



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

**INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA
(ESTABLISHMENT) BILL, 2021**

(HB. 353)

A BILL
FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL
PRACTITIONERS OF NIGERIA AND FOR RELATED MATTERS, 2021

FIRST READING

WEDNESDAY, 14TH OCTOBER, 2020

SECOND READING

TUESDAY, 4TH MAY, 2021

THIRD READING AND PASSAGE

TUESDAY, 4TH MAY, 2021

INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA (ESTABLISHMENT) BILL, 2021



Arrangement of Clauses

Clauses

PART I - ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA

1. Establishment of the Institute of Environmental Practitioners of Nigeria.
2. Establishment of the Governing Council.
3. Function of the Institute.
4. Power of the Council.
5. Admission into the Institute.
6. Fund of the Institute.

PART II - FINANCIAL PROVISIONS

7. Annual accounts and audit.
8. Appointment of Registrar, etc and preparation of register.

PART III - THE REGISTRATION AND THE REGISTRAR

9. Duties of the Registrar.
10. Publication of register and its correction.

PART IV - REGISTRATION

11. Registration of Environmental Practitioners organization.
12. Rules as to practice.

PART V - PROFESSIONAL DISCIPLINE

13. Establishment of Environmental Practitioners disciplinary committee for professional misconduct.
14. Offences and penalties.
15. Committees.
16. Fees.
17. Honorary membership.
18. Library.
19. Property of the institute.
20. Interpretation.
21. Short title.

SCHEDULE

A BILL
FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA AND FOR RELATED MATTERS, 2021

{ } Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I - ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA

1. (1) There is hereby established a body to be known as the Institute of Environmental Practitioners of Nigeria (IEPN) (in this Bill referred to as “the Institute”).

Establishment of the
Institute of Environmental
Practitioners of Nigeria.

(2) The Institute:

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

(b) may sue and be sued in its corporate name; and

(c) may for the purpose of carrying out its functions, subject to the limitations in this Bill and to any law for time being in force, acquire, hold or dispose of property, whether movable or immovable.

(3) The Institute shall perform the function conferred on it by this Bill through the Council under this Bill.

Location of headquarters

(4) (a) The Headquarters of the Institute shall be established and maintained in a suitable location in Nigeria as determined by the Council.

(b) The Council may make rules providing for the establishment and maintenance of offices of the Institute in the States of the Federation.

2. (1) There shall be established for the Institute a Governing Council charged with the administration and general management of the Institute.

Establishment of the
Governing Council.

(2) The Council shall consist of-

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

(b) Vice-President of the Institute who shall be the Vice-Chairman;

(c) Registrar of the Institute, which shall be appointed by the Council

(d) National Treasurer of the Institute who shall be the Treasurer;

(e) Legal Adviser of the Institute who shall be a legal practitioner with a background in Environmental law;

(f) Minister of Environment or his representative who shall not be below the rank of a Director;

(g) Minister of Petroleum or his representative who shall not be below the rank of a Director;

(h) Minister of Agriculture or his representative who shall not be below the rank of a Director;

(i) Minister of Health or his representative who shall not be below the rank of a Director;

(j) Minister of Science and Technology or his representative who shall not be below the rank of a Director;

(k) Minister of Works or his representative who shall not be below the rank of a Director;

(l) a representative of the Environmental Health Officers Registration Council of Nigeria;

(m) a representative of the National Environmental Standards Regulatory and Enforcement Agency of Nigeria (NESREA);

(n) the immediate past president of the Institute;

(o) five elected representatives from Nigerian Environmental Society, Waste Management Society of Nigeria and other recognized affiliate professional bodies in Environmental sector approved by Council.

(p) Chairman Board of Fellows of the Institute; and

(q) Chairmen of committees of the Council.

(r) all representatives from Ministries, Departments and Agencies of Government shall not hold any Executive office.

Schedule.

(3) The provision of the Schedule to this Bill shall regulate the proceedings of the Council and related matters.

(4) Each members of the Council shall serve a term of two years and may be eligible for another term of two years and no more.

3. The Institute shall have the general duty of –

Function of the Institute.

(a) training and certification of persons who seek to be members of the institute;

(b) determining the standard of knowledge and skill to be attained by persons seeking to become registered members of the Institute and raising those standards from time to time as circumstances may permit;

(c) securing in accordance with the provisions of this Bill, the establishment and maintenance of a register of members, and the publication from time to time of the list of those persons;

(d) establish practice guidelines for environmental and safety certification in line with global best practices;

(e) providing consultancy services on environmental matters to the public as well as the private sector;

(f) holding conferences, workshops seminars and symposia on contemporary environmental issues;

(g) take such action in relation thereto (including removal of the names of defaulters from the register) as the Council under this Bill, may direct or require; and

(h) performing any other duties as the Council may deem fit from time to time.

4. The Council shall be responsible for—

Power of the Council.

(a) ensuring the effective and efficient implementation of the functions of the Institute;

(b) supervising and monitoring the operations of the Institute;

(c) maintaining the highest level of integrity and honesty in the operations of the Institute;

(d) the consideration and approval of the annual budget of the Institute;

(e) presentation of the report and account prepared by the Institute to the Minister;

(f) the approval of the audited accounts and the consideration of the management letters from the external auditors;

(g) appointment and removal of auditors, provision of the necessary facilities and remuneration;

(h) take appropriate actions on all committees recommendations.

(i) obtaining from any authority or persons, charters, and concessions necessary for the attainment of its purposes;

(j) borrowing money, receiving grant and loans with the approval of the Council without prejudice to any provision of this Bill relating to the provisions of funds; and

(k) carrying out such other activities as are necessary and expedient for achieving the objectives and functions of the Institute as prescribed in this Bill.

5. (1) Subject to the provisions of this Bill, only persons of good character and integrity shall be admitted to membership of the Institute.

Admission into the Institute.

(2) Members admitted into the Institute shall possess adequate interest, knowledge and understanding of environmental practices and other such related professions may be registered

as members in any of the following categories –

(a) Graduate Member, if the person has:

- (i) spent at least six years as an Associate, and
- (ii) adjudged by the Council to possess adequate knowledge of environmental practice and management; and

(b) Fellow, if the person has:

- (i) spent at least ten years as a full member of the institute; or
- (ii) contributed significantly to the development of environmental practice and management.

(c) Associate Member, if the person is a:

- (i) holder of university degree or Higher National Diploma or its equivalent or who has spent at least four years in an affiliate grade;
- (ii) holder of university degree or Higher National Diploma in environmental science or any related discipline, or a person who has performed duties at a senior level in environmental practice and management continuously for at least six years;
- (iii) graduate of the Institute who has competently performed executive or advisory duties at a senior level in environmental practice and management for at least four years since election to the grade of member; and
- (iv) non-graduate who has spent at least ten years in an affiliate grade, and possesses standard knowledge and qualities essential for a successful practice of environmental practice and management; and

(d) Honorary Fellow, if the person is:

- (i) a Member of the Institute or any individual who, in the opinion of Council, has contributed immensely to the development of the environment sector in any capacity.

(3) A member of the Institute shall be entitled to receive, from the Council, a certificate in such form as the Council may approve for that purpose and a Fellow or an Associate Member shall be entitled to use such letters after his name as may be authorized by the Council from time to time as follows –

(a) a member registered into the category of individual membership shall be entitled to use the initials “MIEPN”.

(b) a member registered into the category of membership of Fellow shall use the initials “FIEPN”;

(c) a member registered into the category of membership of Associate shall be entitled to use the initials "AIEPN".

(d) a member or an individual conferred with honorary Fellow shall use the initials "FIEPN (Hon)".

PART II - FINANCIAL PROVISIONS

Fund of the Institute.

6. (1) There shall be established for the Institute a Fund, which shall be managed and controlled by the Council.

(2) There shall be paid into the Fund:

(a) all fees, charges and monies payable to the Institute pursuant to this Bill;

(b) all revenue from other sources both locally and internationally;

(c) other monies received by the Institute in the course of its operations or in relation to the exercise of its function under this Bill.

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

(a) remuneration and allowances of the Institute;

(b) all expenditure incurred by the Council in the discharge of its functions under this Bill;

(c) such reasonable expenses and allowances of members of the Council, committee members and other co-opted persons in respect of the time spent on duties of the Council as applicable to similar Institutes.

(d) any other expenses incurred by the Council in the discharge of its function under this Bill.

(4) The Council may invest monies from the fund in any security created or issued by or on behalf of the Government of the Federation or any other security in Nigeria as may be approved by the council.

(5) The Council may on behalf of the Institute, from time to time borrow money for the purpose of running the Institute, which shall be paid into the Fund.

7. (1) The Council shall keep proper accounts and records on behalf of the Institute in respect of each year, and the Council shall cause the accounts to be audited by an external auditor appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor General of the Federation and the audited accounts submitted to the members at the general meeting of the Institute.

Annual accounts and audit.

(2) The Auditor appointed for the purposes of subsection (1) of this section shall not be a member of the Council.

PART III - THE REGISTRATION AND THE REGISTRAR

8. (1) The Council shall appoint a person knowledgeable in environmental practice for not less than ten years to be the Registrar of the Institute, and such other persons as the Council may from time to time think necessary to assist the Registrar in the performance of his functions under this Bill.

Appointment of Registrar,
etc and preparation of
register.

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

(3) The Registrar shall prepare and maintain a Register of names, addresses and approved qualifications and other relevant particulars as may be specified in the rules made by Council, of all categories and classes of members/persons registered as Environmental practitioners in the Country.

(4) The register shall consist of parts established according to professional disciplines approved by Council. Council shall review parts of the disciplines as need arises.

(5) The Council may make regulations with respect to the form and keeping of the register and the making of entries therein and in particular —

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

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

(c) authorizing a registered person to have a qualification or work experience which is in relation to the environment.

(d) specifying the fees, including any registration fees, to be paid to the institute in respect of the entry of names on the register and authorizing the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid.

(6) Any rules made for the purposes of paragraph (d) of subsection (5) of this section shall not come into force until they are approved by the Annual General Meeting (AGM).

9. It shall be the duty of the Registrar to correct, as directed by the Council:

Duties of the Registrar.

(a) any wrong entry in the Register;

(b) update the registered particulars of registered persons;

(c) remove from the Register the name of any registered person who has died;

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

10. (1) The Registrar shall ensure that:

Publication of register and its correction.

(a) the register or any corrections made therein shall be printed, published and put on sale for members of the public not later than two years from the commencement of this Bill; and

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

(2) A published copy of the register and any corrections therein shall be admissible in evidence to prove registration of a person.

PART IV - REGISTRATION

11. The Council shall register annually all qualified Environmental Practitioners and organisations who seek to be members of the Institute and renew their registration every two years.

Registration of Environmental Practitioners organization.

12. (1) The Council may make rules for—

Rules as to practice.

(a) prescribing the amount and date of the annual practicing fees for members of the Institute;

(b) prescribing the form of license to practice to be issued;

(c) restricting the right to practice of any member in default who continues for longer than such period as may be prescribed by the Council;

(d) restricting the right to practice as a member if the qualification granted outside Nigeria does not entitle the holder to practice as an environmental practitioner; and

(e) prescribing the period of practical training and experiences in the office of a member in practice, to be completed before a person qualifies for registration or a license to practice as environmental practitioner.

(2) Rules when made shall, if the Chairman of the Council so direct, be published in two widely circulated national dailies and in the Institute's Journal.

PART V - PROFESSIONAL DISCIPLINE

13. (1) There shall be established a committee to be known as the Environmental Practitioners Disciplinary Committee (in this Bill referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any cases of professional misconduct referred to it.

Establishment of Environmental Practitioners disciplinary committee for professional misconduct.

(2) The Disciplinary Committee shall consist of a Chairman and four other members of the Council of the Institute appointed by Council.

(3) The quorum of the meeting of the Committee shall be three members, including the

Chairman or in his or her absence, his or her nominee.

(4) The Disciplinary Committee shall conduct investigations into any allegation against any registered member of the Institute for professional misconduct or such other conduct that warrants proceedings against him or her before the Disciplinary Committee and shall make determination as to his or her guilt or innocence.

(5) Where the Disciplinary Committee determines that a registered member is guilty of misconduct, it shall refer the matter including all its proceedings and recommendations to the Council of the Institute and the Council shall make determination as to whether the member should be —

(a) reprimanded; or

(b) suspended for a period not exceeding 12 months; or

(c) deregistered, that is to say have his or her name removed from the register.

(6) The Governing Council of the Institute may make rules not inconsistent with this Bill as to acts which constitute professional misconduct.

(7) If a member is convicted of a criminal offence by a court or tribunal of competent jurisdiction, he shall have his or her name removed from or struck out of the register.

(8) A person whose name is removed from the register in pursuance of a directive of the Governing Council under this section shall not be entitled to be registered again except in pursuance of a new directive in that behalf given by the Council upon the application of that person; not less than two years from the date on which his or her name was removed from the register.

14. (1) Any person who is not registered by the Institute but holds himself or herself out as a registered member of the Institute shall be guilty of an offence. Offences and penalties.

(2) Any person who for the purpose of procuring registration as a member of the Institute —

(a) makes false claim as to his or her qualifications or experiences;

(b) makes false entry or willfully falsifies the register, shall be guilty of an offence.

(3) A persons who commits an offence under this Bill shall be liable on conviction to:

(a) a fine not exceeding ₦500,000 or imprisonment for a term not exceeding six months or both such fine and imprisonment for an individual; or

(b) a fine of not less than ₦1,000,000 for a corporate organization;

(c) a review by the Council shall be carried out every 5 years.

15. (1) The Council shall appoint the following Standing Committees — Committees.

(a) admission and registration committee;

(b) education and training committee;

(c) disciplinary committee;

(d) finance and general purpose committee; and

(e) such other ad hoc committees, to carry out on behalf of the Council, such functions as the Council may determine.

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

(3) Membership of committees shall be drawn from registered members outside Council who are professionally competent to be so appointed and membership of any standing committee shall not be less than five and not more than seven and shall be chaired by a Council member so appointed.

(4) A decision of a committee of the Council shall be of no effect until the Council considers and ratifies or approves it.

16. The Council shall prescribe rules and regulations, including fees to be paid for registration and other purposes under this Bill; and when and how such fees shall be paid. Fees.

17. The Council can admit persons to the Institute as Honorary members, provided not more than Ten (10) persons are admitted for a period of not less than two (2) years. Honorary membership.

18. The Institute shall: Library.

(a) provide and maintain a library comprising of books, research materials and publications that will build the capacity of the Environmental Practitioners and other materials approved by the Council;

(b) encourage research into environmental and other related subjects and

(c) formulate and make rules and regulations guiding the use of the library in particular and the Institute in general.

19. The Institute may own, register, transfer and receive properties in its corporate name. Property of the institute.

20. In this Bill: Interpretation.

"Institute" means the Institute of Environmental Practitioners of Nigeria;

"Environmental Practitioners" means a person who has the relevant qualification in any environmental science, disciplines, engineering and technology, sciences and related disciplines, experience, attitude and dedication towards the good health and well-being of the environment

"Minister" means Minister in charge of Environment;

"Council" means Governing Council of the Institute;

"Fees" includes annual subscription;

"Member" means a registered member of the Institute;

"Practitioners" means Environmental Practitioners;

"Register" means register of members; and

"Registrar" means Chief Executive of the Institute.

"Board of Fellows" means a body of all Fellows of the Institute reference to section 5 (2) (b).

21. This Bill may be cited as the Institute of Environmental Practitioners of Nigeria Short title.
(Establishment) Bill, 2021.

SCHEDULE

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE PROCEEDINGS OF THE COUNCIL

1. Subject to provisions of this Bill and other applicable laws, Council may make orders regulating its proceedings or those of any committee it sets up.
2. Where standing orders made under paragraph 1 of this Schedule provide for the Council to co-opt persons who are not members of the council, such persons may advise the Council on any matter referred to them by the Council, but shall not be entitled to vote at a meeting of the Council or count towards a quorum.
3. The Council may appoint one or more committees to carry out on its behalf such functions as the council may determine.
4. A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office in accordance with the terms of his appointment.
5. A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

Meetings of the Council.

6. The council shall meet whenever it is considered necessary (but not less than twice a year) by giving notice to all members concerned, at least seven (7) days before the meeting.
7. The Chairman shall preside at every meeting of the Council and in his absence, the Vice Chairman shall preside.
8. Five members of the Council, other than the Chairman shall form a quorum at the meeting.
9. Unless otherwise provided in this Bill, decisions shall be by a simple majority of the votes of the members present, but in the event that equal votes are cast, the person presiding shall cast the deciding vote.
Committees
10. Subject to standing orders, the Council may appoint one or more committees to carry out on its behalf such duties

as the Council may determine and make necessary reports.

11. A committee appointed under paragraph 10 of this schedule shall consist of the number of persons to be determined by the Council and not more than the one-third of those persons may be persons who are not members of the Council; a person other than a member of the Council may hold office on the Committee in accordance with the letter of appointment provided.

12. The quorum of any committee set up by the Council shall be determined by the Council.

13. The decision of the committee shall be of no effect until confirmed by the Council.

Miscellaneous

14. The fixing of the seal of the Institute shall be authenticated by signature of the Chairman and some other members authorised generally or specially by the council to act for that purpose.

15. A document purporting to be an instrument issued by the Institute and to be sealed with the seal of the Institute authenticated in the manner provided by the foregoing paragraph, or to be signed by the Chairman, shall receive in evidence and shall be deemed to be the instrument without further proof, unless there is proof otherwise.

16. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, if made by or executed on behalf of the Council by any person authorised generally or specially by the Council to act for that purpose.

17. The validity of a proceeding of the council shall not be affected by:

(a) a vacancy in the membership of the Council;

(b) by a defect in the appointment of a member of the Council; or

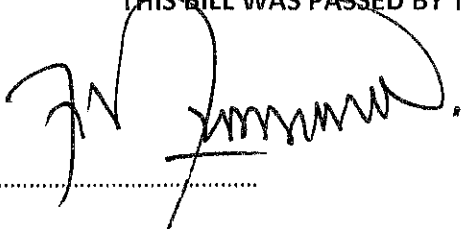
(c) by reason that a person not entitled to do so took part in the proceedings.

18. A member of the Council and a person holding office on a committee of the Council, who has a personal interest in a contract or an arrangement entered into or proposed to be considered by the Council or the committee shall forthwith disclose his interest to the council or committee and shall not vote on any question relating to that contract or arrangement.

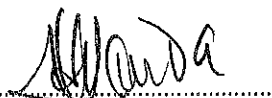
EXPLANATORY MEMORANDUM

This Bill seeks to establish the Institute of Environmental Practitioners of Nigeria, to be charged with the responsibility of regulating and managing environmental practices in Nigeria and for other purposes related thereto.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 4TH MAY, 2021



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



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