



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**CHARTERED INSTITUTE OF POWER ENGINEERS OF NIGERIA
(ESTABLISHMENT) BILL, 2023
(HB. 1086)**

A BILL
FOR
AN ACT TO PROVIDE FOR ESTABLISHMENT OF THE CHARTERED
INSTITUTE OF POWER ENGINEERS OF NIGERIA TO REGULATE, CONTROL
AND DETERMINE THE STANDARDS OF KNOWLEDGE TO BE ATTAINED BY
PEOPLE SEEKING TO BECOME CHARTERED POWER ENGINEERS; AND
FOR RELATED MATTERS, 2023

FIRST READING

THURSDAY 3RD DECEMBER, 2020

SECOND READING

WEDNESDAY 25TH JANUARY, 2023

THIRD READING

WEDNESDAY 25TH JANUARY, 2023

CHARTERED INSTITUTE OF POWER ENGINEERS OF NIGERIA (ESTABLISHMENT) BILL, 2023



Arrangement of Clauses

Clauses

1. Establishment of Chartered Institute of Power Engineers of Nigeria
2. Membership of the Institute
3. Election of President, Deputy Presidents, Vice-Presidents and other officers of the institute
4. Executive committee
5. Membership of governing council of the institute, etc
6. Power of the Council
7. Quarterly meetings of the Council
8. Financial provisions
9. Proper account keeping and annual audited institute account
10. Appointment of Registrar, tenure, remunerations, etc
11. Register
12. Publication of Register and list of corrections etc
13. Registration of members
14. Use of words, initials, acronyms, etc
15. Approval of Qualifications, etc
16. Supervision of instructions and examinations leading to approved qualifications that indicates competency candidates as power engineering practitioners
17. Establishment of investigating panel and disciplinary tribunal
18. Penalties for unprofessional conduct
19. Application of this Bill to yet to be registered engineering persons
20. Practice as a member of the power engineering profession
21. Rules as to practice etc
22. Provision of library facilities etc
23. Offences and penalties, etc
24. Regulations
25. Interpretation
26. Citation.

A BILL FOR AN ACT TO PROVIDE FOR ESTABLISHMENT OF THE CHARTERED INSTITUTE OF POWER ENGINEERS OF NIGERIA TO REGULATE, CONTROL AND DETERMINE THE STANDARDS OF KNOWLEDGE TO BE ATTAINED BY PEOPLE SEEKING TO BECOME CHARTERED POWER ENGINEERS; AND FOR RELATED MATTERS, 2023

ENACTED by the National Assembly of the Federal Republic of Nigeria— () Commencement

1. (1) There is established a body to be known as the Chartered Institute of Power Engineers of Nigeria (in this Bill referred to as "the institute"). Establishment of Chartered Institute of Power Engineers of Nigeria

(2) The Institute-

(a) shall be a body corporate with perpetual succession and a common seal;

(b) may sue and be sued in its corporate name, and may acquire, hold and dispose of any property, movable and immovable;

(c) shall be charged with the duty of-

(i) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the Power Engineering profession and raising those standards, from time to time, as circumstances may permit,

(ii) securing in accordance with the provisions of this Bill, the establishment and maintenance of the register of fellows, associates and registered power engineers entitled to practice as power engineers and the publication, from time to time, of lists of those persons,

(iii) conducting examinations leading to the award of professional competency certificates as may be prescribed by the institute and in conformity with international best practices,

(iv) ensuring the furtherance, maintenance and observance of ethical standards and professionalism among Power Engineers in Nigeria, international best practices,

(v) ensuring detailed synergy between the industry and academia in the power industry, and

(vi) performing through the Council under this Bill the functions conferred on it by this Bill.

2. (1) Membership of the Institute shall be in two categories of Corporate and Associates. Membership of the Institute

(2) Any person employed in any public or private Institution in Nigeria is eligible to be registered by the Institute in any of the following categories-

(i) Fellows;

(ii) Power Engineers (Members);

(iii) Power Engineering Technologist (Associate Power Engineers);

(iv) Power Engineering Technicians;

(v) Power Engineering Craftsmen;

(vi) Power Engineering Corporate Firms;

(vii) Power Engineering Graduates.

(3) In furtherance to sub-clause (1) of this clause, all corporate members shall cause their staff to register with the institute to foster ethical standards, professionalism and self-regulation in the Power Engineering Industry.

(4) The privileges and entitlements of members of the institute shall be-

(a) the use of abbreviation Chartered Institute of Power Engineers of Nigeria (CIPEN) written as CPE;

(b) the right to affix a member seal and stamp on every document endorsed by or emanating from them;

(c) members in the class of fellow shall be entitled to use the abbreviation of "FCPE";

(d) members registered into the category of Corporate Member shall be entitled to use initials "MCPE";

(e) members registered into the category of power engineering technologist (Associate Power Engineer) Member shall be entitled to use initials "ACPE";

(f) members registered into the category of power engineering Technician Member shall be entitled to use initials "PET";

(g) members registered into the category of power engineering Craftsman Member shall be entitled to use initials "PEC";

(5) The provisions of the First Schedule to this Bill shall, so far as applicable to the question of admission to the Institute, have effect with respect to the categories of members listed in sub-clause (1) and (2) of this clause.

3. (1) There shall be a President, Deputy President and Four Vice-Presidents of the Institute who shall be outstanding Fellows of the Institute and shall be elected at the annual general meeting of the Institute and shall each hold office for a term of Two years from the date of the election.

Election of
President, Deputy
Presidents, Vice-
Presidents and
other officers of
the Institute

(2) There shall be other elected officers of Institute who shall be outstanding Fellows or corporate members of the Institute and shall be elected at the annual general meeting of the Institute and shall each hold office for a term of two years from the date of the election too. Together, all elected officers at the Institute's AGM constitute to form the Executive Committee.

(3) The Vice Presidents elected under sub-clause (1) shall each represent the four (4) distinct arms of the profession-

- (i) Generation Services;
- (ii) Transmission Services;
- (iii) Distribution Services;

(iv) Power Business (Regulation, Gas issues, Training, Finance, Legislation, Legal, Policy, etc.).

(4) The President shall preside at meetings of the Institute, so however that, in the event of the death, incapacity or inability for any reason of the president, the deputy president shall act in his stead for the unexpired portion of the term of office, or as the case may require, and references in this Bill to the president shall be construed accordingly.

(5) In furtherance to the provisions of sub-clause (3), a bye-election within the Council shall be conducted to elect one of the Vice-presidents to serve as Acting Deputy President and the Council shall appoint one of its members to assume the vacant post of Vice President for the period before the next annual general meeting.

(6) The President and Deputy-President shall respectively be chairman and vice-chairman of the Council under this Bill.

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

4. (1) There shall be an Executive Committee of the Institute and shall consist of all elected members of the Institute. Executive committee

(2) The Executive Committee of the Institute shall be responsible to Council and its core functions is to, alongside the Registrar, oversee the day to day management and administration of the Institute's affairs.

5. (1) There is established for the Institute a governing council (in this Bill referred to as "the Council") which shall be charged with the responsibility for providing the guiding policy administration of the Institute, oversee the activities of the executive committee and setting the standards of education therein. Membership of governing council of the institute, etc

(2) The Council shall consist of the following members being fellows or members, as follows:

(a) a Chairman;

(b) Deputy Chairman;

(c) four (4) Vice Chairmen (each represent the four (4) distinct arms of the profession);

(d) a National Treasurer;

(e) ten (10) Persons elected at the Institute's annual general meeting to represent the known technical units of the profession;

- (f) immediate past Presidents of the Institute;
- (g) a representative of the Federal Ministry of Power who must be a practicing power engineer and shall not be below the rank of Deputy Director;
- (h) a representative from Government Tertiary Training and Research Institution on Power engineering;
- (i) two (2) persons nominated to represent all licensed power engineering contractors and consultants in rotation;
- (j) six Persons representing the Chapters of Institutes in each zone of the federation and such other zone as may be created by the council from time-to-time.

(3) The provisions of the Second Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of the member of the council and the other matters.

6. (1) The Council shall have power to-

Power of the Council

- (a) formulate policy and direct the organs of the Institute for the execution and general administration by the Executive Committee;
- (b) establish Chapters of the Institutes in such location across the federation from time- to-time;
- (c) manage and superintend the affairs of the Institute;
- (d) make rules and regulations for the proper functioning of the Institute;
- (e) employ and pay the staff of the Institute appropriate remuneration commensurate in scale with that of staff in organizations of similar stature; and
- (f) enter into any negotiation, agreement and contractual relationship as may be necessary or expedient for the discharge of the functions of the Institute.

(2) The Council shall perform the other functions conferred on the Council by this Bill.

7. The Council shall meet every quarter to consider issues brought before it by the Executive Committee of the Institute and other sundry bodies, etc.

Quarterly meetings of the Council

8. (1) There shall be no funding to the Institute from the Federal Government, States or its Agencies save for grants, donations, gifts, etc in support of its statutory activities

Financial provisions

(2) The Council shall establish and maintain a fund, the management and control of which shall be in the hands of the Council, and into which shall be paid-

- (a) all subventions, fees, fines, penalties and charges for services rendered or publications made by the Council;

(b) gifts, endowments, bequests, loans, donations, grants or aids;

(c) foreign aids and assistance from bilateral and multilateral agencies such as affiliated bodies on power engineering; donations charges and monies payable to the institute in pursuance of this Bill shall be without any conditions whatsoever and not inimical to the Institute, Nigerian government or its agencies;

(d) such other monies as may be received by the institute in the course of its operations or in relation to the exercise of any of the functions under this Bill.

(3) There shall be paid out of the fund of the institute-

(a) the remuneration and allowance of the institute's Council members and other employees of the institute;

(b) such reasonable traveling and subsistence allowance of members of the council in respect of the time spent on the business of the council as the council may determine; and

(c) any other expenses incurred by the council in the discharged of its functions under this Bill.

(4) The Council may invest monies from the fund in any security created or insured by or on behalf of the Federal Republic of Nigeria or in any other securities in Nigeria approved by the council.

(5) The Council may from time-to-time, borrow money for the Institute and any interest payable on monies so borrowed shall be paid out of the fund.

(6) All the corporate members in Nigeria shall cause to be paid to the fund, an annual dues and levies as may be agreed by the council from time-to-time.

9. (1) The council shall on behalf of the institute keep proper books of accounts in respect of each year and proper records concerning these accounts and the council shall cause the accounts to be audited by an external auditor and when audited the accounts shall be submitted to the members of the institute for approval at a general meeting of the institute. Such annual audited account shall be deemed to have fulfill the requirement of the Financial Reporting standards.

Proper account
keeping and
annual audited
institute account

(2) The audit of the Institute's books shall be in accordance with the provisions of the Constitution of the Federal Republic of Nigeria, 1999.

10. (1) The Council shall appoint a fit and proper person who shall be a member of the Institute to be the Registrar, and such other persons as the council may from time to time, deem necessary to assist the registrar in the performance of this functions under this Bill.

Appointment of
Registrar, tenure,
remunerations,
etc

(2) The Registrar shall in addition to his other functions under this Bill, be the secretary to the council and shall keep minutes of the proceedings of all meetings of the council.

(3) The Registrar shall-

(i) be the Chief Executive Officer and Accounting Officer to the Council;

(ii) be responsible for the day to day administration of the Institute and responsible to the Council for the executive of the policies directives thereof;

(iii) be a graduate of Electrical Engineering with at least 18 years cognate experience in the Nigeria Electric Supply industry.

(4) The Registrar shall be appointed for a term of Three (3) years in the first instance; and may be appointed for a further term of three years and no more.

(5) The Registrar shall be paid such remuneration as may be specified in his letter of appointment or as determined by the Council using the scale applicable in the Nigeria electricity supply industry.

(6) The Registrar shall cease to hold office if any of the conditions specified in clause 17 (1) a-c pertaining to cessation of membership of the Institute and Council applies to him.

(7) The Registrar may resign his appointment by a written notice under his hand delivered to the Council Chairman.

(8) It shall be the duty of the Registrar-

(a) to prepare and maintain in accordance with rules made by the council, a registrar of names, addresses and approved qualifications and of such other particulars, as may be specified in the rules of all persons who are entitled in accordance with the provisions of this Bill to be registered as members of the Institute;

(b) to correct, in accordance with the direction of the council, any entry in the register, which the council, directs him to correct as being in the opinion of the council an entry, which was incorrectly made;

(c) to make from time to time, any necessary alterations to the registered particulars of registered persons;

(d) to record the names of members of the institute who are in debt for more than One year in the payment of annual or practicing fee and to take such action in relation thereto including removal of the name of defaulter from the register as the council may be direct or require;

(e) to cause the register to be printed, published and put out on sale to members of the public not later than two years from the commencement of this Bill;

(f) to remove from the register the name of a deceased member;

(g) in each year after that in which a register is first published under paragraph (d) of this sub-clause, to cause to be printed, published and put on sale as afore said, either a corrected

edition of the register or list of alterations made to the register since it was last printed; and

(h) to cause a print of each edition of the register and of each list, corrections to be deposited at the headquarters of the institute, and it shall be the duty of the council to keep the register and list so deposited, available at all reasonable times for inspection by members of the public.

11. (1) There shall be for the purpose of this Bill, two Registers, of which one shall be for members and the other shall be for corporate firms. Register

(a) The register of members shall consist of Six (6) parts in respect of:

(i) Fellows,

(ii) Power Engineers (Members),

(iii) Power Engineering Technologist (Associate Power Engineer) members,

(iv) Power Engineering Technician Members,

(v) Power Engineering Craftsmen members,

(vi) Power Engineering Graduate members,

(b) The register of Corporate Firms shall consist of Six (6) parts, in respect of:

(i) Consulting Engineering in the power industry,

(ii) Engineering Contracting in the power industry,

(iii) Manufacturing in the power industry,

(iv) Engineering Services in the power industry,

(v) Vendors of Machinery, Equipment and Engineering Materials in the power industry,

(vi) Maintenance/Repairs and Fabrication in the power industry.

(2) Subject to the provisions of this clause, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular-

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

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

(c) authorising a registered person to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or an accepted

qualification for purposes of this Bill, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;

(d) specifying the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register, and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid;

(e) specifying anything falling to be specified under the foregoing provisions of this clause, but rules made for the purposes of paragraph (d) of this sub-clause shall not come into force until they are confirmed at a special meeting of the Institute convened for the purpose thereafter, or at the next annual general meeting, as the case may be.

(3) If the Registrar-

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

(b) upon the expiration of the period, send, in the like manner to the person in question a second similar letter and receives no reply to the letter within three months from the date of posting it, the registrar may include the name of such person in the list of special cases under this sub-clause for the council consideration and may if directed by the council remove the particulars relating to the person in question from the registrar:

Provided that, the council may direct the registrar to restore to the appropriate part of the register any particulars removed therefrom pursuant to this sub-clause.

12. (1) It shall be the duty of the Registrar to-

Publication of
Register and list of
corrections etc

(a) cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of the Bill;

(b) thereafter in each year, to cause to be printed, published and put on sale as aforementioned, either a corrected edition of the register or list of corrections made to the register, since it was last printed;

(c) cause print of each edition of the register and of each list of corrections to be deposited at the principal office of the institute; and

(d) keep the register and list so deposited and to make the register and such list available to members of the public at all reasonable times for inspection.

(2) A document purporting to be a print of an edition of a register published under this clause by the authority of the registrar or documents purporting to be prints of an edition of a register so published and of the list of corrections to that edition so published, shall (without prejudice to any other made of proof) be admissible in any proceeding as evidence that any person specified in the document or the document read together, as being registered, was so

registered at the date of the edition or of the list of correction as the case may be, and the person not so specified was not so registered.

(3) Where in accordance with sub-clause (2) of this clause, a person is, in any proceeding, shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at material times thereafter continued to be or not to be so registered.

13. (1) An individual, other than the one whose membership has been suspended by a directive of the disciplinary tribunal shall be entitled to be registered as a member in the following categories- Registration of members

(a) Power Engineering Graduate member, where the person:

(i) works in a power engineering organization and is a holder of a degree or such equivalent qualification or the minimum qualification prescribed by the council, or

(ii) has passed the associate ship examination specified by the council but has not had the period on the job practical experience prescribed by the council, or

(iii) not being a member of the institute at the time of application for membership has passed the qualifying examinations of an institute of Power Engineering in any other country acceptable to the council, or

(iv) has not been elected a fellow or an associate by recognized foreign Institute of Power Engineers,

(v) satisfy any other condition which the council may, from time to time, approve,

(b) Power Engineering Technologist (Associate Engineer) member, where the person-

(i) has passed the associate ship examination specified by the council,

(ii) not being a member of the institute at the time of application for membership, has passed the qualifying examinations of an institute of Power Engineers in any other country acceptable to the council, or

(iii) has had a period of on the job practical experience not less than the minimum period prescribed by the council for the category of membership sought, or

(iv) has been elected by any recognized foreign institute to that category of membership,

(c) Power Engineering Technician Member, where the Person-

(i) does not satisfy the conditions for registration as an associate or fellow specified in paragraphs (d) and (g) of this sub-clause, but has obtained the academic qualifications prescribed by the council for Engineering Technician membership, and

(ii) is engaged in active service in a power engineering activity in a reputable institution/ organization or tertiary educational institution, etc,

(d) Power Engineering Craftsman Member, where the person-

(i) does not satisfy the conditions for registration as an associate or fellow specified in paragraphs (d) and (g) of this sub-clause, but has obtained the academic qualifications prescribed by the council for Engineering Craftsman membership, and

(ii) engaged in active service in power engineering activities in reputable institution or organization, etc,

(e) Fellow of Institute, where the person-

(i) has contributed greatly to the growth of the Power Engineering industry and the institute, or

(ii) is considered by the Board of fellows and the council as a fit and proper person to be awarded the fellowship of the institute,

(iii) satisfies the council that he/she is a fit and proper person to be so registered and has for years (to be specified by the council) been a corporate member and has been active in the institute's activities and up to date in dues/levies,

(iv) occupies a senior management position in a reputable institution/ organization or tertiary educational institution and must have been practising in the Nigeria Electricity Supply Industry or allied industry for a minimum of 15 consecutive years,

(v) satisfies all other criteria as may be specified by the council from time to time.

(2) An applicant for registration shall in addition to evidence of prescribed academic qualification(s), and on the relevant ESI experience, satisfy the council that-

(a) he is of good character; and

(b) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty or both;

(c) he has satisfied any other condition which the council may from time-to-time approve.

(3) A firm other than the one whose membership has been suspended by a directive of the disciplinary tribunal shall be entitled to be registered as a power engineering firm member, where the entity-

(a) is a professional institute, a power engineering firm or professional corporation and-

(i) is licensed to carry out the business or practice of power engineering in Nigeria,

(ii) must have, registered power engineers, and or CIPEN chartered engineers in her board and management, and also provide the populated organization organogram with roles/responsibilities of holders, and

(iii) must show evidence of portfolio of projects undertaken/executed directly or in joint venture ownership with dates.

(4) The council shall from time-to-time, publish in the institute's journal, particulars for qualifications of registered members for time being accepted as aforesaid:

(a) one or more members may incorporate a professional power engineering firm or corporation to provide the services of a chartered power engineering contracting or consulting firm;

(b) such firm or corporation in (4a) above shall have been incorporated under the Company and Allied Matters Act;

(c) a corporation shall not provide the services of a chartered power Engineer firm unless it is registered and licensed under this Bill;

(d) a corporation or a firm, shall take or use as part of its name the words "chartered power engineers" or another word, name, title, initials or description implying or calculated to imply that its members are chartered power engineers with the consent of the institute.

14. The Institute shall use the following words, initials and acronyms:

Use of words,
initials, acronyms,
etc

(i) FCPE: Initials and appellation for members registered into the fellows category of chartered Institute of Power Engineers of Nigeria;

(ii) MCPE: Initials and appellation for members registered into the corporate members category of chartered Institute of Power Engineers of Nigeria;

(iii) ACPE: Initials and appellation for members registered into the Associate engineer category of chartered Institute of Power Engineers of Nigeria (power engineering technologist or Associate Power Engineer);

(iv) PET: Initials and appellation for members registered into the Technician category of chartered Institute of Power Engineers of Nigeria (power engineering technician);

(v) PEC: Initials and appellation for members registered into the craftsmen category of chartered Institute of Power Engineers of Nigeria (power engineering craftsmen);

(vi) CIPEN: Chartered Institute of Power Engineers of Nigeria.

15. (1) The Council may approve any qualification for the purpose of this Bill and may, for such purpose, approve-

Approval of
Qualifications, etc

(a) any course of training at any approved institution which is intended for persons seeking to

become members of the Power Engineering profession and which the Council consider is designed to confer on persons completing it, sufficient knowledge and skill for registration with the institute;

(b) any qualification which as a result of an examination taken in conjunction with a course of training approved by the council under this clause is granted to candidates having reached a standard at the examination, indication in the opinion of the Council that the candidates have sufficient knowledge and skill to be registered with the Institute.

(2) The Council may, if it thinks fit, withdraw any approval given under this clause in respect of any course, qualification of the institution, but before withdrawing such approval the council shall-

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

(b) afford such a person an opportunity of making to the council representations with regard to the proposal; and

(c) take into consideration any representations made in respect of the proposal in pursuance of paragraph (b) of this sub-clause.

(3) A course, qualification or institution shall not be recognized as approved during any period the approval is withdrawn under sub-clause(2) of this clause.

(4) Notwithstanding the provisions sub-clause (3) of this clause, the withdrawal of an approval under sub-clause (2) of this clause shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval, was registered or was eligible for registration (either unconditionally or subject to the obtaining a certificate or experience) immediately before the approval was withdrawn.

(5) The granting or withdrawal of an approval under this clause shall have effect from such date whether before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the council may specify in the instrument and the Council shall-

(a) as soon as may be possible, publish a copy of every such instrument; and

(b) not later than seven days before its publication, as aforesaid a copy of the instrument to the institution affected.

16. (1) It shall be the duty of the council to keep itself informed of the nature of -

(a) the instruction is given at approved institutions to persons attending approved courses of training; and

(b) the examination as a result of which approved qualifications are granted and for the

Supervision of
instructions and
examinations
leading to
approved
qualifications that
indicates
competency

purposes of performing that duty, the council may appoint, either from among its members or otherwise, persons to visit approved institute or observe such examinations.

candidates
power
engineering
practitioners as

(2) It shall be the duty of a person appointed under sub-clause (1) of this clause to report to the council on-

(a) the adequacy of the instructions given to the person attending approved courses of training at institution visited by him;

(b) the adequacy of the examination attended by him; and

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

(3) On receiving a report made in pursuance of this clause, the council may, if it thinks fit, and shall if so required by the institution, send a copy of the report to the person appearing to the council to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the council within such period as may be specified in the request not being less than once month beginning with the date of the request.

17. (1) There shall be constituted a body to be known as the chartered Institute of power engineers of Nigeria investigating panel (in this Bill referred to as "Investigating panel") which shall be charged with the duty to-

Establishment of
investigating
panel and
disciplinary
tribunal

(a) conduct a preliminary investigation into any case where it is alleged a member of the Institute has violated the provisions of the Institute's Code of Conduct or shall for any other reason be the subject of proceeding before the Disciplinary Tribunal;

(b) decide whether the case should be referred to the Disciplinary Tribunal or not.

(2) The investigating panel shall be appointed by the council and shall consist of five members as follows-

(a) two members of the council, one of whom shall be the chairman of the panel; and

(b) three members of the institute who are not members of the council.

(3) The tenure of any member of the investigating panel shall be two years renewable for a further period of two years.

(4) The Council may make rules not inconsistent with this Bill as regard acts which constitute professional misconduct.

(5) The Investigating Panel shall act independently in the receiving and investigation of allegations under sub-clause (1) (a) of this clause and shall have the power to receive complaints directly from any individual or organization.

(6) There shall be established the Chartered Institute of Power Engineers of Nigeria Disciplinary Tribunal (in this Bill referred to as "The Disciplinary Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel constituted.

(7) The Disciplinary Tribunal shall be appointed by the council and shall consist of a Vice-President of the institute who shall be the Chairman, three other members of the council and three members of the Institute who are not members of the council.

(8) The provisions of the Third schedule to this Bill shall, so far as applicable to the Investigating Panel and Disciplinary Tribunal respectively, have effect with respect to all those bodies aforementioned.

18. (1) Where-

Penalties for unprofessional conduct

(a) a person is adjudged by the Disciplinary Tribunal to be guilty of unprofessional conduct in any professional respect; or

(b) a person is convicted, by any court or tribunal in jurisdiction in Nigeria or elsewhere having the power to award imprisonment for an offence (where or not punishment with imprisonment) which in the opinion of the tribunal is incompatible with the conduct required of a member of the Power Engineering profession; or

(c) the Disciplinary Tribunal is satisfied that the name of the person has been fraudulently registered, and the person involved has been given opportunity for a fair hearing to defend his/herself before the Tribunal.

The Tribunal shall, after receiving the confirmation of its decision from the council, convey a direction to the person concerned reprimanding that person ordering the registrar to strike his name off the relevant part of the registered.

(2) A person who commits an offence and is found guilty by the decisions of the Disciplinary Tribunal shall be liable to the maximum sanction of having his name being struck out from the register of members provided such offence is related to the practice of the profession.

(3) The Disciplinary Tribunal may, if deems it fit refer or further defer its decision as to the giving of a direction under sub-clause (1) of this clause until a subsequent meeting of the disciplinary Tribunal, but-

(a) no decision shall be deferred under this sub-clause for periods exceeding three months from the conclusion of proceedings in the case; and

(b) no person shall be a member of the Disciplinary Tribunal to reach a decision which has been deferred or further deferred unless he was present as a member of the Disciplinary Tribunal when the decision was deferred.

(4) For sub-clause (1) (b) of this clause, a person shall be treated as guilty as therein

mentioned, unless the guilt stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the direction.

(5) When the Disciplinary Tribunal gives a direction under sub-clause (1) of this clause, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates.

(6) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him/her of the notice of the direction, appeal against the direction to the Federal High Court and where necessary to the Court of appeal and the Disciplinary Tribunal shall appear as the respondent to the appeal and, to enable directions to be given as to the costs of the appeal and of proceeding before the Federal High Court of appeal the Disciplinary Tribunal shall be deemed to be a party thereto, whether or not it appeals the hearing of the appeal.

(7) A direction of the Disciplinary Tribunal given under sub-clause (1) of this clause shall take effect where-

(a) no appeal under this Clause is brought against the direction, within the time limit for such an appeal, or on the expiration of that time;

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

(c) such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and shall not take effect except in accordance with the foregoing provisions of this sub-clause.

(8) A person whose name is struck off the register in pursuance of a direction of the Disciplinary Tribunal under this clause shall not be entitled to be registered again, except, in pursuance of a directive in that behalf and a direction under this clause for the striking off of a person's name from the register prohibit him from making an application for membership or restoration of his membership until after the period specified by the direction that his name should be struck off, and if he makes an application during the currency of the prohibition such as application shall be invalid.

19. A person who is not a member of any Engineering professional body established before the commencement of this Bill who but for this Bill, is qualified to apply for membership of the Chartered Institute of Power Engineers of Nigeria established by this Bill, in such manner as may be prescribed by rules made by the Council, shall be given such opportunity to be registered in the category of membership appropriate in the current period for holders of the qualification he/she possesses.

Application of this Bill to yet to be registered engineering persons

20. A person other than a corporate member of the Institute shall be deemed to practice as a member of the Power Engineering profession if, in consideration of remuneration received or to receive and whether by himself or in partnership with any other person-

Practice as a member of the power engineering profession

(a) he engages himself in the practice of Power Engineering services or holds himself out to the public as a member of the power engineering profession;

(b) he renders professional service or assistance in or about matters of principle or detail relating to procedures; or

(c) he renders any other service which may be by regulations made by the Council, be designated as service constituting practice as a member of the Power Engineering profession.

21. (1) The Council may make rules to guide training in Power Engineering methods and practice.
(2) The Council may also make rules-

Rules as to
practice etc

(a) prescribing the amount and date for payment of the annual subscription and such purposes, a different amount may be prescribed by the rules according to whether the person is registered as a Fellow, Power Engineers (Members), Power Engineering Technologist (Associate Engineers), Power Engineering Technicians, Power Engineering Craftsmen, Power Engineering Graduates, Corporate Firms and Students;

(b) restricting the right to membership of the Institute in default of payment of the amount of the annual subscription where the default continues for more than one year or such period as may be prescribed by the rules;

(c) also, to annual subscription, dues and levies as may be ascribed, the Institute shall be obliged to the issuance of annual practicing and licensing fee for all registered practitioners in the Institute's register, with annual certificates spanning 12 calendar months upon the payment of the prescribed fee.

(3) Rules when made under this clause, shall be published in the institute's journal.

(4) Any member of the institute who fails to pay the annual subscription and practitioner license fee for one year or such period as may be prescribed by the council may have his name removed from the register of members.

22. The Institute shall-

Provision of library
facilities etc

(a) provide and maintain a library comprising books and publications across the spectrum of Power industry Engineering practice under the care of the Institutes Registrar until at such a time when a professional librarian would be engaged for professional service;

(b) encourage research into Power Engineering theory and practice and allied subjects to the extent that the council may, from time-to-time, consider necessary.

23. (1) A person for the purpose of procuring the registration of any name, qualification or other matter who-

Offences and
penalties, etc

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

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

(2) If, on or after the relevant date, any person who is not a member of the Institute practices or holds himself out to practices as a power engineering practitioner for or in expectation of

reward or takes or use the name, titles, addition or description implying that he is in practice as a power engineering professional, he shall be guilty of an offence and be liable to prosecution under this Bill. Provided that, in the case of a person falling within clause 17 of this Bill-

(a) this sub-clause shall not apply in respect of anything done by him during the period of three months mentioned in that clause; and

(b) if within that period he duly applies for membership of the Institute then, unless within that period he is notified that his application has not been approved, this sub-clause shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or is notified as aforesaid.

(3) The registrar or any other person employed by or on behalf of the institute who willfully makes any falsification in any matter relating to the register, shall be guilty of an offence.

(4) Where an offence under this clause which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officers of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to have committed the offence and is liable on conviction by a court of competent jurisdiction in the case of an individual to the punishment prescribed in sub-clause (4) of this clause and in the case of a body corporate, to a fine of not less than ₦2,000,000.00

(5) A person who shall be guilty of an offence under this clause is liable on conviction to imprisonment for a term not exceeding two years or to a fine not less than ₦300,000.00 or both imprisonment and fine.

24. (1) Any regulations, made pursuant to this Bill shall be published in the Institute's Journal.

Regulations

(2) Rules made for the purpose of this Bill shall be subject to confirmation by the council at its next general meeting or any special meeting of the Institute convened for the purpose, and if annulled shall cease to have effect on the day after the date of annulment, but without prejudice anything is done in pursuance or intended pursuance of any such rules.

25. In this Bill-

Interpretation

"Chartered Power Engineer" means a person who has passed the profession competence examinations in power engineering practice and has been elected a Corporate or Associate Member of the Chartered Institute of Power Engineers of Nigeria (CIPEN);

"Certificate" means a certificate to practice as a chartered power engineering practitioner issued by the institute;

"Chapter of the Institute" means the branch of the institute established at any location under clause 1;

"Corporate Firm Member" means any Power consulting firms, Power Engineering contracting firms, professional power engineering corporations, etc that is duly registered as a firm member with the Institute;

"Council" means the council established as the governing body of the institute under clause 5 (1);

"Disciplinary Tribunal" means the chartered Institute of Power Engineers of Nigeria Disciplinary Tribunal established under clause 17;

"Executive Committee" means the Institute's administrative body established under clause 4;

"Fees" includes annual subscription;

"Fit Person" means a person of good character, who is not an undercharged bankrupt and has not been convicted in Nigeria or elsewhere of any offence involving fraud or dishonesty or has not been so convicted since a period to be specified from time to time by the council;

"Firms" means any organisation in Nigeria undertaking Power Engineering activities and or such other functions related;

"Institute" means the Chartered Institute of Power Engineers of Nigeria (CIPEN) established under clause 1;

"Investigation panel" means the chartered Institute of Power Engineers of Nigeria (CIPEN) Investigation Panel established under clause 17;

"Member of The Power Engineering Profession" means a person registered by the institute as a member in the category of a Fellows, Power Engineers (Members), Power Engineering Technologist (Associate Power Engineers), Power Engineering Technicians, Power Engineering Craftsmen, Power Engineering Graduates, Corporate Firms and Students;

"Minister" means the minister responsible for the ministry of power;

"Organs of the Institute" means the various sub administrative units of the institute established to implement its objectives;

"Power Engineering" means activities of engineering concerns in the power industry (NESI); operations, maintenance, engineering, procurement, construction, technical audit, plants inspection, etc;

"Power Engineer" means a person who has graduated from any engineering school, having the requisite engineering qualifications and duly engaged in the practice of power engineering activities in the Nigeria Electricity Supply Industry but yet to be admitted as a chartered Power Engineering practitioner by the Institute;

"President", "Vice president" and National Treasurer" means the office holders under those names in the institute respectively;

"Profession" Means the Power Engineering profession;

"Registrar" means the Register appointed in clause 10;

"Register" means the register kept in pursuance of clause 11 of this Bill.

26. This Bill may be cited as the Chartered Institute of Power Engineers of Nigeria Bill, 2023. Citation.

FIRST SCHEDULE

SCHEDULES

Qualification for Membership Categories

1. A person registered under this Bill is enrolled to higher membership status in any of the following categories:

(a) as a fellow if he-

(i) satisfies the council that he is eligible to be so registered and has for several years (to be specified by the council) had been a Corporate Member or the holder of an approved academic qualifications; and

(ii) satisfies all other criteria as may be specified by the council from time to time;

(iii) has obtained such academic, professional or other qualification(s) as may be prescribed by the council from time to time;

(iv) has held any senior management position in the public or private relevant institution.

(b) as a Power Engineer (corporate member) if he-

(i) satisfies the council that he/she is eligible to be so registered; and

(ii) has obtained such academic, professional or other qualification(s) as may be prescribed by the council from time to time;

(iii) satisfies all other criteria as may be specified by the council from time to time;

(iv) satisfies the council that he/she presently works in a Power Engineering firm or company in the practice of power Engineering.

(c) as a Power Engineering Associate member if he-

(i) satisfies the council that he is eligible to be so registered and has passed the associate examination,

(ii) has obtained such academic, professional or other qualification(s) as may be prescribed by the council from time to time,

(iii) has acquired on the job practical power Engineering experience for such number of years as may be specified by the council,

(d) as a Power Engineering Technician member if he-

(i) satisfies the council that he is eligible to be so registered and has passed the requisite professional skill test examination,

(ii) has obtained such academic, professional or other qualification(s) as may be prescribed by the council from time to time for such category,

(iii) has acquired on the job practical power engineering experience for such number of years as specified by the council,

(e) as a Power Engineering Craftsman member if he-

(i) satisfies the council that he is eligible to be so registered and has passed the requisite professional grade examination,

(ii) has obtained such academic, professional or other qualification(s) as may be prescribed by the council from time to time for such category,

(iii) has acquired on the job practical power Engineering experience for such number of years as may be specified by the council,

(f) as a power engineering Graduate member if he-

(i) satisfies the council that he is eligible to be so registered,

(ii) has been a student member, and

(iii) has passed associate ship examination but not met other conditions specified in paragraph (d) of this sub-clause.

(g) as a Power Engineering Corporate Firm of the organization-

(i) satisfies the council that it is eligible to be so registered; and has for several years (to be specified by council) been engaged in contracting or consulting practice in the power industry,

(ii) its proponents and management officers have obtained such academic, professional or other qualification(s) as may be prescribed by the council from time to time,

(iii) satisfies all other criteria as may be specified by the council from time to time,

(iv) satisfies the council that it is in a Power Engineering firm or company in the practice of power Engineering.

SECOND SCHEDULE

(Clause 6 (3))

Qualifications and tenure of office of a member of the council

1. (1) Subject to the provisions of this paragraph, a member of the council shall hold office for a period of two (2)

years beginning with the date of his appointment or election.

(2) A member of the institute who ceases to be a member thereof shall, if he is also a member of the council cease to hold office in the council.

(3) A member of the council may, by notice in writing under his hand addressed to the President resign his office.

(4) A person who retires from or otherwise ceases to be an elected member of the council shall be eligible to become of the council and any appointed member may be re-appointed.

(5) Member of the council shall at its meeting next before the general meeting of the Institute, arrange for the replacement of elected members of the council who are longest in office to retire at that general meeting.

(6) Election to the council shall be held in such manner as may be prescribed by rules made by the council and until so otherwise decided, they shall be decided by secret ballot

(7) If for any reason there is a vacation of office by a member and-

(a) Such member was appointed by the council or any other body, the Councilor that body may appoint another fit person from the area in respect of which the vacancy occurs; or

(b) such member was elected, the Council may, if the time between the unexpired term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit person for such time as aforesaid.

Power of the Council

2. The Council shall have the power to do anything which in its opinion is calculated to facilitate the carrying out of the activities of the Institute.

Standing Orders

3.(1) Subject to the provision of this Bill, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute or the Council, and in the exercise of its power under this Bill, may set up committees in the general interest of the institute and make standing orders thereof.

(2) Standing orders shall provide for the decision to be taken by a majority of the members, and in the event of an equality of votes, the President or the chairman, as the case may be, shall have a second or casting vote.

(3) Standing orders made for a committee shall, provide for the committee to report back to the council on any matter referred to it by the council.

(4) The quorum of the Council shall be nine and the quorum of a committee of the council shall be fixed by the council.

General Meeting of the Institute

4. (1) The Council shall convene the annual general meeting of the Institute on 12th May every year, or on such other day as the council may, from time-to-time, appoint so however, that if the meeting is not held within one

year the previous meeting, no more than fifteen months shall elapse between the respective dates of the two meetings; Provided that, a notice of the annual general meeting shall be given to all members at any time and if not later than twenty-one days from the date of the meeting.

(2) A special general meeting of the Institute may be convened by the council at any time and if not less than twenty members of the institute so require, by notice in writing addressed to the chairman of the council setting out the object of the proposed meeting, the chairman of the council shall convene a special general meeting of the institute. Provided that, a notice of the special general meeting shall be given to all members of the institute not later than twenty-one days from the date of the meeting.

(3) The quorum of any general meeting of the Institute and that of a special general meeting of the institute shall each be twenty members.

Meeting of the Council

5. (1) Subject to the provisions of any standing order of the council, the council shall meet whenever it is summoned by the council and the chairman is required to do so, by notice in writing given to him by no less than five other members, he shall summon a meeting of the council to be held within fourteen days from that date on which the notice is given.

(2) At the meeting of the council, the chairman or in his absence, the Deputy Chairman or anyone of the Vice - Chairman stated in clause 5 (2) (b) of this Act in the descending order of their status shall preside, but if the chairman, Deputy Chairman and the Vice-Chairmen are absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

(3) Where the Council desires to obtain the service of any person on a matter, the council may co-opt him as a member for such period as the council may think fit, but a person who is a member shall not count towards a quorum.

Committee

6. (1) The Council may appoint one or more committees to carry out on behalf of the institute or council such function as the council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the council, of whom not more than one-third may be the persons who are not members of the council and a person other than a member of the council shall hold office on the committee in accordance with the terms of the letter by which he/she is appointed.

(3) Decisions of a Committee of the council shall be of no effect until it is confirmed by the Council.

Miscellaneous

7. (1) The fixed of the seal of the institute shall be authenticated by the signature of the chairman or some other member of the council authorized generally or specially by the institute to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the institute or of the council, as the case may

require, by any person generally or specially authorized to act for that purpose by the council.

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

8. The validity of any proceedings of the institute or the council or 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 the council or of a person to serve on the committee or by reason that a person not entitled to do so, took part in the proceeding.

9. Any member of the institute or of the council or any person holding office on a committee of the council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the council on behalf of the institute or by a committee of the council on behalf of the council, shall forth with disclose his interest to the committee or the council, as the case may be and shall not vote on any question relating to the contract or arrangement.

10. A person shall not by reason only of his membership of the institute be treated as holding an office in the public service of the Federation.

THIRD SCHEDULE

[Clause 17(9)]

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Disciplinary Tribunal

1. The quorum of the Disciplinary Tribunal shall be five members
2. (1) The Attorney - General of the Federation shall make rules as to the selection of members of the Disciplinary Tribunal for any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
 - (2) The rules shall in particular provide:
 - (a) for securing that notice of the proceeding shall be given at such time and in such manner, as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determine who, in addition to the person who is the subject of the proceedings;
 - (c) for securing that any party to the proceeding shall, if he so requires, be entitled to be heard by the Tribunal;
 - (d) for securing that any party to the proceeding may be represented by a legal practitioner;
 - (e) subject to the provisions of clause 14 (6) of this Bill, as to the cost of proceedings before the Disciplinary Tribunal;
 - (f) for requiring, in any case where it is alleged that the person who is the subject of the proceedings involved himself in unprofessional conduct in any professional respect, that where the Disciplinary Tribunal adjudges that the alleged has not been provided, it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates; and

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

3. For any proceedings before the Tribunal, any member of 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 and testudinum and deuces tecum, but no person appearing before the Disciplinary Tribunal shall be compelled-

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

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

4. (1) To advise the Tribunal on the question of law arising in the proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years standing.

(2) The Attorney General of the Federation shall make rules as to the functions of assessor appointed under this paragraph and in particular such rules shall contain a provision for securing that-

(a) where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or a person representing a party to the proceedings who appears there or if the advice is tendered while the Tribunal is deliberating in private that every such party or person as aforesaid shall be informed of the assessor on such a question as aforesaid;

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

(3) An Assessor may be appointed under this paragraph either generally or for any particular proceedings or class proceedings and shall hold and vacate office in accordance with the terms of the letter by which he was appointed.

The Investigation Panel

5. The quorum of the Investigation Panel shall be three.

6. (1) The Investigation panel may, at any of its meetings attended by all the members of the investigating panel, make standing orders concerning the Investigation Panel.

(2) Subject to the provisions of any such standing orders, the Investigation Panel may regulate its proceeding.

Miscellaneous

7. (1) A person ceasing to be a member of the investigation panel of the Disciplinary Tribunal shall be eligible for re-appointment as a member of the Investigation Panel or Disciplinary Tribunal as the case may be; however, nobody shall serve in the Investigation Panel for more than two consecutive terms totaling four years.

(2) A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigating Panel, but no person who acted as a member of the Investigating panel concerning any case shall act as a member of the Disciplinary Tribunal with respect to that case.

8. The Investigating Panel or the Disciplinary Tribunal may act, notwithstanding any vacancy in its membership, and the proceedings of either body shall be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (2) of this schedule by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

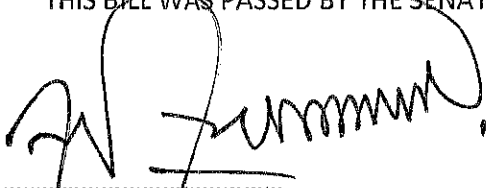
9. Any document authorized or required by virtue of this Act to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.

10. Any expenses of the Disciplinary Tribunal or the Investigation panel shall be defrayed by the Institute.

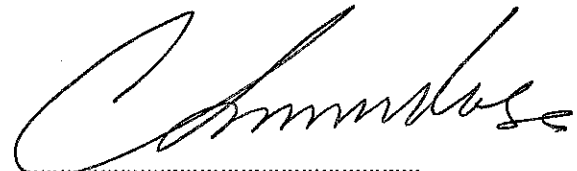
EXPLANATORY MEMORADUM

This Bill seeks to establish the Chartered Institute of Power Engineers of Nigeria and charges it with the responsibility for determining the standard of knowledge and skill to be attained by persons seeking to become Chartered Power Engineers. It also seeks to establish the Governing council of the Institute which shall have the responsibility of managing the Institute, its policy directions and setting the standard of education and competence required for its members therein.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 25TH JANUARY, 2023



.....
President of the Senate,
Federal Republic of Nigeria.



.....
Clerk of the Senate,
Federal Republic of Nigeria.