

CHARTERED INSTITUTE OF PROJECT AUDITORS OF NIGERIA BILL, 2020

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF PROJECT AUDITORS OF NIGERIA TO BE CHARGED WITH THE RESPONSIBILITY FOR REGISTRATION, DISCIPLINE OF ITS MEMBERS, TO REGULATE AND CONTROL THE PRACTICE OF PROJECT AUDITING PROFESSION AND FOR RELATED MATTERS

Sponsored by Hon. Fred Agbedi

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF PROJECT
2 AUDITORS OF NIGERIA, ITS FUNCTIONS, ETC.

3 1.-(1) There is established a body to be known as the Chartered
4 Institute of Project Auditors of Nigeria (in this Act referred to as "the
5 institute") which shall be a body corporate under that name and be charged
6 with the general duty of:

Establishment
of the Chartered
Institute of Project
Auditors, its
functions

7 (a) determining and reviewing, from to time, the academic
8 Standards, knowledge and skills that shall be attained by persons seeking to
9 qualify as registered members of the Chartered Institute of Project Auditors
10 of Nigeria (in this Act referred to as "the Professional");

11 (b) ensuring that its members maintain a reputable and high
12 standard of Behavior expected of any professional in project auditing,
13 project control and monitoring, project compliance and standard project
14 inspection and evaluation and project assurance in Nigeria and other parts of
15 the world;

16 (c) providing for the training education and examination of
17 Persons desiring to become professional project auditing Professionals
18 according to the provisions of this Act whether in Nigeria or abroad;

1 (d) regulating the discipline and professional conduct of its members;

2 (e) promoting and projecting the welfare of its members both in

3 Nigeria And abroad;

4 (f) arranging conferences, seminars, symposia and meeting for

5 discussion of project auditing and related matters, reading of papers and

6 delivery of lectures, publishing copies of abridgement of papers, books,

7 lectures, records and other memoranda instilling high standard of professional

8 ability and knowledge by means of periodic issue of journals of the Institute

9 and to organize post qualification courses for its members; publication of

10 articles on the journal of the Institute and

11 (g) performing such functions as are incidental to the objects or as the

12 Council may deem necessary for the attainment of all or any of these objects.

13 (2) The Institute shall have perpetual succession and a common seal

14 which shall be kept in such custody as the Council may, from time to time,

15 authorize.

16 (3) The Institute may sue and be sued in its corporate name and may,

17 Subject to the land use Act, hold, acquire and dispose of any property movable

18 or immovable.

19 (4) The Institute shall, in accordance with the provisions of this Act,

20 ensure the establishment and maintenance of a register of fellow members,

21 honorary fellow members, doctoral fellow members, full members, associates

22 members, graduates members, corporate members, and student members of

23 the Institute and the publication of their lists from time to time.

24 2.-(1) There is established for the Institute a Governing Council (in

25 this Act referred to as the Council") which shall be charged with the

26 responsibility for the administration and general management of the Institute.

27 (2) The Council shall consist of the following members, who are

28 fellows and full members of the Institute:

29 (a) a President of the Institute, who shall be the Chairman;

30 (b) a Vice-Presidents of the Institute;

1 (c) 6 corporate members nominated by the council geo-political
2 zones of the Federation;

3 (i) not more than 6 co-opted members (d) a coordinator from each
4 of the geo-political zones of the Federation;

5 (e) immediate and all past Presidents of the Institute;

6 (f) a Registrar of the Institute, who shall also be the Secretary of the
7 Council.

8 (3) The provisions set out in its First Schedule to this Act shall have First Schedule
9 effect with respect to the qualifications and tenure of office of members of
10 the Council and other matters therein mentioned.

11 3. There shall be for the Institute a President, and a Vice-President, Election of
12 who shall be full members or fellows of the Institute, to be elected by the President and
13 fellow members at an annual general meeting and hold office each for a term Vice-President
14 of three years from the date of election and shall not be eligible for re- of the Institute
15 election after two terms of three years each.

16 4.-(1) A person shall be qualified for election to the office of the Qualifications for
17 President and Vice-President of the Institute if he: election of the
President and Vice-President

18 (a) is a citizen of Nigeria;

19 (b) has attained the age of 35 years;

20 (c) has been educated up to at least University or Polytechnic level
21 with a First Degree, Higher National Diploma, Professional membership
22 certificates or their Equivalent;

23 (d) has paid all his dues for five consecutive years immediately
24 preceding the year of election;

25 (e) has not been adjudged to be a lunatic or declared to be of
26 unsound mind or adjudged or declared bankrupt; and

27 (f) a fellow of the Institute.

28 (2) The President shall preside at the meetings of the Institute but in
29 the event of death, resignation, incapacity or inability for any reason and the
30 President can no longer perform the functions of his office, the Vice-

1 President shall act in his stead for unexpired portion of the term of office.

2 (3) The President and the Vice-President shall respectively be
3 Chairman and Vice-Chairman of the Council.

4 (4) If the President or Vice-President ceases to be a member of the
5 Institute, he shall cease to hold any of the offices designated under this section.

Admission to the
Institute, classes
of members and
recognition or
national service

6 5.-(1) Subject to the provisions of this Act, a person or body admitted
7 to the Institute shall be registered as a member of the Institute in the category
8 of:

9 (a) Fellow Member; Doctoral Fellow Member;

10 (b) Honorary Fellow Member;

11 (c) Full Member;

12 (d) Associate Member;

13 (e) Graduate Member;

14 (f) Corporate Member; and

15 (g) Student Member.

16 (2) A person or body accorded by the Council the status of a member
17 shall be enrolled as:

18 (a) a Fellow, if he is a full member of high professional standing who:

19 (i) has served the institute and had not less than 10 years experience in
20 any areas of project auditing, project control and monitoring, project
21 compliance and standard, project inspection and evaluation, project assurance
22 and management post in a private or public organization at the time of his
23 application or enrollment, or

24 (ii) is not currently engaged in project auditing, project control and
25 monitoring, project inspection and evaluation, project compliance and
26 standard, project assurance and management but has been employed in a senior
27 management position in private or public organization for not less than 10
28 years in any areas of supply chain management; the same apply to doctoral
29 fellow members but with working experience of 15 years and doctoral fellows
30 also have the same rights with fellows.

1 (b) Full Member if:

2 (i) he has passed all the examinations prescribed by the Council,
3 and has a minimum of five years continuous working experience in project
4 auditing, project control and monitoring, project evaluation, project
5 assurance and management in any private or public organization, or

6 (ii) he is a full member of a foreign professional body recognized
7 by the Council and his class of the membership is, in the opinion of the
8 Council equivalent to the that of membership of the Institute and he has a
9 minimum of five years working experience in any private or public
10 organization in Nigeria, and shall have passed a stipulated examination
11 before enrollment,

12 (iii) he has updated his professional knowledge at least once in a
13 year through the Institute's mandatory proficiency programme, or

14 (iv) he is eligible for election into any position in the Institute and
15 has Paid his fees for five consecutive years immediately preceding the year
16 of election;

17 (c) Graduate Member, if he is in possession of requisite academic
18 qualification and has passed all the examinations prescribed by the Council;

19 (d) Associate Member if he is in possession of requisite
20 qualifications from other fields of study as may be determined from time to
21 time by the Council and passed all the examinations prescribed by the
22 council and he shall not be eligible to vote or be voted for at elections of the
23 Institute;

24 (e) Honorary fellow if he is a person of distinction in the field of
25 Project auditing, project management, project control and monitoring,
26 project evaluation, project assurance and management, project compliance
27 and standard, warehousing and materials or supply chain management,
28 service law, marketing, public relations, politics economy, human resources
29 management, engineering or any similar discipline, but he shall not be
30 eligible to vote or be voted for at any election of the Institute;

1 (f) Corporate Member if it is an employer of labour and meets the
2 Criteria set by the Council for registration in that category; and

3 (g) Student Member if he is pursuing a course in project auditing,
4 project management, project administration, project control and monitoring,
5 project evaluation, project assurance, stores, Project compliance and standard
6 in any institution approved by the Council but:

7 (i) he shall not be eligible to vote or be voted for at elections of the
8 Institute, and

9 (ii) his name shall not appear in the membership register.

10 (3) For the purpose of subsection (2) (f) of this section, all corporate
11 members shall ask their staff in project auditing, project control and
12 monitoring, project compliance and standard, and project inspection and
13 evaluation or project assurance functions to register with the Institute to foster
14 their ethical standards and self regulation in the project auditing, project
15 control and monitoring, project inspection and evaluation, project assurance
16 profession.

17 (4) A person who desires to be admitted into the Institute shall make a
18 formal application to the Registrar of the Institute on the appropriate form as
19 shall, from time to time be prescribed by the Council and shall state under what
20 class of membership he seeks for admission.

21 (5) A person applying for membership shall, in addition to evidence of
22 qualification, satisfy the Council that:

23 (a) he is of good character; and

24 (b) he has not been convicted by any court or tribunal in Nigeria or
25 elsewhere of an offense involving fraud or dishonesty, or such other offense as,
26 in the opinion of the Council, would render the applicant unfit to be a member
27 of the Institute.

28 (6) The Registrar shall place before the Council all applications for
29 admission stating in each case whether the applicant is qualified for
30 registration in the class under which he seeks for admission and if not so

1 qualified, whether he qualifies for admission under any other class.

2 (7) Where the Council is satisfied that the person is qualified for
3 admission:

4 (i) under the class for which he applied, the Registrar shall, upon
5 Payment of the prescribed fees by the applicant, enroll the person in that, and
6 issue him a certificate of membership appropriate for that class, and

7 (ii) into another class other than for which he applied, the Registrar
8 shall, upon the person's application amend his application to state the class
9 under which he is qualified and the Registrar shall, after the amendment and
10 upon payment of the prescribed fees by the applicant, register him or her and
11 issue a certificate of membership appropriate for that class.

12 (8) Fellow Members, Doctoral Fellow Members, Honorary Fellow
13 Members, Full Members, Associate Members, Graduate Members, and
14 Student Members of the Institute shall be entitled to the use after their names
15 the titles and initials of the Chartered Institute of Project Auditors of Nigeria
16 respectively and for Fellow Members, it is Fellow Chartered Project Auditor
17 (FCPA); Doctoral Fellow Members, it is Doctor Fellow Chartered Project
18 Auditor (Dr. FCPA); Honorary Fellow Members, it is Honorary Fellow
19 Chartered Project Auditor (Hon. FCPA), Full Members, it is Member
20 Chartered Project Auditor (MCPA); Associate Members, it is Associate
21 Chartered Project Auditor (ACPA); for Graduate Members, it is Graduate
22 Chartered Project Auditor (GCPA); and for Student Members, it is Student
23 Chartered Project Auditor (SCPA).

24 (9) A person shall not be qualified to become a member of the
25 institute unless:

26 (a) He has obtained an approved degree or Higher National
27 Diploma or its equivalent;

28 (b) He has passed the professional examinations at the College Of
29 Project Auditing which shall be established and administered by the
30 institute;

1 (c) He has passed the professional examinations at any of the
2 Accredited Training Centre (ATC) which shall be approved by the Council
3 From time to time and holder of the final professional certificate of the institute
4 shall be entitled to employment in private and public organizations on the same
5 rank applicable to members of other chartered professional bodies in Nigeria.

6 (10) A holder of the final professional certificate of the Institute shall,
7 after 3 years of graduation, be eligible for a practicing certificate as a
8 "Chartered Project Auditor" on satisfying the Institute's requirements by
9 attending two consecutive mandatory professional assessment courses, at least
10 once in a year and the certificate is subject to renewal every year, on a fee to be
11 determined by the Council.

12 PART II - FINANCIAL PROVISIONS

Funds of the
Institute

13 6.-(1) There shall be established for the Institute a fund which shall be
14 managed and controlled by the Council.

15 (2) There shall be paid into the Fund established pursuant to
16 subsection (1) of this section:

17 (a) all fees and other monies payable to the Institute;

18 (b) such monies as may be payable to the Institute whether in the
19 course of the discharge of its functions or otherwise; and

20 (c) such monies as may be held by the Association of Project Auditors
21 incorporated under the Companies and Allied Matters Act, 1990 (in this Act
22 referred to as "the Incorporated Association") on its ceasing to exist as
23 provided in this Act.

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

25 (a) all expenditure incurred by the Council in the discharge of its
26 functions under this Act;

27 (b) the salaries and allowances of the Registrar and other employees
28 of the Institute, and

29 (c) such reasonable travelling and subsistence allowances of
30 members of the Council in respect of the time spent on official duties of the

1 Council, as the Council may determine.

2 (4) Subject to guidelines issued by the Council from time to time,
3 the Institute's funds and assets shall be invested in any bond, bill or other
4 security issued or guaranteed by the Federal Government or the Central
5 Bank of Nigeria.

6 (5) The Council may, from time to time, borrow money for the
7 purpose of the Institute and may mortgage or charge the properties and
8 assets of the Institute or any part thereof and may issue debenture and other
9 securities whether outright or as securities for any debt, liability or
10 obligation of the Institute and any interest or charge payable on monies so
11 borrowed shall be paid out of the Fund of the Institute.

12 (6) The Council shall keep proper accounts on behalf of the
13 Institute in respect of each year and proper records in relation to those
14 accounts to be audited by an auditor and in accordance with the guidelines of
15 the Federation.

16 (7) The auditor, appointed for the purpose of this section, shall Not
17 be a member of the Council.

18 7.-(1) As from the commencement of this Act:

19 (a) all assets and liabilities held or incurred immediately before the
20 commencement date, by or on behalf of the Incorporated Association shall
21 vest in the Institute and be held by it for the purpose of the Institute;

22 (b) the Incorporated Association shall cease to exist; and

23 (c) subject to subsection (2) of this section, any act matter or thing
24 made or done by the Incorporated Association shall be deemed to have been
25 done by the Institute.

26 (2) The provisions of Second schedule to this Act shall have effect
27 with respect to the matters arising from their transfer by this section to the
28 Institute of the properties of the Incorporated Association with respect to
29 other matters mentioned in that Schedule.

Transfer to the
Institute of certain
properties, etc.

Appointment of
Registrar and
staff and their
duties

1 PART III - APPOINTMENT OF REGISTRAR AND OTHER STAFF
2 AND THEIR DUTIES

3 8.-(1) The Council shall:

4 (a) appoint a fit and proper person who shall be a member of the
5 Institute to be the Registrar for the purpose of this Act; and

6 (b) appoint such other persons as the Council may, from time to time,
7 deem necessary to assist the Registrar in the performance of his functions
8 under this Act.

9 (2) A person shall be qualified to be appointed to the office of the
10 Registrar of the Institute if he:

11 (a) is a citizen of Nigeria;

12 (b) possesses a relevant qualification from a recognized institute of
13 higher learning;

14 (c) has at least 5 years cognate experience; and

15 (d) possesses professional qualification of:

16 (i) Chartered Institute of Project Auditors of Nigeria;

17 (ii) Chartered Institute of Project Managers of Nigeria;

18 (iii) Project Management Institute;

19 (iv) Chartered Institute of Contract, Project and Facility
20 Management; shall have held position of Deputy Registrar in any recognized
21 institutions.

22 (3) The Registrar shall prepare and maintain, in accordance with rule
23 made by the Council, a register of names, addresses and approved
24 qualifications and of such particulars, as may be specified in the rules, of all
25 persons who are entitled, in accordance with the provisions of this Act, to be
26 registered as members of the profession in the categories of Fellow Members,
27 Full Members, Associate Members, Graduate Members, Student Members,
28 Corporate Members, and Honorary Fellow Members and who in the manner
29 prescribed by such rules, apply to be so registered.

30 (4) The register shall consist of eight parts one for each of

1 Membership namely:

2 (a) Fellows Members; Doctoral Fellows Members;

3 (b) Full Members;

4 (c) Associate Members;

5 (d) Graduate Members; Student Members;

6 (e) Corporate Members; and

7 (f) Honorary Fellow Members.

8 (5) Subject to this section, the Council shall make rules with
9 respect to necessary professional forms and keeping of the register and the
10 making of entries of particulars therein:

11 (a) regulating the making of applications for enrollment or
12 registration, as the case may be, and providing for the nature of evidence to
13 be produced in support of applications;

14 (b) providing for the notification to the Registrar by the person to
15 whom any registered particulars concern, of change in those particulars;

16 (c) authorizing registered member to have any qualification which
17 is in relation to the relevant division of the profession, for the purpose of this
18 Act;

19 (d) specifying the fees, including annual subscription, to be paid in
20 the Institute; and

21 (e) specifying anything failing to be specified under this section.

22 (6) Any rule for the purpose of subsection (5) (d) of this section
23 shall not come into force until they are confirmed at a special meeting of the
24 Institute convened for the purpose or at the next annual general meeting, as
25 the case may be.

26 (7) The Registrar shall:

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

30 (b) make, from time to time, any necessary alteration to the

1 registered particulars of registered persons;

2 (c) delete from the register the name of any registered member who
3 died, or ceased to be a member or any convicted of professional misconduct;
4 and

5 (d) record the names of members of the Institute who are in default for
6 more than six months in the payment of annual subscriptions and take such
7 action in relation thereto as the Council may direct or require.

8 (8) If the Registrar:

9 (a) sends by post, e-mail, telephone, e-fax or whatsapp to any
10 registered person, a registered letter endorsed to him at his address on the
11 register inquiring whether the registered particulars relating to him are correct
12 and receives no reply to the letter within a period of six months from the date of
13 dispatch; and

14 (b) upon the expiration of that period, sends in like manner to the
15 person in question a second similar letter and receives no reply to that letter
16 within three months from the date of dispatch, the Registrar may remove the
17 particulars relating to the person in question from the register, but the Council
18 may, for a reason which seems to it be sufficient, direct the Registrar to restore
19 to the appropriate part of the register, any particular deleted there from under
20 this subsection.

Publication of
registers of Fellows
and Full Members

21 9.-(1) The Registrar shall:

22 (a) cause the first edition of the register to be printed, published and
23 put on sale to members of the public within one year from the date of
24 commencement of this Act;

25 (b) cause the first and subsequent editions of the register to be
26 distributed to the members of the Institute and members of the public on such
27 terms, as the Council may from time to time decide; and

28 (c) 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 Institute and the
30 Registrar shall make the register and lists so deposited available 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 the register
3 published under this section by authority of the Registrar, or edition of a
4 register so published and of the list of corrections to that edition so
5 published, shall (without prejudice to any other mode of proof) to
6 documents read together to prove that a member of the Institute was so
7 registered at the date of the edition or the list of corrections, as the case may
8 be, and that any person not so named was not so registered.

9 (3) Where in accordance with subsection (2) of this section, a
10 person is, in any proceeding, shown to have been, or not have been,
11 registered at a particular date, he shall, unless the contrary is proved, be
12 taken for the purposes of those proceedings having at all material times
13 thereafter continued to be or not to be so registered.

14 10.-(1) There shall be:

15 (a) a Deputy Registrar (Academics and Administration).

Qualification for
appointment and
duties of Deputy
Registrar

16 (2) A person shall be qualified to be appointed to the office of the
17 Deputy Registrar if he has made the criteria for the post of the Registrar
18 except that the minimum years of experience required shall be 5 years.

19 (3) The duties of Deputy Registrar shall be assigned to him by the
20 Council through the Registrar from time to time.

21 PART IV - REGISTRATION OF MEMBERS

22 11.-(1) Subject to section 5 of this Act, a person shall be entitled to
23 be registered as a member of the profession if he satisfies the Council that:

Registration of
Members

24 (a) immediately before the commencement of this Act, he holds a
25 qualification approved for members of the Institute and has the prescribes
26 post qualification experience;

27 (b) he is by law entitled to practice for all purposes as a project
28 auditing practitioner in the country in which the qualification was granted;
29 and

30 (c) he holds at least one of the qualifications prescribed for the

1 purpose of registration on the register and has complied with the other
2 requirements prescribed under this Act.

3 (2) A person shall be entitled to be registered under this Act if he holds
4 such certificate as approved by the Council.

5 (3) A person shall be entitled to be accredited as a member of the
6 Institute if he produces sufficient evidence to the Council that prior to the
7 commencement of this Act he has been inactive practice continuously for a
8 period of five years as a customer relationship manager, and provided that his
9 application is sponsored by two members of the Institute who shall have been
10 members for a minimum of five years and the application is made within period
11 prescribed by this Act.

12 (4) An applicant for registration under this Act shall, in addition to
13 evidence of qualification, satisfy the Council that he:

14 (a) is of good character;

15 (b) has attained the age of 18 years; and

16 (c) has not been convicted by any court or tribunal in Nigeria or
17 elsewhere for an offence involving fraud or dishonesty.

18 (5) The Council may, in its discretion, provisionally accept a
19 qualification produced in respect of an application for registration under this
20 section or direct that the application be renewed within such period as may be
21 specified.

22 (6) Any entry directed to be made in the register under subsection (3)
23 of this section, shall show that the registration is provisional and no entry so
24 made shall be converted to full registration without the consent of the Council
25 signified in writing in that behalf.

26 (7) The Council shall, from time to time, publish, in the Federal
27 Government Gazette, particulars of qualification for the time being accepted
28 for registration under this Act.

29 (8) The Project Auditing Professionals from abroad Who reside in
30 Nigeria and wish to practice shall, within 12 months after the commencement

1 of this Act, seek registration with the Institute to become members.

2 (9) A person shall not be entitled to be appointed or engaged to head
3 project auditing department of any organization unless he is duly registered
4 as a member of the Institute qualified by examination.

5 12.-(1) The Council may approve any qualification for the
6 purposes of this Act and may for that purpose approve:

Approval of
qualifications

7 (a) any course of training of any approved institution which is
8 intended for persons who are seeking to become or are already project
9 auditing professionals and which the Council considers relevant to confer
10 on persons completing it, sufficient knowledge and skill for admission to the
11 Institute; and

12 (b) any qualification which, as a result of an examination taken in
13 conjunction with a course of training approved by the Council under this
14 section is granted to candidates reaching a specific standard at the
15 examination indicating in the opinion of the members of the Council that the
16 candidates have sufficient knowledge and skill to practice project auditing.

17 (2) The Council may, if it deems fit, withdraw any approval, given
18 under this section in respect of any course, qualifications or institutions, but
19 before withdrawing such an approval the Council shall:

20 (a) give notice that it proposes to do so to persons in Nigeria
21 appearing to the Council to be persons by whom the course is conducted or,
22 the qualification is granted or the institution is controlled as the case may be;

23 (b) afford such persons or institutions an opportunity to make to the
24 Council, representations with regards to the proposal; and

25 (c) take into consideration any representation made in relation to
26 the proposal in pursuance of paragraph (b) of this subsection:

27 (3) During a period in which the approval of the Council under this
28 section for a course, qualification or institution is withdrawn, the course,
29 qualification or institution shall be treated as having been withdrawn under
30 this section, but the withdrawal of such an approval shall be without

1 name from the register may prohibit an application under this subsection by
2 that person until the expiration of such period from the date of the directive
3 (and where he has recently made such an application from date of his last
4 application) as may be specified in the directive.

5 PART VI - MISCELLANEOUS

Offences

6 16.-(1) If a person for the purpose of procuring the registration of any
7 name, qualification or other matter:

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

10 (b) recklessly makes a statement which is false in a material
11 particular, is guilty of an offence.

12 (2) If, on or after the commencement date of this Act, a person who is
13 not a member of the Institute practices or holds himself out as a member in
14 expectation of a reward or takes or uses any name, title, addition or description
15 implying that he is a member, he is guilty of an offence.

16 (3) If the Registrar or any other person employed by or on behalf of
17 the Institute willfully makes any falsification in any matter relating to the
18 register, he is guilty of an offence.

19 (4) A person guilty of an offence under this section is liable:

20 (a) on summary conviction to a fine not exceeding N500,000.00;

21 (b) on conviction or indictment to a fine not exceeding N400,000.00
22 or to imprisonment for a term not exceeding two years, or both such fines and
23 imprisonment.

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

1 17.-(1) Any regulation made under this Act shall be published in
2 the Federal Government Gazette as soon as they are made, and a copy of the
3 regulations shall be forwarded to the Minister not less than seven days
4 before they are published.

Regulations

5 (2) The rules proposed for the purposes of this Act shall be subject
6 to confirmation by the Institute at its next general meeting or at any special
7 meeting of the Institute convened for that purpose, and if then annulled, shall
8 cease to have effect on the day after the date of annulment, but without
9 prejudice to anything done in pursuance or intended pursuance of any such
10 rule.

11 18.-(1) The Council may make rules:

Rules as to
practice, etc.

12 (a) for the training of registered members of the profession or
13 suitable persons in customer service and relationship management methods;
14 and

15 (b) For the supervision, regulation, engagement and training of
16 such persons;

17 (c) prescribing the amount and date for payment of the annual
18 subscriptions, and for such purpose, different amounts may be prescribed by
19 The rules according to whether the member of the Institute is a Fellow
20 Member Doctoral Fellow Member Full Member, Associate Member,
21 Graduate Member, Student Member, Corporate Member or Honorary
22 Fellow Member;

23 (d) prescribing the form of license to practice to be issued annually
24 or if the Council deems fit, by endorsement on an existing license;

25 (e) restricting the right to practice as a member of the profession
26 default of payment of the amount of the annual subscriptions where the
27 default continues for longer than such period as may be prescribed by the
28 rules;

29 (f) restricting the right to practice as a member of the profession if
30 the qualification granted outside Nigeria does not entitle the holder in

1 practice to be completed before a person qualifies for a license to practice as a
2 member of the profession; and

3 (g) prescribing the period of practical training in the office of a
4 member of the profession in a practice to be completed before a person
5 qualifies for a license to practice as a member of the profession.

6 (2) The rules, when made, shall be published in the Federal
7 Government Gazette.

Provisions of
library facilities,
training College
facilities, etc.

8 19.-(1) The Institute shall:

9 (a) provide and maintain a library comprising books and publications
10 for the advancement of knowledge of project auditing, project control and
11 monitoring, project inspection and evaluation, project compliance and
12 standard, project assurance and such other books and publications as the
13 Council may think necessary for the purpose;

14 (b) set an independent training school known as "College of Project
15 Auditing" with separate management from the institute for training of students
16 to be qualified as Graduate Members or Chartered Members of the Institute in
17 order to maintain expected standard; and for the purpose of this Act; a chartered
18 member is a person who holds a membership of either Fellow member, Full
19 member or Associate member;

20 (c) ensure that the College is been managed and financed by a
21 separate management control;

22 (d) accept the final certificates of the College for direct membership
23 into the Institute after payment of membership fee and other fees as approved
24 by the Institute from time to time;

25 (e) inducts the College as a Corporate Member of the Institute and
26 also receive an annual subscriptions for the College; and

27 (f) encourage research into project auditing, project control and
28 monitoring, project inspection and evaluation, Project assurance and such
29 allied subjects to the extent that the Council may, from time to time, consider
30 necessary.

1 20.-(1) In this Act:

Interpretation

2 "Council" means the Council established as the governing body of the
3 Institute under Section 2(1) of this Act;

4 "Corporate member" means an employer of labour that qualifies under
5 section 5 (1)(f) of this Act;

6 "College" means a training school that trains Students in order to maintain
7 expected standard;

8 "Enrolled" means in relation to a Fellow, Full Member, Associate, Graduate
9 and Students, as the case may be;

10 "Fees" includes annual subscriptions, examination, development,
11 exemption, application;

12 "Institute" means The Chartered Institute of Project Auditors of Nigeria
13 established under section 1 (1) of this Act;

14 "Investigating Panel" means the Chartered Institute of Project Auditors of
15 Nigeria Investigating Panel established under section 14 (3) of this Act;

16 "Member" means a member of the Institute registered in any of eight classes
17 of membership;

18 "President" means the overall Head of the Council of the Institute;

19 "Chartered Project Auditors" means any qualified member or person
20 registered who is into practice or employed by any organization, ministry,
21 corporation and engaged in Project Auditing, Project Control and
22 Monitoring, Project Compliance and Standard Project Inspection and
23 Evaluation, Project Assurance under this Act;

24 "Project Auditing" denotes the general auditing of a project in order to
25 ensure compliance and standard;

26 Activities that determines project auditing are auditing of materials,
27 machines and personnel, project control and monitoring, Project inspection
28 and evaluation, Project assurance;

29 "Tribunal" means the Chartered Institute of Project Auditors of Nigeria
30 Disciplinary Tribunal established under section 14 (1) of this Act.

29 (2) Standing order shall provide for decisions to be taken by a
30 majority of the members and in the event of equality of votes, the President of

1 the Institute or the Chairman as the case may be, have a second or casting
2 vote.

3 (3) Standing orders made for committee shall provide for
4 committee to report back to the Council on any matter referred to it by the
5 Council.

6 (4) The quorum of the Council shall be 10 and the quorum of a
7 committee of the Council shall be determined by the Council.

8 *Meetings of the Institute*

9 4.-(1) The Council shall convene an annual general meeting of the
10 Institute on or before 30th day of November every year or such other day as
11 the Council may, from time to time, appoint so that if the meeting is not held
12 within one year after the previous meeting not more than 15 months shall
13 elapse between the respective dates of the two meetings.

14 (2) A special meeting of the Institute may be convened by the
15 Council At anytime, if less than 20 members of the Institute are informed by
16 notice in writing addressed to the Registrar of the Institute setting out the
17 objects of the proposed meetings, the Chairman of the Council shall
18 overcome a special meeting of the Institute.

19 (3) The quorum of any meeting of the Institute shall be 20 members
20 and that of any special meeting of the Institute shall be 15 members.

21 *Meeting of the Council*

22 5.-(1) Subject to the provisions of the standing order, the Council
23 shall meet whenever it is summoned by the Chairman, and if the Chairman is
24 required to do so by notice in writing given to him by not less than seven
25 other members, he shall summon a meeting of the Council to held within
26 seven days from the day on which the notice is given.

27 (2) At any meeting of the Council, the Chairman or in his absence,
28 the Vice Chairman in their order (first, second) shall preside, but if both are
29 absent, the members present at the meeting shall appoint one of them to
30 preside at the meeting.

1 (3) Where the Council desires to obtain the advice of any person on a
2 particular matter, the Council may co-opt him as a member for such period as
3 the Council deems fit, but a person who is a member by virtue of this sub-
4 paragraph, shall not be entitled to vote at any meeting of the Council and shall
5 not count towards a quorum.

6 (4) Notwithstanding anything in the foregoing provisions of this
7 paragraph, the first meeting of the Council shall be summoned by the Minister
8 who may give such directions as he thinks fit as to the procedure which shall be
9 followed at the meeting.

10 *Meetings of the Committees*

11 6.-(1) The Council may appoint one or more committees to carry out
12 on behalf of the Institute or the Council such functions as the Council may
13 determine.

14 (2) A committee appointed under this paragraph shall consist of the
15 number of persons determined by the Council or whom not more than one-
16 thirds may be persons who are not members of the Council and a person other
17 than a member of the Council shall hold office on the committee in accordance
18 with the terms of the instrument by which he is appointed.

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

21 *Miscellaneous*

22 7.-(1) The fixing of the common seal of the Institute shall be
23 authenticated by the signature of the President or any other member of the
24 Council authorized generally or specially by the Institute to act for that
25 purpose.

26 (2) Any contract or instrument which, if made or executed by a person
27 not being a body corporate would not be required to be under seal, may be
28 executed on behalf of the Institute or the Council, as the case may require, by
29 any person generally or specially authorized to act for that purpose by the
30 Council.

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

4 8. The validity of proceeding of the Institute or the Councilor of a
5 committee of the Council shall not be adversely affected by any vacancy in
6 membership, or by any defect in the appointment of a member of the
7 Institute or of the Councilor of a person to serve on the committee or by
8 reason that the person is not entitled to do so took part in the proceedings.

9 9. Any member of the Institute or Council, and any person holding
10 office on a Committee of the Council, who has a personal interest in any
11 contractor arrangement entered into or proposed to be considered by the
12 Councilor a committee thereof, shall forthwith disclose his interest to the
13 President or Council, as the case may be, and shall not vote on any question
14 Relating to the contract or arrangement.

15 SECOND SCHEDULE

16 (Section 7 (2))

17 TRANSITIONAL PROVISIONS AS TO PROPERTIES, ETC.

18 *Transfer of Properties*

19 1.-(1) Every agreement to which the incorporated Association was
20 a part immediately before the commencement of this Act, whether it is in
21 writing or not and whether or not is of such nature that the rights, liabilities
22 and obligations there-under could be assigned by the incorporated
23 Association shall, unless the terms or subject matter make it impossible that
24 it should have effect or been modified in the manner provided by this sub-
25 paragraph have effect from the appointed day so far as it relates to property
26 transferred by this Act to the Institute as if:

27 (a) the Institute has been a party to the agreement;

28 (b) for any reference (however worded and, whether express or
29 implied) to be Incorporated Association, there were substituted as respects
30 anything failing to be done on or after the commencement of this Act, a

1 reference to the Institute; and

2 (c) for any reference (however worded and whether express or
3 implied) to a member or members of the Council of the Incorporated
4 Association there were substituted, as respects anything failing to be done on
5 or after the commencement of the Act, a reference to a member or members of
6 the Council under this Act.

7 (2) Other documents which refer, whether specifically or generally, to
8 the Incorporate Association shall be constructed in accordance with sub-
9 paragraph (1) of this paragraph so far as applicable.

10 (3) Without prejudice to the generality to the foregoing provisions of
11 this Schedule, where, by the operation of section 7 of this Act, any right,
12 liability or obligation shall vest in the Institute and all other persons shall, as
13 from the commencement of this Act, have the same rights as to the taking or
14 resisting of legal proceedings or the making or resisting of application to any
15 authority for ascertaining, perfecting or enforcing that right, liability or
16 obligation of the Institute.

17 (4) Any legal proceeding or application to any authority pending on
18 the commencement of this Act or against the Incorporated Association may be
19 combined on or after that day or against the Institute.

20 (5) On the commencement of this Act, any person holding any paid
21 Appointment in the Incorporated Association shall hold corresponding
22 Appointment in the Institute on the same terms and conditions as to tenure or
23 otherwise but shall not be entitle to receive remuneration both from the
24 Incorporated Association respect of the same period of service.

25 (6) If the law in force at the place where any property transferred by
26 this Act is situated provides for the registration or transfer of property of the
27 kind question (whether by reference to instrument of transfer or otherwise), the
28 law shall, so far as it provided for alteration of a register (but not avoidance to
29 transfer the payment of fees or any other matter) apply with the necessary
30 modifications to the transfer of the property and the Institute shall transfer to

1 the officer of the registration authority and the officer shall register the
2 transfer accordingly.

3 THIRD SCHEDULE

4 *Section 13 (6)*

5 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

6 TRIBUNAL AND INVESTIGATING PANEL

7 *The Tribunal*

8 1. The quorum of the tribunal shall be four of whom at least two
9 shall be members of the profession.

10 2.-(1) The Council may make rules as to the selection of the
11 Tribunal for the purposes of proceedings and the procedure to be followed
12 and the rules or evidence to be observed in proceedings before the Tribunal.

13 (2) The rules shall in particular provide:

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

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

19 (c) for securing that any party to the proceedings shall, if he so
20 requires, be entitled to be heard by the Tribunal; and

21 (d) for publishing in the Gazette notice of any directive of the
22 Tribunal which has taken effect providing that a person's name shall be
23 struck off a register.

24 3. For the purpose of any member, the Tribunal may administer
25 oaths and any party to the proceedings may issue out of the registry of the
26 Federal High Court writs of subpoena ad testificandum and deuces tecum;
27 but no person appearing before the Tribunal shall be compelled:

28 (a) to make any statement before the Tribunal tending to
29 incriminate himself; or

30 (b) to produce any document or such a writ which he could not

1 be compelled to produce at the trial of an action.

2 4.-(1) For the purpose of advising the Tribunal on questions of law
3 arising in proceedings before it, there shall in all proceedings be an assessor to
4 the Tribunal who shall be appointed by the Council on the recommendation of
5 the Council and shall be a legal practitioner of not less than five years standing.

6 (2) The Council shall make rules to the functions of an assessor
7 appointed under this paragraph, part in particular such rules shall contain
8 provisions for securing:

9 (a) that where an assessor advises the Tribunal on any question of law
10 as to evidence, procedures or any other than is specified by the rules, he shall do
11 so in the presence of every party or person representing a party to the
12 proceedings who appear at or, if the advice is tendered while the Tribunal is
13 deliberating in private, that every party or person shall be informed about the
14 assessor has tendered; and

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

17 (3) an assessor may be appointed under this paragraph either
18 generally or for any particular proceeding or class of proceedings and shall
19 hold and vacate office in accordance with the terms of the instrument by which
20 he is appointed.

21 *The Panel*

22 5. The quorum of the panel shall be three.

23 6.-(1) The Panel may, at any of its meeting attended by all the
24 members of the panels, make standing order with respect to the Panel.

25 (2) Subject to the provisions of any such standing order, the Panel
26 may regulate its own procedures.

27 *Miscellaneous*

28 7.-(1) A person on ceasing to be a member of the Tribunal or the Panel
29 shall not be eligible for appointment as a member of that body.

30 (2) A person shall not, if otherwise eligible, be a member of both the

1 Tribunal and the Panel, and a person who acted as a member of the Panel,
2 with respect to a matter shall not act as a member of the Tribunal with respect
3 to that case or any other case.

4 .8. The proceedings of both the Tribunal and the Panel shall not be
5 invalidated by any irregularity in the appointment of any member or
6 vacancy in the membership of the bodies not by reason of the fact that any
7 person who was not entitled to do so took part in the proceedings of the body.

8 9. Any document authorized or required by virtue of this Act to be
9 served on the Tribunal or the Panel shall be served on the Registrar
10 appointed in pursuance of section 8 of this Act.

11 10. Any expenses of the Tribunal or the Panel shall be defrayed by
12 the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Project Auditors of Nigeria to be charged with the responsibility for registration, discipline of its members to regulate and control the practice of project auditing, project control and monitoring, project inspection and evaluation, project compliance and standard, project assurance Profession.

