

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF MANAGEMENT INFORMATION TECHNOLOGY OF NIGERIA TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTE AND FOSTER THE PRACTICE OF THE MANAGEMENT INFORMATION TECHNOLOGY IN THE FEDERATION AND FOR RELATED MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

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

1 PART I — ESTABLISHMENT, FUNCTION, MEMBERSHIP, ETC. OF THE
2 CHARTERED INSTITUTE OF MANAGEMENT INFORMATION TECHNOLOGY,
3 GOVERNING COUNCIL, ETC.

4 1.—(1) There shall be established a body to be known as the
5 Chartered Institute of Management Information Technology (in this Act
6 referred to as “the Institute”).

Establishment of the Chartered Institute of Management Information Technology

7 (2) The Institute—
8 (a) shall be a body corporate with perpetual succession;
9 (b) shall have a common seal which shall be kept in such custody as
10 the Council may, from time to time, authorize; and
11 (c) may sue or be sued in its corporate name.

12 2. The functions of the Institute shall be to—
13 (a) determine what standards of knowledge and skill are to be
14 acquired and attained by persons seeking to become registered members of
15 the Institute and reviewing those standards from time to time as
16 circumstances may require;

Functions of the Institute

17 (b) secure, in terms of this Act, the establishment and maintenance
18 of a register of fellows, Associates, Graduates, Licentiate and Students of

1 the Institute, and the publication from time to time of a list of those members;

2 (c) promote and develop the science of management Information
3 Technologist and to foster and maintain investigations and research into the
4 best method for the enhancement and application of such science;

5 (d) encourage, increase, disseminate and promote the education and
6 training of members admitted, thereof, and the exchange of information and
7 ideas in respect of all questions appertaining thereto or connected therewith,
8 the practice of management Information Technologist;

9 (e) organize and conduct examinations, from time to time, in
10 management Information Technologist and other related subjects to the
11 profession thereof for the purposes of admitting members to the Institute,
12 enhancing their status, and issuing membership certificates to person so
13 admitted;

14 (f) regulate and control the practice of professional management
15 Information Technologist in all its ramifications;

16 (g) highlight and impart such specialized knowledge and experience
17 in the collection, collation, interpretation and communication of a wide range
18 of information and the furnishing of advice regarding costs, cost trends,
19 measurement of performance against standards, budgets, pricing, the effect of
20 changes in volume of sales and production, and other matters necessary for
21 obtaining sound day to day control and application of available resources;

22 (h) coordinate the extent of work connected with planning by
23 management and providing figures and other data relating to costs, the volume
24 of production needed for profitability, and the contemplated returns on
25 investment in tandem with new products, new processes and planned
26 expansion;

27 (i) do all such things as may be proper and necessary to maintain and
28 advance the status and interests of the members who are involved in studies
29 relating to research, development costs and their recovery, the profitability of
30 product mixes, automation, computerization and the merging of data resulting

1 from sales, control of costs in relation to competitive selling prices, and
2 other sources that may be integrated into management information systems
3 to the benefit of shareholders and the community at large;

4 (j) maintain, in accordance with this Act, professional discipline,
5 protect the interest of members through the provision of professional
6 consultative advice and the issue of journals and other publications,
7 organisation and conduct of seminars, workshops, conferences, etc.; and

8 (k) do such other things that are incidental or supplementary to the
9 foregoing objects of the Institute.

10 3.—(1) Subject to the provisions of this Act, persons admitted into
11 the Institute, shall possess knowledge, experience and qualifications in the
12 science of management Information Technologist and other related
13 disciplines determined from time to time by the Council, and may be
14 enrolled in the category of—

Membership of
the Institute

- 15 (a) fellows;
16 (b) associate membership;
17 (c) graduate member; or
18 (d) Licentiate members.

19 (2) Without prejudice to the last foregoing provisions of this Act,
20 persons registered as members of the Institute, in terms of this Act, shall be
21 entitled to be enrolled—

22 (a) as fellows, if they satisfy the Council that for the period of not
23 less than five years immediately preceding the date of their application in
24 that behalf that they—

- 25 (i) are fit and proper persons,
26 (ii) are holders of approved academic qualifications
27 (iii) have satisfied the Council in their dissertations,
28 (iv) have been continuously active in the practice of professional
29 management Information Technologist in the public and private sections of
30 the economy and as members of the Institute;

1 (b) as associate members, if for the period of not less than three years
2 immediately preceding the date of their application in the behalf that they have
3 been enrolled as graduate members and are otherwise fit and proper persons,
4 and as may be approved in the discretion of the Council;

5 (c) as Graduate Members, if they satisfy the Council that they have
6 passed the mandatory examinations conducted by the Institute, hold equivalent
7 qualifications from recognized institutions of higher education and are
8 otherwise howsoever ever found to be fit and proper persons by the Council;

9 (d) as Licentiate Members, if they satisfy the Council that the have
10 passed the mandatory examinations conducted by the Institute, hold equivalent
11 qualifications from recognized institutions of higher education and are
12 otherwise however found to be fit and proper persons by the Council.

13 (3) the following are the other of precedence and designated titular
14 abbreviations for—

15 (a) a Fellow of the Chartered Institute of Management Information
16 Technology who shall have the right to use the designatory letters FCMA
17 immediately after his names;

18 (b) an Associate Member of the Chartered Institute of Management
19 Information Technology who shall have the right to use the designatory letters
20 ACMA immediately after his names; and

21 (c) a Licentiate Member of the Chartered Institute of Management
22 Information Technology, who shall have the right to use the designatory letters
23 LCMA immediately after his names.

24 (4) Graduates and students registered for training shall become
25 professional practicing members only after satisfying specified qualification
26 requirements for membership in any of the foregoing categories as may be
27 prescribed by the Council or by laws of the Institute.

28 (5) In this section, “licentiate member” means any member granted a
29 licence by a recognized institution of higher education to practice as a
30 Professional Cost and Management Information Technology, and “licensure”

1 shall be construed accordingly.

2 4.—(1) The principal officers of the Institute shall be —

Election of
Principal Officers
of the Institute

3 (a) the president;

4 (b) the Vice President;

5 (c) the National Secretary;

6 (d) the Assistant National Secretary;

7 (e) the National Treasurer; and

8 (f) the Public Relations Officer.

9 (2) The principal officers listed under subsection (1) of this section
10 shall be financial members of the Institute in the grades of fellows, associate
11 member and licentiate members and shall be elected to office biennially at
12 the second Council meeting after another term of two years, and no more.

13 (3) The President shall be the chairman at the meetings of the
14 Institute, but in the event of his incapacity, death or inability to perform the
15 duties reposed on him under this subsection, the Vice President shall
16 perform such duties for the unexpired portion of the term of office of that
17 president.

18 (4) If any of the officers listed under subsection (1) of this section
19 ceases to be a member of the Institute, he shall cease to hold any of the
20 offices designated thereof.

21 5.—(1) There shall be for the Institute, a governing body to be
22 known as “the Council” which shall have responsibility for the
23 administration and general management of the Institute.

Establishment
and Composition
of the Council

24 (2) The Council established pursuant to subsection (1) of this
25 section shall consist of the following members, that is —

26 (a) the President of the Institute, who shall be the chairman;

27 (b) the Vice President of the Institute, who shall be the Deputy
28 Chairman.

29 (c) the Registrar;

30 (d) twelve members nominated by the Institute from the six

1 geopolitical zones of the Federation;

2 (e) two persons who shall be members of the Institute, to represent
3 institutions of higher education in Nigeria offering courses leading to an
4 approved qualification, to be appointed in rotation;

5 (f) the immediate past President of the Institute;

6 (g) one person each not below the rank of a director to represent the
7 following Federal Ministries, that is—

8 (i) Finance,

9 (ii) Commerce,

10 (iii) Education,

11 (iv) Industry; and

12 (v) one representative of the Nigerian Chambers of Commerce,
13 Industry, Mines and Agricultural (NACCIMA), not below the rank of a
14 director

15 (3) The provisions of the first schedule to this Act shall have effect
16 with respect to the supplementary provisions of the Council and the
17 qualifications and tenure of the office of members of the Council, and the
18 matters therein mentioned.

Appointment of
Board of Fellows

19 6.—(1) There shall be appointed annually a Board of Fellows, to
20 coordinate the activities of fellows of the Institute and to recommend to the
21 Council on yearly basis admission of members to the fellows.

22 (2) The Board of fellows shall consist of persons who have been duly
23 elected as fellows of the Institute, and shall have a chairman who shall preside
24 over the activities of the Board.

25 PART II — FINANCIAL PROVISIONS

Establishment
of fund and
expenditure

26 7.—(1) The Council shall establish and maintain a fund for the
27 Institute, the management and control of which shall be under the authority of
28 the Council, into which shall be paid—

29 (a) all monies received by the Council in pursuance of this Act;

30 (b) all subscriptions, fees and Council in pursuance of this Act;

1 (c) such monies as may be provided by the federal, state or Local
2 Government from time to time by way of grants, subvention or loan; and

3 (d) all monies raised for the purposes of the Institute by way of
4 gifts, donations, grants in aid, testamentary dispositions from individuals,
5 bodies corporate or philanthropic organisations, non otherwise however.

6 (2) The Council shall, from time to time, apply the proceeds of the
7 funds of the Institute to —

8 (a) all expenditure incurred by the Institute in the course of the
9 discharge of its functions under this Act;

10 (b) the remunerations and allowances of the Registrar and other
11 staff of the Institute to;

12 (c) the maintenance of the premises and property owned and vested
13 in the Institute;

14 (d) the payment of travelling allowance and such stipend for
15 members of the Council as may be approved by the Council; and

16 (e) the payment of such other charges as may be reasonably
17 incurred in the performance of the functions of the Institute and the Council.

18 (3) For the purposes of the Companies Income Tax, any donation Cap. C21 LFN
19 made by any company in Nigeria to the Institute shall be a deductible
20 donation within the meaning of that Act.

21 8.—(1) the Council may, with the general consent of its members Power to borrow
22 or in accordance with the general guidelines or authority given by the money
23 government of the Federation, borrow, on behalf of the Institute, by way of
24 loan or overdraft from any source, any monies required by the Council to
25 meet the obligations of the Institute in other to perform its functions under
26 this act, so however that such consent or authority shall be required where
27 the sum or aggregate of the sums involved at any time does not exceed such
28 amount as is for the time being projected in relation to the Institute in any
29 particular year.

30 (2) The Council may, subject to the provisions of this Act and

1 (a) correct, in accordance with the Council's directives, any entry in
2 the Register which the Council directs him to correct as being in the Council's
3 opinion an entry which was incorrectly made;

4 (b) remove from the Register the name of any Register's person who
5 has died;

6 (c) record the names of the members of the Institute who are in default
7 in the payment of annual subscriptions, dues or other charges for more than
8 twelve months, and take such action in relation thereto (including removal of
9 the names of the defaulters from the Register) as the Council may determine or
10 direct; and

11 (d) make from time to time any necessary alterations in the registered
12 particulars of registered persons.

13 (7) If the Registrar-

14 (a) sends by post to any registered person a letter addressed to him at
15 his address on the Register enquiring whether the registered particulars relating
16 to him are correct and receives no reply to the letter within the period of six
17 months from the date of posting; and

18 (b) upon the expiration of the period specified in paragraph (a) of this
19 subsection, sends in like manner to the person in question a second similar
20 letter and received no reply to the letter within three months from the posting it,
21 then the Registrar, may remove the particulars relating to the person in question
22 from the Register, and the Council may direct the Registrar to restore to the
23 appropriate part of the Register any particulars removed therefrom under this
24 subsection.

Publication of
Registers and
list of corrections

25 11.--(1) The Registrar shall—

26 (a) cause the Register to be printed, published and put on sale to
27 members of the public not later than two years from the commencement of this
28 Act;

29 (b) thereafter in each year to cause to be printed, published and put on
30 sale as aforesaid, rather a corrected edition of the Register since it was last

1 printer; and

2 (c) cause a print of each edition of the Registers and of each list of
3 correction to be deposited at the principal offices of the Institute, and the
4 Council shall keep the Register and the list so deposited available at all
5 reasonable times for inspection by members of the Institute.

6 (2) A document purporting to be print of an edition of the Register
7 published under and pursuant to this section by authority of the Registrar, or
8 documents purporting to be prints of an edition so printed, shall (without
9 prejudice to any other mode of proof) be admissible in any proceeding as
10 evidence that any person specified in the document, or the documents read
11 together, as being registered was so registered at the date of the edition or of
12 the list of corrections, as the case may be, and that any person not so
13 specified was not so registered.

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

19 12.—(1) Subject to the rules made by the Council pursuant to
20 section 10 (5) of this Act, a person shall be entitled to be enrolled of
21 registered as a professional information technologist of the Institute if—

Registration of
professional
information
technologist

22 (a) he passes the qualifying examination for membership
23 conducted by the Council under this Act and completes the practical training
24 prescribed; or

25 (b) he hold as qualification granted outside Nigeria and for the time
26 being accepted by the Institute and, if the Council so requires, satisfies the
27 Council that he had sufficient practical experience as a cost and
28 management accountant.

29 (2) Subject to section 16 of this Act and to rules made pursuant to
30 section 10 (5) of this Act, a person shall be entitled to be registered as a cost

Cap. C20 LFN

1 and management accountant if he satisfies the Council that immediately before
2 the appointed day he had not less than five years experience as an inspector and
3 internal auditor of the affairs of a company as defined under the provision of the
4 Companies all Allied Maters Act.

5 (3) An applicant for registration shall, in addition to evidence of
6 qualification, satisfy the Council-

7 (a) that he is of good character;

8 (b) the he has attained the age of twenty one year; and

9 (c) he has not been convicted of a criminal offence involving fraud or
10 dishonesty in Nigeria or elsewhere.

11 (4) The Council may in its discretion provisionally accept a
12 qualification presented in respect of an application for registration under this
13 section, or direct that the application be renewed within such period as may be
14 specified in the direction.

15 (5) Any entry directed to be made in the Register in terms of
16 subsection (4) of this section shall indicate that the Registration is provisional,
17 and no entry made in consequence thereof shall be converted to, construed as,
18 full registration without explicit consent of the Council made in writing in that
19 behalf.

20 (6) The Council shall from time to time publish in the Federal
21 Government Gazette particulars of qualifications for the time being accepted a
22 aforesaid.

Approval of
Qualifications,
etc.

23 13.—(1) The Council may approved and institution for the purposes
24 of this Act and may for those purposes approve —

25 (a) any course of training at any approved institution which for
26 persons who are seeking to become or are already Management Information
27 Technology, and which the Council considers as necessary to confer on persons
28 completing the course, sufficient knowledge and skill for admission to the
29 Institute;

30 (b) any qualification which, as a result of an examination taken in

1 conjunction with a course of training approved by the Council under this
2 section, is granted to candidates reaching a standard at the examination
3 indicating in the opinion of the members of the Council that the candidates
4 have sufficient knowledge and skill to practice as management Information
5 Technology.

6 (2) The Council may, if it thinks it fit withdraw any approval given
7 under this section in respect of any course, qualification or institution, but
8 before withdrawing such as approval, the Council shall—

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

13 (b) afford each such an opportunity of making representations to
14 the Council with regard to the proposal; and

15 (c) take into consideration any representation made as respects the
16 proposal in pursuance of paragraph (b) of this subsection.

17 (3) Where the approval of the Council under this section for a
18 course, qualification or institutions is withdrawn, the course, qualification
19 or institution shall not be treated as approved under this section, but the
20 withdrawal of any such approval shall not prejudice the registration or
21 eligibility for registration of any person who by virtue of the approval was
22 registered or eligible for registration immediately before the approval was
23 withdrawn.

24 (4) The giving or withdrawal of an approval under this section shall
25 have effect from such date, either before or after the execution of the
26 instrument signifying the giving or withdrawal of the approval, as the
27 Council may specify in that instrument, and the Council shall—

28 (a) publish as soon as possible a copy of every such instrument in
29 the Federal Government Gazette; and

30 (b) not later than seven days before its publication, send a copy of

Supervision of
Instructions, etc.
leading to
approved
qualifications

1 the instrument to the Minister.

2 **14.—**(1) It shall be the duty of the members of the Council of the
3 Institute to keep themselves informed of the nature of—

4 (a) the instructions given at approved institutions to persons attending
5 approving training; and

6 (b) the examinations as a result of which approved qualifications are
7 granted, and for the purposes of performing that duty the Council of the
8 Institute may appoint, either from among its own members or otherwise,
9 person to visit approved institutions, or to attend such examination.

10 (2) It shall be the duty of the visitor appointed in term off the
11 foregoing subsection of this section to report to the Council on—

12 (a) the sufficiency of the instructions given to persons attending
13 approved courses of training at institutions visited by him;

14 (b) the conduct and adequacy of the examinations observed by him
15 ;and

16 (c) any other matters relating to the instruction or examinations on
17 which the Council may, either generally or in particular case, request him to
18 report, but no visitor shall interfere with the giving of any instruction or the
19 conduct of any examination.

20 (3) On receiving a report made in pursuance of this section, the
21 Council may, if it fit, and shall if so required by the Institution, send a copy of
22 the report to the person appearing before the Council to be in charge of the
23 institution or which the Disciplinary Tribunal has cognizance under the
24 following provisions of this Act responsible for the examination to which the
25 report relates requesting that person to make an observation on the report the
26 Council within such period as may be specified in the request, not being less
27 than one month beginning with the date of the request.

28 PART IV — PROFESSIONAL DISCIPLINE

Establishment,
Composition, etc.
of the Disciplinary
Tribunal and of
Investigating Panel

29 **15.—**(1) There shall be a tribunal to be known as the Chartered Institute
30 of Management Information Technology Disciplinary Tribunal (in this Act,

1 referred to as “the Disciplinary Tribunal”) which shall be charged with the
2 duty considering and determining any case referred to it by the Investigating
3 established pursuant to subsection (3) of this section, and any other case of
4 Panel, which the Disciplinary Tribunal has cognizance under the following
5 provisions of this Act.

6 (2) The Disciplinary Tribunal shall consist of the Chairman of the
7 Council and six other members of the Council.

8 (3) There shall be a body to be known as the Chartered Institute of
9 Management Information Technology Investigating Panel (in this Act,
10 referred to as “the Investigating Panel”) which shall be charged with the
11 duty of—

12 (a) conducting a preliminary investigation into any case where it is
13 alleged that a member has misbehave in his capacity as a Management
14 Information Technologist or should for any other reason be the subject of
15 proceedings before the Disciplinary Tribunal; and

16 (b) deciding whether the case should be referred to the Disciplinary
17 Tribunal.

18 (4) The Investigating Panel shall be appointed by the Council and
19 shall consist of four members of the Council and one Management
20 Information Technologist who is not member of the Council.

21 (5) The provisions of the Second Schedule to this Act shall, so far
22 as applicable to the Third Disciplinary Tribunal and Investigating Panel
23 respectively, have effect with respect to the bodies.

Second chedule

24 (6) The Council may make rules not inconsistent with this Act as to
25 acts which constitute professional misconduct.

26 **16.-(1) Where-**

27 (a) a member is judged by the Disciplinary Tribunal to be guilty of
28 infamous conduct in any in any professional respect; or

29 (b) a member is convicted, by any court or tribunal in Nigeria or
30 elsewhere having power to award imprisonment, of an offence or (whether

Penalties for
Unprofessional
Conduct

1 or not punishable with imprisonment) which in the opinion of the Disciplinary
2 Tribunal is incompatible with the status of a professional Management
3 Information Technology ; or

4 (c) the Disciplinary Tribunal is satisfied that the name of any person
5 has been fraudulently registered,
6 the Disciplinary tribunal may, if it thinks fit, give a direction reprimanding that
7 person or ordering the Registrar to strike his name off the relevant part of the
8 Register.

9 (2) The Disciplinary Tribunal may, if it thinks if fit, defer its decision
10 as to the giving subsection (1) of this section until a subsequent meeting of the
11 Disciplinary Tribunal but—

12 (a) no decision shall be deferred under this subsection for periods
13 exceeding two years on the aggregate; and

14 (b) no person shall be a member of the Disciplinary Tribunal for
15 purposes of reaching a decision which has been deferred or further deferred,
16 unless he was present as a member of the Disciplinary Tribunal when the
17 decision was deferred.

18 (3) For the purposes of subsection (1)(b) of this section, a person shall
19 not be treated as convicted as therein mentioned unless the conviction stands at
20 a time when no appeal or further appeal is pending or may (without extension
21 or time) be brought in connection with the conviction.

22 (4) When the Disciplinary tribunal gives a direction under subsection
23 (1) of this section, the Disciplinary Tribunal shall cause notice of the direction
24 to be served on the person to whom it relates.

25 (5) A person to whom such a direction relates may, at any time within
26 twenty eight days from the date of the service on him of notice of the direction,
27 appeal against the direction to the Court of Appeal and the Disciplinary
28 Tribunal may appeal as respondent to the appeal and, for the purpose of
29 enabling directions to be given as to the costs of the appeal and of proceedings
30 before the court of Appeal, the Disciplinary Tribunal, shall be deemed to be a

1 party thereto whether or not it appears at the hearing of the appeal.

2 (6) A decision of the Disciplinary Tribunal under subsection (1) of
3 this section, shall take effect where —

4 (a) no appeal under this section is brought against the direction
5 within the time limited for the appeal, on the expiration of that time;

6 (b) an appeal is brought and is withdraw or struck out for want of
7 prosecution on the withdrawal or striking out of the appeal;

8 (c) an appeal is brought and is not withdrawn or struck out as
9 aforesaid if an when the appeal is dismissed, and shall not take effect
10 expect in accordance with the foregoing provisions of this subsection.

11 (7) A person whose name is struck off the Register in pursuance of a
12 direction of the Disciplinary Tribunal under this section, shall not be entitled
13 to be enrolled or registered again expect in pursuance of a direction in that
14 behalf given the Disciplinary Tribunal on the application of that person, and
15 a direction under this section for the removal of a person's name from the
16 Register may prohibit an application under this subsection by that person
17 until the expiration of such period from the date of the direction (and where
18 he has duly made such an application, from the date of his last application) as
19 may be specified in the direction.

20 PART V — MISCELLANEOUS AND SUPPLEMENTARY

21 17. Any person who is not a member of the Institute of Information
22 Technology of Nigeria (in this Act referred to as “the formal Institute”) who,
23 but for this Act, would have been qualified to apply for and obtain
24 membership of the formal Institute may, within the period of three months
25 beginning from the day this Act comes into force, apply for membership of
26 the Institute in such manner as may be prescribed by rules made by the
27 Council; and if approved, he shall be enrolled or registered, as the case may
28 be according to his qualification.

29 18. A person shall be deemed to practice as a professional
30 management Information Technology if, in consideration of remuneration

Application of
this Act to
un-enroll person

When a person
is deemed a
Professional
Management
Information
Technologist

1 receive or to be received, and whether by himself or in partnership with any
2 other person—

3 (a) he engages himself in the practice of management Information
4 Technologist or holds himself out as a cost and management accountant; or

5 (b) he renders professional service or assistance in or about matters of
6 principle or detail relating to management Information Technologist
7 procedure; or

8 (c) he renders any other service which may by regulations made by
9 the Council, with the approval of the ministry, be designed as service
10 constituting practice as a Management Information Technologist.

Rulers as to
Professional
Practicing fees

11 **19.**—(1) the Council may make rules for—

12 (a) the training of suitable persons in management Information
13 Technologist methods and practice; and

14 (b) the supervision and regulation of the engagement, training and
15 transfer of such persons.

16 (2) The Council may also make rules—

17 (a) prescribing the amount and the due date for payment of the annual
18 subscription, and for such purpose different amount may be prescribed by the
19 rules according to whether the person is enrolled as a fellow, associate member,
20 a graduate member, licentiate member or student;

21 (b) prescribing the form of licentiate to practice to be issued annually
22 or, if the Council thinks it fit, by endorsement on any existing licence; and

23 (c) restricting the right to practice in default of payment of the amount
24 of annual subscription where the default continues for longer than such period
25 as may be prescribed by the rules.

26 (3) Rules when made under this section shall, if the Chairman of the
27 Council so directs, be published in the Federal Government Gazette.

Provision of
Library facilities,
etc.

28 **20.** The Institute shall—

29 (a) provide and maintain a library, comprising books and publications
30 for the advancement of knowledge of management Information Technologist,

1 and such other books and publications as the Council may think necessary
2 for that purpose;

3 (b) encourage research into cost and management methods and
4 allied subjects to the extent that the Council may from time to time consider
5 necessary;

6 21.--(1) if any person, for the purpose of procuring the registration Offences
7 of any name, qualification or other matter—

8 (a) make a statement which he believes is false in a material
9 particular, or

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

12 (2) if, on or after the relevant date, any person not a member of the
13 Institute practices or holds himself out to practice as management
14 Information Technology for or in expectation of reward or takes or uses any
15 name, title, addition or description implying that he is in practice as a
16 management information technologist, he shall be guilty of an offence,
17 provided that, in the case of a person falling within section 17 of this Act—

18 (a) this subsection shall not apply in respect of anything done by
19 him during the period of three months mentioned in that section; and

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

25 (3) if the registrar or any other person employed by or on behalf of
26 the Institute wilfully makes any falsification in any matter relating to the
27 register, he shall be guilty of an offence.

28 (4) A person guilty of an offence under this section be liable—

29 (a) on summary conviction, to a fine of an amount not exceeding
30 N50,000 Naira;

1 (b) on conviction on indictment, to a fine of an amount not exceeding
2 N100,000 Naira or to imprisonment for a term not exceeding two years or to
3 both such fine and imprisonment.

4 (5) Where an offence under this section which has been committed by
5 a body corporate is proven to have been committed with the consent or
6 connivance of, or to be attributable to any neglect on the part of any direction,
7 manager, secretary or other similar officer of the body corporate or any person
8 purporting to act in any such capacity, he as well as the body corporate, shall be
9 deemed to be guilty of that offence and shall be liable to be prosecuted and
10 punished according.

11 (6) In this section, "the relevant date" means the third anniversary of
12 the appointed day or such earlier date as may be prescribed for the purpose of
13 this section by order of the ministry published in the Federal Government
14 Gazette.

Regulations and
rules

15 **22.—**(1) Any regulations made under this Act shall be published in the
16 Federal Government Gazette as soon as may be after they are made and a copy
17 of any such regulations shall be sent to the Ministry not later than seven days
18 before they are so published.

19 (2) Rules made for the purposes of this Act shall be subject to
20 confirmation by the Institute at its next general meeting or at any special
21 meeting of the Institute convened for that purpose, and if then annulled shall
22 cease to have effect on the day after the date of annulment, but without
23 prejudice to anything done in pursuance or intended pursuance of any such
24 rules.

Dissolution of
the Institute of
Information
Technology of
Nigeria

25 **23.—**(1) The body known as the Institute of Information Technology
26 of Nigeria is hereby dissolved.

27 (2) Accordingly, all the property held by or on behalf of the former
28 Institute shall by virtue of this section and without further assurance, vest in the
29 Institute and be held by it for the purposes of the Institute.

30 (3) The provisions of the Third Schedule to this Act shall have effect

1 with respect to matters arising from the transfer by this section to the
2 Institute of the property of the former Institute, and with respect to the other
3 matter mentioned in that schedule.

4 24. In this Act, unless the context otherwise requires, the following Interpretation
5 words and expressions have the meanings respectively assigned to them,
6 that is-

7 “Institute” means the Chartered Institute of Management Information
8 Technology established under section 15 (3) of this Act;

9 “Management Information Technologist” means any person who is
10 registered or enrolled to be registered under this Act in any of the categories
11 of membership;

12 “Council” means the Council established as the governing body of the
13 Institute under section 5 of this Act;

14 “Disciplinary Tribunal” means the Chartered Institute of Management
15 Information Technology Disciplinary Tribunal under section 15 (1) of this
16 Act;

17 “enrolled in relation to a fellow, an associate member, a graduate member, a
18 licentiate member, as the case may be;

19 “fees” includes annual subscription;

20 “formal Institute” means the Institute of Information Technology dissolved
21 by section 23 (1) of this Act'

22 “investigation panel” means the Chartered Institute of Management
23 Information Technology Investigation Panel established under section 15
24 (3) of this Act;

25 “Member of the Institute” means an enrolled fellow, associate member or a
26 licentiate member of the Institute; and “membership of the Institute” shall be
27 construed accordingly;

28 “Ministry” means the Ministry charge with the responsibility for matters
29 relating to finance.

30 “President and Vice President” means respectively the office holder under

1 those names in the Institute;
2 “profession” means the profession of Management Information Technologist;
3 and
4 “Register” means the register maintained in pursuance of section 10 (2) of this
5 Act.

Citation

6 25. This Bill may be cited as the Chartered Institute of Management
7 Information Technology Bill, 2019.

8 SCHEDULES

9 FIRST SCHEDULE

10 *Section 5 (3)*

11 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

12 *Qualifications and tenure of members*

13 1.—(1) subject to the provisions of this paragraph, a member of the
14 Council shall hold office for a period of two years beginning with the date of his
15 appointment of election.

16 (2) Any member of the Institute who ceases to be a member thereof
17 shall, if he is also a member of the Council, cease to held office on the Council.

18 (3) Any elected member may by notice in writing under his hand
19 addressed to the President resign his office, and any appointed member may,
20 likewise resign his appointment.

21 (4) A person who retires from or otherwise ceases to be an elected
22 member of the Council shall be eligible again to become a member of the
23 Council, and any appointed member may be reappointed.

24 (5) Members of the Council shall at a meeting next before the annual
25 general meeting of the Institute arrange for five members of the Council
26 appointed or elected, and longest in office to retire at that annual general
27 meeting:

28 Provided that if any of the members listed thereof is the Chairman of the
29 Council or the Vice President of the Institute, he shall remain a member of the
30 Council.

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2 Institute of the property of the former Institute, and with respect to the other
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23 Council, and any appointed member may be reappointed.

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25 general meeting of the Institute arrange for five members of the Council
26 appointed or elected, and longest in office to retire at that annual general
27 meeting:

28 Provided that if any of the members listed thereof is the Chairman of the
29 Council or the Vice President of the Institute, he shall remain a member of the
30 Council.

1 *Meetings:*

2 *(a) of the Institute*

3 5.—(1) The Council shall convene the annual general meeting of the
4 Institute on a day as the Council may from time to time appoint in any particular
5 year, so however that if the meeting is not held within one year after the
6 previous annual general meeting, not more than fifteen months shall elapse
7 between the respective dates of the two meetings.

8 (2) A special meeting of the Institute may be convened by the Council
9 at any time, and if not less than thirty members of the Institute require it by
10 notice in writing addressed to the General Secretary of the Institute setting out
11 the objects of the proposed meeting, the Chairman of the Council shall convene
12 a special meeting of the Institute.

13 (3) The quorum of any general meeting of the Institute shall be fifteen
14 members, and that of any special meeting of the Institute shall be twenty five
15 members.

16 *(b) of the Council*

17 6.—(1) Subject to the provisions of any standing orders of the
18 Council, the Council shall meet whenever it is summoned by the Chairman,
19 and if the Chairman is required to do so by notice in writing given to him by not
20 less than seven other members, he shall summon a meeting of the Council to be
21 held within seven days from the date on which the notice is given.

22 (2) At any meeting of the Council, the Chairman or in his absence the
23 Deputy Chairman shall preside; but if both are absent the members present at
24 the meeting shall appoint one of their numbers to preside at that meeting.

25 (3) Where the Council desires to obtain advice of any person on a
26 particular matter, the Council may co opt him as a member for such period as
27 the Council thinks fit, but a person who is a member by virtue of the provisions
28 of this subparagraph shall not be entitled to vote at any meeting of the Council
29 and shall not count towards a quorum.

30 (4) Notwithstanding anything in the foregoing provisions of this

1 paragraph, the first meeting of the Council shall be summoned by the
2 Minister, who may give such directions as he thinks fit as to the procedure
3 which shall be followed at the meeting.

4 *Committees*

5 7.—(1) The Council may appoint one or more committees to carry
6 out on behalf of the Institute or of the Council, such functions as the Council
7 may determine.

8 (2) A committee appointed under this paragraph shall consist of the
9 number of persons determined by the Council, and a person other than a
10 member of the Council shall hold office on the committee in accordance
11 with the terms of the instrument by which he is appointed.

12 (3) Any recommendation of a Committee of the Council shall be of
13 no effect until it is approved by the Council.

14 *Miscellaneous*

15 8.—(1) The fixing of the seal of the Institute shall be authenticated
16 by the signature of the National President or of some other member of the
17 Council authorised generally by the Institute to act for that purpose.

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

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

26 (9) The validity of any proceedings of the Institute or Council or of
27 a committee of the Council shall not be affected by any vacancy in
28 membership, or of any defect in the appointment of a member of the Institute
29 or of the Council or of a person to serve on the committee, or by reason that a
30 person not entitled to do so took part in the proceedings.

1 (10) Any member of the Institute or the Council, and any person
2 holding office on a committee of the Council, who has a personal interest by the
3 Council or a committee thereof, shall forthwith disclose his interest to the
4 president or to the Council, as the case may be, and shall not vote on any
5 question relating to the contract or arrangement.

6 (11) A person shall not by reason only of his membership of the
7 Institute be required to disclose any interest relating solely to the audit to the
8 accounts of the Institute.

9 SECOND SCHEDULE

10 *Section 15 (5)*

11 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

12 TRIBUNAL AND INVESTIGATING PANEL

13 *The Tribunal*

14 1. The quorum of the Tribunal shall be three of whom at least two
15 shall be professional commercial practitioners.

16 2.—(1) The Chief Justice of Nigeria shall make rules as to the
17 selection of members of the Tribunal for the purposes of any proceedings and
18 as to the procedure to be followed and the rules of evidence to be observed in
19 proceedings before the Tribunal.

20 (2) The rules shall in particular provide—

21 (a) for securing that notice of the proceedings shall be given at such
22 time and at such manner as may be specified by the rules to the person who is
23 the subject of the proceeding

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

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

28 (d) for enabling any party to be proceedings to be presented by a legal
29 practitioner;

30 (e) subject to the provisions of section 16 (5) of this Act, as to the costs

1 of proceedings before the Tribunal;

2 (f) for requiring, in a case where it is alleged that the person who is
3 subject of the proceedings is guilty of infamous conduct in any professional
4 respect, that where the Tribunal adjudges that the allegation has not been
5 proved it shall record a finding that the person is not guilty of such conduct in
6 respect of the matters to which the allegation relates; and

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

10 3. For the purposes of any proceedings before the Tribunal, any
11 member of the Tribunal may administer oaths and any party to the
12 proceedings may sue through the Supreme Court writs of subpoena ad
13 testificandum and ducestecum, but no person appearing before the Tribunal
14 shall be compelled-

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

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

19 4.—(1) For the purposes of advising the Tribunal on question of
20 law arising in proceedings before it, there shall in all such proceedings be an
21 assessor to the Tribunal who shall be appointed by the Council on the
22 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of
23 not less than seven years standing.

24 (2) The Chief Justice of Nigeria shall make rules as to the functions
25 of assessors appointed under this, paragraph, and in particular such rules
26 shall contain provisions for securing—

27 (a) that where an assessor advises the Tribunal on any question of
28 law as to evidence, procedure or any matters specified in the rules, he shall
29 do so in the presence of every party or person presenting a party to the
30 proceedings who appears thereat or, if the advice is tendered while the

1 Tribunal is deliberating in private, that every such party or person as aforesaid
2 (b) that every such party or person as aforesaid shall be informed if in
3 any case the Tribunal does not accept the advice of the assessor on such a
4 question as aforesaid.

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

9 *The panel*

10 5. The quorum of the panel shall be two.

11 6.-(1) The panel may, at any sitting of the panel attended by all
12 members of the panel, make standing orders with respect to the panel.

13 (2) Subject to the provisions of any such standing orders, the panel
14 may regulate its own procedure.

15 *Miscellaneous*

16 7.—(1) A person ceasing to be a member of the Tribunal or the panel
17 shall be eligible for reappointment as a member of that body

18 (2) A person may, if otherwise eligible, be a member of both the
19 Tribunal and the panel, but no person who acted as a member of the panel with
20 respect to any case shall act as a member of the tribunal with respect to that
21 case.

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

27 9. Any document authorised or required by virtue of this Act to be
28 served on the Tribunal or the panel shall be served on the Registrar appointed in
29 pursuance of section 10 of this Act.

- 1 10. Any expenses of the Tribunal or the Panel shall be defrayed by
2 the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Chartered Institute of Management Information Technology to provide for the control of its membership and to promote and foster the practice of the profession of management Information Technologist in the Federation.

