

CHARTERED INSTITUTE OF OPERATIONS AND SUPPLY CHAIN

PROFESSIONALS BILL, 2020

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF OPERATIONS AND SUPPLY CHAIN PROFESSIONALS TO BE CHARGED WITH THE RESPONSIBILITY FOR REGISTRATION, DISCIPLINE OF ITS MEMBERS, TO REGULATE AND CONTROL THE PRACTICE OF OPERATIONS MANAGEMENT AND SUPPLY CHAIN MANAGEMENT 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
2 OPERATIONS AND SUPPLY CHAIN PROFESSIONALS,
3 OF ITS FUNCTIONS, ETC.

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

Establishment
of the Chartered
Institute of
Operations and
Supply Chain
Professionals,
its Functions

8 (a) determining and reviewing, from time to time, the academic
9 standards, knowledge and skills that shall be attained by persons seeking to
10 qualify as registered members of the Chartered Institute of Operations and
11 Supply Chain Professionals (in this Act referred to as "the Professional");

12 (b) ensuring that its members maintain a reputable and high
13 standard of behavior expected of any professional in operations
14 management, operations control, supply chain management inventory
15 auditing, supply management, logistics management, transport, inventory
16 management, warehousing and stores in Nigeria and other parts of the
17 world;

1 (c) providing for the training education and examination of persons
2 desiring to become professional operations and supply chain professionals
3 according to the provisions of this Act whether in Nigeria or abroad;

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

5 (e) promoting and projecting the welfare of its members both in
6 Nigeria and abroad;

7 (f) arranging conferences, seminars, symposia and meeting for
8 discussion of operations and supply chain and related matters, reading of
9 papers and delivery of lectures, publishing copies of abridgement of papers,
10 books, lectures, records and other memoranda instilling high standard of
11 professional ability and knowledge by means of periodic issue of journals of
12 the Institute and to organize post qualification courses for its members;
13 publication of articles on the journal of the Institute and

14 (g) performing such functions as are incidental to the objects or as the
15 Council may deem necessary for the attainment of all or any of these objects.

16 (2) The Institute shall have perpetual succession and a common seal
17 which shall be kept in such custody as the Council may, from time to time,
18 authorize.

19 (3) The Institute may sue and be sued in its corporate name and may,
20 subject to the land use Act, hold, acquire and dispose of any property movable
21 or immovable.

22 (4) The Institute shall, in accordance with the provisions of this Act,
23 ensure the establishment and maintenance of a register of fellow members,
24 honorary fellows, doctoral fellow, full members, associates members,
25 graduates members, corporate members, and student members of the Institute
26 and the publication of their lists from time to time.

27 **2.-(1)** There is established for the Institute a Governing Council (in
28 this Act referred to as *lithe Council*") which shall be charged with the
29 responsibility for the administration and general management of the Institute.

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

1 fellows and full members of the Institute:

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

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

4 (c) 6 corporate members nominated by the council geo-political
5 zones of the Federation:

6 (i) not more than 6 co-opted members

7 (d) a coordinator from each of the geo-political zones of the
8 Federation;

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

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

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

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

20 4.-(1) A person shall be qualified for election to the office of the Qualifications
21 President and Vice-President of the Institute if he: for election of
22 the President and
23 Vice-President

22 (a) is a citizen of Nigeria;

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

24 (c) has been educated up to at least University or Polytechnic level
25 with a First Degree, Higher National Diploma, Professional membership
26 certificates or their equivalent.

27 (d) has paid all his dues for five consecutive years immediately
28 preceding the year of election; and

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

1 (f) a fellow of the Institute.

2 (2) The President shall preside at the meetings of the Institute but in
3 the event of death, resignation, incapacity or inability for any reason and the
4 President can no longer perform the functions of his office, the Vice-President
5 shall act in his stead for unexpired portion of the term of office.

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

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

Admission to the
Institute and
Classes of members

10 5.-(1) Subject to the provisions of this Act, a person or body admitted
11 to the Institute shall be registered as a member of the Institute in the category
12 of:

13 (a) Fellow Member; Doctoral Fellow Member;

14 (b) Honorary Fellow Member;

15 (c) Full Member;

16 (d) Associate Member;

17 (e) Graduate Member;

18 (f) Corporate Member; and

19 (g) Student Member.

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

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

23 (i) has served the institute and had not less than 10 years experience in
24 any areas of operations management or supply chain management post in a
25 private or public organization at the time of his application or enrollment, or

26 (ii) is not currently engaged in operations, supply chain, inventory,
27 warehousing and materials management but has been employed in a senior
28 management position in private or public organization for not less than 10
29 years in any areas of supply chain management; the same apply to doctoral
30 fellow members but with working experience of 15 years and doctoral fellows

1 also have the same rights with fellows

2 (b) Full Member if:

3 (i) he has passed all the examinations prescribed by the Council,
4 and has a minimum of five years continuous working experience in
5 operations, supply, inventory, warehousing and materials or supply chain
6 management in any private or public organization, or

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

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

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

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

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

25 (e) Honorary fellow if he is a person of distinction in the field of
26 operations, supply, inventory, stores, warehousing and materials or supply
27 chain management, service law, marketing, public relations, politics
28 economy, human resources management, engineering or any similar
29 discipline, but he shall not be eligible to vote or be voted for at any election
30 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 operations, supply,
4 inventory, stores, warehousing and materials or supply chain management in
5 any institution approved by the Council but:

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

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

9 (3) For the purpose of subsection (2) (f) of this section, all corporate
10 members shall ask their staff in operations, supply, inventory, stores,
11 warehousing and materials or supply chain management functions to register
12 with the Institute to foster their ethical standards and self regulation in the
13 operations, supply management and supply chain management, inventory,
14 stores, warehousing and materials profession.

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

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

21 (a) he is of good character; and

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

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

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

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

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

11 (8) Fellow Members, Doctoral Fellow Members, Honorary Fellow
12 Members, Full Members, Associate Members, Graduate Members, and
13 Student Members of the Institute shall be entitled to the use after their names
14 the titles and initials of the Chartered Institute of Operations and Supply
15 Chain Professionals respectively and for Fellow Members, it is Fellow
16 Chartered Operations and Supply Chain Professional (FCOSCP); Doctoral
17 Fellow Members, it is Doctor Fellow Chartered Operations and Supply
18 Chain Professional (Dr. FCOSCP); Honorary Fellow Members, it is
19 Honorary Fellow Chartered Operations and Supply Chain Professional
20 (Hon. FCOSCP), Full Members, it is Member Chartered Operations and
21 Supply Chain Professional (MCOSCP); Associate Members, it is Associate
22 Chartered Operations and Supply Chain Professional (ACOSCP); for
23 Graduate Members, it is Graduate Chartered Operations and Supply Chain
24 Professional (GCOSCP); and for Student Members, it is Student Chartered
25 Operations and Supply Chain Professional (SCOSCP)

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

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

30 (b) He has passed the professional examinations at the College of

1 Operations and Supply Chain which shall be established and administered by
2 the institute;

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

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

14 PART II - FINANCIAL PROVISIONS

Funds of the
Institute

15 6.-(1) There shall be established for the Institute a fund which shall be
16 managed and controlled by the Council.

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

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

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

22 (c) such monies as may be held by the Institute of Supply Chain
23 Management Professionals incorporated under the Companies and Allied
24 Matters Act, 1990 (in this Act referred to as "the Incorporated Institute") on its
25 ceasing to exist as provided in this Act.

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

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

29 (b) the salaries and allowances of the Registrar and other employees
30 of the Institute, and

1 (c) such reasonable travelling and subsistence allowances of
2 members of the Council in respect of the time spent on official duties of the
3 Council, as the Council may determine.

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

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

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

18 (7) The auditor, appointed for the purpose of this section, shall not
19 be a member of the Council.

20 7.-(1) As from the commencement of this Act:

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

24 (b) the Incorporated Institute shall cease to exist; and

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

28 (2) The provisions of Second schedule to this Act shall have effect
29 with respect to the matters arising from their transfer by this section to the
30 Institute of the properties of the Incorporated Institute with respect to other

Transfer to the
Institute of certain
properties, etc.

Appointment
of Registrar and
other staff and
their duties

1 matters mentioned in that Schedule.

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

4 8.-(1) The Council shall:

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

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

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

12 (a) is a citizen of Nigeria;

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

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

16 (d) possesses professional qualification of:

17 (i) Chartered Institute of Operations and Supply Chain Professionals;

18 (ii) Chartered Institute of Inventory Control Management
19 Professionals;

20 (iii) Chartered Institute of Purchasing and Supply Management;

21 (iv) Chartered Institute of Logistics and Transport; shall have held
22 position of Deputy Registrar in any recognized institutions.

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

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

2 Membership namely:

3 (a) Fellows Members; Doctoral Fellows Members;

4 (b) Full Members;

5 (c) Associate Members;

6 (d) Graduate Members; Student Members;

7 (e) Corporate Members; and

8 (f) Honorary Fellow Members.

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

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

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

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

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

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

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

27 (7) The Registrar shall:

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

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

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

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

9 (8) If the Registrar:

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

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

Publication of
registers of Fellows
and Full Members

22 9.-(1) The Registrar shall:

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

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

29 (c) cause a print of each edition of the register and of each list of
30 corrections to be deposited at the principal office of the Institute and the

1 Registrar shall make the register and lists so deposited available at all
2 reasonable times for inspection by members of the public.

3 (2) A document purporting to be a print of an edition of the register
4 published under this section by authority of the Registrar, or edition of a
5 register so published and of the list of corrections to that edition so
6 published, shall (without prejudice to any other mode of proof) to
7 documents read together to prove that a member of the Institute was so
8 registered at the date of the edition or the list of corrections, as the case may
9 be, and that any person not so named was not so registered.

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

15 10.-(1) There shall be:

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

Qualification for
appointment and
duties of Deputy
Registrar

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

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

22 PART IV - REGISTRATION OF MEMBERS

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

Registration of
Members

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

28 (b) he is by law entitled to practice for all purposes as an operations
29 and supply chain management practitioner in the country in which the
30 qualification was granted; and

1 (c) he holds at least one of the qualifications prescribed for the
2 purpose of registration on the register and has complied with the other
3 requirements prescribed under this Act.

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

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

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

15 (a) is of good character;

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

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

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

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

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

30 (8) The Operations and Supply Chain Professionals from abroad who

reside in Nigeria and wish to practice shall, within 12 months after the commencement of this Act, seek registration with the Institute to become members.

(9) A person shall not be entitled to be appointed or engaged to head operations management and supply chain department of any organization unless he is duly registered as a member of the Institute qualified by examination.

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

Approval of
qualifications

(a) any course of training of any approved institution which is intended for persons who are seeking to become or are already operations and supply chain professionals and which the Council considers relevant to confer on persons completing it, sufficient knowledge and skill for admission to the Institute; and

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

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

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

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

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

1 (3) During a period in which the approval of the Council under this
 2 section for a course, qualification or institution is withdrawn, the course,
 3 qualification or institution shall be treated as having been withdrawn under this
 4 section, but the withdrawal of such an approval shall be without prejudice to
 5 the registration or eligibility for registration immediately before the approval
 6 was withdrawn.

7 (4) The giving or withdrawal of an approval under this section shall
 8 have effect from such date, as the execution of the instruction signifying the
 9 giving or withdrawal of the approval as the Council may specify in the
 10 instrument, and the Council shall:

11 (a) as soon as possible publish a copy of every such instrument so
 12 executed in the Federal Government Gazette; and

13 (b) not later than 14 days before its publication, send a copy of every
 14 such instrument so executed in the Federal Government Gazette to the
 15 Minister.

Supervision of
 instruction and
 examination
 leading to approved
 qualifications

16 13.-(1) The Council shall keep itself informed of the nature of:

17 (a) the instrument given by an approved institution to persons
 18 attending approved course of training; and

19 (b) the examination as a result of which approved qualifications are
 20 obtained, and for the purposes of performing that duty the Council may
 21 appoint, either from among its own members or otherwise, persons to visit
 22 approved institutions to observe such examination.

23 (2) The Institute shall have powers to accredit any institution of
 24 higher learning offering courses leading to the award of Degrees, Post
 25 Graduate Diploma, Higher National Diploma and Diploma in Operations,
 26 Supply Chain Management, Stores, Inventory, Warehousing and Materials
 27 Management in order to maintain standard.

28 (3) A person appointed under subsection (1) of this section shall report
 29 to the Council on the adequacy of:

30 (a) the instruction given to persons attending approval course of

1 training at institutions visited by him;

2 (b) the examinations conducted in his presence; and

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

7 (4) On receiving such a report made under this section, the Council
8 may, if it deems fit and if so required by the Institute, send a copy of the
9 report to the person appearing to the Council to be in charge of the institution
10 or responsible for the examination to which the report relates, requesting
11 that person to make observations on the report to the Council within such
12 period as may be specified in the request, not being less than one month
13 beginning with the date of the request.

14 PART V - PROFESSIONAL DISCIPLINE

15 14.-(1) There shall be a body to be known as the Chartered Institute
16 of Operations and Supply Chain Professionals Disciplinary Tribunal
17 charged (in this Act referred to as "the Tribunal") charged with the duty of
18 considering and determining all cases referred to it by the Investigating
19 Panel established under subsection (3) of this section, any other case which
20 the Tribunal takes cognizance under this Act.

Establishment
of Disciplinary
Tribunal and
Investigating
Panel

21 (2) The Tribunal shall consist of a Chairman and six other members
22 who shall be appointed by the Council from among members of the Institute
23 who are not members of the Council.

24 (3) There shall be a body to be known as the Chartered Institute of
25 operations and Supply Chain Professionals Investigation Panel (in this Act
26 referred to "the Panel") charged with the duties of:

27 (a) conducting a preliminary investigation into any case where it is
28 alleged that a member has committed an act of professional misconduct, or
29 should for any other reason by the subject of proceedings before the
30 Tribunal; and

1 (b) deciding whether the case shall be referred to the Tribunal after
2 affording such a member an opportunity of being heard either personally or by
3 a legal practitioner of his own choice in Nigeria.

4 (4) The Council shall appoint members of the Panel from members of
5 the Institute who are not members of the Council or the Tribunal.

6 (5) A person shall not be appointed as a member of the Tribunal or of
7 the Panel unless such a person is a full member or fellow of the Institute.

Third Schedule

8 (6) The provisions of Third Schedule to this Act shall so far as they are
9 applicable to the Tribunal and Panel, respectively have effect with respect to
10 these bodies.

11 (7) The Council may, from time to time, make rules consistent with
12 this Act as to acts, conducts or omissions which constitute professional
13 misconduct.

Penalties for
Professional
misconduct

14 15.-(1) Where:

15 (a) a person enrolled or registered under this Act is adjudged by the
16 Tribunal to be guilty of infamous conduct in any professional respect;

17 (b) a person enrolled or registered under this Act is convicted by any
18 court or tribunal in Nigeria or elsewhere having power to impose a term of
19 imprisonment for an offence (whether or not punishable with imprisonment)
20 which is the opinion of the Tribunal is incompatible with the status of an
21 Inventory Control Management professional; or

22 (c) the Tribunal is satisfied that the name of any person has been
23 fraudulently enrolled or registered, he shall be guilty of an offence and shall on
24 the decision of the Federal High Court be convicted and liable to a term of
25 imprisonment not exceeding five years or a fine of N1,000,000 or both.

26 (2) The Tribunal may, if it deems fit:

27 (a) give a directive reprimanding that person or ordering the Registrar
28 to strike his name off the relevant part of the registrar; or

29 (b) defer or further defer its decision as to the giving of such directive
30 under this section until a subsequent meeting of the Tribunal but:

1 (i) no decision shall be deferred under this section for periods
2 exceeding one year in the aggregate, and

3 (ii) no person shall be a member of the Tribunal for the purposes of
4 reaching a decision which has been deferred or further deferred unless he
5 was absent as a member of the Tribunal when that decision, was deferred.

6 (3) For the purpose of subsection (1) (b) of this section, a person
7 shall not be treated as convicted unless the conviction stands at a time when
8 no appeal or further appeal is pending or no application for extension of time
9 to appeal is brought in connection with the conviction.

10 (4) When the Tribunal gives a directive under subsection (2) of this
11 section, the Tribunal shall cause notice of the directive to be served on the
12 person to whom it relates.

13 (5) The person to whom a directive given under subsection (2) of
14 this section relates may, at any time within 21 days from the date of service
15 on him or notice of the directive, appeal against the directives to the Federal
16 High Court and the Tribunal may appear as respondent to the appeal and for
17 the purpose of enabling directives to be given as to the costs of the appeal of
18 proceedings before the Federal High Court, the Tribunal shall be deemed to
19 be a party thereto whether or not it appears on the hearing of the appeal.

20 (6) A directive of the Tribunal under this section shall take effect
21 where:

22 (a) no appeal under this section is brought against the directive
23 within the time limited in the appeal;

24 (b) such an appeal is brought and is withdrawn or struck out for
25 want of prosecution on the withdrawal or striking out of appeal;

26 (c) such appeal is brought and is not withdrawn or struck out, and
27 when the appeal is dismissed and shall not take effect in accordance with
28 foregoing provisions of this subsection.

29 (7) A person whose name is struck off the register in pursuance of a
30 directive of the Tribunal under this section shall not be entitled to be

1 registered again except in pursuance of a direction on that behalf given by the
2 Federal High Court on the application of that person.

3 (8) A directive under this section for the striking off of a person's name
4 from the register may prohibit an application under this subsection by that
5 person until the expiration of such period from the date of the directive (and
6 where he has recently made such an application from date of his last
7 application) as may be specified in the directive.

8 **PART VI - MISCELLANEOUS**

Offences

9 **16.-(1)** If a person for the purpose of procuring the registration of any
10 name, qualification or other matter:

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

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

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

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

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

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

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

27 (5) Where an offence under this section which has been committed by
28 a body corporate is proved to have been committed with the consent or
29 connivance of or attributable to any neglect on the part of any director,
30 manager, secretary or other similar officer of the corporate body or any person

1 purporting to act in such capacity, he, as well as the body corporate shall be
2 deemed to have committed the offence and shall be liable to be prosecuted
3 and punished accordingly.

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

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

14 18.-(1) The Council may make rules:

Rules as to
practice, etc.

15 (a) for the training of registered members of the profession or
16 suitable persons in customer service and relationship management methods;
17 and

18 (b) For the supervision, regulation, engagement and training of
19 such persons;

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

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

28 (e) restricting the right to practice as a member of the profession in
29 default of payment of the amount of the annual subscriptions where the

1 writing or not and whether or not is of such nature that the rights, liabilities and
2 obligations there-under could be assigned by the incorporated Institute shall,
3 unless the terms or subject matter make it impossible that it should have effect
4 or been modified in the manner provided by this sub-paragraph have effect
5 from the appointed day so far as it relates to property transferred by this Act to
6 the Institute as if:

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

8 (b) for any reference (however worded and, whether express or
9 implied) to be Incorporated Institute, there were substituted as respects
10 anything failing to be done on or after the commencement of this Act, a
11 reference to the Institute; and

12 (c) for any reference (however worded and whether express or
13 implied) to a member or members of the Council of the Incorporated Institute
14 there were substituted, as respects anything failing to be done on or after the
15 commencement of the Act, a reference to a member or members of the Council
16 under this Act.

17 (2) Other documents which refer, whether specifically or generally, to
18 the Incorporated Institute shall be constructed in accordance with sub-paragraph
19 (1) of this paragraph so far as applicable.

20 (3) Without prejudice to the generality to the foregoing provisions of
21 this Schedule, where, by the operation of section 7 of this Act, any right,
22 liability or obligation shall vest in the Institute and all other persons shall, as
23 from the commencement of this Act, have the same rights as to the taking or
24 resisting of legal proceedings or the making or resisting of application to any
25 authority for ascertaining, perfecting or enforcing that right, liability or
26 obligation of the Institute.

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

30 (5) On the commencement of this Act, any person holding any paid

1 appointment in the Incorporated Institute shall hold corresponding
2 appointment in the Institute on the same terms and conditions as to tenure or
3 otherwise but shall not be entitled to receive remuneration both from the
4 Incorporated Institute respect of the same period of service.

5 (6) If the law in force at the place where any property transferred by
6 this Act is situated provides for the registration or transfer of property of the
7 kind question (whether by reference to instrument of transfer or otherwise),
8 the law shall, so far as it provided for alteration of a register (but not
9 avoidance to transfer the payment of fees or any other matter) apply with the
10 necessary modifications to the transfer of the property and the Institute shall
11 transfer to the officer of the registration authority and the officer shall
12 register the transfer accordingly.

13 THIRD SCHEDULE

14 *Section 13 (6)*

15 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

16 TRIBUNAL AND INVESTIGATING PANEL

17 *The Tribunal*

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

20 2.-(1) The Council may make rules as to the selection of the
21 Tribunal for the purposes of proceedings and the procedure to be followed
22 and the rules or evidence to be observed in proceedings before the Tribunal.

23 (2) The rules shall in particular provide:

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

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

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

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

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

8 (a) to make any statement before the Tribunal tending to incriminate
9 himself; or

10 (b) to produce any document order such a writ which he could not be
11 compelled to produce at the trial of an action.

12 4.-(1) For the purpose of advising the Tribunal on questions of law
13 arising in proceedings before it, there shall in all proceedings be an assessor to
14 the Tribunal who shall be appointed by the Council on the recommendation of
15 the Council and shall be a legal practitioner of not less than five years standing.

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

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

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

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

1 *The Panel*

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

3 6.-(1) The Panel may, at any of its meeting attended by all the
4 members of the panels, make standing order with respect to the Panel.

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

7 *Miscellaneous*

8 7.-(1) A person on ceasing to be a member of the Tribunal or the
9 Panel shall not be eligible for appointment as a member of that body.

10 (2) A person shall not, if otherwise eligible, be a member of both
11 the Tribunal and the Panel, and a person who acted as a member of the Panel,
12 with respect to a matter shall not act as a member of the Tribunal with respect
13 to that case or any other case.

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

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Operations and Supply Chain Professionals to be charged with the responsibility for registration, discipline of its members, to regulate and control the practice of Operations Management and Supply Chain Management Profession.

