

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF INVENTORY CONTROL MANAGEMENT PROFESSIONALS TO BE CHARGED WITH THE RESPONSIBILITY FOR REGISTRATION, DISCIPLINE OF ITS MEMBERS, TO REGULATE AND CONTROL THE PRACTICE OF INVENTORY MANAGEMENT AND INVENTORY CONTROL PROFESSION AND FOR RELATED MATTERS

Sponsored by Hon. Fred Agbedi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

1 PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF INVENTORY

2 CONTROL MANAGEMENT PROFESSIONALS, OF ITS FUNCTIONS, ETC.

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

Establishment
of the Chartered
Institute of
Inventory Control
Management
Professionals, of
its Functions, etc.

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 Inventory
10 Control Management Professionals (in this Act referred to as "the
11 Professional");

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

17 (c) providing for the training education and examination of
18 Persons desiring to become professional inventory control management

1 according to the provisions of this Act whether in Nigeria or abroad;

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

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

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

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

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

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

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

25 2.-(1) There is established for the Institute a Governing Council (in
26 this Act referred to as "the Council"] which shall be charged with the
27 responsibility for the administration and general management of the Institute.

28 (2) The Council shall consist of the following members, who are
29 fellows and full members of the Institute:

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

- 1 (b) a Vice-Presidents of the Institute;
- 2 (c) 6 corporate members nominated by the council geo-political
- 3 zones of the Federation:
- 4 (i) not more than 6 co-opted members.
- 5 (d) a coordinator from each of the geo-political zones of the
- 6 Federation;
- 7 (e) immediate and all past Presidents of the Institute;
- 8 (f) a Registrar of the Institute, who shall also be the Secretary of the
- 9 Council.

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

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

18 4.-(1) A person shall be qualified for election to the office of the Qualifications
for election of
the President and
Vice-President
19 President and Vice-President of the Institute if he:

- 20 (a) is a citizen of Nigeria;
- 21 (b) has attained the age of 35 years;
- 22 (c) has been educated up to at least University or Polytechnic level
- 23 with a First Degree, Higher National Diploma, Professional membership
- 24 certificates or their equivalent;
- 25 (d) has paid all his dues for five consecutive years immediately
- 26 preceding the year of election; and
- 27 (e) has not been adjudged to be a lunatic or declared to be of
- 28 unsound mind or adjudged or declared bankrupt; and
- 29 (f) a fellow of the Institute.
- 30 (2) The President shall preside at the meetings of the Institute but in

1 the event of death, resignation, incapacity or inability for any reason and the
2 President can no longer perform the functions of his office, the Vice-President
3 shall act in his stead for unexpired portion of the term of office.

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

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

Admission to
the Institute and
Classes of members

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

11 (a) Fellow; Doctoral Fellow;

12 (b) Honorary Fellow;

13 (c) Full Member;

14 (d) Associate Member;

15 (e) Graduate Member;

16 (f) Corporate Member; and

17 (g) Student Member.

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

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

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

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

30 (b) Full Member if:

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

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

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

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

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

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

23 (e) Honorary fellow if he is a person of distinction in the field of
24 inventory, stores, warehousing and materials or supply chain management,
25 service law, marketing, public relations, politics economy, human resources
26 management, engineering or any similar discipline, but he shall not be
27 eligible to vote or be voted for at any election of the Institute;

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

30 (g) Student Member if he is pursuing a course in inventory, stores,

1 warehousing and materials or supply chain management in any institution
2 approved by the Council but:

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

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

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

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

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

17 (a) he is of good character; and

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

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

26 (7) Where the Council is satisfied that the person is qualified for
27 admission:

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

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

6 (8) Fellow Members, Doctoral Fellow Members, Honorary Fellow
7 Members, Full Members, Associate Members, Graduate Members, and
8 Student Members of the Institute shall be entitled to the use after their names
9 the titles and initials of the Chartered Institute of Inventory Control
10 Management Professionals respectively Chartered Fellow Inventory
11 Control Management Professional (CFICMP), Doctoral Chartered Fellow
12 Inventory Control Management Professional (Dr. CFICMP), Honorary
13 Chartered Inventory Control Management Professional (Hon. CFICMP),
14 Chartered Member Inventory Control Management Professional
15 (CMICMP), Chartered Associate Inventory Control Management
16 Professional (CAICMP), Chartered Graduate Inventory Control
17 Management Professional (CGICMP), and Chartered Student Member
18 Inventory Control Management Professional (CSICMP).

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

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

23 (b) He has passed the professional examinations at the College of
24 Inventory Management and Control which shall be established and
25 administered by the institute;

26 (c) He has passed the professional examinations at any of the
27 Accredited Training Centre (ATC) which shall be approved by the Council
28 From time to time and holder of the final professional certificate of the
29 institute shall be entitled to employment in private and public organizations
30 on the same rank applicable to members of other chartered professional

1 bodies in Nigeria.

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

8 PART II - FINANCIAL PROVISIONS

Funds of the
Institute

9 6.-(1) There shall be established for the Institute a fund which shall be
10 managed and controlled by the Council.

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

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

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

16 (c) such monies as may be held by the Association of Inventory and
17 Distribution professionals of Nigeria incorporated under the Companies and
18 Allied Matters Act, 1990 (in this Act referred to as "the Incorporated
19 Association") on its ceasing to exist as provided in this Act.

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

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

23 (b) the salaries and allowances of the Registrar and other employees
24 of the Institute, and

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

28 (4) Subject to guidelines issued by the Council from time to time, the
29 Institute's funds and assets shall be invested in any bond, bill or other security

1 issued or guaranteed by the Federal Government or the Central Bank of
2 Nigeria.

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

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

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

15 7.-(1) As from the commencement of this Act:

Transfer to the
Institute of certain
properties, etc.

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

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

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

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

27 PART III - APPOINTMENT OF REGISTRAR AND OTHER STAFF

28 AND THEIR DUTIES

29 8.-(1) The Council shall:

Appointment of
Registrar and other
staff and their
duties

30 (a) appoint a fit and proper person who shall be a member of the

1 Institute to be the Registrar for the purpose of this Act; and

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

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

7 (a) is a citizen of Nigeria;

8 (b) possesses a relevant qualification from a recognized institute of
9 higher learning;

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

11 (d) possesses professional qualification of:

12 (i) Chartered Institute of Inventory Control Management
13 Professionals;

14 (ii) Chartered Institute of Supply Chain Management

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

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

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

26 (4) The register shall consist of eight parts one for each of
27 Membership namely:

28 (a) Fellows; Doctoral Fellows;

29 (b) Full Member;

30 (c) Associate Members;

1 (d) Graduate Members; Student Members;

2 (e) Corporate Members; and

3 (f) Honorary Fellows.

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

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

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

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

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

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

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

22 (7) The Registrar shall:

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

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

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

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

4 (8) If the Registrar:

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

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

Publication of
registers of Fellows
and Full Members

17 9.-(1) The Registrar shall:

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

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

24 (c) cause a print of each edition of the register and of each list of
25 corrections to be deposited at the principal office of the Institute and the
26 Registrar shall make the register and lists so deposited available at all
27 reasonable times for inspection by members of the public.

28 (2) A document purporting to be a print of an edition of the register
29 published under this section by authority of the Registrar, or edition of a
30 register so published and of the list of corrections to that edition so published,

1 shall (without prejudice to any other mode of proof) to documents read
2 together to prove that a member of the Institute was so registered at the date
3 of the edition or the list of corrections, as the case may be, and that any
4 person not so named was not so registered.

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

10 10.-(1) There shall be:

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

Qualification for
appointment and
duties of Deputy
Registrar

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

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

17 PART IV - REGISTRATION OF MEMBERS

18 11.-(1) Subject to section 5 of this Act, a person shall be entitled to
19 be registered as a member of the profession if he satisfies the Council that:

Registration of
Members

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

23 (b) he is by law entitled to practice for all purposes as a supply
24 chain management practitioner in the country in which the qualification was
25 granted; and

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

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

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

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

10 (a) is of good character;

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

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

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

18 (6) Any entry directed to be made in the register under Subsection (3)
19 of this section, shall show that the registration is provisional and no entry so
20 made shall be converted to full registration without the consent of the Council
21 signified in writing in that behalf.

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

25 (8) The Inventory Control Management Professionals from abroad
26 who reside in Nigeria and wish to practice shall, within 12 months after the
27 commencement of this Act, seek registration with the Institute to become
28 members.

29 (9) A person shall not be entitled to be appointed or engaged to head
30 inventory management and control department of any organization unless he is

1 duly registered as a member of the Institute qualified by examination.

2 12.-(1) The Council may approve any qualification for the
3 purposes of this Act and may for that purpose approve:

Approval of
qualifications

4 (a) any course of training of any approved institution which is
5 intended for persons who are seeking to become or are already inventory
6 control management professionals and which the Council considers
7 relevant to confer on persons completing it, sufficient knowledge and skill
8 for admission to the Institute; and

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

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

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

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

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

25 (3) During a period in which the approval of the Council under this
26 section for a course, qualification or institution is withdrawn, the course,
27 qualification or institution shall be treated as having been withdrawn under
28 this section, but the withdrawal of such an approval shall be without
29 prejudice to the registration or eligibility for registration immediately before
30 the approval was withdrawn.

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

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

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

Supervision of
instruction and
examination
leading to approved
qualifications

10 **13.-(1)** The Council shall keep itself informed of the nature of:

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

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

17 (2) The Institute shall have powers to accredit any institution of
18 higher learning offering courses leading to the award of Degrees, Post
19 Graduate Diploma, Higher National Diploma and Diploma in Stores,
20 Inventory, Warehousing and Materials Management in order to maintain
21 standard.

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

24 (a) the instruction given to persons attending approval course of
25 training at institutions visited by him;

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

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

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

8 PART V - PROFESSIONAL DISCIPLINE

9 14.-(1) There shall be a body to be known as the Chartered Institute
10 of Inventory Control Management Professionals Disciplinary Tribunal
11 charged (in this Act referred to as "the Tribunal") charged with the duty of
12 considering and determining all cases referred to it by the Investigating
13 Panel established under subsection (3) of this section, any other case which
14 the Tribunal takes cognizance under this Act.

Establishment
of Disciplinary
Tribunal and
Investigating
Panel

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

18 (3) There shall be a body to be known as the Chartered Institute of
19 Inventory Control Management Professionals Investigation Panel (in this
20 Act referred to "the Panel") charged with the duties of:

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

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

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

30 (5) A person shall not be appointed as a member of the Tribunal or

1 of the Panel unless such a person is a full member or fellow of the Institute.

Third Schedule

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

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

Penalties for
professional
misconduct

8 **15.-(1) Where:**

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

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

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

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

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

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

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

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

30 (3) For the purpose of subsection (1) (b) of this section, a person shall

1 not be treated as convicted unless the conviction stands at a time when no
2 appeal or further appeal is pending or no application for extension of time to
3 appeal is brought in connection with the conviction.

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

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

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

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

18 (b) such an appeal is brought and is withdrawn or struck out for
19 Want of prosecution on the withdrawal or striking out of appeal;

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

23 (7) A person whose name is struck off the register in pursuance of a
24 directive of the Tribunal under this section shall not be entitled to be
25 registered again except in pursuance of a direction on that behalf given by
26 the Federal High Court on the application of that person.

27 (8) A directive under this section for the striking off of a person's
28 name from the register may prohibit an application under this subsection by
29 that person until the expiration of such period from the date of the directive
30 (and where he has recently made such an application from date of his last

1 application) as may be specified in the directive.

2 PART VI - MISCELLANEOUS

Offences

3 16.-(1) If a person for the purpose of procuring the registration of any
4 name, qualification or other matter:

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

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

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

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

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

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

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

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

Regulations

28 17.-(1) Any regulation made under this Act shall be published in the
29 Federal Government Gazette as soon as they are made, and a copy of the
30 regulations shall be forwarded to the Minister not less than seven days before

1 they are published.

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

8 **18.-(1)** The Council may make rules:

Rules as to
practice, etc.

9 (a) for the training of registered members of the profession or
10 suitable persons in customer service and relationship management methods;
11 and

12 (b) For the supervision, regulation, engagement and training of
13 such persons;

14 (c) prescribing the amount and date for payment of the annual
15 subscriptions, and for such purpose, different amounts may be prescribed by
16 the rules according to whether the member of the Institute is a fellow
17 member, full member, associate member, graduate member, corporate
18 member or Honorary fellow member;

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

21 (e) restricting the right to practice as a member of the profession in
22 default of payment of the amount of the annual subscriptions where the
23 default continues for longer than such period as may be prescribed by the
24 rules;

25 (f) restricting the right to practice as a member of the profession if
26 the qualification granted outside Nigeria does not entitle the holder in
27 practice to be completed before a person qualifies for a license to practice as
28 a member of the profession; and

29 (g) prescribing the period of practical training in the office of a
30 member of the profession in a practice to be completed before a person

1 shall not count towards a quorum.

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

6 *Meetings of the Committees*

7 6.-(1) The Council may appoint one or more committees to carry out
8 on behalf of the Institute or the Council such functions as the Council may
9 determine.

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

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

17 *Miscellaneous*

18 7.-(1) The fixing of the common seal of the Institute shall be
19 authenticated by the signature of the President or any other member of the
20 Council authorized generally or specially by the Institute to act for that
21 purpose.

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

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

30 8. The validity of proceeding of the Institute or the Councilor of a

committee of the Council shall not be adversely affected by any vacancy in membership, or by any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the committee or by reason that the person is not entitled to do so took part in the proceedings.

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

SECOND SCHEDULE

[Section 7 (2)]

TRANSITIONAL PROVISIONS AS TO PROPERTIES, ETC.

Transfer of Properties

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

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

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

(c) for any reference (however worded and whether express or implied) to a member or members of the Council of the Incorporated Association there were substituted, as respects anything failing to be done

1 on or after the commencement of the Act, a reference to a member or members
2 of the Council under this Act.

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

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

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

16 (5) On the commencement of this Act, any person holding any paid
17 appointment in the Incorporated Association shall hold corresponding
18 appointment in the Institute on the same terms and conditions as to tenure or
19 otherwise but shall not be entitled to receive remuneration both from the
20 Incorporated Association respect of the same period of service.

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

THIRD SCHEDULE

Section 13 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

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

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

(2) The rules shall in particular provide:

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

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

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

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

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

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

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

4.-(1) For the purpose of advising the Tribunal on questions of law

1 arising in proceedings before it, there shall in all proceedings be an assessor to
2 the Tribunal who shall be appointed by the Council on the recommendation of
3 the Council and shall be a legal practitioner of not less than five years standing.

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

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

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

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

19 *The Panel*

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

21 6.-(1) The Panel may, at any of its meeting attended by all the
22 members of the panels, make standing order with respect to the Panel.

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

25 *Miscellaneous*

26 7.-(1) A person on ceasing to be a member of the Tribunal or the Panel
27 shall not be eligible for appointment as a member of that body.

28 (2) A person shall not, if otherwise eligible, be a member of both the
29 Tribunal and the Panel, and a person who acted as a member of the Panel, with
30 respect to a matter shall not act as a member of the Tribunal with respect to that

1 case or any other case.

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

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

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

EXPLANATORY MEMORANDUM

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

