

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF EXPORT AND COMMODITY BROKERS OF NIGERIA TO REGULATE THE PRACTICE, PROFESSIONAL CONDUCT AND PROMOTE THE HIGHEST STANDARD OF COMPETENCE AMONG THE MEMBERS OF THE PROFESSION; AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

1 1.-(1) There is established the Chartered Institute of Export and
2 Commodity Brokers of Nigeria (in this Act referred to as "the Institute").

Establishment of
Chartered Institute
of Export and
Commodity
Brokers of Nigeria

3 (2) The Institute:

4 (a) shall be a body Corporate with perpetual succession and a
5 common seal;

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

7 © may hold, acquire and dispose of any property, movable or
8 immovable, subject to the Land Use Act.

Cap. L5, LFN,
2004

9 2.-(1) The Institute shall perform such functions and achieve such
10 objectives as may be conferred upon it by this Act, and shall:

Functions of the
Institute

11 (a) research and locate all exportable products from agriculture,
12 minerals resources and manufactured goods that are available in Nigeria for
13 export;

14 (b) partner relevant agencies and companies in creating an
15 interchange point between the commodity producers, Nigerian distributors
16 and export merchants for the storage of their products and to quicken
17 product inspection for export;

18 © liaise with Federal, State, private sector, Local Governments and

1 relevant agencies in Nigeria on how to make all export processing zones in
2 Nigeria to be functional, viable and to see that more of such are established for
3 the promotion and exportation of made in Nigeria goods;

4 (d) establish professional standard in training, commodity grading,
5 packaging, pricing, quality control, commodity and brokerage services to
6 benefit Nigerians who wish to go into practical export and earn income from
7 commodity wealth in Nigeria in collaboration with appropriate agencies and
8 associations;

9 (e) define and follow-up the execution of the processes of refining the
10 crude products or commodity in a civilised manner to meet international
11 standard in the world market;

12 (f) determine the standards of knowledge and skill to be attained by
13 persons seeking to become registered members of the profession and
14 reviewing those standards, from time to time, as circumstance may demand;

15 (g) secure in accordance with the provisions of the Act, the
16 establishment and maintenance of register of members of the profession and
17 the publication, from time to time, of lists of those members;

18 (h) regulate the practice, discipline, professional conduct and
19 promote the highest standard of competence among members of the
20 profession;

21 (i) certify all export practitioners and license all commodity brokers
22 operating in Nigeria who qualified as Associates, Members and Fellows to
23 practise as members of the profession in relationship with the appropriate
24 association;

25 (j) promote the highest standard of competence, practice and conduct
26 among the members of the profession;

27 (k) make provisions for educating, training, conduct of examinations,
28 award of qualifications to deserving and qualified members of the profession
29 wishing to become commodity brokers, shipping agents, export merchants,

1 products packaging consultants and practising managers on international
2 trade in Nigeria;

3 (l) advance public education as to commerce and industry,
4 particularly the need for raw materials import, finished goods export,
5 commodity research and grading, and educate those who are or may
6 become involved or interested in export and commodity trade as a
7 profession (in this Act referred to as "the Profession");

8 (m) associate with Government programmes meant for the
9 development and promotion of export and commodity trade in Nigeria and
10 associate with foreign and local institutions having similar objectives on
11 export and commodity trading for the purpose of attaining excellence in
12 international trade as a business in Nigeria;

13 (n) examine, research and analyse problems connected with export
14 and commodity trade in Nigeria and to publish the results of such work
15 together with recommendation and advice, make the same available to all
16 persons, firms or companies engaged in export and commodity trade,
17 whether or not they are members of the Institute;

18 (o) arrange conferences, seminars, symposia and meeting for the
19 discussion of export and commodity trade profession by means of periodical
20 issues of a journal of the Institute and to organise post-qualification courses
21 for its members;

22 (p) perform, through the Council, all functions established under
23 this Act; and

24 (q) do such things as may advance and promote the export and
25 commodity trade business in both the public and private sectors of the
26 economy.

27 3.-(1) Subject to the provisions of this Act, persons admitted into
28 membership of the Institute:

29 (a) shall be registered as Fellows, Members, Associates,
30 Graduates, Licentiate, Students or Corporate Members;

1 (b) are entitled to practise the business of export and commodity trade
2 profession and the list of such persons shall be published, from time to time;
3 and

4 (c) are authorised to use the initials FECB, MECB, AMECB after
5 their names.

6 (2) Practising Fellow or Members with years of experience shall be
7 elected as Chartered Members of the Institute and, authorised to use the initial
8 CMECB after their names.

9 (3) Honourary Members elected as Fellows or Members and
10 Licentiates, as a result of their contributions to export and commodity trade
11 profession, are authorised to use the initials FECB (Hon) MECB (Hon) LECB
12 (Hon) after their names.

Council of the
Institute

13 4.-(1) There shall be a Council for the Institute which shall be the
14 governing body charged with the responsibility for the administration and
15 general management of the Institute.

16 (2) The Council shall consist of:

17 (a) President;

18 (b) Deputy President;

19 (c) National Treasurer;

20 (d) five persons nominated from the Institute;

21 (e) four Chairmen representing export services and commodity trade
22 groups elected by each group before the annual general meeting;

23 (f) past Presidents and Registrars of the Institute;

24 (g) one person to represent the Federal Ministry of Industry, Trade and
25 Investment;

26 (h) two persons who shall be members of the Institute to represent
27 Institutions of higher learning in Nigeria offering courses leading to an
28 approved qualification, in rotation among the institutions and the two shall not
29 come from the same institution; and

30 (i) the current Registrar of the Institute who shall be the Secretary of

1 the Council and take minutes at the Council meetings.

2 (3) The President and Deputy President shall be elected at the first
3 Council meeting by Council members and later at the annual general
4 meeting every four years.

5 (4) The President, Deputy President and National Treasurer shall
6 be elected by members at the annual general meeting;

7 5. The Council members shall hold office for a term of four years Term of office
8 and no member shall serve more than two terms.

9 6. The Council shall have power at any time, to co-opt: Powers of the
Council

10 (a) any member to fill any casual vacancy among members of the
11 Council but the person so co-opted is entitled to serve only the unexpired
12 period of the term of office of that member; and

13 (b) suitable persons to any of its Committee.

14 7.-(1) The President shall be the Chairman at the meetings of the Council meetings
15 Institute, but in the event of death, incapacity or inability for any reason of
16 the President, the Deputy President shall act as Chairman for the unexpired
17 period of the term of office as Chairman and reference in this Act to the
18 President shall be construed accordingly.

19 (2) The President and the Deputy President shall respectively be
20 the Chairman and Vice- Chairman of the Council under this Act, and if the
21 President or the Deputy President ceases to be a member of the Institute, he
22 shall cease to hold any of the offices designated under this section.

23 (3) The provisions of the First Schedule to this Act shall have effect First Schedule
24 with respect to the qualifications, tenure of office of members of the Council
25 and other matters mentioned in that Schedule.

26 8.-(1) The Council shall establish and maintain a Fund for the
27 purpose of this Act which shall be realised from the fees payable to the Financial provisions
28 Institute.

29 (2) The management and control of the Fund shall be under the
30 Council.

- 1 (3) There shall be paid into the Fund:
- 2 (a) all the fees and other money payable to the Council under this Act;
- 3 and
- 4 (b) such money as may be payable to the Council, whether in the
- 5 course of the performance of its functions or not.
- 6 (4) There shall be paid out of the Fund:
- 7 (a) the remunerations of the Registrar and management staff;
- 8 (b) such reasonable traveling and subsistence allowances of members
- 9 of the Council in respect of the time spent on the business of the Council as the
- 10 Council may approve; and
- 11 (c) any other expenses approved by the Council in the performance of
- 12 its functions under this Act.
- 13 (5) The Council may invest money in the Fund in any security created
- 14 or issued by or on behalf of the Federal Government or in any other security in
- 15 Nigeria approved by the Council.
- 16 (6) The Council may borrow funds for the purpose of the Institute and
- 17 any interest payable on such funds borrowed shall be paid out of the Fund.
- 18 (7) The Council shall keep proper account and other records and shall
- 19 cause to be prepared, not later than 30th December each year, an audit report
- 20 and such accounts shall be audited by a firm of auditors approved by the
- 21 Council and when audited, the accounts shall be submitted to the members of
- 22 the Council as approved by them at the meeting of the Institute.
- 23 9.-(1) The Council shall appoint a competent person to be the
- 24 Registrar for the purpose of this Act and such other persons and firm as the
- 25 Council may deem necessary to assist the Registrar in the performance of his
- 26 functions under this Act.
- 27 (2) The Registrar shall be the Chief Executive Officer of the Institute
- 28 who shall, in addition, perform the functions of:
- 29 (a) enforcing the observance of the constitution, rules and regulations
- 30 of the Institute;

Appointment of
Registrar and
preparation of
register

1 (b) controlling the income, capital, funds and property of the
2 Institute and endorse all accounts for payment;

3 (c) controlling the staff and officers of the Institute to ensure
4 discipline and the accomplishment of the objects of the Institute;

5 (d) performing such other functions as, by usage and custom,
6 pertain to his office and as the Council may, from time to time, direct; and

7 (e) keeping necessary statistical records of all Nigeria export and
8 commodity in conjunction with the appropriate agencies.

9 (3) The Registrar shall:

10 (a) prepare and maintain, in accordance with rules made by the
11 Council, a register of the names, addresses, approved qualifications and
12 such other qualifications of who are entitled, in accordance with the
13 provisions of this Act to be registered as members of the Institute and who, in
14 the manner prescribed by such rules, apply to be so registered;

15 (b) correct, in accordance with the Council's directions, any entry
16 in the register which the Council directs him to correct as being, in the
17 Council's opinion, an entry which is incorrectly made;

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

20 (d) remove from the register the name of any registered person who
21 has died; and

22 (e) record the names of members of the Institute who are in default
23 for more than three years in the payment of annual subscriptions, and take
24 action in relation to such default including removal of the name of defaulters
25 from the register, as the Council may direct or require.

26 (4) Subject to the provisions of this section, the Council shall make
27 rules with respect to the form, keeping of the register and the making of
28 entries into the register, as the Council may approve.

29 (5) The Council shall:

30 (a) regulate the making of application for or registration as the case

1 may be and providing for the evidence to be produced in support of such
2 application;

3 (b) provide for the notification of the Registrar by the person to whom
4 any registered particulars relates to any change in those particulars;

5 (c) authorise a registered person to have any qualification, which is in
6 relation to the relevant division of the profession, whether an approved
7 qualification or accepted qualification for the purposes of this Act registered in
8 relation to the name in addition to or as he may elect in substitution for any
9 other qualification so registered;

10 (d) specify the fees, including any annual subscription, to be paid to
11 the Institute in respect of the entry of name into the register, and authorise the
12 Registrar to refuse to enter a name on the register until a fee specified for the
13 entry has been paid; and

14 (e) specify anything not specified under this section, but rules made
15 for the purposes of paragraph (d) of this subsection shall not come into force
16 until they are confirmed at a meeting of the Institute.

17 (6) Where the Registrar:

18 (a) sends by post to any registered person a registered letter addressed
19 to the person at the person's address on the register, enquiring whether the
20 registered particulars relating to the person are correct and receives no reply to
21 the letter within six months from the date of posting the letter, and

22 (b) upon the expiration of the period, sends in like manner to the
23 person in question a similar letter and receives no reply to that letter within
24 three months from the date of posting the letter,
25 the Registrar shall remove the particulars relating to the person in question
26 from the register, though the Council may direct the Registrar to restore to the
27 appropriate part of the register any particular removed from it under this
28 subsection.

Publication of
register and list
of corrections

29 **10.-(1)** The Registrar shall cause:

30 (a) the register to be printed, published and put on sale to members of

1 the public not later than two years from the commencement of this Act;

2 (b) the register to be printed, published and put on sale, every year
3 after two years under paragraph (a) of this subsection, a corrected edition of
4 the register since it was last printed;

5 (c) each edition of the register and list of corrections to be
6 deposited at the principal office of the Institute; and

7 (d) the register and list so deposited to be made available to
8 members of the public at all reasonable times for inspection.

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

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

22 **11.-(1)** A person is eligible to be registered as a member of the
23 Institute after satisfying the Council that:

Registration of
members

24 (a) before the Commencement of this Act, the person:

25 (i) holds a qualification from other professional bodies considered
26 by the Council as relevant and equivalent to that of the Chartered Institute of
27 Export and Commodity Brokers of Nigeria, or

28 (ii) is a graduate of the Institute's programme or a graduate of
29 export, shipping and petroleum management or international trade
30 management from a recognised higher Institution;

1 (b) the person has passed the foundation level for the qualifying
2 examination of the Institute;

3 (c) the person holds five credits in West African School Examination
4 Certificate or General Certificate of Education or Senior School Certificate
5 Examinations or National Examination Council and National Business and
6 Technical Examination Board in English, Mathematics, Economics,
7 Geography, Business Management, Commerce, Accounting and other related
8 subjects;

9 (d) the candidate shall be in practice of export and commodity trade
10 for a minimum period of 30 years;

11 (e) the person is a citizen of Nigeria and was, immediately before the
12 commencement of this Act, holding a managerial post or chief executive of an
13 export or commodity trade firm; or

14 (f) the person holds such certificate as may be recognised by the
15 Council.

16 (2) An application for registration under this Act shall, in addition to
17 evidence of qualification, satisfy the Council that the applicant:

18 (a) is of good character;

19 (b) has attained the age of 21 years; and

20 (c) has not been convicted in Nigeria or elsewhere of an offence
21 involving fraud or dishonesty.

22 (3) The Council may, in its discretion, provisionally accept a
23 qualification produced in respect of an application for registration under this
24 section or that the application be renewed within such period as may be
25 specified in this section.

26 (4) Any entry directed to be made in this register under subsection (3)
27 of this section shall be converted to full registration without the consent of the
28 Council signified in writing in that behalf.

29 (5) The Council shall, from time to time, publish in the Federal
30 Government Gazette particulars of qualifications for the time being accepted.

1 (6) The Council shall make regulations generally for its purposes
2 under this Act and the regulations made may provide for:

3 (a) the persons or category of persons who may enter for
4 examinations held or conducted by this Institute; and

5 (b) the conduct of entrants during such examinations.

6 12.-(1) The Council shall register a person as a Fellow or Member Membership by
examination
7 of the Institute if the person has:

8 (a) satisfies the requirements of section 11 of this Act;

9 (b) published an acceptable thesis or dissertation on appropriate
10 subjects; or

11 (c) been a Member for at least five years and has contributed to the
12 growth of the Institute and export and commodity trade.

13 (2) Persons admitted to Fellows Membership grade are entitled to
14 use the title, "FECB" after their names.

15 (3) The Council shall register a person as a Member of the Institute
16 if the person:

17 (a) satisfies the requirements of section 11 of this Act;

18 (b) is engaged in any work relating to or connected with
19 international or commodity trade for 15 years; and

20 (c) been an Associate Member for at least five years.

21 (4) Persons admitted to Membership grade are entitled to use the
22 title, "MECB" after their names.

23 (5) Subject to the provisions of this Act, the Council shall register a
24 person as an Associate Member of the Institute if the person has passed the
25 professional examinations prescribed by the Institute or claimed
26 exemptions for having similar qualifications.

27 (6) Persons admitted to Associate Membership grade are entitled to
28 use the title, "AMECB", after their names.

29 (7) Graduate Members shall be registered by the Council on
30 completion of the final diploma programme in export practice and

1 management or advanced diploma in international trade, shipping and foreign
2 exchange administration, and would become Associate Members after at least
3 two years practice in related field and shall use designatory title, "GECB", after
4 their names.

Membership by
admission election

5 **13.-(1)** Persons not registered under section 11 of this Act are entitled
6 to be registered as Fellow members of the Institute if the person satisfies the
7 Council that, for the period of at least 25 years immediately proceeding the date
8 of application in that behalf, he has been engaged in business relating to export,
9 import, shipping petroleum and commodity trade activities and has attained
10 top management level in the industry or contributed meaningfully to the
11 economic and industrial growth of the nation.

12 (2) Persons admitted to Fellow Membership (Honourary) grade are
13 entitled to use the title, "FECB (Hon.)", after their names.

14 (3) The Council shall register a person as a Full Member of the
15 Institute if the person:

16 (a) satisfies the Council that he has alternative equivalent
17 qualifications together with adequate managerial experience; and

18 (b) is 40 years of age at the time of application and has put in at least 15
19 years in the practice of import or export business or any business of
20 international character.

21 (4) Persons admitted to Full Membership grade are entitled to use the
22 title, "MECB (Hon.)", after their names.

23 (5) The Council shall register a person as a Licentiate Member of the
24 Institute if the person is a senior citizen of Nigeria who could not read or write
25 or fairly educated but could be honoured for their contributions to export and
26 commodity trade in Nigeria, the person is entitled to use the title, "LECB
27 (Hon.)", after his names.

28 (6) A person who is not less than 21 years and satisfies subsection 11
29 (1)(c) of this Act shall be registered as a Student Member of the Institute.

1 14. A registered member is entitled to receive from the Council a Certificate of
2 certificate of registration for membership to the grade with which he was registration
3 registered

4 15.-(1) The Council shall confer Corporate Membership of the Corporate
5 Institute on any company, firm or corporation which it considers fit for the membership
6 honour.

7 (2) A corporate member of the Institute shall be a company
8 registered with the Corporate Affairs Commission and has at least two
9 professional members of the Institute as directors or management staff,
10 heading export or commodity trade departments.

11 (3) There is established a four trade groups to be known as:

12 (a) Export Services Trade Group;

13 (b) Agro-Allied Trade Group;

14 (c) Natural Mineral Resources Trade Group; and

15 (d) Manufactured Goods Trade Group.

16 (4) The professional syndicates shall come from each trade group
17 representing each product identified and approved for export or its services.

18 (5) Each group and professional syndicates shall have their own
19 committee executives comprising the chairman, secretary and treasurer for
20 the committee management.

21 (6) The professional syndicates shall be responsible to the trade
22 group, and the trade group to the Council.

23 16.-(1) The Council may approve any institution for the purpose of Supervision of
24 this Act and approve: instructions and
25 examination
26 leading to approved
27 qualifications

28 (a) any course of training at any approved institution which is
29 intended for persons seeking to become or are already members of the
30 export and commodity trade profession and which in the opinion of the
Council, is designed to confer on persons official knowledge and skills for
admission into the Institute; and

(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 which, in the opinion of
3 the Council, the candidates have sufficient knowledge and skill for the practice
4 of the profession.

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

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

11 (b) afford such person an opportunity of making to the Council
12 representation with regard to the proposal; and

13 (c) take into consideration any representation made in respect of this
14 proposal under paragraph (b) of this subsection.

15 (3) A course, qualification or institution shall not be treated as
16 approved during any period the approval is withdrawn under this subsection.

17 (4) Notwithstanding the provision of subsection (3) of this section,
18 the withdrawal of an approval under subsection (2) of this section shall not
19 prejudice the registration or eligibility for registration, of any person who, by
20 virtue of the approval was registered or was eligible for registration either
21 unconditionally or subject to his obtaining a certificate of experience
22 immediately before the approval was withdrawn.

23 (5) The giving or withdrawal of an approval under this section shall
24 have effect from the date either before or after the execution of the instrument
25 signifying the giving or withdrawal of the approval as the Council may specify
26 in the instrument and the Council shall:

27 (a) publish a copy of every such instrument in the Federal
28 Government Gazette; and

29 (b) not later than seven days before its publication, send a copy of the
30 instrument to the Minister.

1 17.-(1) The Council shall keep itself informed of the nature of: Instruction for
approved
qualification
2 (a) the instructions given at approved institutions to persons
3 attending course of training; and
4 (b) the examinations as a result of which approved qualification are
5 granted.

6 (2) For the purposes of performing that function, the Council may
7 appoint, either from among its members or otherwise, persons to visit
8 approved institutions or to observe such examinations.

9 (3) The persons appointed under this section shall report to the
10 Council:

11 (a) the adequacy of the instructions given to persons attending
12 approved course of training at institutions visited;

13 (b) the adequacy of the examination attended by the person; and

14 (c) any other matter relating to the institutions or examinations on
15 which the Council may, either generally or in a particular case, request the
16 person to report and the person shall not interfere with the giving of any
17 instruction or the holding of any examination.

18 (4) On receiving a report made under this section, the Council may,
19 if it deems fit, and shall, if so required by the institution, send a copy of the
20 report to the person appearing to the Council to be in charge of the institution
21 or responsible for the examination to which the report relates requesting that
22 person to make an observation on the report to the Council within such time
23 as may be specified in the request, not being less than a month beginning
24 with the date of the report.

25 (5) The Minister of Education shall, from time to time, supervise
26 and, if necessary, issue directives to the Council to ensure compliance with
27 higher educational standard.

28 18.-(1) There is established the Chartered Institute of Export and Establishment of
Disciplinary
Tribunal and
Investigating
Panel
29 Commodity Brokers of Nigeria Disciplinary Tribunal (in this Act referred to
30 as "the Tribunal") charged with the responsibility of considering and

1 determining any case referred to it by the Investigating Panel established under
2 this section and any other case of which the Disciplinary Tribunal has
3 cognisance under the provisions of this Act.

4 (2) The Tribunal shall consist of the Chairman of the Council and
5 eight other members of the Council appointed by the Council.

Establishment
of Investigating
Panel

6 19.-(1) There is established the Chartered Institute of Export and
7 Commodity Brokers of Nigeria Investigating Panel (in this Act referred to as
8 "the Investigating Panel") charged with the responsibility of:

9 (a) conducting preliminary investigation into any case where it is
10 alleged that a person registered has misbehaved in that persons capacity as
11 member or shall, for any other reason, be the subject of proceedings before the
12 Tribunal; and

13 (b) deciding whether the case may be referred to the Tribunal.

14 (2) The Panel shall be set up by the Council and shall consist of three
15 members, two of whom shall not be members of the Council.

Second Schedule

16 (3) The provisions of paragraphs 2 and 5 of the Second Schedule to
17 this Act shall apply to the Disciplinary Tribunal and Investigating Panel
18 respectively.

19 (4) The Council may make rules not inconsistent with this Act as to
20 acts which constitute professional misconduct.

Penalties for
unprofessional
conduct

21 20.-(1) Where:

22 (a) a person registered under this Act is adjudged by the Tribunal to be
23 guilty of infamous misconduct in any professional respect,

24 (b) a person is convicted by a competent court or tribunal in Nigeria or
25 elsewhere, which is, in the opinion of the Tribunal, incompatible with the status
26 of a member of the profession, or

27 (c) the Disciplinary Tribunal is satisfied that the name of any person
28 has been fraudulently registered,
29 the Disciplinary Tribunal may, if it deems fit, give a direction reprimanding
30 that person or ordering the Registrar to strike his name off from the register.

1 (2) The Disciplinary Tribunal may, if it deems fit, defer its decision
2 as to the giving of a direction under subsection (1) of this section until a
3 subsequent meeting of the Disciplinary Tribunal and:

4 (a) a decision shall not be deferred under this subsection for a
5 period exceeding 2 years in the aggregate; and

6 (b) a person shall not be a member of the Disciplinary Tribunal for
7 the purpose of reaching a decision which has been deferred or further
8 deferred, unless the person was present as a member of the Disciplinary
9 Tribunal when the decision was deferred.

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

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

17 (5) A person to whom a direction relates may, at any time within 28
18 days from the date of service on him of notice of the direction, appeal against
19 the direction to the Court of Appeal and the Disciplinary Tribunal:

20 (a) may appear as respondent to the appeal and for the purpose of
21 enabling a direction given as to the costs of the appeal and of proceedings
22 before the Court of Appeal; and

23 (b) shall be deemed to be a party to it whether or not it appears at the
24 hearing of the appeal.

25 (6) A direction of the Disciplinary Tribunal under subsection (1) of
26 this section shall take effect where:

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

29 (b) an appeal is brought and is withdrawn or struck out for want of
30 prosecution, and

1 (c) an appeal is brought and is dismissed,
2 but shall not take effect except in accordance with the provisions of this
3 subsection.

4 (7) A person whose name is struck off the register under a direction of
5 the Disciplinary Tribunal under this section is not entitled to be registered again
6 except in pursuance of a direction in that behalf and a direction under this
7 section for the striking off of a person's name from the register may prohibit an
8 application under this subsection by the person until the expiration of such
9 period from the date of the direction and where he has duly made such an
10 application from the date of his last application as may be specified in the
11 direction.

Person not
members of
Incorporated
Institute
Cap. C20, LFN,
2004

12 21. Any person who is not a member of the Incorporated Institute,
13 incorporated under Companies and Allied Matters Act Part C (in this Act
14 referred to as "the Incorporated Institute") who may have been qualified to
15 apply for and obtain membership of the Incorporated Institute, may, within six
16 months, beginning from the commencement of this Act, apply for membership
17 of the Institute in such manner as may be prescribed by rules made by the
18 Council and, if approved, the person shall be registered according to his
19 qualification.

Professional
practice

20 22.-(1) Subject to subsection (2) of this section, a person is deemed to
21 practice as a member of the profession if the person, in consideration of
22 remuneration received or to be received and whether individually or in
23 partnership with any other person:

24 (a) engages in the practice of export and commodity trade or holds out
25 to the public as a member of the Institute;

26 (b) renders professional services or any other service which may, by
27 regulations made by the Council with the approval of the Minister, be designed
28 as service constituting export and commodity brokers practice; or

29 (c) describe himself as a Chartered Commodity Broker (CCB) of the
30 Institute.

1 (2) Nothing in this section shall be construed to apply to persons
2 who, while in the employment of any Government or engaged in commerce
3 and industry, perform the functions of export and commodity brokers.

4 23.-(1) The Council may make rules:

Rules as to
practice

5 (a) for the training of suitable persons in export and commodity
6 trade;

7 (b) for the supervision and regulation of the management, training
8 and transfer of such persons;

9 (c) prescribing the amount and the date for repayment of the annual
10 subscription;

11 (d) prescribing the form of licence to practise to be issued annually
12 or if thought fit, by endorsement on an existing licence; and

13 (e) restricting the right to practise in default of payment of the
14 amount of the annual subscription where the default continues for longer
15 than such period as may be prescribed by the rules.

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

18 24. The Institute shall:

Provision of
library facilities

19 (a) provide and maintain a library comprising books and
20 publications for the advancement of knowledge on import, export, shipping,
21 foreign trade, commodity trade, world trade and cognate subjects as
22 applicable to all or any of the professional services provided by export and
23 commodity brokers engaged in public practice, industry and commerce or
24 the civil service and such other books and publications as the Council may
25 deem necessary for the purpose of export and commodity trade
26 advancement; and

27 (b) encourage research into export and commodity trade to the
28 extent that the Council may consider it necessary to give award to the best
29 researchers.

30 25.-(1) Any person who, for the purpose of procuring the Offences

1 registration of any name, qualification, or other names:

2 (a) makes a statement, which he believes to be false, or

3 (b) recklessly makes a statement, which is false,

4 commits an offence.

5 (2) Where after the relevant date, any person who is not a member of
6 the Institute practises or holds self out to practise for or in expectation of reward
7 or takes or uses any name, title, addition or description implying that such a
8 person is a member of the Institute, the person commits an offence, provided
9 that person falls under section 13 of this Act.

10 (3) The Registrar or any other person employed by or on behalf of the
11 Institute willfully makes any falsification in any matter relating to the register,
12 the persons commits an offence.

13 (4) A person who commits an offence under this section is liable:

14 (a) on summary conviction to a fine not exceeding N20,000; and

15 (b) on conviction on indictment, to a fine not exceeding N100,000 or
16 to imprisonment for a term not exceeding two years or both.

17 (5) Where an offence under this section which has been committed by
18 a body corporate is proved to have been committed with the consent or
19 connivance of a director, manager, secretary or other similar officer of the body
20 corporate or any person purporting to act in such capacity, such person, as well
21 as the body corporate, are deemed to be liable to be prosecuted and punished
22 accordingly.

Rules and
Regulations

23 **26.-(1)** Regulations made under this Act shall be published in the
24 Federal Government Gazette after they are made and a copy of such
25 regulations shall be forwarded to the Minister, not later than seven days before
26 they are published.

27 (2) Rules made for the purposes of this Act shall be subject to
28 confirmation by the Institute at its meeting convened for this purpose, but if
29 annulled, shall cease to have effect on the day after the date of annulment, but
30 without prejudice to anything already done in pursuance or intended pursuance

1 of such rules.

2 27.-(1) On the commencement of this Act:

Transfer to
Institute of certain
assets and
liabilities

3 (a) all assets and liabilities held or incurred immediately before
4 that day by or on behalf of the Incorporated Institute shall, by virtue of this
5 Act, vest in the Institute and be held by it for the purpose of the Institute;

6 (b) the Incorporated Institute shall cease to exist; and

7 (c) subject to subsection (2) of the section, any act or thing done by
8 the Incorporated Institute shall be deemed to have been done by the Institute.

9 (2) The provisions of the Third Schedule to this Act shall have
10 effect with respect to matters arising from the transfer by this section to the
11 Institute of the property of the Incorporated Institute and with respect to the
12 other matters mentioned in the Schedule.

Third Schedule

13 28. In this Act:

Interpretation

14 "appointed day" means the day appointed under section 26 (2) of this Act;

15 "Chartered Practitioner" means a Corporate Member of the Institute
16 licensed to practise export and commodity trade in Nigeria by the Institute;

17 "Council" means the Council established as the governing body of the
18 Institute under section 4 (1) of this Act;

19 "Disciplinary Tribunal" means the Chartered Institute of Export and
20 Commodity Brokers of Nigeria Disciplinary Tribunal established under
21 section 18 (1) of this Act;

22 "export consultant" means a person holding himself out to advise on import
23 and export in Nigeria;

24 "export manager" means a qualified person to practise export business in
25 Nigeria;

26 "fees" means all payments including subscriptions;

27 "Incorporated Institute" means the Institute of Export of Nigeria
28 Incorporated under the Companies and Allied Matters Act Part C. Cap. C20,
29 Laws of the Federation of Nigeria, 2004;

30 "Institute" means the Chartered Institute of Export and Commodity Brokers

1 of Nigeria established under section 1 (1) of the Act;
2 "Investigating Panel" means the Chartered Institute of Export and Commodity
3 Brokers of Nigeria Investigating Panel established under section 18 (3) of this
4 Act;
5 "Members of the Institute" means registered members of the Institute;
6 "Minister" means the Minister of the Government of the Federation charged
7 with the responsibility for export promotion and commodity development.
8 "profession" means the practitioners practising the export and commodity
9 trade in Nigeria as business;
10 "register" means the book maintained under section 19 (3) (a) of this Act;
11 "Registrar" means the office holder under this name in the Institute;
12 "President and Deputy President" means respectively the office holders under
13 these names in the Institute;

Citation

14 **29.** This Bill may be cited as the Chartered Institute of Export and
15 Commodity Brokers of Nigeria (Establishment) Act, 2019.

16 SCHEDULES

17 *Section 7 (3)*

18 FIRST SCHEDULE

19 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

20 *Qualifications and Tenure of Office of Members of the Council*

21 1.-(1) Subject to the provisions of this paragraph, a member of the
22 Council shall hold office for a period of four years beginning with the date of
23 the member's appointment or election.

24 (2) A member of the Institute who ceases to be a member shall also, if
25 he is a member of the Council, cease to hold office of the Council.

26 (3) A nominated member of the Council may, by notice in writing
27 signed by such a member and addressed to the President, resign from office and
28 any appointed member may, with the consent of the Minister in the same
29 manner, resign from office.

30 (4) A person who retires from or otherwise ceases to be a nominated

1 member of the Council is eligible again to become a member of the Council
2 and any appointed member may be re-appointed.

3 (5) Nominations to the Council shall be held in such manner as may
4 be prescribed by rules made by the Council.

5 (6) Retirement of elected Council members shall be prescribed by
6 the rules made by the Council.

7 (7) The past Presidents and Registrars of the Institute shall cease to
8 be members of the Council on attaining the age of 75 years.

9 (8) If, for any reason, a member of the Council vacates office and:

10 (a) such member was appointed by the Minister or any other body,
11 the Minister or that body may appoint another person to fill that vacancy; or

12 (b) where a member was nominated by the Institute, the Council
13 may, if the time between the unexpired portion of the term of office and the
14 next general meeting of the Institute appears to accept the filling of the
15 vacancy, co-opt another person for such time.

16 (9) Election to the Council shall be held in such manner as may be
17 prescribed by the rules made by the Council and, until so prescribed, they
18 shall be decided by a show of hands.

19 (10) The six persons, nominated by the Institute shall be one each
20 from the six geo-political zones of Nigeria.

21 *Power and Proceedings of the Council*

22 22.-(1) The Council shall have power to do anything which, in its
23 opinion, is calculated to facilitate the objects of the Institute.

24 (2) Subject to the provisions to this Act, the Council may, in the
25 name of the Institute, make standing order regulating the proceedings of the
26 Institute or Council and, in the exercise of its powers under this Act, may set
27 up Committees in the general interest of the Institute and make standing
28 orders for them under this Act.

29 (3) Standing orders shall provide for decisions taken by a majority
30 of the members and, in the event of equality of votes, the President or the

1 Chairman shall have a second or casting vote.

2 (4) Standing orders made for a Committee shall provide that the
3 Committee is to report back to the Council on any matter not within its
4 competence to decide.

5 (5) The quorum of the Council shall be 15, and the quorum of a
6 Committee of the Council shall be fixed by the Council.

7 *Meetings of the Institute*

8 3.-(1) The Council shall convene the anniversary meeting of the
9 Institute on the 29th day of May every year or on such other day as the Council
10 may appoint, and if the meeting is not held two years after the previous
11 meetings, the Council shall look into the reason why the meeting could not hold
12 and resolve it.

13 (2) A special meeting of the Institute may be convened by the Council
14 at any time and if at least 25 members of the Institute so require by notice in
15 writing addressed by the Registrar who is the Secretary of the Council setting
16 out the objective of the proposed meeting, and the Chairman of the Council
17 shall preside over a special meeting of the Institute.

18 (3) The quorum of any meeting of the Institute shall be 15 and that of
19 any general meeting of the Institute shall be 45 members.

20 *Meetings of the Council*

21 4.-(1) Subject to the provisions of any standing order of the Council,
22 the Council shall meet whenever it is required to do so by notice in writing
23 given to the Secretary by at least five other members, the Secretary shall
24 summon a meeting of the Council to be held within seven days from the date on
25 which the notice is given.

26 (2) At any meeting of the Council, the President or, in his absence, the
27 Deputy President shall preside, but if both are absent, the members present at
28 the meeting shall appoint one of them to preside over the meeting.

29 (3) Where the Council desires to obtain the advice of any person on a
30 particular matter, the Council may co-opt him as a member for such period as

1 the Council deems fit, but a person who is a member by virtue of this sub-
2 paragraph is not entitled to vote at any meeting of the Council and shall not
3 be counted towards a quorum.

4 (4) Notwithstanding anything in this paragraph, the first meeting of
5 the Council shall be convened after consultation with the Minister who may
6 give such directions, as he thinks fit with regard to the procedure to be
7 followed at the meeting.

8 *Committee*

9 5.-(1) The Council may set up one or more Committees to carry
10 out, on behalf of the Institute or Council, such functions as the Council may
11 determine.

12 (2) A Committee set up under this paragraph shall consist of the
13 number of persons determined by the Council of whom not more than one-
14 third may be persons who are not members of the Council.

15 (3) A person other than a member of the Council shall hold office
16 on the Committee in accordance with the terms of the letter by which he was
17 appointed.

18 (4) A decision of a Committee of the Council shall have no effect
19 until it is confirmed by the Council.

20 *Miscellaneous*

21 6.-(1) The fixing of the seal of the Institute shall be authenticated
22 by the signature of the President or another member of the Council
23 authorised generally or specially by the Institute to act for that purpose.

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

29 (3) Any document purporting to be a document duly executed
30 under the seal of the Institute shall be received in evidence and shall, unless

1 the contrary is proved, be deemed to be executed.

2 (4) The validity of any proceeding of the
3 Committee of the Council shall not be affected by

4 (a) any vacancy in its membership;

5 (b) any defect in its constitution;

6 Council or of a person to serve on it;

7 (c) reason that a person was

8 proceedings.

9 (5) A member of the Institute, Council or any

10 on a Committee of the Council who has personally

11 arrangement entered into on

12 behalf of the Institute, the Council

13 the President or Council, as the case may be,

14 relating to the contract or arrangement

15 (6) A person shall not, by reason of

16 required to disclose any interest relating to

17 the Institute.

18 SECTION 10

19

20 SUPPLEMENTARY PROVISIONS

21 TRIALS

22

23 1. The quorum of the Tribunal shall be

24 least two shall be registered members.

25 2.-(1) The Attorney-General shall have

26 the:

27 (a) selection of members of the Tribunal;

28 of any proceeding;

29 (b) procedure relating to any proceeding;

30 (c) rules of evidence.

1 office than by reason of his misconduct, is eligible for appointment to office in
2 the Institute or to membership of the Council as the case may be.

3 (6) All regulations, rules and similar instruments made for the
4 purpose of the Incorporated Institute and in force immediately before the
5 appointed day, shall, except in that behalf, have force with any necessary
6 modification, as if duly made for the corresponding purposes of the
7 Institute.

EXPLANATORY MEMORANDUM

This Act establishes the Chartered Institute of Export and Commodity Brokers of Nigeria to regulate the practice, professional conduct and promote the highest standard of competence among the members of the profession.