

CHARTERED INSTITUTE OF HUMAN RESOURCES AND STRATEGIC
MANAGEMENT OF NIGERIA (ESTABLISHMENT) BILL, 2020

ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF HUMAN
RESOURCES AND STRATEGIC MANAGEMENT OF NIGERIA

1. Establishment of the Chartered Institute of Human Resources and Strategic Management of Nigeria
2. Objectives of the Institute
3. Qualifications.
4. Principal officers of the Institute
5. Institute Governing Council
6. Appointment of the board of fellows

PART II - FINANCIAL PROVISIONS

7. Establishment of fund and expenditure
8. Power to borrow money
9. Annual estimates, account and audit

PART III - APPOINTMENT AND DUTIES OF THE REGISTRAR

10. Appointment and duties of the Registrar
11. Publication of registers and list for corrections
12. Registration
13. Approval of qualification
14. Supervisions of instructions leading to approved qualifications

PART IV - PROFESSIONAL DISCIPLINE

15. Establishment, composition of the disciplinary committee and investigating panel
16. Penalties for unprofessional conduct

PART V - MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

17. Rules as to professional practice and fees
18. Provision of library facilities

- 19 . Offences
- 20 Regulations and rules
- 21 Dissolution of the former Institute of Human Resources and Strategic
Management
- 22 Interpretation
- 23 Citation
Schedules

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF HUMAN RESOURCES AND STRATEGIC MANAGEMENT OF NIGERIA TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND PROMOTE THE PRACTICE OF HUMAN Resources and Strategic Management in Nigeria; and for Related Matters

Sponsored by Hon. Yusuf Gagdi

[] Commencement

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

1. PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF HUMAN
2. RESOURCES AND STRATEGIC MANAGEMENT OF NIGERIA

3. 1.-(1) There is established the Chartered Institute of Human
4. Resources and Strategic Management of Nigeria (in this Act referred to as
5. "the Institute").

Establishment of the Chartered Institute of Human Resources and Strategic Management of Nigeria

6. (2) The Institute-
7. (a) is a body corporate with perpetual succession;
8. (b) shall have a common seal which shall be kept in such custody as
9. the Council may authorise; and
10. (c) may sue or be sued in its corporate name.

11. 2. The objectives of the Institute shall be to-

Objectives of the Institute

12. (a) organise and provide professional training in the specialist
13. areas of Human Resources and Strategic Management;
14. (b) professionalise Human Resources and Strategic Management
15. with a commitment to raising great leaders in all sectors of the economy;
16. (c) promote the art and science in the areas of Human Resources
17. and Strategic Management;
18. (d) educate, conduct, and establish approaches to the Human
19. Resources and Strategic Management practice;

- 1 (e) build a bridge between public and private sectors of the economy;
2 (f) integrate culture and ethical standard in the specialist areas of
3 Human Resources and Strategic Management practice;
4 (g) imbibe professionalism in both the private sector and public of the
5 economy for efficiency and effectiveness in line with global best practices; and
6 (h) do all such things that are necessary to promote the advancement
7 of Human Resources and Strategic Management in both the public and private
8 sectors of the economy.

Qualifications

9 3.-(1) Subject to the provisions of this Act, persons admitted into the
10 Institute shall possess knowledge, experience, and qualifications in Human
11 Resources and Strategic Management and other related disciplines determined
12 by the Council, and may be enrolled in the category of-

- 13 (a) Fellowship;
14 (b) Full Membership;
15 (c) Associate Membership;
16 (d) Graduate Membership; and
17 (e) Students.

18 (2) Without prejudice to the provisions of this Act, persons registered
19 as members of the Institute, under this Act, are entitled to be enrolled-

20 (a) as Fellows, if they satisfy the Council that for the period of at least
21 five years immediately preceding the date of their application in that behalf that
22 they-

- 23 (i) are fit and proper persons;
24 (ii) are holders of approved academic qualifications,
25 (iii) have satisfied the Council in their dissertations, and
26 (iv) have been continuously active in the practice of professional
27 Human Resources and Strategic Management in either public or private sectors
28 of the economy and as members of the Institute;

29 (b) Full member, If for the period of at least two years immediately
30 preceding the date of their application, in that behalf that they have been

1 enrolled as Associate members and fit and proper persons, and as may be
2 approved in the discretion of the Council,

3 (c) as Associate members, if for the period of at least three years
4 immediately preceding the date of their application in that behalf that they
5 have been enrolled as graduate members and are fit and proper persons, and
6 as may be approved in the discretion of the Council; and

7 (d) as Graduate members, if they satisfy the Council that they have
8 passed the mandatory examinations conducted by the Institute, hold
9 equivalent qualifications from recognised institutions of higher education
10 and are found to be fit and proper persons by the Council.

11 (3) The following are other precedence and designated titular
12 abbreviations for-

13 (a) a Fellow of the Chartered Institute of Human Resources and
14 Strategic Management who shall have the right to use the designatory letters
15 or acronym of FCHRSM immediately after his or her name;

16 (b) Full member of the Chartered Institute of Human resources and
17 Strategic Management who shall have the right to use designatory letters or
18 acronym of MCIHRSM immediately after his or her name;

19 (c) an Associate member of the Chartered Institute of Human
20 Resources and Strategic Management who shall have the right to use the
21 designatory letters or acronym of ACHRSM immediately after his name;
22 and

23 (d) a licentiate member of the Chartered Institute of Human
24 Resources and Strategic Management, who shall have the right to use the
25 designatory letters LCHRSM immediately after his name.

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

30 (5) In this section, "licentiate member" means any member granted

1 a license by a recognised institution of higher education to practice as a
2 professional in Human Resources and Strategic Management, and
3 "licensure" shall be construed accordingly.

Principal officers
of the Institute

4 4.-(1) The Principal officers of the Institute shall be-

5 (a) the President;

6 (b) the Vice-President;

7 (c) the National Secretary;

8 (d) the National Treasurer; and

9 (e) the Public Relations officer.

10 (2) The principal officers listed under subsection (1) of this section
11 shall be financial members of the Institute in the grades of Fellows, Full
12 member, Associate members and Licentiate members and shall be elected to
13 office biennially at the second Council meeting for another term of two years,
14 and no more.

15 (3) The President shall be the Chairman of the meetings of the
16 Institute, but in the event of his incapacity, death or inability to discharge the
17 duties reposed on him under this subsection, the Vice President shall discharge
18 such duties for the unexpired portion of the term of office of that President

19 (4) If any of the officers listed under subsection (1) of this section
20 ceases to hold any of the offices designated under the subsection.

Establishment
of the Institute
Governing
Council

21 5.-(1) There is established for the Institute, a governing body (in this
22 Act referred to as "the Council") which shall have responsibility for the
23 administration and general management of the Institute.

24 (2) The Council shall consist of-

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

26 (b) the Vice-President of the Institute, who shall be the Deputy
27 Chairman;

28 (c) the Registrar;

29 (d) 12 members nominated by the Institute from the 6 geo-political
30 zones of the Federation;

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

4 (f) the immediate past President of the Institute; and

5 (g) one person each, not below the rank of a Director, to represent
6 the Federal Ministry of-

7 (i) Finance,

8 (ii) Federal Civil Service Commission, and

9 (iii) Education.

10 (3) The provisions of the First Schedule to this Act shall have effect
11 with respect to the supplementary provisions of the Council and the
12 qualifications and tenure of the office of members of the Council, and the
13 matters mentioned in the Schedule.

First Schedule

14 6.- (1) There shall be appointed annually a Board of Fellows to
15 coordinate the activities of the Council.

Appointment of
the Board of
Fellows

16 (2) The Board of Fellows shall consist of persons who have been
17 duly elected as Fellows of the Institute, and shall have a Chairman who shall
18 preside over the activities of the Board.

19 PART II - FINANCIAL PROVISIONS

20 7.- (1) The Council shall establish and maintain a fund for the
21 Institute, the management and control of which shall be under the authority
22 of the Council, into which shall be paid-

Establishment
of fund and
expenditure

23 (a) money received by the Council under this Act;

24 (b) subscriptions, fees and commissions received by the Council
25 under this Act;

26 (c) such money as may be provided by the Federal, State or Local
27 Government by way of grants and subventions or loans; and

28 (d) money raised for the purposes of the Institute by way of gifts,
29 donations, grants-in aid, testamentary dispositions from individuals, bodies
30 corporation or philanthropic organisations.

1 (2) The Council shall apply the proceeds of the Fund of the Institute
2 to-

3 (a) all expenditure incurred by the Institute in the course of the
4 discharge of its duty under this Act;

5 (b) the remunerations and allowances of the Registrar and other staff
6 of the Institute;

7 (c) the maintenance of the premises and property owned by and
8 vested in the Institute;

9 (d) the payment of traveling allowances and such stipend for
10 members of the Council as may be approved by the Council; and

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

13 (3) For the purposes of the company's income tax, any donation made
14 by any company in Nigeria to the Institute shall be a deductible donation within
15 the meaning of this Act.

Power to borrow
money

16 8.-(1) The Council may, with the general consent of its members or in
17 accordance with the general guidelines or authority given by the Government
18 of the Federation, borrow, on behalf of the Institute, by way of loan or overdraft
19 from any source, any money required by the Council to meet the obligations of
20 the Institute in order to perform its function under this Act and such consent or
21 authority shall be required where the sum or aggregate of the sums involved at
22 any time does not exceed such amount as is for the time being projected in
23 relation to the Institute in any particular year.

24 (2) The Council may, subject to the provisions of this Act and
25 conditions of trust in respect of funds held or any property owned by the
26 Institute, invest any but not all of its funds with the same consent or general
27 authority.

Annual estimates,
account and audit

28 9.-(1) The Chairman of the Council shall cause to be prepared, not
29 later than six months before the end of the year, estimates for the recurrent and
30 capital expenditure and income of the Institute during the next succeeding

1 financial year, which shall be presented to the Annual General Meeting of
2 the Institute by the Council for approval.

3 (2) The Council shall keep proper accounts and records and shall
4 prepare in respect of each financial year, a statement of account in such form
5 as the Chairman or the Council shall direct.

6 (3) The Council shall, after the end of a financial year, cause the
7 accounts of the Institute and those of the Council to be audited by qualified
8 auditors appointed from the list of auditors and in accordance with the
9 guidelines laid down by the Auditor-General for the Federation.

10 (4) The auditors appointed under subsection (3) of this section
11 shall, on completion of the audit of the accounts of the Institute and the
12 Council for each financial year, prepare and submit to the Council two
13 reports, that is to say-

14 (a) a general report setting out the observations and
15 recommendations of the auditors on the financial affairs of the Institute and
16 the Council for the year, and on any important matter which the auditors may
17 consider necessary to bring to the notice of the Council; and

18 (b) a detailed report containing the observations and
19 recommendations of the auditors on all aspects of the operations of the
20 Institute and the Council.

21 PART III - APPOINTMENT AND DUTIES OF THE REGISTRAR

22 10.-(1) The Council shall appoint a fit and proper person to be the
23 Registrar of the Institute.

Appointment
and duties of the
Registrar

24 (2) The Registrar shall be the head of the administration of the
25 Institute and Secretary to the Council.

26 (3) The Register shall consist of four parts of which the first part
27 shall be in respect of fellows, the second part shall be in respect of Full
28 members third part shall be in respect of associates and the forth part shall
29 be in respect of licentiates.

30 (4) Subject to the provisions of this subsection, the Council may

1 make rules with respect to the form and keeping of the Register and making of
2 entries therein and in particular-

3 (a) the making of application for enrolment or registration, as the case
4 may be;

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

7 (c) authorising a registered person to have any qualification which is
8 in relation to the relevant discipline of the profession for the purpose of this
9 Act, registered in relation to his name in addition to or, as he may elect, in
10 substitution for other qualifications so registered;

11 (d) specifying the fees, including subscription to be paid to the
12 Institute in respect of the entry of names on the register; and

13 (e) specifying anything not specified under this section, but rules
14 made for the purposes of paragraph (d) of this subsection shall not come into
15 force until they are confirmed at a special meeting of the Institute convened for
16 that purpose, or at the next annual general meeting of the Institute, as the case
17 may be.

18 (5) The Registrar shall-

19 (a) correct, in accordance with the Council's directives, any entry in
20 the register which the Council directs him to correct as being, in the Council's
21 opinion, an entry which was incorrectly made;

22 (b) remove from the register the name of any registered person who
23 had died;

24 (c) record the names of the members of the Institute who are in default
25 in the payment of the annual subscription, dues or other charges for more than
26 12 months, and take such action in relation thereto including removal of the
27 names of the defaulters from the register as the Council may determine or
28 direct; and

29 (d) make any necessary alteration in the registered particulars of
30 registered persons;

1 (e) send by post to any registered person a letter addressed to him at
2 his address on the register, enquiring whether the registered particulars
3 relating to him are correct and receives no reply to the letter within the period
4 of 6 months from the date of posting; and

5 (f) upon the expiration of the period specified in paragraph (e) of
6 this subsection, send, in like manner to the person in question, a second
7 similar letter and receive no reply to the letter within three months from
8 posting it, then the Registrar may remove the particulars relating to the
9 person in question from the register, and the Council may direct the
10 Registrar to restore to the appropriate part of the Register any of the
11 particulars removed therefrom under this subsection.

12 11.-(1) The Registrar shall-

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

16 (b) thereafter in each year, cause to be printed, published and put on
17 sale a corrected edition of the registrar since it was last printed; and

18 (c) cause a print of each edition of the register and of each list of
19 correction to be deposited at the principal office of the Institute, and the
20 Council shall keep the register and the list so deposited available at all
21 reasonable times for inspection by members of the Institute.

22 (2) A document purporting to be a print of an edition of the register
23 published under this section by authority of the Registrar, or documents
24 purporting to be a print of an edition so printed, shall, (without prejudice to
25 any other mode of proof) be admissible in any proceeding as evidence that
26 any person specified in the document, or the documents read together, as
27 being registered was so registered at the date of the edition or of list of
28 correction, as the case may be, and that any person not so specified was not
29 registered.

30 (3) Where in accordance with subsection (2) of this section, a

Publication of
registers and list
for corrections

1 person is, in any proceeding, shown to have been, or not to have been,
2 registered at a particular date, he shall, unless the contrary is proved, be taken
3 for the purposes of those proceedings as having, at all material times thereafter,
4 continued to be, or not to be, so registered.

Registration

5 **12.-(1)** Subject to the rules made by the Council under section 10(4)
6 of this Act, a person, whether or not a member of a professional Human
7 Resources and Strategic Management body recognised by an Act of National
8 Assembly, shall be entitled to be enrolled or registered as a Member of
9 Chartered Institute of Human Resources and Strategic Management if-

10 (a) he passes the qualifying examination of membership conducted by
11 the Council under this Act and completes the practical training prescribed;

12 (b) he holds a qualification granted outside Nigeria and for the time
13 being accepted by the Institute and, if the Council so requires, satisfies the
14 Council that he had sufficient practical experience as a Human Resource and
15 Strategic Management.

16 (2) Subject to the rules made by the Council under section 10 (4) of
17 this Act, a person shall be entitled to be registered, as a public manager, if he
18 satisfies the Council that immediately before the appointed day, he had at least
19 five years' experience as an inspector and internal auditor of the affairs of a
20 company.

21 (3) An applicant for registration shall, in addition to evidence of
22 qualification, satisfy the Council that he-

23 (a) is of good character;

24 (b) has attained the age of 21; and

25 (c) has not been convicted of a criminal offence involving fraud or
26 dishonesty in Nigeria or elsewhere.

27 (4) The Council may provisionally accept a qualification presented in
28 respect of an application for registration under this section, or direct that the
29 application be renewed within such period as may be specified in the direction.

30 (5) Any entry directed to be made in the register under subsection (4)

1 of this section shall indicate that the registration is provisional, and no entry
2 made in consequence thereof shall be converted to or, construed as, full
3 registration without explicit consent of the Council made in writing in that
4 behalf.

5 (6) The Council shall publish in a Federal Government Gazette,
6 particulars of qualifications for the time being accepted for the purpose of
7 registration.

8 13.-(1) The Council may approve an institution for the purposes of
9 this Act and may, for those purposes, approve any-

Approval of
qualification, etc.

10 (a) course of training at any institution which is intended for
11 persons who are seeking to become or are already management consultants,
12 and which the Council considers as necessary to confer on persons
13 completing the course, sufficient knowledge and skill for admission to the
14 Institute; or

15 (b) qualification which, as a result of an examination taken in
16 conjunction with a course of training approved by the Council under this
17 section, is granted to candidates reaching a standard at the examination
18 indicating, in the opinion of the members of the Council, that the candidates
19 have sufficient knowledge and skill to practise as Human Resource and
20 Strategic Management.

21 (2) The Council may, if it deems fit, withdraw any approval given
22 under this section in respect of any course, qualification or institution, but
23 before withdrawing such approval, the Council shall-

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

28 (b) afford each an opportunity of making representation to the
29 Council with regard to the proposal; and

30 (c) take into consideration any representation made with respect to

1 the proposal under paragraph (b) of this subsection.

2 (3) Where the approval of the Council under this section for a course,
3 qualification or institution is withdrawn, the course, qualification or institution
4 shall not be treated as approved under this section. but the withdrawal of any
5 such approval shall not prejudice the registration or eligibility for registration
6 of any person who, by virtue of the approval, was registered or eligible for
7 registration immediately before the approval was withdrawn.

8 (4) The giving or withdrawal of an approval under this section shall
9 have effect from such date, either before or after the execution of the
10 instrument signifying the giving or withdrawal of the approval, as the Council
11 may specify in that instrument, and the Council shall-

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

14 (b) not later than 7 days before its publication, send a copy of the
15 instrument to the Minister.

Supervisions of
instructions
leading to
approved
qualifications

16 14.-(1) The members of the Council shall keep themselves informed
17 of the nature of-

18 (a) the instructions given at approved institutions to persons attending
19 approved courses of training; and

20 (b) the examination as a result of which approved qualification are
21 granted, and for the purpose of performing that duty, the Council may appoint,
22 either from among its own members or otherwise, person to visit approved
23 institutions, or to attend such examination.

24 (2) The visitor appointed under subsection (1) (b) of this section shall
25 report to the Council on-

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

28 (b) the conduct and adequacy of the examination observed by him;

29 and

30 (c) any other matter relating to the instruction or examinations on

1 which the Council may, either generally or in a particular case, request him
2 to report, but no visitor shall interfere with the giving of any instruction or
3 the conduct of any examination.

4 (3) On receiving a report made under this section, the Council may,
5 if it deems fit, and shall, if so required by the Institution, send a copy of the
6 report to the person appearing before the Council as being in charge of the
7 institution or of which the Disciplinary Committee has cognisance under the
8 provisions of the Act responsible for the examination of which the report
9 relates, requesting that person to make an observation on the report of the
10 Council within such period as may be specified in the request, not being less
11 than one month beginning with the date of the request.

12 PART IV - PROFESSIONAL DISCIPLINE

13 15.-(1) The Investigating Panel shall consist of four members of
14 the Council and one person who is not a member of the Council.

15 (2) There is established the Chartered Institute of Human
16 Resources and Strategic Management Disciplinary Committee (in this Act,
17 referred to as "the Disciplinary Committee") charged with the duty of
18 considering and determining any case referred to it by the Investigating
19 Panel established under subsection (3) of this section, and any other case of
20 Investigating Panel, which the Disciplinary Committee has cognizance
21 under this Act.

22 (3) The Disciplinary Committee shall consist of the Chairman of
23 the Council and six other members of the Council.

24 (4) There is established the Chartered Institute of Human
25 Resources and Strategic Management Investigating Panel (in this Act,
26 referred to as "the Investigating Panel") charged with the duty of-

27 (a) conducting a preliminary investigation into any case where it is
28 alleged that a member has misbehaved in his capacity as a Human Resource
29 Practitioner or should, for any other reason, be the subject of proceeding
30 before the Disciplinary Committee; and

Establishment,
composition of
the investigating
panel and
disciplinary
committee

1 (b) deciding whether the case should be referred to the Disciplinary
2 Committee.

Second Schedule

3 (5) The provisions of the Second Schedule to this Act shall, so far as
4 applicable to the Disciplinary Committee and Investigating Panel respectively,
5 have effect with respect to the bodies.

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

Penalties for
unprofessional
conduct

8 **16.-(1) Where-**

9 (a) a member is judged by the Disciplinary Committee to be guilty of
10 infamous conduct in any professional respect;

11 (b) a member is convicted, by any court or tribunal in Nigeria or
12 elsewhere having power to award imprisonment, of an offence or (whether or
13 not punishable with imprisonment which, in the opinion of the Disciplinary
14 Committee, is incompatible with the status of a professional Human Resources
15 Manager; or

16 (c) the Disciplinary Committee is satisfied that the name of any
17 person has been fraudulently registered, the Disciplinary Committee may, if it
18 deems fit, give a direction reprimanding that person or ordering the Registrar to
19 strike his name off the relevant part of the register.

20 (2) The Disciplinary Committee may, if it deems fit, defer its
21 decisions as to the giving of a direction under subsection (1) of this section until
22 a subsequent meeting of the Disciplinary Committee but no-

23 (a) decision shall be referred under this subsection for a period
24 exceeding 2 years on the aggregate; and

25 (b) person shall be a member of the Disciplinary Committee for
26 purposes of reaching a decision which has been deferred or further deferred,
27 unless he was present as a member of the Disciplinary Committee when the
28 decision was deferred.

29 (3) For the purposes of subsection (1) (b) of this section, a person shall
30 not be treated as convicted as therein mentioned unless the conviction stands at

1 a time when no appeal or further appeal is pending or may (without
2 extension or time) be brought in connection with the conviction.

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

6 (5) A person, whose name is struck off the register pursuant to a
7 direction of the Disciplinary Committee under this section, is not entitled to
8 be enrolled or registered again except in pursuance of a direction in that
9 behalf given by the Disciplinary Committee on the application of the person.

10 (6) Direction under this section for the removal of a person's name
11 from the register may prohibit an application under this subsection by that
12 person until the expiration of such period from the date of the direction (and
13 where he has duly made such an application, from the date of his last
14 application) as may be specified in the direction.

15 PART V - MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

16 17.-(1) The Council may make rules-

17 (a) for the training of suitable persons in Human Resources and
18 Strategic Management methods and practice;

19 (b) for the supervision and regulation of the engagement, training
20 and transfer of such persons;

21 (c) prescribing the amount and dues for payment of annual
22 subscription, and for such purpose, different amounts may be prescribed by
23 the rules according to whether the person is enrolled as a fellow, associate
24 member, a graduate member, licentiate member or student;

25 (d) prescribing the form of license to practice to be issued annually
26 or, if the Council deems it fit, by endorsement on any existing license; and

27 (e) restricting the right to practice in default of payment of the
28 amount of annual subscription where the default continues for longer than
29 such period as may be prescribed by the rules.

30 (2) Rules, when made under this section shall, if the Chairman of

Rules as to
professional
practice and fees

1 the Council so directs, be published in the Federal Government Gazette.

Provision of
library facilities

2 **18.** The Institute shall-

3 (a) provide and maintain a library, comprising books and publications
4 for the advancement of knowledge of Human Resources and Strategic-
5 Management, and such other books and publications as the Council may deem
6 necessary for that purpose; and

7 (b) encourage research into Human Resources and Strategic
8 Management methods and allied subjects to the extent that the Council may
9 consider necessary.

Offences

10 **19.**-(1) If any person, for the purpose of procuring the registration of
11 any name, qualification or other matter-

12 (a) makes a statement which he believes is false.

13 (b) recklessly makes a statement which is false,
14 commits an offence.

15 (2) If, on or after the relevant date, any person not a member of the
16 Institute, who practices or holds himself out to practice Human Resources and
17 Strategic Management for or in expectation of reward or takes or uses any
18 name, title, addition or description implying that he is in Human Resources and
19 Strategic Management practice, he commits an offence, provided that, in the
20 case of a person falling within section 17 of this Act-

21 (a) this subsection shall not apply in respect of anything done by him
22 during the period mentioned in that section; and

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

28 (3) If the Registrar or any other person employed by, or on behalf of
29 the Institute willfully makes any falsification in any matter relating to the
30 register, commits an offence.

1 (4) A person who commits an offence under this section is liable-
2 (a) on summary conviction, to a fine not exceeding N50,000; and
3 (b) on conviction on indictment, to a fine not exceeding N100,000
4 or to imprisonment for a term not exceeding 2 years or to both fine and
5 imprisonment.

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

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

17 20.-(1) Any regulation made under this Act shall be published in
18 the Federal Government Gazette and a copy of such regulations shall be sent
19 to the Ministry not later than 7 days before they are so published.

Regulations and
rules

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

26 21.- (1) The Institute of Human Resources and Strategic
27 Management of Nigeria is dissolved.

Dissolution of
the former
Institute of Human
Resources and
Strategic
Management

28 (2) All the property held by or on behalf of the former Institute
29 shall, by virtue of this section, vest in the Institute and held by it for the
30 purposes of the Institute.

Third Schedule 1 (3) The provisions of the Third Schedule to this Act shall have effect
2 with respect to matters arising from the transfer by this section to the institute,
3 of property of the former, and with respect to the other matters mentioned in
4 that Schedule.

Interpretation 5 **22.** In this Act-
6 "Institute" means Chartered Institute of Human Resources and Strategic
7 Management established under section 1 (1) of this Act;
8 "Council" means the Council established as the governing body of the Institute
9 under section 5 of this Act;
10 "Disciplinary Committee" means the Chartered Institute of Human Resources
11 and Strategic Management Disciplinary Committee establishment under
12 section 15 (1) of this Act;
13 "enrolled" means an enrolled fellow, an associate member, a graduate member,
14 a licentiate member, as the case may be;
15 "Fees" includes annual subscriptions;
16 "Investigating Panel" means the Chartered Institute of Human Resources and
17 Strategic Management of Nigeria established under section 15 (3) of this Act;
18 "Ministry" means the Ministry charged with the responsibility for matters
19 relating to finance;
20 "President and Vice-President" means respectively the officers or holders,
21 under those names in the Institute;
22 "Profession" means the profession of Human Resources and Strategic
23 Management; and
24 "registrar" means the registrar appointed under section 10 (2) of this Act.

Citation 25 **23.** This Bill may be cited as the Chartered Institute of Human
26 Resources and Strategic Management of Nigeria (Establishment) Bill, 2020.

SCHEDULES

Section 5 (3)

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and tenure of members

1.-(1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a term of two years, beginning with the date of his appointment or election.

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

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

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

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

(6) Elections to the Institute shall be held in such manners as may be prescribed by rules made by the Council and until so prescribed they shall be decided in a secret balloting process.

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

(a) such member was appointed by the Minister or any other body corporate, the Minister or body corporate shall appoint another fit person to occupy the office in which the vacancy occurs; or

(b) such member was elected, the Council may, if the period between the unexpired portion of the tenure of office and the next general meeting of the Institute appears to warrant the prompt filling of the vacancy,

1 co-opt a fit person for such period.

2 *Powers of the Council*

3 2. The Council shall have powers to do anything which, in its opinion
4 is calculated to facilitate the activities of the Institute.

5 *Proceedings of the Council*

6 3.-(1) Subject to the provisions of this Act, the Council may, in the
7 name of the Institute, make standing orders regulating the proceedings of the
8 institute or of the Council, and in the exercise of its powers under this Act, may
9 setup committees in the general interest of the Institute, and make standing
10 orders for them.

11 (2) Standing orders shall be provided for decisions to be taken by a
12 majority of the members, and in the event of equality of votes, the President or
13 Chairman, as the case may be, shall have a second or casting vote.

14 (3) Standing orders made for a committee shall provide that the
15 committee shall report to the Council on any matter not within its competence
16 to be decided upon.

17 (4) The quorum of the Council shall be 9, and the quorum of a
18 committee of the Council shall be as fixed by the Council.

19 *Meetings of the Institute*

20 5.-(1) The Council shall convene the annual general meeting of the
21 Institute on a day the Council may appoint any particular year, and if the
22 meeting is not held within one year after the previous annual general meeting,
23 not more than 15 months shall elapse between the respective dates of the two
24 meetings.

25 (2) A special meeting of the Institute may be convened by the Council
26 at any time, and if at least 30 members of the Institute require it by notice in
27 writing addressed to the General Secretary of the Institute, setting out the
28 objects of the proposed meeting, the Chairman of the Council shall convene a
29 special meeting of the Institute.

30 (3) The quorum of any general meeting of the Institute shall be 15

1 members, and that of any special meeting of the Institute shall be 25
2 members.

3 *Meetings of the Council*

4 6.-(1) Subject to the provisions of any standing order of the
5 Council, the Council shall meet whenever it is summoned by the Chairman,
6 and if the Chairman is required to do so by notice in writing given to him by
7 at least seven other members, he shall summon a meeting of the Council to
8 be held within seven days from the date on which the notice is given.

9 (2) At any meeting of the Council, the Chairman or, in his absence,
10 the Deputy Chairman shall preside, but if both are absent the members
11 present at the meeting shall appoint one of them to preside at the meeting.

12 (3) Where the Council desires to obtain the advice of any person on
13 a particular matter, the Council may co-opt him as a member for such period
14 as the Council deems fit, but a person who is a member by virtue of this
15 subparagraph is not entitled to vote at any meeting of the Council and shall
16 not count towards a quorum.

17 (4) Notwithstanding anything in this paragraph, the first meeting of
18 the Council shall be summoned by the Minister, who may give such
19 directions as he thinks fit as to the procedure which shall be followed at the
20 meeting.

21 *Committees*

22 7.-(1) The Council may set up one or more committee to carry out,
23 on behalf of the Institute or of the Council, such functions as the Council
24 may determine.

25 (2) A committee set up under this paragraph shall consist of the
26 number of persons determined by the Council, and a person other than a
27 member of the Council shall hold office on the committee in accordance
28 with the terms of the instrument by which he is appointed.

29 (3) Any recommendation of a committee of the Council shall be of
30 no effect until it is approved by the Council.

Miscellaneous

1
2 8.-(1) The fixing of the seal of the Institute shall be authenticated by
3 the signature of the President or another member of the Council authorised
4 generally by the Institute to act for that purpose.

5 (2) Any contract or instrument which, if made or executed by a
6 person, not being a body corporate, would not be required to be under seal, may
7 be made or executed on behalf of the Institute or the Council, as the case may
8 require, by any person generally or specially authorised to act for the purpose
9 by the Council.

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

13 (4) The validity of any proceedings of the Institute or Council or a
14 committee of the Council shall not be affected by any vacancy in membership,
15 defect in the appointment of a member of the Institute or of the Council or by
16 reason that a person not entitled to serve in the Committee took part in the
17 proceedings.

18 (5) Any member of the Institute or the Council, and any person
19 holding office on a committee of the Council, who has a personal interest in any
20 contract or arrangement entered into or proposed to be considered by the
21 Council, shall disclose his interest to the President or Council, as the case may
22 be, and shall not vote on any question relating to the contract or arrangement.

23 (6) A person shall not by reason only of his membership of the
24 Institute, be required to disclose any interest relating solely to the audit of the
25 accounts of the Institute.

1 SECOND SCHEDULE

2 *Section 15 (5)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

4 COMMITTEE AND INVESTIGATING PANEL

5 *The Investigating Panel*

6 1. The quorum of the panel shall be two.

7 *The Disciplinary Committee*

8 2. The quorum of the Disciplinary Committee shall be three of
9 whom at least two shall be professional commercial practitioners.

10 3.- (1) The Chief Justice of Nigeria shall make rules-

11 (a) as to the-

12 (i) selection of members of the Disciplinary Tribunal for the
13 purposes of any proceeding, and

14 (ii) procedures to be followed and the rules of evidence to be
15 observed in proceedings before the Disciplinary Tribunal;

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

19 (c) for determining who, in addition to the person mentioned in
20 paragraph (b), shall be a party to the proceedings;

21 (d) for securing that any party to the proceedings shall, if he so
22 requires, be entitled to be heard by the Disciplinary Tribunal;

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

25 (f) subject to the provisions of section 16 (5) of this Act, as to the
26 costs of proceedings before the Disciplinary Committee;

27 (g) for requiring, in a case where it is alleged that the person who is
28 subject of the proceedings is guilty of infamous conduct in any professional
29 respect, that where the Disciplinary Committee adjudges that the allegation
30 has not been proved, it shall record a finding that the person is not guilty of

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

2 (h) for publishing in the media, notice of any direction of the
3 Disciplinary Committee, which has taken effect, providing that a person's
4 name shall be struck off a register.

5 4. For the purposes of any proceeding before the Disciplinary
6 Committee, any member of the Disciplinary Committee may administer oaths
7 and any party to the proceedings may sue through the Supreme Court writs of
8 *subpoena ad testandum* and dues talem, but no person appearing before the
9 Disciplinary Committee shall be compelled to-

10 (a) make any statement before the Disciplinary Committee tending to
11 incriminate himself; or

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

14 5.-(1) For the purposes of advising the Disciplinary Committee on
15 questions of law arising in proceedings before it, there shall, in all such
16 proceedings, be an assessor to the Disciplinary Committee who shall be
17 appointed by the Council on the nomination of the Chief Justice of Nigeria and
18 shall be a legal practitioner of at least 7 years standing.

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

22 (a) where an assessor advises the Disciplinary Committee on any
23 question of law as to the evidence, procedure or any matter specified in the
24 rules, he shall do so in the presence of every party or person representing a party
25 to the proceedings who appears thereat or, if the advice is tendered while the
26 Committee is deliberating in private, that every such party or Disciplinary.

27 (b) every party or person as mentioned in subparagraph (a) shall be
28 informed if, in any case, the Disciplinary Committee does not accept the advice
29 of the assessor on such a question.

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

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

4 6.-(1) The Investigating Panel may, at any of its sittings attended by
5 all its members, make standing orders with respect to the Investigating
6 Panel.

7 (2) Subject to the provisions of the standing orders, the
8 Investigating Panel may regulate its own procedure.

9 *Miscellaneous*

10 7.-(1) A person ceasing to be a member of the Disciplinary
11 Committee or the Investigating Panel shall be eligible for reappointment as a
12 member of that body.

13 (2) A person may, if otherwise eligible, be a member of both the
14 Disciplinary Committee and the Investigating Panel, but no person who
15 acted as a member of the Investigating Panel with respect to any case shall
16 act as a member of the Disciplinary Committee with respect to the case.

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

23 9. Any document authorised or required by virtue of this Act to be
24 served on the Disciplinary Committee or the Investigating Panel shall be
25 served on the Registrar appointed under section 10 of this Act.

26 10. Any expenses of the Disciplinary committee or the panel shall
27 be defrayed by the Institute.

1 THIRD SCHEDULE

2 Section 21 (3)

3 *Transitional Provision to a property, etc.*

4 1.-(1) Every agreement to which the former Institute was a party
5 immediately before the appointment day, whether in writing or not and whether
6 or not of such a nature that the rights, liabilities and obligations thereunder
7 could be assigned by the former Institute, shall, unless its terms or subject
8 matter make it impossible that it should have effect as modified in the manner
9 provided by this subparagraph, have effect from the appointed day, so far as it
10 relates to property transferred by this Act to the Institute, as if-

11 (a) the Institute had been a party to the agreement;

12 (b) for any reference (however worded and whether expressed or
13 implied) to the former Institute, they were substituted, with respect to anything
14 not done or after the appointed day, a reference to the Institute; and

15 (c) for any reference (however worded and whether expressed or
16 implied) to a member or members of the Council of the former Institute or an
17 officer of the former Institute they were substituted, with respect to anything
18 not done on or after the appointed day, a reference to members of the Council
19 under this Act or the officers of the former Institute who correspond as nearly as
20 may be to the member or officer in question of the Institute.

21 (2) The documents which refer, whether specially or generally, to the
22 former Institute shall be construed in accordance with subparagraph (1) of this
23 paragraph so far as applicable.

24 (3) Without prejudice to the generality of the provisions of this
25 Schedule, where, by the operation of any of them or of section 21 (2) of this Act,
26 any right, liability or obligation vests in the Institute and all other persons shall,
27 as from the appointed day, have the same rights as to the making or resisting of
28 legal proceedings or applications to any authority for ascertaining, perfecting
29 or enforcing that right, liability or obligation as they would have had at all times
30 being a right, liability or obligation of the Institute.

1 (4) The members of the former Institute shall, as from the appointed
2 day, be registered as members of the Institute, and without prejudice to the
3 generality of the provisions of this Schedule relating to the transfer of property,
4 any person who, immediately before the appointed day, was a member of staff
5 of the former Institute shall, on that day, become the holder of an appointment
6 with the Institute with the status, designation and functions which correspond
7 as nearly as may be to those which appertained to him in his capacity as a
8 member of staff.

9 (5) Any person who is an office-holder on, or member of the Council
10 of the Institute immediately before the appointed day and deemed under this
11 paragraph to have been appointed to any like position in the Institute, or on the
12 Council of the Institute, and thereafter otherwise than by reason of his
13 misconduct, is eligible for appointment in the Institute or to membership of the
14 Council as the case may be.

15 (6) All regulations, rules and instruments made for the purposes of the
16 Institute, and in force immediately before they are subsequently revoked or
17 amended by any authority having power in that behalf shall have effect, with
18 any necessary modifications, as if duly made for the corresponding purposes of
19 the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Human Resources and Strategic Management of Nigeria to provide for the control of its membership and promote the practice of Human Resources and Strategic Management in Nigeria.