

A BILL

FOR

AN ACT TO ESTABLISH CHARTERED INSTITUTE OF PUBLIC ADMINISTRATION OF NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

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

1 PART 1 - ESTABLISHMENT OF CHARTERED INSTITUTE OF PUBLIC
2 ADMINISTRATION OF NIGERIA, GOVERNING COUNCIL AND ITS DUTIES

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

Establishment
of the Chartered
Institute of Public
Administration
of Nigeria

7 (a) determining what standards of knowledge and skills are to be
8 attained by persons seeking to become members of the public
9 administration profession and raising those standards from time to time as
10 circumstances permit;

11 (b) securing in accordance with the provisions of this Bill the
12 establishment and maintenance of registers of members and the publication
13 from time to time of a list of those members;

14 (c) regulating and controlling the profession of public
15 administration in all its aspects and ramifications; and

16 (d) performing through the Council under the Bill the functions
17 conferred on it by this Bill.

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

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

1 hold, acquire and dispose of any property, movable and immovable.

2 (4) Subject to the provision of this Bill, members admitted to the
3 Institute shall possess adequate knowledge and experience as public
4 administrators and be enrolled in the category of:

5 (a) Fellows;

6 (b) Members; and

7 (c) Associates.

8 (5) Persons accorded status as professional public administrators by
9 the Council shall be entitled to the use of that name and shall be regarded as:

10 (a) Fellows;

11 If they have:

12 (i) Not less than 10 years post-graduate experience;

13 (ii) Have been in senior management post and have contributed to the
14 science and practice of public administration.

15 (b) Members;

16 If they have:

17 (i) Spent at least five (5) years in the grade of Associate; and

18 (ii) Been adjudged by the Council to possess adequate knowledge of
19 public administration.

20 (c) Associates;

21 If they have:

22 (i) Attained the age of 25;

23 (ii) Passed all the parts of the examinations prescribed by the Council
24 followed by a minimum of 2 years post qualification experience;

25 (iii) Have attained a minimum of five (5) years continuous working
26 experience:

27 Provided they satisfy all the criteria stipulated by the Council from
28 time to time as applicable to each grade of membership and as contained in the
29 by-laws of the Institute.

30 (6) every professional member is required to attend a number of

1 mandatory continuous professional development programme (CPDP) as
2 specified by Council and as contained in the bye-laws as a pre-requisite to
3 upgrading.

4 (7) all newly elected members into the grades of Associates and
5 Members shall undergo Membership Induction programme (MIP) before
6 the confirmation of their election into these grades.

7 (8) the following are the designated letters for:

8 (a) Fellow of Chartered Institute of Public Administration of
9 Nigeria – FCPA;

10 (b) Member of Chartered Institute of Public Administration of
11 Nigeria - MCPA; and

12 (c) Associate of Chartered Institute of Public Administration of
13 Nigeria – ACPA.

14 (9) Graduates and students registered for training shall become
15 professional members only after satisfying requirements for membership as
16 stipulated in the bye-laws.

17 (10) Affiliates are companies or individuals with functional
18 working relationships with the Institute.

19 (11) Corporate members, firm, company, association, institution or
20 other corporate or incorporate body may at the discretion of the Council, be
21 admitted as a Corporate Member and admission as a corporate member shall
22 not confer professional membership of the Institute on any member of the
23 company or organization.

24 2.-(1) The principal officers of the Institute shall be the President,
25 1st Vice-President, 2nd Vice-President and a National Treasurer who shall
26 be financial members in the grade of Fellow of the Institute, to be elected bi-
27 annually at the first Council meeting after the annual general meeting and
28 hold the same office for not more than 2 years continuously.

29 (2) The President shall be the Chairman at the meeting of the
30 Institute. But in the event of the death, incapacity or inability for any reason

Election of the
Principal Officer
of the Institute

1 of the President, 1st Vice president shall act in his stead for the unexpired
2 portion of the term of office.

3 (3) The President, 1st Vice President and the National Treasurer shall
4 respectively be Chairman, Deputy Chairman and Treasurer of the Council.

5 (4) If the President, the 1st or 2nd Vice President, or the National
6 Treasurer ceases to be member of the Institute, he shall cease to hold any of the
7 offices designated under this section.

Governing
Council and its
membership

8 3.-(1) There shall be, as the governing body of the Institute, a Council
9 charged with the administration and general management of the Institute.

10 (2) The Council shall consist of the following members:

11 (a) The President of the Institute who shall be the Chairman;

12 (b) The 1st Vice president of the Institute who shall be the Vice
13 Chairman;

14 (c) The 2nd Vice president;

15 (d) The Treasurer;

16 (e) The Registrar who shall be the General Secretary;

17 (f) The Assistant General Secretary;

18 (g) The Publicity Secretary;

19 (h) One person representing the Federal Ministry or other Federal
20 Office in charge of Establishment or Management Matters;

21 (i) A Chairman, Board of Fellows;

22 (j) Chairman of Committees of Council (who are elected by Council
23 members);

24 (k) Five (5) members who are Heads of Service of states and
25 nominated by Council for two (2) years;

26 (l) Past Presidents & Chairmen of Council of the Institute.

27 (3) The provision of the first Schedule 1 to this Bill shall have effect
28 with respect to the qualifications and tenure of office of members of the
29 Council and other matters therein mentioned.

1 4.-(1) There shall be appointed bi-annually by the Council, a Board
2 of Fellows to co-ordinate the activities of Fellows of the Institute and to
3 recommend to the Council on yearly basis admission of members to the
4 fellowship grades.

Appointment of
Board of Fellows

5 (2) The Board of Fellows shall consist of persons who have been
6 duly elected as Fellows of the Institute.

7 PART II - FINANCIAL PROVISIONS

8 5.-(1) The Council shall establish and maintain a fund, the
9 management and control of which shall be in the hands of the Council and
10 into which shall be paid:

Funds of the
Institute

11 (a) All monies received by the Council in pursuance of the Bill;

12 (b) All fees and other monies payable to the Council by its
13 members, individuals and corporate bodies; and

14 (c) Such monies as may be provided by the Federal, State and Local
15 Governments or individuals or corporate bodies, national or international to
16 the Council by way of grant, subvention or by way of loan or otherwise.

17 (2) There shall be paid out of the fund of the Institute:

18 (a) all expenditures incurred by the Institute in the discharge of its
19 functions under this Bill;

20 (b) the remunerations and allowances of the Registrar and other
21 staff of the Institute; and

22 (c) such reasonable traveling and subsistence allowances of
23 members of the Council in respect of the time spent on the duties of the
24 Council as the Council may determine.

25 (3) The Council may invest money in the Fund in any security
26 created or issued by or on behalf of the Government of the Federation or in
27 any other securities in Nigeria approved by Council.

28 (4) The Council may, from time to time, borrow money for the
29 purpose of the Institute and any interest payable on monies so borrowed
30 shall be paid out of the Fund.

1 (5) The Council shall keep proper accounts on behalf of the Institute
2 in respect of each year and proper record in relation to those accounts and the
3 Council shall cause the account to be audited by an auditor appointed from the
4 list and in accordance with the guidelines supplied by the Auditor-General of
5 the Federation.

6 (6) The auditor appointment for the purposes of this section shall not
7 be a member of the Council.

8 PART III - THE REGISTRAR

Appointment
and duties of
the Registrar and
preparation of
the Registrar

9 6.-(1) It shall be the duty of the Council to appoint a fit person to be the
10 Registrar for the purposes of this Bill.

11 (2) The Registrar shall be the Chief Executive of the Institute and
12 Secretary to the Council.

13 (3) The Registrar shall prepare and maintain, in accordance with the
14 rules made by the Council, a register of the names, addresses, approved
15 qualifications and other particulars as may be specified in the rules, of all
16 persons who are entitled to be enrolled as Fellows, Members or Associates.

17 (4) The Registrar shall consist of five parts of which one part shall be
18 in respect of Fellows, the second part shall be in respect of Members, the third
19 part shall be in respect of Associates, the fourth shall be in respect of Graduates
20 and the fifth part shall be in respect of students.

21 (5) Subject to the following provision of this section, the Council may
22 make rules with respect to the form and keeping of the register and making of
23 entries therein, and in particular:

24 (a) the making of applications for enrolment;

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

27 (c) authorizing a registered person to have any qualification which is
28 in relation to the relevant division of the profession, either an approved
29 qualification or an accepted qualification for the purpose of this Bill registered
30 in relation to his name in addition to, or as he may elect, in substitution for any

1 other qualification so registered;

2 (d) Specifying the fees including subscription to be paid to the
3 Institute in respect of the entry of names on register, and authorizing the
4 Registrar to refuse to enter a name on the register until the fees specified for
5 the entry has been paid;

6 (e) Specifying anything falling to be specified under this section,
7 but rules made for the purpose of subsection (4) of this section shall not
8 come into force until they are confirmed at a special meeting of the Institute
9 convened for that purpose or at the next annual general meeting as the case
10 may be.

11 (6) The Registrar shall:

12 (a) Correct, in accordance with the Council's directions, any entry
13 in the register which the Council directs him to correct as being in the
14 Council's opinion an entry which was incorrectly made;

15 (b) Make from time to time any necessary alterations in the
16 registered particulars of registered persons;

17 (c) Remove from the Register the name of any registered person
18 who had died;

19 (d) Record the names of members of the Institute who are in default
20 for more than twelve months in the payment of annual subscriptions, and
21 take such action in relation thereto (including removal of the names of the
22 defaulters from the register) as the Council may direct or require.

23 (7) If the Registrar:

24 (a) Sends by post or e-mail to any registered person a letter
25 addressed to him/her at his/her postal or e-mail address on the register
26 enquiring whether the registered particulars to him/her are correct and
27 receives no reply to the letter within the period of six months from the date of
28 posting; and

29 (b) Upon the expiration of that period sends in the like manner to
30 the person in question a second similar letter and receives no reply to that

1 letter within three months from the date of posting of it;

2 (c) The Registrar may remove the particulars relating to the person in
3 question from the register and the Council may direct the Registrar to restore to
4 the appropriate part of the register any particulars removed therefrom under the
5 subsection.

Publication of
Registers and
list of correction

6 7.-(1) The Registrar shall:

7 (a) Cause the register to be printed, published and put on sale to
8 members of the public not later than two months from the appointed day;

9 (b) In each year after that, in which the register is first published,
10 cause to be printed, published and put on sale as either a corrected edition of the
11 register or a list of alterations made to the register since it was last printed; and

12 (c) Cause each print of edition of the register and each list of
13 correction to deposited at the principal offices of the Institute and the Council
14 shall keep the register and list so deposited available at all reasonable times for
15 inspection by members of the Institute.

16 (2) A document purporting to be a print of an edition of the Register
17 published under this section by authority of the Registrar, or document
18 purporting to be prints of an edition so published, shall (without prejudice to
19 any other mode of proof) be admissible in any proceeding as evidence that any
20 person specified in the document, for the documents read together, as being
21 registered was so registered at the date of the edition or of the list of corrections,
22 as the case may be, and that any person not so specified was not so registered.

23 (3) where in accordance with subsection (2) of this section, a person
24 is, in any proceeding, shown to have been, or not to have been, registered at a
25 particular date, he shall, unless the contrary is proved, be taken for the purpose
26 of those proceeding as having at all material times thereafter continued to be, or
27 not to be, so registered.

Registration of
Professional
Public
Administration
Practitioners

28 PART IV - REGISTRATION

29 8.-(1) Subject to rules made under section 7 of this Bill, a person shall

1 be entitled to be enrolled or registered as a public Administration
2 practitioner if:

3 (a) He/She passes the qualifying examinations approved by the
4 Council and completes the practical training prescribed by the Institute
5 under the Bill;

6 (b) He/She holds any other qualification accepted by the Institute
7 for the time being; or

8 (c) He/She qualifies for enrolment as member in any of the
9 categories specified under subsection (a) - (b) of section 1 of this Bill.

10 (2) An applicant for registration shall, in addition of evidences of
11 qualification, satisfy the Council that:

12 (a) he/she is a good character;

13 (b) he/she has attained the age as prescribed in the Bye-laws of the
14 Institute; and

15 (c) he/she has not been convicted in Nigeria or elsewhere of an
16 offence involving fraud or dishonesty.

17 (3) The Council shall, from time to time, publish particulars of
18 qualifications for the time being accepted by the Council for the registration.

19 9.-(1) The Council may approve any institution for the purposes of
20 this Bill, and may for those purposes approve:

Approval of
qualifications, etc.

21 (a) any course of training at an approved institution which is
22 intended for persons who are seeking to become or are already public
23 administration practitioners and which the Council considers is designed to
24 confer on persons completing it sufficient knowledge and skills for
25 admission to the Institute;

26 (b) any qualification which, as a result of examination taken in
27 conjunction with a course of training approved by the Council under this
28 section, is granted to candidates reaching a standard at the examination
29 indicating in the opinion of the Council that the candidates have sufficient
30 knowledge and skill to practice the profession.

1 (2) The Council may, if it thinks fit, withdraw any approval given
2 under this section in respect of any course, qualification or institution but
3 before withdrawing such an approval the Council shall:

4 (a) give notice that it proposes to withdraw such approval to each
5 person in Nigeria appearing to the Council to be a person by whom the course is
6 conducted or the qualification is granted or the institution is controlled, as the
7 case may be;

8 (b) give such person an opportunity of making to the Council
9 representation with regard to the proposal; and

10 (c) take into consideration any representations made in respect of the
11 proposal.

12 (3) Any period during which the approval of the Council under this
13 section for a course, qualification or institution is withdrawn, the course,
14 qualification or institution shall not be treated as approved under this section,
15 but the withdrawal of such an approval shall not prejudice the registration or
16 eligibility for registration of any person who by virtue of the approval was
17 registered or eligible for registration immediately before the approval was
18 withdrawn.

19 (4) The giving or withdrawal of an approval under this section shall
20 have effect from such date, either before or after the execution of the
21 instrument signifying the giving or withdrawal of the approval, as the Council
22 may specify in that instrument, and the Council shall:

23 (a) Publish as soon as possible a copy of every such instrument in the
24 print media; and

25 (b) Not later than seven days before its publication, send a copy of the
26 instrument to the minister.

Supervision of
instruction and
examinations
leading to approve
qualifications

27 10.-(1) It shall be the duty of the members of Council to keep
28 themselves informed of the nature of:

29 (a) The instruction given at approved institutions to persons attending
30 approved courses of training; and

1 (b) The examination as a result of which approved qualification are
2 granted, and for the purpose of performing that duty the Council may
3 appoint, either from among its own members or otherwise, persons to visit
4 approved institution, or to attend each examinations

5 (2) It shall be the duty of a visitor appointed under this section to
6 report to the Council on:

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

9 (b) The sufficiency of the examination attended by him; and

10 (c) Any other matters relating to the institution or examination on
11 which the council may, either generally or in a particular case, request him to
12 report, but no visitor shall interfere with the giving of any instruction or the
13 holding of any examination.

14 (3) On receiving a report made in pursuance of this section, the
15 council may, if it thinks fit, and shall, if so required by the Institute, send a
16 copy of the report to the person appearing to the Council to be in charge of
17 the institution or responsible for examination to which the report relates
18 requesting that person to make observation on the report to the council
19 within such period as may be specified in the request, not being less than one
20 month beginning with the date of the request.

21 PART V – PROFESSIONAL DISCIPLINE

22 11.-(1) There shall be established a tribunal to be known as the
23 Professional Public Administration. Disciplinary Tribunal (in the Bill
24 hereafter referred to as "the Tribunal"), which shall be charged with the duty
25 of considering and determining any case referred to it by the panel
26 established by subsection (3) of this section, and any other case of which the
27 tribunal has cognizance under this Bill.

Establishment
of Professional
Public
Administration
Disciplinary
Tribunal and
Professional
Public
Administration
and Investigating
Panel

28 (2) The Tribunal shall consist of a chairman of the Council and six
29 other members appointed by the Council.

30 (3) There shall be a body, to be known as the Professional Public

1 Administration Investigation Panel (in Bill referred to as "the Panel"), which
2 shall be charged with the duty of:

3 (a) Conducting a preliminary investigation into any case where it is
4 alleged that a member has misbehaved in his capacity as a professional public
5 administration practitioner, or should for any reasonable the subject of
6 proceedings before the tribunal; and

7 (b) Deciding whether the case should be referred to the Tribunal.

8 (4) The panel shall be appointed by the Council and shall consist of
9 two members of the Council and three registered members who are not
10 members of the Council.

Third Schedule

11 (5) The provision of the Third Schedule to this Bill shall, so far as
12 applicable to the Tribunal and Panel respectively, have effects with respect to
13 those bodies.

14 (6) The Council may make rules or by-laws not contained in the Bill
15 as to acts which constitute professional misconduct.

Penalties for
unprofessional
conduct, etc.

16 12.-(1) Where:

17 (a) A member is judged by the Tribunal to be guilty of infamous
18 conduct in any professional respect;

19 (b) A member is convicted by a court in Nigeria or elsewhere having
20 power to award imprisonment, of an offence (whether or not punishable with
21 imprisonment) which in the opinion of the Tribunal is incompatible with the
22 status of professional public administration practitioners; or

23 (c) The Tribunal is satisfied that the name of any person has been
24 fraudulently registered; The Tribunal may, if it thinks fit, give a directive
25 reprimanding that person or ordering the Registrar to strike his name out of any
26 relevant part of the Register.

27 (2) The Tribunal may, if it thinks fit, defer its decision as to the giving
28 of directive until a subsequent meeting of the Tribunal; but:

29 (a) No decision shall be deferred under this sub section for periods
30 exceeding two years in the aggregate; and

1 (b) No person shall be a member of the Tribunal for purpose of
2 reaching a decision which has been deferred or further deferred unless he
3 was present as member of the tribunal when the decision was deferred.

4 (3) For the purpose of subsection (1) (b) of this section, a person
5 shall not be treated as convicted unless the conviction stands at a time when
6 no appeal or further appeal is pending or may (without extension of time) be
7 brought in connection with the conviction.

8 (4) When the Tribunal gives a directive under subsection (1) of this
9 section, the Tribunal shall cause notice such directive to be served on the
10 person to whom it relates.

11 (5) The person to whom such a directive relates may, at any time
12 within three months from the date of service on him/her of notice of the
13 directive, appeal against the directive to the Court of Appeal and the tribunal
14 may appear as respondent to the appeal and, for the purpose of enabling
15 directive to be given as to the cost of the appeal and of proceedings before
16 the Tribunal shall be deemed to be a party thereto whether or not he appears
17 on the hearing of the appeal.

18 (6) A directive of the Tribunal under subsection (1) of this section
19 shall take effect:

20 (a) Where no appeal under this section is brought against the
21 directive within the time limited for such an appeal, on the expiration of that
22 time;

23 (b) Where such an appeal is brought and is not withdrawn or struck
24 out for want of prosecution on the withdrawal or striking out of the appeal;

25 (c) Where such an appeal is brought and is not withdrawn or struck
26 out if and when the appeal is dismissed and shall not take effect except in
27 accordance with the provision of the subsection.

28 (7) A person whose name is removed from the Register in
29 pursuance of a directive of the Tribunal under this section shall not be
30 entitled to be registered again except in pursuance of a directive in that e

1 behalf given by the Tribunal on the application of that person; and a directive
 2 under this section for the removal of a person's name from the register may
 3 prohibit an application under this subsection by that person until the expiration
 4 of such period from the date of the directive (and where he has duly made such
 5 an application, from the date of his last application) as may be specified in the
 6 directive.

7 PART VI - MISCELLANEOUS AND GENERAL

Application of
 this Bill to enrolled
 persons

8 13. At the commencement of this Bill, any person not a member of
 9 the former Institute who, but for this Bill, would have qualified to apply for and
 10 obtain membership of the profession may, within the period of three months
 11 beginning with the date of commencement of this Bill, apply for membership
 12 of the Institute in such manner as may be prescribed by rules made by the
 13 Council and if approved he shall be enrolled or registered, as the case may be,
 14 according to his qualification.

When a person
 deemed a public
 Administration
 Practitioners

15 14. A person shall be deemed as a professional public administration
 16 practitioner if, for consideration of remuneration received or to be received,
 17 and whether by himself or in partnership with any other person:

- 18 (1) He engages himself in practice of public administration;
- 19 (2) He renders professional service or assistance in or about matters of
 20 principles or details relating to public administration or data; or
- 21 (3) He renders any other service which may be rules or Bye-Laws
 22 made by the Council be designated as service constituting practice as a
 23 professional public administration practitioner.

Rules as to
 practicing fees,
 etc.

24 15.-(1) The Council may make rules for:
 25 (a) The training of suitable persons in public administration
 26 (b) The Licensing of people to be employed in public administration
 27 positions;
 28 (c) The fees to be paid by public administration practitioner; and
 29 (d) Restrictions on the right to practice when all prescribed conditions
 30 have not been met.

1 (2) The Council may also make rules prescribing the amount and
2 due date for payment of the annual subscription and for such purpose;
3 different amounts may be prescribed by the rules according to the grades of
4 membership.

5 (3) Rules when made shall, if the Chairman of the Council so
6 directs, be published in the print media.

7 16. The Council shall be free to award honorary membership of
8 the Institute to persons whom it considers worthy of such honor, on terms
9 and condition prescribed by the Council and approved by the Institute in the
10 general meeting.

Honorary
membership

11 17. The Institute shall:

12 (a) Provide and maintain a library comprising books and
13 publications for the advancement of knowledge in public administration,
14 and such other books and publication as the council may think necessary for
15 the purpose;

Provision of
library facilities
etc.

16 (b) Encourage research into public administration methods and
17 allied subjects to the extent that the Council may from time to time consider
18 necessary;

19 (c) Undertake regular study of the existing public administration
20 Information Service including the library system, internet and electronic
21 mail service and elated operations and evolve a state-of-the-art technology-
22 driven Research, Publication and Public Administration Information
23 Services Centre; and

24 (d) Engage in the publication and sale of material, books and
25 journals rising from its research and consultancy activities.

26 18.-(1) Any regulation made under this Bill shall be published in
27 the print media as soon as possible.

Regulations and
rules

28 (2) Rule made for the purpose of this Bill shall be subject to
29 confirmation by the Institute at its next annual general meeting or at any
30 special meeting of the Institute convened for the purpose, and if then

1 annulled shall cease to have effect on the date of annulment, but without
2 prejudice to anything done in pursuance or intended pursuance of any such
3 rules.

Transfer to the
institute of certain
property etc.

4 **19.-(1)** On the commencement of this Bill:

5 (a) All property held on immediately before that day by or on behalf of
6 the former Institution shall by virtue of this subsection and without further
7 assurance, vest in the Institute and be held by it for the purpose of the Institute;

8 (b) The former institution shall cease to exist; and

9 (c) Subject to subsection (2), any act, matter or thing made or done by
10 the former Institution shall continue to have effect.

11 (2) The provisions of the second Schedule to this Bill shall have effect
12 with respect to, and to matters arising from, the transfer by this section to the
13 Institute of the property of the former Institute, and with respect to the other
14 matters mentioned in that schedule.

Offences

15 **20.-(1)** If any person for the purpose of procuring the registration of
16 any name, qualification or other matter:

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

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

21 (2) If on or after the commencement of this Bill, any person not a
22 member of the Institute practices as a registered member of the profession of
23 public administration for or in expectation of reward, or takes or uses any
24 name, title, addition or description implying that he is in practice as a registered
25 member of the profession of public administration, he is guilty of an offence.

26 Provided that, in the case of a person falling within section of this Bill:

27 (a) This subsection shall not apply in respect of anything done by him
28 during the period of three months mentioned in that subsection;

29 (b) If within that period the duly applies for membership of the
30 Institute, then, unless within that period he is notified that his application has

1 been approved, this subsection shall not apply in respect of anything done by
2 him between the end of that period and that and on which he is enrolled or
3 registered or is notified.

4 (3) If on or after the commencement of the Bill, a registered
5 member of the Institute holds himself out as, or takes or uses any name, title
6 addition or description implying that he is, a public administration
7 practitioner, he is guilty of an offence.

8 (4) If the Registrar or any other person employed on behalf of the
9 Institute willfully makes any falsification in any matter relating to the
10 register, he is guilty of an offence.

11 (5) A person guilty of an offence under this section shall be liable:

12 (a) On summary conviction to a fine of an amount not exceeding
13 N250,000;

14 (b) On conviction or indication to a fine of an amount not
15 exceeding N250,000 or to imprisonment for a term not exceeding 2 years, or
16 both.

17 (6) where an offence under this section which has been committed
18 by a body corporate is proved to have been committed with the consent or
19 connivance of, or to be attributable to any neglect on the part of any director,
20 manager, secretary or other similar officer of the body corporate, shall be
21 deemed to be guilty of that offence and shall be liable to be prosecuted
22 against and punished accordingly.

23 **21. In this Bill:**

Interpretation

24 "Board" means Board of Fellows;

25 "Council" means the Council established as the governing body of the
26 Institute under section 3 of this Bill;

27 "Enrolled" in a relation to a fellow, a member, an associate member or an
28 affiliate means registered in the part of Register to fellow, member associate
29 member or affiliate as the case may be;

30 "Fees" include annual subscriptions;

1 "Institute" means Chartered Institute of Public Administration of Nigeria
2 established under section 1 of this Bill;
3 "Member" means member of the Institute;
4 "Minister" means the Minister or other federal officer in charge of
5 Establishment and Public Administration Matters;
6 "President" and "Vice President" mean respectively the office of holders under
7 those names in the Institute;
8 "Register" means the register maintained in pursuance section 6 of this Bill;
9 "Registrar" mean the Registrar of the Chartered Institute of Public
10 Administration of Nigeria under section (6)1 of this Bill;
11 "Tribunal" has the meaning assign to it by section 11 of this Bill.

Citation

12 22. This Bill may be cited as the Chartered Institute of Public
13 Administration of Nigeria Bill, 2019.

SCHEDULES

FIRST SCHEDULE.

Section 3 (3)

SUPPLEMENTARY PROVISION RELATION TO THE COUNCIL

Qualifications of Tenure of Office of Principal of Council

19 1.-(1) Subject to the provision of this paragraph, every elected
20 principal officer of the council shall hold office for two years in the first
21 instance and shall be eligible for re-election for a further term of two years in
22 the same office beginning with the date of his appointment or election.

23 (2) An officer of the Institute who ceases to be a member shall, if
24 he/she is also a member of Council, ceases to hold office in the council.

25 (3) An elected member may, by notice in writing under his hand
26 address to the president, resign his office, and any appointee may, likewise
27 resign his office.

28 (4) A person who retires from or otherwise ceases to be a member of
29 the council because of expiration of his term of office shall be eligible again to
30 become a member by been re-appointed

1 (5) A member of the council who has served for a full term (4) years
2 shall at its meeting before the annual general meeting of the Institute retire.
3 Provided always that if any such member as aforesaid is the Chairman of the
4 Council or the Vice president of the Institute. He shall remain a member of
5 the Council.

6 (6) Election to the Council will be held in such manner as may be
7 prescribed by the rules made by the Council and until so prescribed, they
8 shall be decided by secret ballot.

9 (7) If for any reason there is a vacation of the office by a member
10 who was elected, the council may, if the time between the unexpired portion
11 of the term of office and the next general meeting of the Institute appears to
12 warrant the filling of the vacancy, co-opt some fit person for that time.

13 (8) The appointment of members of the Council shall be affected in
14 the manner herein prescribed:

15 (a) Not less than eight weeks before each annual meeting of the
16 Institute, the Council may nominate for election to the Council, such
17 candidate (if any) as it shall think fit, who are willing to serve if elected
18 provided that number of candidate so nominated shall not exceed 50% of
19 those retiring;

20 (b) Not less than seven weeks before each annual general meeting
21 of the Institute, the secretary shall issue to all professional members a notice
22 which shall:

23 (i) Specify the names of elected Council members who's terms of
24 office will expire at the close of the next annual general meeting;

25 (ii) Specify any other vacancy in the membership of the Council
26 which may be filled by elected members;

27 (iii) Specify the names of any candidate nominated by Council for
28 election to the Council;

29 (iv) Invite nominations of other candidate on the prescribed
30 nomination form; and

1 (v) Contain such other particulars as shall be prescribed by the
2 Council; and shall be nominated in the following manner;

3 (c) (i) not less than five weeks before each annual meeting,
4 nomination forms (including details of all particular required to be given) shall
5 be duly completed in the manner set out below and shall be sent to the
6 secretariat of the Institute;

7 (ii) each nomination form shall relate to one candidate only and shall
8 contain; his class and grade of membership in the institution managerial or
9 other appointment (if any) or, if retired, such appointment immediately before
10 retirement and his date of retirement; and such other particulars as shall be
11 prescribed by the Council;

12 (d) each candidate shall be sponsored by two persons who shall be
13 financial members of the Institute entitled to vote and each nominated form
14 shall contain, in addition to the particulars referred to in paragraph (c) a
15 statement for the name, address, class, and grade of membership of each of the
16 sponsors and vote shall be taken by secret ballot at the Annual General
17 Meeting.

18 *Power of Council*

19 2.-(1) The Council has the power to manage the institute's business
20 and in particular:

21 (a) shall do anything which in its opinion is calculated to facilitate the
22 carrying on of the activities of the Institution;

23 (b) shall exercise all such power of the Institute and do on behalf of the
24 institute all such act as may be exercised and done by the Institute as it is, at
25 present required to be exercised or done by the Institution in the general
26 meeting; and subject to such by law or provisions, as may be prescribed by the
27 Institute general meeting shall invalidate any prior act of the Council which
28 would have valid if such by law had not being made;

29 (c) shall exercise all the power of the institute to borrow money,
30 within Nigeria or overseas, subject to the banking law of the country and to e

1 mortgage or charge its undertaken and property or any part thereof and to
2 issue the debentures, debenture stock, and other securities weather outright
3 together or as security for any debt, liability or obligation of Institute;

4 (d) shall set up every year as soon as practical after the annual
5 general meeting, an executive committee which shall meet regularly and
6 carry out the normal business of the council between regular meeting of the
7 council; and

8 (e) may at any time establish a branch of the Institute in any locality
9 within the country.

10 (2) The Council shall have power from time to time, to make, alter
11 and repeal any bye-laws as they may deem necessary or expedient or
12 convenient for the proper conducts and management of the Institute.

13 (3) The Council adopt such means as it shall seem sufficient to
14 bring to the notice of the Institute and all its member bye-laws, alterations
15 and repeals made under the powers conferred by this bill. No bye-laws shall
16 be inconsistent with or shall affect or appeal anything contained in this Bill
17 or constitute such an amendment of or addition to the Bill, and such bye-
18 laws is inconsistent with the provisions of this Bill, that bye-laws shall be
19 void to the extent of that constituency.

20 *Proceeding of the Council*

21 3.-(1) Subject to the provision to this Bill, and section 27 of this
22 interpretation Act, the Council may in the name of the Institute make
23 standing orders regulating the procedures of the Institute or of the Council,
24 or in exercise of its power under this Bill may set up committees in the
25 general interest of the Institute and make standing orders thereof.

26 (2) Standing orders shall provide for decisions taken by majority of
27 the members, and, in events of quality of votes, for the President or the
28 Chairman, as the case may be, to have a second or casting vote.

29 (3) Standing orders made for a committee shall provide that the
30 committee is to report back to the Council on any matter not within its

1 competence to decide.

2 (4) The quorum of the Council shall be seven and the quorum of the
3 committee shall be fixed by the Council.

4 (a) *Meeting of the Institute*

5 4.-(1) A general meeting of the Institute shall be held one in every
6 calendar year as its Annual General Meeting, at such time and place as may be
7 determined by the Council, provided that every Annual General Meeting after
8 the first General meeting shall be held not more than fifteen months after the
9 holding of the last preceding meeting.

10 (2) The Secretary shall also send to each member with such notice a
11 copy of the annual report of the Council, a copy of the account of the Institute
12 with auditors' reports thereon, and particulars of all motions to be brought
13 before the meeting.

14 (3) The Council may direct that:

15 (a) All general meeting of the Institute which are not annual meetings
16 shall be called Extra Ordinary General Meetings;

17 (b) An Extra-Ordinary General Meeting whenever it thinks fit;

18 (c) An Extra-Ordinary General Meeting shall be convened on request
19 by members.

20 (4) A notice:

21 (a) May be served by the Institute upon any member of the Council, its
22 committee and the Institute either personally, e-mail or sending it through the
23 post in prepaid letter addressed to such members at his address as appearing in
24 Professional Register of members or the record of members not being
25 professional members;

26 (b) If served by post shall be deemed to serve on the day following that
27 on which the letter containing the same is put into post and in proving such
28 services; and

29 (c) It shall be sufficient to prove that the letter containing the notice
30 was properly addressed and put into the Office as prepaid.

1 (5) A business shall be deemed special if it is transacted:

2 (a) In an Extra-ordinary meeting; and

3 (b) At an Annual General Meeting with the execution of the
4 consideration of the accounts and balance sheet, and report of the Council of
5 Auditors and the fixing of the remuneration of the auditors and the election
6 of the members of the Council.

7 (6) An Extra-Ordinary or Special Meeting of the Institute shall be:

8 (a) Called by a 21 days notice in writing and in the Notice shall be
9 exclusive of the day on which it is served or deem to be served and of the day
10 for which it is given and shall specify the place, the day, and the hour of the
11 Meeting, and in case of business other than ordinary annual business of the
12 Institute, general nature of the business; and

13 (b) Conveyed by the Secretary on the request of the President of the
14 Institute or on the request in writing to at least 100 financial members.

15 (7) A member wishing to bring before the Annual General Meeting
16 any Motion not relating to the Ordinary Annual Meeting of the Institute may
17 do so provided:

18 (a) That notice in writing of the proposed motion be sent or given to
19 the Secretary and be received by him not later than 45 days before the date of
20 the Annual General Meeting;

21 (b) That not less than 10 members entitled to vote at the Annual
22 General Meeting shall have sent or given notice in writing to the Secretary to
23 be received by him not later than days before the date of the Annual General
24 Meeting expressing their desire that the proposed motion be brought before
25 the Annual General Meeting under the proposed motion relates to the
26 matters affecting the Institute.

27 (8) If within an hour for the time appointed for the holding of the
28 General Meeting a quorum is not present, the meeting, if conveyed on the
29 requisition of members, shall be dissolved and in any other case it shall stand
30 adjourned to the same day or the next day, at the same time and place, or at

1 such other place as the Chairman of the meeting shall appoint, and if as
2 adjourned meeting a quorum is not present within half an hour from the time
3 appointed for holding the meeting, the members present shall dissolve the
4 meeting.

5 (9) Quorum at General Meeting- No business shall be transacted at
6 any general meeting until there is a quorum of one hundred financial members
7 personally present.

8 (10) Voting at the General Meeting shall take place after observing the
9 following:

10 (a) Except as provided in these rules regarding voting to elect
11 members to fill vacancies in the Council, a resolution put to the vote at any
12 annual general meeting or special meeting of the Institute, shall be decided on
13 the show of hands unless (before or on the declaration of the show of hands) a
14 poll is demanded by at least 10 percent of those present that the number arrived
15 at is not less than five;

16 (b) No amendment shall be permitted to any resolution to alter, amend
17 or add to the rules and bye-laws of the Institute except with the consent of
18 Chairman of the meeting and then if in the opinion of the Chairman (whose
19 decision shall be final) the amendment is one of form only and not of substance;

20 (c) If a secret ballot is dully demanded or is required to be taken, it
21 shall be taken with accordance with the relevant bye-laws and the result of the
22 secret ballot will be deemed to be the resolution of the meeting at which he
23 secret ballot is demanded;

24 (d) Except as provided in these rules regarding voting to elect
25 members by ballot to fill vacancies in the Council, in the case of an equality of
26 vote, whether on a show of hands or on a secret ballot, the Chairman of the
27 meeting at which the show of hands takes place or at which the poll is required
28 to be taken shall be entitled to a second or casting vote;

29 (e) A poll demanded on the election of Chairman or any question of
30 adjournment shall be taken and a poll demanded or required to be taken of any

1 other question shall be taken at such time and place as the Chairman of the
2 meeting directs and any business other than upon which a poll has been
3 demanded or is required may be proceeded with pending the taking of the
4 poll; and

5 (f) On a show of hands or on a poll every member present shall
6 (except as provided in the case of electing members to fill vacancies of the
7 Council) have one vote.

8 (11) Each corporate member's voting power at any meeting of the
9 Institute shall be vested in a single person entitled "Voting Representative",
10 who, if he is a professional member of the Institute in his own rights, may
11 exercise his rights to vote as an individual member in addition to voting as a
12 representative.

13 *(b) Meeting of the Council*

14 5.-(1) Subject to the provision of any standing order or bye-laws of
15 the Council, the Council shall meet whenever it is summoned by the
16 Chairman and if the Chairman is required to do so by notice in writing given
17 to him by not less than five other members, he shall summon a meeting of the
18 Council to be held within seven (7) days from the date on which the notice is
19 given.

20 (2) At any meeting of the Council, the Chairman, or in his absence
21 of the Vice Presidents, shall preside, but if all are absent, the members
22 present at the meeting shall appoint one of them to preside at that meeting.

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

28 (4) Notwithstanding anything in the provision of this paragraph,
29 the first meeting of the Council after the commencement of this Bill shall be
30 summoned by the Registrar, who may give such directions as he think fit as ll

1 to the procedure which shall be followed at the meeting.

2 *Committee*

3 6.-(1) The Council may appoint one or more committees to carry out,
4 on behalf of the Institute or of the Council such functions as the Council may
5 determine.

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

10 (3) A decision of the Committee of the Council shall be of no effect
11 until it is confirmed by the council.

12 *Miscellaneous*

13 7.-(1) The fixing of the seal of the Institute shall be authenticated by
14 the signature of the President or of some other members of the Council
15 authorized generally or specifically by the Institute to act for that purpose.

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

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

24 8. The validity of proceeding of the Institute or the Council or of a
25 committee of the Council shall not be affected by any vacancy in membership,
26 or by any defect in the appointment of a member of the Institute or of the
27 Council or of the person to serve in the committee or by reason that a person not
28 entitled to do so took part in the proceedings.

29 9. Any member of the Institute or of the Council, and any person
30 holding office in a committee of the Council, who has personal interest in any

1 contract or arrangement entered into or proposed to be considered by the
2 Council on behalf of the Institute, or on behalf of the council, or a committee
3 thereof, shall disclose his interest to the president or the Council, as case
4 may be, and shall not vote on any question relating to the contract or
5 arrangement.

6 10. 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 of the
8 account of the Institute.

9 SECOND SCHEDULE

10 *Section 19 (2)*

11 TRANSITIONAL POSITION AS TO PROPERTY, ETC.

12 *Transfer of property*

13 (1) Every agreement to which the former Institute was a party
14 immediately before the commencement of this Bill, whether the former
15 Institute was a party before the commencement of this Bill, whether in
16 writing or not it is of such a nature that the rights, liabilities and obligations
17 thereunder could be assigned by the former Institute, shall, unless, its terms
18 or subject matter make it possible that it should have effects as modified in
19 the manner provided by this Bill so far as relates to property, be transferred
20 by this Bill to the Institute, as if:

21 (a) The Institute has been a party to the agreements;

22 (b) For any reference (however worded whether expressed or
23 implied) to the former Institute they were substituted, as respects anything
24 failing to be done or after commencement of this Bill, a reference to the
25 Institute; and

26 (c) For any reference (however worded whether expressed or
27 implied) to a member or members of the Council of the former Institute or an
28 officer of the association they were substituted, as respect anything failing to
29 be done or after the commencement of this Bill, a reference of the member or
30 members of the association which corresponds as nearly as may be to the

1 member or officer in question of the association.

2 (2) Other documents which refer, whether specially or generally, to
3 the former Institute shall be constructed in accordance with subparagraph (1)
4 of this paragraph.

5 (3) Without prejudice to the generality of the provision of this
6 Schedule, whereby the operation of any of them or of a section of a Bill, any
7 right, liability or obligation vest in the Institute, the Institute and all other
8 persons shall, as from the commencement of this Bill, have the same right
9 powers and remedies (and in particular, the same rights as to taking or resisting
10 of legal proceedings or making or resisting of applications to authority) for
11 ascertaining, perfecting or enforcing that right" liability or obligation and they
12 would have had if it had at all times been a right, liability, or obligation of the
13 Institute.

14 (4) Any legal proceeding or application to any authority pending on
15 the commencement by or against the former Institute and relating to the
16 property transferred by this Bill to the Institute may be continued on or after
17 that day by or against the Institute.

18 (5) If the law in force at that place where any property transferred by
19 this Bill is situated provides for the registration of transfers of property of the
20 kind in question (whether by reference to an instrument of transfer or
21 otherwise), the law shall, so far as it provided for alterations of a register (but
22 not for avoidance of transfer, the payment offices or any other matter) apply
23 with the necessary modifications to the transfer of the property and it shall be
24 the duty to furnish the necessary particular of the transfer to the proper officer
25 of the registration authority, and of that officer the transfer accordingly.

26 *Transfer of Functions, etc.*

27 (1) At its first meeting, the Council of the Institute shall fix a date (not
28 later than six month after the commencement of this Bill), for the annual
29 general meeting of the Institute.

30 (2) the member of Council of the former Institute shall be deemed to

1 be the members of the Council of the Institute until the date determined in
2 pursuance of sub-paragraph (1) when the Institute shall have its first annual
3 general meeting, and they shall cease to hold office at the conclusion of such
4 meeting.

5 (3) Any person who, immediately before the commencement of
6 this Bill, held office as the President or Vice President of the former Institute
7 by virtue of its articles of association shall on that day become the President
8 or as the case may be, the Vice President of the Institute, and shall be
9 deemed:

10 (a) To have been appointed to that office under Bill, corresponding
11 to the relevant provision in the said article of association; and

12 (b) To have been so appointed the date on which he took the last
13 office, in pursuance of the relevant provision of those articles.

14 (4) The members of the former Institute shall as from the
15 commencement of this Bill, be registered as members of the Institute, and
16 without prejudice to the generality of the provisions of this schedule relating
17 to the transfer of property, any person who, immediately before the
18 commencement of this Bill, was a member of the staff of the former Institute
19 shall on that day become the holder of an appointment with the Institute with
20 the status designated and function which correspond as nearly as may be to
21 those which appertained to him in his capacity as member of that staff.

22 (5) Any person being an office in the Council of the former Institute
23 immediately the commencement of this Bill and begin deemed under this
24 paragraph to have been appointed to any like position in the Institute, or the
25 Council, and thereafter ceasing to hold office otherwise than by reason of his
26 misconduct, shall be eligible for appointment to office in the Institute or to
27 membership of the council, as the case may be.

28 (6) All regulations, rules and similar instruments made for the
29 purpose of the former Institute which were in former immediately before the
30 commencement of this Bill, shall, except in so far as they are subsequently

1 revoked or amended by any authority having power in that behalf, have effect,
2 with any necessary modifications, as if duly made for the corresponding
3 purpose of the Institute.

4 THIRD SCHEDULE

5 *Section 11(5)*

6 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

7 TRIBUNAL AND INVESTIGATION PANEL

8 *The Tribunal*

9 1. The quorum of the Tribunal shall be four whom at least two shall be
10 registered members.

11 2.-(1) The Chief Justice of Nigeria shall make rules as to the selection
12 of members of the Tribunal for the purpose of any proceeding and as to the
13 procedure to be followed and the rules of evidence to be observed in
14 proceedings before the Tribunal.

15 2) The rules shall particularly provide:

16 (a) For securing that notice of the proceeding shall be given, at such
17 time and in such manner as may be specified by the rules, to the person who is
18 the subject of the proceedings;

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

21 (c) For securing that any party to the proceeding shall, if he so
22 requires, be entitled to be heard by the Tribunal;

23 (d) For enabling any party to the proceedings to be represented by a
24 legal practitioner;

25 (e) Subject to the provisions of Section 12 of this Bill, as to the cost of
26 proceedings before the Tribunal;

27 (f) For requiring, in the case where it is alleged that the person who is
28 the subject of the proceedings is guilty of infamous conduct in any professional
29 respect, that where the tribunal adjudges that the allegation has been proved
30 beyond reasonable doubt it shall record a finding that the person is guilty of

1 such conduct in respect of the matters to which the allegation relates; and

2 (g) For publishing in the print media notice of any directive of the
3 Tribunal which has taken effect providing that such a person's name shall be
4 struck out off the register.

5 (3) For the purpose of any proceedings before the tribunal, any
6 member of the Tribunal may administer oaths and any party to the
7 proceedings may sue out of the registry of the Supreme Court writs of
8 *subpoena and testificandum and duces talem*, but no person appearing
9 before the Tribunal shall be compelled:

10 (a) To make any statement before the Tribunal tending to
11 incriminate himself, or

12 (b) To produce any document under such writ which could be
13 compelled to produce at the trial of an action.

14 4.-(1) For the purpose of advising the Tribunal on questions of law
15 arising in the proceedings before it, there shall, in a such proceedings, be an
16 assessor to the Tribunal who shall be appointed by the Council on the
17 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of
18 no less than seven years standing.

19 (2) The Chief Justice of Nigeria shall make rules as to the function
20 of assessors appointed under this paragraph, and in particular such rules
21 shall contain provisions for securing:

22 (a) That where an assessor advises the Tribunal on any question of
23 the law as to evidence, procedure or any other matter specified by the rule, he
24 shall do so in the presence of every party or person representing a party to the
25 proceedings who appears or, if the advice is tendered while the Tribunal is
26 deliberating in private, that every such party or person shall be informed of
27 the advice of the assessor on that question; and

28 (b) That every such person as shall be informed if in any case the
29 Tribunal does not accept the advice of the assessor on that question.

30 (3) An assessor may be appointed under this paragraph either e

1 generally or for any particular proceedings or class of proceedings, and shall
2 hold and vacate office in accordance with the terms of the instrument by which
3 he is appointed.

4 *The Panel*

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

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

8 (2) Subject to the provision of any such standing order, Panel may
9 regulate its own procedure.

10 *Miscellaneous*

11 7.-(1) A person ceasing to be a member of the Tribunal or the Panel on
12 the expiration of his term of office may be eligible for reappointment as a
13 member of that body.

14 (2) A person may, if eligible, be a member of both Tribunal and the
15 Panel, but no person who acted as a member of the Tribunal with respect to that
16 case.

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

22 (9) Any document authorized or required by virtue of this Bill to be
23 served on the Tribunal or Panel shall be served by the Registrar.

24 (10) Any lawful or reasonable expense of the Tribunal or the Panel
25 shall be defrayed by the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Public Administration of Nigeria to be charged with the responsibility of persons seeking to become Public Administration Practitioners in Nigeria.

It further seeks to provide adequate disciplinary measures against members for unprofessional conduct including cancellation of practitioners' membership.

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