environmental manager under this  
18 Bill is qualified to be employed and that he is or intends to be in Nigeria  
19 temporarily for the purpose of serving for that period in the employment in  
20 question;

21 (b) that holds a qualification or has passed examination necessary;  
22 and

23 (c) for obtaining some qualifications granted outside Nigeria which is  
24 for the time being accepted by the Council as respects the capacity in which, if  
25 employed, he is to serve, the Council may, if it thinks fit, give a direction that he  
26 shall be temporarily registered as an environmental manager.

27 (2) The temporary registration of a person shall continue only while  
28 he is in such employment as is mentioned in Subsection (1) (a) of this section  
29 and shall cease at the end of the period of the employment specified to the  
30 Council under that subsection or on the prior determination for the

1 employment whichever first occurs.

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

6 (4) A person who is temporarily registered shall, in relation to his  
7 employment and to things done or omitted to be done in the course of that  
8 employment, be deemed to be fully registered, but in relation to all other  
9 matter, he shall be treated as not so registered.

10 (5) In case of doubt as to whether a person's employment has been  
11 terminated, the decision of the Council shall be conclusive for the purpose of  
12 Subsection (2) of this section.

13 (6) The Register, as directed from time to time by the Council, shall  
14 remove from the register the name of any person ceasing to be entitled to the  
15 benefit of this section.

16 **15.-(1)** A person, not being a registered environmental manager, Offences  
17 who:

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

20 (b) without reasonable excuse takes or uses any name, title addition  
21 or description implying that he is authorized by law to practice as a  
22 registered environmental manager, shall be guilty of an offence under this  
23 Bill.

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

26 (a) makes a statement which he believes to be false in a material  
27 particular, or

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

30 (3) If the Registrar or any other person employed by the Council

1 willfully makes any falsification in any matter relating to the register, he shall  
2 be guilty of an offence under this Bill.

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

4 (a) on conviction in a court lower than the High Court to a fine not  
5 exceeding N10,000.00 (Ten Thousand Naira) and, where the offence is a  
6 continuing one, to a further fine not exceeding N5,000.00 (five thousand  
7 Naira) for each and everyday the offence continues;

8 (b) on conviction in a High Court, to a fine not exceeding N50,000.00  
9 or imprisonment for a term not exceeding five years or both and, where the  
10 offence is a continuing one, to a further fine not exceeding N20,000.00 for each  
11 and every day the offence continues.

12 (5) Where an offence under this section has been committed by a body  
13 corporate is proved to have been committed with the consent or connivance of,  
14 or to be attributable to any neglects on the part of any director, manager,  
15 secretary or any person purporting to act in any such capacity he, as well as the  
16 body corporate, shall be deemed to be guilty of that offence and shall be liable  
17 to be proceeded against and punished accordingly.

Supplementary  
Provisions

18 **16.**-(1) Subject to the following provisions of this section, a person  
19 not otherwise exempted shall not hold an appointment requiring status as  
20 environmental manager under this Bill in the public service of the Federation  
21 or of a State or in the armed forces of the Federation unless he is an  
22 environmental manager registered under this Bill.

23 (2) An environmental manager shall, but to the extent only of his  
24 particular qualification, be entitled to practice as a registered environmental  
25 manager throughout the Federation.

26 (3) A person in charge of any university or institution in the Federation  
27 offering courses leading to an approved qualification intended for persons who  
28 are seeking to become registered as environmental manager under this Bill  
29 shall furnish the Registrar, not later than 31st day of March in every year, with a  
30 list of the names and or such other particulars, as the Council may specify, of all



1 persons who attended any such courses at the university or institution in  
2 question at any time during the preceding year.

3 (4) In this section, "public service" includes service as a registered  
4 environmental manager in or with any educational institution, commission,  
5 corporation or state- owned or joint venture company and any employment  
6 in the Federation.

7 17.-(1) The Minister may give to the Council directions of a  
8 general character or relating generally to particular matters (but not to any  
9 individual person or case) with regard to the exercise by the Council of its  
10 functions and it shall be the duty of the Council to comply with the  
11 directions.

Control of  
Council by  
Minister

12 (2) Before giving a direction under subsection (1) of this section,  
13 the Minister shall serve a copy of the proposed direction on the Council and  
14 shall afford the Council an opportunity of making representations to him  
15 with respect to the directions; and after considering any representations  
16 made to him in pursuance of this subsection, the Minister may give the  
17 direction either without modification or with such modifications as appear  
18 to him to be appropriate having regard to the representatives.

19 18.-(1) The Council shall have power to make regulations, as may  
20 in its opinion, be necessary or expedient for giving full effect to the  
21 provisions of this Bill and for the administration thereof.

Regulations, Rules  
and Orders

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

24 (a) to make provision for such incidental or supplemental matter as  
25 the person or authority making the instrument considering expedient for the  
26 purpose of the instrument; and

27 (b) to make different provision for different circumstances.

28 19.-(1) In this Bill:

Interpretation

29 "approved qualification" means such qualification which is approved for the  
30 time being by the council;

1 "Council" means the Environmental Managers Registration Council of  
2 Nigeria (EMRECON) established under Section 1 (1) of this Bill;

3 "environmental manager" means any person registered as such under this Bill;

4 "Association" means the Environmental Management Association of Nigeria  
5 (EMAN);

6 "Profession" means the profession of environmental management;

7 "Environmental Management" means the reconciliation of the demands for  
8 socioeconomic systems within the constraints of the biosphere and atmosphere  
9 the aim of which is to minimize environmental impacts, to husband, and to add  
10 to existing resources for the future, through planning, organizing  
11 coordinating/directing, controlling, monitoring, evaluating and analyzing  
12 environmental activities, including environmental impacts analysis and  
13 assessment, post impact studies, baseline studies environmental audit and  
14 waste management;

15 "Register" means the register maintained under this Bill and "registered" shall  
16 be construed accordingly;

17 "Registrar" means the registrar appointed in pursuance of Section 6 of this Bill.

18 (2) For the purpose of this Bill, a person is registered if his name is, for  
19 the time being, entered in the register.

20 (3) Any approval, consent direction, notice, observation, report  
21 representation or request authorized or required to be given or made by or  
22 under this Bill shall be in writing and, may without prejudice to any other  
23 method of service but subject to the rules made under the second schedule to  
24 this Bill be served by post.

Citation

25 **20.** This Bill may be cited as the Environmental Managers  
26 Registration Council of Nigeria Bill, 2015.

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SCHEDULES

FIRST SCHEDULE

*Section 3 (2)*

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

*Qualifications and Tenure of Office of members*

1.-(1) A person shall not be appointed a member of the Council unless he is a citizen of Nigeria and he is registered as an environmental manager under this Bill.

(2) Subject to the provisions of this paragraph, a person who is a member of the Council otherwise than by virtue of Section 3 (1) (d) of this Bill shall hold office for a period not exceeding five years beginning with the date of his appointment or election, as the case may be: Provided that a person shall not hold office, whether appointed or elected, for a term of less than five years unless the Minister after consultation with the Council otherwise directs.

(3) Any member of the Council holding office otherwise than as mentioned in sub-paragraph (2) of this paragraph may, by notice to the Council, resign his office.

(4) Subject to section 3 of this Bill, a person who has ceased to be a member of the Council shall be eligible again to become a member of the Council.

(5) Where a member of the Council ceases to hold office before the date when his term of office would have expired by effluxion of time, the body or person by whom he was appointed or elected shall, as soon as may be possible, appoint or, as the case may be, elect a person to fill the vacancy for the residue of the term so that provisions of this subparagraph shall not apply where a person holding office as a member of the Council ceases to hold office at a time when the residue of his term does not exceed one year.

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

1 (a) during the period beginning with the date when this Bill comes  
2 into force, be exercisable by the Minister on the recommendation of the  
3 Association; and

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

8 (7) Notwithstanding that the term of office of a member of the Council  
9 has expired by the effluxion of time, a person appointed, as President, Vice  
10 President and one other person shall continue in that office until a fresh  
11 appointment is made to the office

12 (8) The quorum of the Council shall be seven so that at least two of the  
13 person elected by the Association and two of the representatives of the States of  
14 the Federation are present at the particular meeting, and the quorum of any  
15 committee of the Council shall be determined by the Council.

16 *Power of the Council*

17 2.-(1) The Council shall have power to do anything, which in its  
18 opinion is calculated to facilitate the carrying on of its activities.

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

23 *Proceeding of the Council*

24 3. Subject to the provision of this Bill and of Section 27 of the  
25 Interpretation Bill (which provides for decisions of a body to be taken by a  
26 majority of the members of the body and for the President to have a second or  
27 casting vote), the Council may make standing orders regulating the  
28 proceedings of the Council or of any committee thereof

29 4. The quorum of the Council shall be seven and the quorum of any  
30 Committee of the Council shall be determined by the Council.



1 the number of person determined by the Council, and not more than one-third  
2 of those persons may be persons who are not members of the Council, and a  
3 person other than a member of the council shall hold office on the Committee in  
4 accordance with the terms of the instrument by which he is appointed.

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

7 *Miscellaneous*

8 **8.**-(1) The fixing of the seal of the Council shall be authenticated by  
9 the signature of the President or of some other member authorized generally or  
10 specifically to act for that purpose by the Council.

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

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

18 **9.** The validity of any proceeding of the Council or of a Committee  
19 shall not be affected by any vacancy in the membership of the Council or  
20 Committee, or by any defect in the appointment of a member of the Council or  
21 of a person to serve on the Committee, or by reason that a person not entitled to  
22 do so took part in the proceedings.

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

28 **11.** A person shall not, by reason of his membership of the Council, be  
29 treated as holding an office in the public service of the Federation or of state  
30 thereof.

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SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

TRIBUNAL AND INVESTIGATING PANEL

*The Tribunal*

1. The quorum of the Tribunal shall be four

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

(2) The rules shall in particular provide:

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

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

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

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

(e) subject to the provisions of Section 13 (5) of this Bill, as to the costs of proceedings before the Tribunal;

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

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

(3) For the purposes of any proceeding before the Tribunal, any member of the Tribunal may administer oaths and any party to the

1 proceedings may sue out of the registry of the High Court, as the case may  
2 require, writs of *subpoena ad testificandum and duces tecum*, but no person  
3 appearing before the Tribunal shall be compelled:

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

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

8 **3.**-(1) For the purpose of advising the Tribunal on questions of law  
9 arising in the proceedings before it, there shall, in all such proceedings, be an  
10 assessor to the Tribunal who shall be appointed by the Council on the  
11 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of  
12 not less than seven years standing.

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

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

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

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

28 *The Panel*

29 **4.** The quorum of the Panel shall be three.

30 **5.**-(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 **6.-(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 **7.** 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 subparagraph (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 **8.** The Tribunal and the Panel may each sit in two or more  
18 divisions.

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

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

23 **11.** 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 Environmental Managers Registration Council charged with the responsibility for the registration of persons seeking to become members of the profession.