

A BILL

FOR

AN ACT TO PROVIDE FOR THE REGULATION OF THE TRAINING AND REGISTRATION OF THEATRE ARTS PROFESSIONALS AND FOR RELATED MATTERS, 2020

Sponsored by Hon. Ifeanyi Chudy Momah

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE THEATRE ARTS PROFESSIONALS
2 REGULATION COUNCIL OF NIGERIA, ETC.

3 1.-(1) There is hereby established for Theatre Arts Professionals a
4 body to be known as Theatre Arts Professionals Regulatory Council of
5 Nigeria (in this Act referred to as the "Council") which shall be charged with
6 the duty of:

Establishment
of the Theatre
Arts Professionals
Regulation Council
of Nigeria

7 (a) Determining what standards of knowledge and skill are to be
8 attained by persons seeking to become members of the profession of Theatre
9 Arts and improving those standards from time to time as circumstances may
10 permit;

11 (b) Securing in accordance with the provisions of this Act the
12 establishment and maintenance of a register of persons registered under this
13 Act as members of the profession and the publication from time to time of
14 lists of those persons;

15 (c) Conducting examinations in the profession and awarding
16 certificates or diplomas to successful candidates as are appropriate and for
17 such purpose, the Council shall prescribe fees to be paid in respect thereof;
18 and

19 (d) Theatre the other functions conferred on the Council by this
20 Act.

Functions of the Council	1	(2) It shall be the duty of the Council to:
	2	(a) Determine what standards of knowledge and skills are to be
	3	attained by persons seeking to become members of the profession and
	4	improving those standards from time to time as circumstances may permit;
	5	(b) Secure, in accordance with the provisions of this Act, the
	6	establishment and maintenance of a register of persons seeking to be registered
	7	under this Act to practice the profession and the publication, from time to time,
	8	of the lists of those persons;
	9	(c) Perform through the Council established by this Act the functions
	10	conferred on it by this Act.
Categories of membership	11	2.-(1) subject to the provisions of this Act persons admitted to
	12	membership of the profession can be registered as members of the profession
	13	in the category of:
	14	(a) fellows; or
	15	(b) honorary fellows;
	16	(c) members;
	17	(e) associates;
	18	(f) students;
	19	(g) affiliate members; or
	20	(h) corporate members.
	21	(2) A person accorded by the Council established under this Act status
	22	as a member of the profession shall be entitled to be registered as:
Fellow	23	(a) a fellow if:
	24	(i) he is at least forty-five years of age and has had not less than twenty
	25	years relevant professional working experience, at least five of which must
	26	have been in positions of managerial responsibility;
	27	(ii) his professional activities and achievements justify his acceptance
	28	as an authority in the profession;
	29	(iii) he is otherwise considered by the Council to be a fit and proper
	30	person to be so recognised;

1 (iv) his application in that behalf is sponsored in writing and in
2 such manner as the Council may, from time to time, prescribe by two fellows
3 - one nominating and the other seconding the nomination;

4 (b) a member if:

Full member

5 (i) he is at least thirty years of age and has had not less than ten
6 years relevant professional working experience, and he is the holder of
7 certificate of an examination recognised by the Council;

8 (ii) he is otherwise considered by the Council to be a fit and proper
9 person to be so registered;

10 (iii) his application in that behalf is sponsored in such manner as
11 the council may, from time to time, prescribe by two full members or by one
12 fellow:

13 Provided that the Council shall have power, from time to time, in its
14 discretion to waive the requirement of age specified in sub-paragraph (i) of
15 this paragraph;

16 (c) an associate if:

Associate member

17 (:i) he is at least 25 years of age and has had not less than five years
18 relevant professional working experience, and he is the holder of a
19 certificate of an examination recognised by the Council;

20 (ii) he is otherwise considered by the Council to be a fit and Proper
21 person to be so registered;

22 (d) a student if he is undergoing a course of study in
23 Theatre/Theatre Arts in any of the institutions approved for that purpose by
24 the Council; and

Student members

25 (e) an affiliate member if he is a person having an interest in
26 Theatre/Theatre Arts and has been so admitted as such by a resolution of the
27 Council or he practices Theatre/Theatre Arts but lacks requisite qualification
28 to back it.

Affiliate member

29 (f) a corporate member if it is an establishment that has as its
30 primary duty the teaching or research in the Theatre/Theatre Arts or has in its

Corporate member

1 employment not less than seven Theatre artists who earn their living through
2 such performances.

3 (3) The designatory letters of the:

4 (a) Fellow of Theatre Arts Professional Regulatory Council of
5 Nigeria shall be "FPARC". If an honorary fellow: "HPARC";

6 (b) Member of the Theatre Arts Professionals Regulatory Council of
7 Nigeria shall be "MPARC";

8 (c) Associate of the Theatre Arts Professionals Regulatory Council of
9 Nigeria shall be "APARC".

Election of
Members/President
and Vice President
of the Council

10 **3.-(1)** The congress of all registered members of Theatre Arts
11 Professionals Regulation Council of Nigeria shall elect ten (10) members from
12 among its members who are in good standing and of the rank not below
13 Member to serve as Council members for three years.

14 (2) The ten (10) elected council members shall in turn elect from
15 among themselves a President and a Vice-President of the Council, who shall
16 each hold office for a term of three years from the date of election.

17 (3) The President shall be the chairman at meetings of the Council, so
18 however in the event of the death, incapacity or inability, for any reason of the
19 President, the Vice President shall act in his stead for the unexpired portion of
20 the term of office, as the case may require, and references in this Act to the
21 President shall be construed accordingly.

22 (4) The President and the Vice-President shall respectively be
23 chairman and vice- chairman of the Council and of meetings of the registered
24 members.

25 (4) If the President or the Vice-President ceases to be a registered
26 member of profession he shall ipso facto cease to hold any office designated
27 under this section.

Membership of
the Council

28 **4.** The Council shall consist of the following members:

29 (a) President, who shall be the chairman;

30 (b) Vice-President, who shall be the vice-chairman;

1 (c) one representative, Federal Ministry responsible for Culture &
2 Tourism;

3 (d) one representative, Federal Ministry of Education;

4 (e) two persons to be appointed from different associations of
5 Theatre/theatre arts scholars and practitioners as may be incorporated, from
6 time to time, to be held in rotation across the different professional bodies
7 every year;

8 (f) eight other persons to be elected by the congress of all registered
9 members of Theatre Arts Professionals Regulation Council of Nigeria in the
10 rating of one person per geographical zone of Nigeria, five of which must be
11 teaching staff of tertiary institutions offering Theatre/Theatre Arts;

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

15 **5.**-(1) The Council shall have power to borrow or to dispose of any
16 property except otherwise decided by Congress, and shall have power to pay
17 remuneration (including pensions), allowances or expenses to any
18 employee of the Council or any other person in accordance with scales
19 approved by the Congress. Funds of the
Council, etc.

20 (2) The fund of the Council shall consist of:

21 (a) all fees and other moneys payable to the Council in pursuance
22 of this Act; and

23 (b) such moneys as may be payable to the Council, whether in the
24 course of the discharge of its functions or otherwise.

25 (3) There shall be paid out of the fund of the Council:

26 (a) the remuneration and allowances of the Registrar and other
27 employees of the Council; and

28 (b) such reasonable travelling and subsistence allowances of
29 members of the Council in respect of the time spent on the business of the
30 Council, as the Council may, determine; and

1 (c) any other expenses incurred by the Council in the discharge of its
2 functions under this Act.

Accounts, etc.

3 6.-(1) The Council shall keep proper accounts in respect of each year
4 and proper records in relation to those accounts and shall cause its accounts to
5 be audited within 6 months after the end of each year to which the accounts
6 relate by auditors appointed from the list and in accordance with the guideline
7 supplied by the Auditor-General of the Federation.

Establishment
of Congress of
Registered
Professionals

8 7.-(1a) There is hereby establish under this Act body to be known as
9 the General Congress of all registered Theatre Arts Professionals (Regulation
10 Council of Nigeria) thereafter referred to as "the congress" whose duty it shall
11 be to meet at least once annually to consider and approve matters referred to it
12 by the council;

13 (b) review all issues that pertain to general developments in the
14 teaching and practice of theatre arts.

15 (2) The congress shall also meet annually.

Appointment
of Registrar, etc.

16 8.-(1) The Council shall appoint a fit and proper person to be Registrar
17 for the purposes of this Act.

18 (2) The Registrar shall, in addition to his other functions under this
19 Act, be the Secretary to the Council and shall on the instructions of the
20 President of the Council or any committee of the Council, convene and keep
21 minutes of the proceedings at all meetings of the Council and committees
22 thereof, as the case may be.

23 (3) The Council may appoint such other persons to be employees of
24 the Council as the Council may determine to assist the Registrar in the exercise
25 of his functions under this Act.

26 (4) The Council may, whenever the Registrar is absent or for any other
27 reason is unable to discharge the functions of his office, appoint an acting
28 Registrar to discharge his functions.

29 (5) The Registrar and other employees of the Council shall hold office

1 on such conditions as the Council may, with the approval of the Congress,
2 determine.

3 PART II

4 9.-(1) It shall be the duty of the Registrar to prepare and maintain,
5 in accordance with rules made by the Council under this section, a register of
6 names, addresses, approved qualifications and of such other particulars, as
7 may be specified of all persons who are entitled in accordance with the
8 provisions of this Act to be registered as members of the profession and who
9 apply in the specified manner to be so registered.

Registration of
members of the
Profession

10 (2) Subject to the provisions of this section, the Council shall make
11 rules with respect to the form of keeping of the register and the making of
12 entries therein and in particular:

13 (a) regulating the making of applications for registration, and
14 providing for the evidence to be produced in support of such applications;

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

17 (c) authorising a registered person to have any qualification which
18 is, in relation to the profession, whether an approved qualification or an
19 accepted qualification under section 11 (1) of this Act, registered in relation
20 to his name in addition to or, as he may elect, in substitution for any other
21 qualifications so registered;

22 (d) specifying the fees to be paid to the Council in respect of the
23 entry of names on the register, and authorising the Registrar to refuse to
24 enter a name on the register until any fee specified for the entry has been
25 paid;

26 (e) specifying anything falling to be specified under the foregoing
27 provisions of this section, but rules made for the purposes of paragraph (d) of
28 this subsection shall not come into force until they have been confirmed by
29 the congress.

30 (3) It shall be the duty of the Registrar:

1 (a) to correct, in accordance with the directions of the Council, any
2 entry in the register which the Council directs him to correct as being in the
3 opinion of the Council an entry which was incorrectly made;

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

6 (c) to remove from the register the name of any registered person who
7 has died or has become insane, or for any other reason has ceased to be a
8 member of the profession.

9 (4) If the Registrar:

10 (a) sends by post to any registered person a registered letter addressed
11 to him at his address on the register enquiring whether the registered particulars
12 relating to him are correct and receives no reply to that letter within three
13 months from the date of posting it; and

14 (b) upon the expiration of that period, sends in like manner to the
15 person in question a second letter and receives no reply to that letter within
16 three months from the date of posting it, the Registrar may remove the
17 particulars relating to the person in question from the register but the Council
18 may direct the Registrar to restore to the register any particulars removed there
19 from under this subsection.

Publication of
membership
register, etc.

20 **10.**-(1) It shall be the duty of the Registrar:

21 (a) to cause the register to be printed, published and put on sale to
22 members of the public not later than two years from the beginning of the year in
23 which this Act comes into force;

24 (b) in each year, after that in which a register is first published under
25 paragraph (a) of this subsection, to cause to be printed, published and put on
26 sale as afore-said, either a corrected edition of the register or a list of alterations
27 made to the register since it was last printed; and

28 (c) to cause a print of each edition of the register and of each list of
29 corrections to be deposited at the principal office of the Council, and it shall be
30 the duty of the Council to keep the register and lists so deposited open at all

1 reasonable times for inspection by members of the public.

2 (2) A document purporting to be a print of an edition of a register
3 published under this section by authority of the Registrar in the current year
4 or documents purporting to be prints of an edition of a register so published
5 in the current year, shall (without prejudice to any other mode of proof) be
6 admissible in any proceedings as evidence that any person specified in the
7 document, or documents read together, as being registered, is so registered
8 and that any person not so specified was not so registered.

9 **11.**-(1) Subject to section 9 of this Act, a person shall be entitled to
10 be registered under this Act and being so registered, to receive a registration
11 certificate, if:

Qualification for
registration, etc.

12 (a) he has attended a course of training approved by the Council
13 under section 13 of this Act;

14 (b) the course was conducted at an institution so approved, or
15 partly at one of such institution and partly at another;

16 (c) he holds one or more qualifications prescribed in the Second
17 Schedule to this Act for the purpose of registration on the register and has
18 complied with the other requirements prescribed under section 9 (2) of this
19 Act;[Second Schedule.]

20 (d) he is of good character; and

21 (e) he thereafter pays any prescribed fee.

22 (2) Subject to subsection (1) of this section, a registered person
23 shall be required to pay an annual prescribed retention fee to retain his
24 registration with the Council and any failure to pay the retention fee shall
25 result in temporary withdrawal of the certificate to practice.

26 (3) The Council shall, from time to time, publish in the Gazette
27 particulars of the qualifications for the time being accepted as aforesaid.

28 (4) The qualifications specified in the Second Schedule to this Act
29 are those accepted for the time being by the Council as the minimum
30 qualification for the purpose of registration on the register established under

Second Schedule

Temporary
registration

1 section 9 of this Act.

2 (5) Subject as aforesaid, a person shall be entitled to be temporarily
3 registered under this Act in the cases specified in section 12 of this Act.

4 **12.**-(1) Where a person satisfies the Council:

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

9 (b) that he holds or has passed examinations necessary for obtaining
10 some qualifications granted outside Nigeria which are, for the time being,
11 accepted by the Council for the purpose of this section as respects the capacity
12 in which, if employed, he is to serve; and

13 (c) he pays any fee prescribed for registration, the Council may, if it
14 thinks fit, give a direction that he shall be temporarily registered.

15 (2) The temporary registration of a person shall continue only while
16 he is in such employment as is mentioned in subsection (1) (a) of this section
17 and shall cease:

18 (a) on the termination of the period of employment specified to the
19 Council under that subsection; or

20 (b) on the termination of the said employment before the end of the
21 period, whichever first occurs, but nothing in this subsection shall preclude the
22 Council from giving a further direction under subsection (1) of this section in
23 respect of a specified period whose commencement coincides with the
24 termination of another such period.

25 (3) A person who is temporarily registered shall in relation to the
26 employment mentioned under subsection (1) (a) of his section, and to things
27 done or omitted to be done in the course of that employment, be deemed to be
28 fully registered, but in respect of other matters he shall be treated as not so
29 registered.

30 (4) Where there is doubt as to whether a person's employment has

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

3 (c) take into consideration any representations made as respects the
4 proposal in pursuance of paragraph (b) of this subsection.

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

12 (5) The giving or withdrawal of an approval under this section shall
13 have effect from such date, after the execution of the instrument signifying the
14 giving or withdrawal of the approval, as the Council may specify in the
15 instrument, and the Council shall:

16 (a) as soon as may be, publish a copy of every instrument in the
17 Gazette; and

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

Supervision of
instructions, etc.

20 **14.**-(1) It shall be the duty of the Council to keep itself informed of the
21 nature of:

22 (a) the instructions given at approved institutions to persons attending
23 approved courses of training; and

24 (b) the examinations as a result of which approved qualifications are
25 granted, and for the purposes of Theatre that duty the Council may appoint,
26 either from among its own members or otherwise, persons to visit approved
27 institutions or attend such examinations.

28 (2) It shall be the duty of the person appointed under this section to
29 report to the Council on:

30 (a) the adequacy of the instruction given to persons attending

1 approved courses of training at institutions visited by him;

2 (b) the adequacy of the examinations attended by him; and any
3 other matter relating to the institutions or examinations on which the
4 Council may, either generally or in a particular case, request him to report,
5 but no person shall interfere with the giving of any instruction or the holding
6 of any examination.

7 (3) On receiving a report made in pursuance of this section, the
8 Council shall as soon as may be send a copy of the report to the person
9 appearing to the Council to be in charge of the institution or responsible for
10 the examinations to which the report relates; requesting that person to make
11 representations to the Council within such time as may be specified in the
12 request, not being more than one month beginning with the date of the
13 request.

14 (4) Notwithstanding the provisions of this section of this Act, the
15 council shall have responsibility to conduct its professional examinations.

16 **15.** The President and the registrar shall be joint signatories to a
17 certificate awarded by the council.

Signatories to
Certificates

18 **16.** The Council may arrange for the grant of diplomas certificates
19 and awards and for the participation in any scheme for the grant thereof
20 jointly with other professional bodies.

Power to grant
Diplomas etc.

21 **17.-(1)** The Council may, if it thinks fit, consider and report to the
22 Minister upon all matters relating to the professional and technical training
23 and other qualifications required for admission to the profession under this
24 Act and the conditions of practice after registration.

Reports to Minister

25 (2) The Minister may require the Council to advise him on any
26 matter referred to in subsection (1) of this section.

27 **18.-(1)** the council shall:

Provision of
Library facilities

28 (a) provide and maintain a library comprising books and
29 publications for the advancement of knowledge of Theatre/theatre arts, and

1 such other books and publications, as the council may think necessary for the
2 purpose.

3 (b) Encourage research into theatre arts and allied fields to the extent
4 that the council may from time to time, consider necessary.

5 PART IV

Privileges of
registered persons
and offences by
unregistered
persons, etc.

6 **19.** A certificate required by any written law from any class of persons
7 for whom a register is maintained under this Act shall not be valid unless the
8 person signing it is registered in accordance with this Act:

9 (1) Subject to the provisions of this Act, no person, not being
10 registered in accordance with this Act, shall be entitled to hold any appointment
11 in the public service of the Federation or of a State or in any public or private
12 establishment, body or institution, if the holding of such appointment involves
13 the performance by him in Nigeria of any act pertaining to the profession for
14 gain;

15 (2) Nothing in this section or any other provisions of this Part of this
16 Act shall prevent a person from holding any appointment referred to in
17 subsection (1) of this section while he is undergoing training for the purpose of
18 becoming qualified for registration under this Act under the supervision of
19 persons who are registered in accordance with this Act.

Offences, etc.

20 **20.**-(1) Any person, not being registered in accordance with this Act,
21 who holds himself out to be so registered or uses any name, title, description or
22 symbol calculated to lead any person to infer that he is so registered, shall be
23 guilty of an offence and liable on conviction for a first offence to a fine of not
24 less than Two hundred thousand naira or more than Five hundred thousand
25 naira or to imprisonment for a term of six months or to both such fine and
26 imprisonment, and on conviction for a second or any subsequent offence to
27 imprisonment for a term of not less than one year or more than three years or to
28 a fine of not less than Two million naira or more than Five million naira or to
29 both such fine and imprisonment.

30 (2) No remuneration shall be recoverable by legal proceedings in

1 respect of any act pertaining to the profession of a registered person when
2 performed by a person who is prohibited from Theatre such act for gain.

3 (3) If any person for the purpose of procuring the registration of
4 any name, qualification or other matter:

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

7 (b) recklessly makes a statement which is false in a material
8 particular, he shall be guilty of an offence.

9 (4) If the Registrar or any other person employed by the Council
10 wilfully makes any falsification in any matter relating to any register
11 maintained under this Act, he shall be guilty of an offence.

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

13 (a) on conviction in a High court, to a fine not exceeding two
14 hundred thousand naira or to a term of imprisonment not exceeding two
15 years, or to both such fine and imprisonment; or

16 (b) on conviction in a court of inferior jurisdiction, to a fine not
17 exceeding one thousand naira.

18 (6) Where an offence under this Act which has been committed by a
19 body corporate is proved to have been committed with the connivance of or
20 to be attributable to any neglect on the part of any director, manager,
21 secretary or other similar officer of the body corporate or any person
22 purporting to act in any such capacity, he, as well as the body corporate, shall
23 be deemed to be guilty of that offence and shall be liable to be proceeded
24 against and punished accordingly.

25 (7) In any criminal proceedings against any person upon a charge
26 of having performed an act, which constitutes an offence if performed by an
27 unregistered person, the person charged, shall be deemed to be unregistered
28 unless he proves the contrary.

1 PART V - DISCIPLINE

Establishment
of the Disciplinary
Committee and
the Investigating
Panel

2 **21.** -(1) There shall be established a Disciplinary Committee to be
3 known as the Theatre Arts Professionals Disciplinary Committee (hereafter in
4 this Act referred to as "the Disciplinary Committee") which shall be charged
5 with the duty of considering and determining any case referred to it by the
6 Investigating Panel established by the following provisions of this Act.

7 (2) The Disciplinary Committee shall consist of the chairman of the
8 Council and four other members of the Council to include members holding
9 office by virtue of paragraphs (a), (b) and (c) of section 2 of this Act.

10 (3) There shall be established a body to be known as the Theatre Arts
11 Professionals Investigating Panel (in this Act referred to as "the Investigating
12 Panel") which shall be charged with the duty of:

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

17 (b) deciding whether the case should be referred to the Disciplinary
18 Committee.

19 (4) The Investigating Panel shall be appointed by the Council and
20 shall consist of five members of the Council one of whom shall be named as the
21 chairman.

Third Schedule

22 (5) The provisions of the Third Schedule to this Act shall, in so far as is
23 applicable to the Disciplinary Committee and the Investigating Panel
24 respectively, have effect with respect to those bodies.

Proceedings of
the Disciplinary
Committee

25 **22.**-(1) At any meeting of the Disciplinary Committee three members
26 shall form a quorum.

27 (2) The chairman shall preside at any meeting of the Disciplinary
28 Committee.

29 (3) Any question proposed for decision by the Disciplinary
30 Committee shall be determined by the majority of the members present and

1 voting at a meeting of the Disciplinary Committee at which a quorum is
2 present.

3 (4) At all meetings of the Disciplinary Committee each member
4 present shall have one vote on a question proposed for decision by the
5 Disciplinary Committee and, in the event of an equality of votes, the
6 chairman shall have in addition to a deliberative vote, a casting vote.

7 **23.-(1) Where:**

Penalties for
offences

8 (a) a person registered under this Act is convicted by any court or
9 tribunal in Nigeria or elsewhere having power to award punishment for an
10 offence (whether or not an offence punishable with imprisonment) which in
11 the opinion of the Disciplinary Committee is incompatible with the
12 professional status of such person;

13 (b) a registered person is adjudged by the Disciplinary Committee
14 to be guilty of infamous conduct in a professional respect;

15 (c) the Disciplinary Committee is satisfied that the name of any
16 person has been fraudulently registered; or

17 (d) the Disciplinary Committee may give any of the directions
18 mentioned in subsection (2) of this section.

19 (2) The Disciplinary Committee may give a direction under
20 subsection (1) of this section:

21 (a) ordering the Registrar to strike the person's name off the
22 relevant part of the register;

23 (b) suspending the person from practice for such period as may be
24 specified in the direction;

25 (c) reprimanding the person;

26 (d) ordering the person to pay to the Council any costs of and
27 incidental to the proceedings incurred by the Council; or

28 (e) cautioning the person and postponing for a period not
29 exceeding one year any further action against him on one or more conditions
30 as to his conduct during that period; and any such direction may, where

1 appropriate, include provisions requiring the refund of moneys paid or the
2 handing over of documents or any other thing as the case may require.

3 (3) In any inquiry under this section, any findings of fact which is
4 shown to have been made in:

5 (a) any criminal proceedings in a court in Nigeria;

6 (c) or any civil proceedings in a court in Nigeria, shall be conclusive
7 evidence of the fact found.

8 (4) If, after due inquiry, the Disciplinary Committee is satisfied that
9 during the period of any postponement under paragraph (e) of subsection (2) of
10 this section a person has not complied with the conditions imposed there-
11 under, the Disciplinary Committee may, if it thinks fit, impose any one or more
12 of the penalties mentioned in paragraphs (a), (b), (c) or (d) of that subsection.

13 (5) A certificate under the hand of the chairman that any costs have
14 been ordered to be paid by a person under this section shall be conclusive
15 evidence thereof.

Restoration of
name in the
membership
register, etc.

16 **24.**-(1) Where the name of a person has been struck off from the
17 register in pursuance of a direction given under section 21 of this Act, the
18 Disciplinary Committee may, if it thinks fit, at any time direct the restoration of
19 the person's name to the register.

20 (2) An application for the restoration of a name to a register under
21 subsection (1) of this section shall not be made to the Disciplinary Committee
22 before the expiration of such period from the date of the striking off (and where
23 he has made such an application, from the date of his last application) as may be
24 specified in the direction.

25 (3) There shall be payable to the Council by any person on the
26 restoration of his name to a register in pursuance of a direction given under this
27 section the like fees as would be payable by that person on first becoming
28 registered on that register.

29 (4) If it is proved to the satisfaction of the Disciplinary Committee
30 that any entry made in a register has been fraudulently or incorrectly made, the

1 Disciplinary Committee may direct that the entry shall be struck off from the
2 register.

3 (5) A person may be registered in pursuance of any provisions of
4 this Act notwithstanding that his name had been struck off in pursuance of a
5 direction given under sub-section (4) of this section, but if it was so struck
6 off on the ground of fraud he shall not be registered except when an
7 application in that behalf is made to the Disciplinary Committee and on any
8 such application the Disciplinary Committee may, if it thinks fit, direct that
9 he shall not be registered or shall not be registered until the expiration of
10 such period as may be specified in the direction.

11 (6) Any reference in this Act to the striking off from or the
12 restoration to a register of the name of a person shall be construed as
13 including a reference to the striking off from or the restoration to the register
14 of any other registerable particulars relating to that person.

15 **25.**-(1) Where the Disciplinary Committee:

16 (a) makes a finding and imposes a penalty on a registered person
17 under section 23 of this Act; or

18 (b) rejects an application for restoration of a name to a register
19 under section 24 (2) of this Act; or

20 (c) directs the striking off of an entry from a register under section
21 23 (a) of this Act, the Registrar shall give the person to whom the
22 proceedings relate notice in writing thereof and such person may, within 28
23 days from the date of service on him of the notice, appeal to the Federal High
24 Court.

25 (2) On any appeal under this section the Council shall be the
26 respondent.

27 (3) No direction for the striking off of the name of a registered
28 person from a register under section 23 or 24 (1) of this Act shall take effect
29 until the expiration of the time for appealing or if an appeal is brought, until
30 such time as the appeal is disposed of, withdrawn or struck out for want of

Rights to appeal
etc.

1 prosecution, as the case may be.

2 (4) The Federal High Court may, on any appeal under this section:

3 (a) confirm, vary or set aside any finding of fact, penalty imposed or
4 direction given by the Disciplinary Committee;

5 (b) confirm the rejection of the Disciplinary Committee of the
6 application for restoration or direct the restoration of the name to the register;

7 (c) remit the matter to the Disciplinary Committee for further
8 consideration; or

9 (d) make such other order as to costs or otherwise as may to it seem
10 just, but no proceedings before the Disciplinary Committee shall be set aside
11 by reason only of informality in those proceedings which did not embarrass or
12 prejudice the appellant.

13 PART VI

Supplementary

14 **26.** Any power to make regulations/ rules or orders conferred under
15 this Act shall include:

16 (a) the power to make provisions for such incidental and
17 supplementary matters as the authority making the instrument considers
18 expedient for the purposes of the instrument; and

19 (b) the power to make different provisions for different
20 circumstances.

Application of
this Act to
un-enrolled
persons

21 **27.** Any person who before the coming into force of this act, has been
22 practising as a professional Theatre artistes, shall within the period of three
23 months beginning from the day of this Act comes into force, apply for
24 registration as a Theatre Arts Professional in such a manner as may be
25 prescribed by rules made by the Council and if approved, he shall be enrolled or
26 registered, as the case may be, according to his qualification.

Interpretation

27 **28.** In this Act, unless the context otherwise requires:

28 "accepted qualification" means a diploma or other certificate specified in the
29 Second Schedule to this Act;

30 "Council" means the Theatre Arts Professionals Regulation Council of

1 required so to do by notice given to him by not less than thirteen other
2 members, he shall summon a meeting of the Council to be held within
3 twenty-one days from the date on which the notice is given.

4 (2) At any meeting of the Council, the president, or in his absence,
5 the vice-president shall preside but if both are absent the members present at
6 the meeting shall appoint one from the elected members present to preside at
7 that meeting.

8 (3) Where the Council wishes to obtain the advice of any person on
9 a particular matter, the Council may co-opt him as a member for such period
10 as it thinks fit, but a person who is a member by virtue of this subparagraph
11 shall not be entitled to vote at any meeting of the Council and shall not count
12 towards a quorum.

13 *Committees*

14 7.-(1) The Council may appoint one or more committees to carry
15 out, on behalf of the Council, such of its functions as the Council may
16 determine.

17 (2) A committee appointed under this paragraph shall consist of the
18 number of persons determined by the Council and not more than one-third of
19 those persons may be persons who are not members of the Council.

20 (3) A person other than a member of the Council shall hold office
21 on a committee in accordance with the terms of the instrument by which he
22 is appointed.

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

25 *Miscellaneous*

26 8.-(1) The fixing of the seal of the Council shall be authenticated by
27 the signature of the president and registrar or of some other member
28 authorised generally or specially by the Council to act for that purpose.

29 (2) Any contract or instrument which if made or executed by a
30 person not being a body corporate, would not be required to be under seal,

1 may be made or executed on behalf of the Council by any person generally or
2 specially authorised by the Council for that purpose.

3 SECOND SCHEDULE

4 *[Section 11 (1) and (4).]*

5 *Accepted minimum qualification for the purpose of registration on the*
6 *register established under this Act.*

7 Certificate of the Council or any equivalent diploma or qualification, Degrees,
8 Diplomas certificates from higher institutions recognized in the council by
9 virtue of section 13 of this Act.

10 THIRD SCHEDULE

11 *[Section 21 (5).]*

12 *Supplementary provisions relating to the Disciplinary Committee and*
13 *the Investigating Panel*

14 *The Disciplinary Committee*

15 1.-(I) The Congress shall approve rules as to the procedure to be
16 followed and the rules of evidence to be observed in proceedings before the
17 Disciplinary Committee.

18 (2) The rules shall in particular provide:

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

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

24 (c) for securing that any party to the proceedings shall, if he so
25 requires be entitled to be heard by the Disciplinary Committee;

26 (d) for enabling any party to the proceedings, who so desires, to be
27 represented by a legal practitioner

28 (e) for requiring in a case where it is alleged that the person who is the
29 subject of the proceedings is guilty of infamous conduct in any professional
30 respect, that where the Disciplinary Committee adjudges that the allegation has

1 not been proved it shall record a finding that the person is not guilty of such
2 conduct in respect of the matter to which the allegation relates;

3 (f) for publication in the Gazette notice of any direction of the
4 Disciplinary Committee which has taken effect providing that a person's
5 name shall be struck off a register.

6 2.-(1) For the purpose of advising the Disciplinary Committee on
7 any question of law arising in proceedings before it, there shall in such
8 proceedings be an assessor to the Disciplinary Committee who shall be
9 appointed by the Congress on the recommendation of the council and shall
10 be a legal practitioner of not less than ten years' standing.

11 (2) The Attorney-General of the Federation shall make rules as to
12 the functions of assessors appointed under this paragraph and in particular
13 such rules shall contain provisions for securing:

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

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

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

28 *The Investigating Panel*

29 3. The quorum of the Investigating Panel shall be three.

30 4.-(1) The Investigating Panel may, at any of its meetings attended

1 by not less than five members of the Investigating Panel, make standing orders
2 with respect to the Investigating Panel.

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

5 *Miscellaneous*

6 5.-(1) A person ceasing to be a member of the Disciplinary Committee
7 or the Investigating Panel shall be eligible for reappointment as a member of
8 that body.

9 (2) A person may, if otherwise eligible, be a member of both the
10 Disciplinary Committee and the Investigating Panel, but no person who has
11 acted as a member of the Investigating Panel with respect to any case shall act
12 as a member of the Disciplinary Committee with respect to that case.

13 6.-(1) The Disciplinary Committee or Investigating Panel may act
14 notwithstanding any vacancy in its membership; and the proceedings of either
15 body shall not be invalidated by any irregularity in the appointment of a
16 member of that body, or (subject to sub-paragraph (2) of paragraph 5 of this
17 Schedule) by reason of the fact that any person who was not entitled to do so
18 took part in the proceedings of that body.

19 7. The Disciplinary Committee and the Investigating Panel may each
20 sit in two or more places.

21 8. Any document authorised or required by virtue of this Act to be
22 served on the Disciplinary Committee or the Investigating Panel shall be
23 served on the Registrar.

24 9. Any expenses of the Disciplinary Committee or the Investigating
25 Panel shall be defrayed by the Council.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Regulation of the Training and Registration of
Theatre Arts Professionals.