

CHARTERED INSTITUTE OF ENVIRONMENT AND SAFETY MANAGEMENT
(ESTABLISHMENT) BILL, 2019
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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE CHARTERED INSTITUTE OF ENVIRONMENT AND SAFETY MANAGEMENT FOR THE TRAINING AND EXAMINATION OF PERSONNEL AND REGULATION OF PROFESSIONAL PRACTICE AND SERVICES IN ENVIRONMENT AND SAFETY MANAGEMENT IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Robert Aondona Tyough

[] Commencement

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

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PART I - OBJECTIVE AND APPLICATION

1. The objective of this Act is to provide for an effective legal and institutional framework for the training, examination and regulation of the practice of Environment and Safety Management in Nigeria.

Objective

2. The provisions of this Act shall apply throughout the Federal Republic of Nigeria.

Application

PART II - CHARTERED INSTITUTE OF ENVIRONMENT AND SAFETY MANAGEMENT

3.-(1) There shall be established an institute known as the Chartered Institute of Environment and Safety Management (in this Act referred to as "the Institute").

Establishment of the Chartered Institute of Environment and Safety Management

(2) The Institute shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name.

(3) This Act shall establish a bench mark subject to the provisions of the Constitution of the Federal Republic of Nigeria for the Training and Examination of Environment and Safety Management Personnel and Regulation of Professional Practices and Services in Nigeria with the provision of any law made by the National Assembly.

1 (4) Subject to the provisions of the Land Use Act, the Institute may
2 acquire, own, hold, purchase, dispose, mortgage and deal howsoever with
3 property, movable or immovable, real or personal in its corporate name.

Objects of the
Institute

4 4. The objects of the Institute shall be to:

5 (a) educate, train, examine and set standards for training in the field of
6 Environment and Safety management so as to make practitioners in the
7 industry sufficiently equipped to cope with the dynamics of the environment
8 and safety management world;

9 (b) regulate and professionalize the practice of environment and
10 safety management to make the profession attain and maintain international
11 standards;

12 (c) develop basic intermediate and advanced skills to upgrade
13 personnel in the field of environment and safety management;

14 (d) organize conferences, seminars and workshops on issues affecting
15 environment and safety management in order to devise solutions that will
16 advance the safety of humanity;

17 (e) establish safety nets to assist communities on how to be
18 sustainable and healthy in a competitive world; and

19 (f) maximize the gains of the profession to the economy of Nigeria
20 and developing a human resource base for Nigeria, Africa and the world.

Functions of
the Institute

21 5. The Institute shall:

22 (a) provide full-time and part-time courses of instruction,
23 professional, technical and specialized training in Environmental Impact
24 Assessment, environmental sustainability and protection, environmental
25 health, occupational health and safety, food and water safety, industrial
26 security, school safety management, Forestry and Agricultural safety,
27 terrestrial and atmospheric safety, emergency and disaster management, and
28 home safety;

29 (b) provide managerial and supervisory training in the environment
30 and safety management profession;

1 (c) operate as a Sector Skills Council (SSC) and Training Provider
2 for the delivery of National Vocational Qualification (NVQs) in Nigeria
3 subject to extant laws;

4 (d) cooperate with the Standard Organisation of Nigeria and
5 relevant bodies in developing, maintaining and updating international
6 certification of standard for environment and safety management and
7 related services in Nigeria;

8 (e) determine the standard of knowledge, content and skills to be
9 attained by persons seeking to become members of the environment and
10 safety profession and review the standard from time to time as
11 circumstances may permit;

12 (f) maintain a register of fellows, associates and registered
13 members entitled to practice as Environment and Safety professionals in
14 Nigeria and the publication from time to time lists of those person(s);

15 (g) cooperate with relevant bodies in developing and updating the
16 national training curriculum for all levels of personnel in the environment
17 and safety management profession by:

18 (i) organizing and facilitating staff development programmes and
19 supervisors in approved educational institutions and the environment and
20 safety industry such as study courses, conferences, lectures, workshops,
21 seminars in the industry, and

22 (ii) issuing certificates of merit and attendance to successful
23 participants in the courses and training;

24 (h) provide consultancy services in environment and safety
25 industry and accept National and International reputable consultants to the
26 Institute;

27 (i) provide training for trainers in the environment and safety
28 profession;

29 (j) in accordance with prescribed standards, monitor, coordinate
30 and regulate the activities of all Environmental Impact activities to ensure

- 1 safety of the citizenry;
- 2 (k) in accordance with prescribed standards, monitor, coordinate and
3 regulate the activities of other training schools for environment and safety in
4 Nigeria;
- 5 (k) award certificates and diplomas as appropriate;
- 6 (l) establish and maintain a library for research on environment and
7 safety and matters connected with the profession;
- 8 (m) establish and maintain a training centre on safety, exchange
9 programmes and encourage the intake of foreign students;
- 10 (n) undertake and provide for the publication of journals, research
11 papers, books and magazines on environment and safety;
- 12 (o) provide a forum at which representatives of both public and
13 organized private practitioners and proprietors of institutions in environment
14 and safety meet to exchange ideas and information on developments in the
15 environment and safety management industry;
- 16 (p) organize seminars and workshops on environment and safety for
17 the purpose of quality control;
- 18 (q) ensure that all practitioners in the environment and safety sub-
19 sectors are certified by the Institute in order to ensure a common standard;
- 20 (r) affiliate with any University or Tertiary Institution to offer
21 programmes in environment and safety;
- 22 (s) source for funds and technical assistance to carry out its functions,
23 activities and programmes as provided in this Act;
- 24 (t) in conjunction with any professional body, government or
25 organization carry out its functions, activities and programmes as provided in
26 this Act;
- 27 (u) enter into such contracts as maybe necessary and expedient for
28 carrying into effect the provisions of this Act;
- 29 (v) acquire and hold such movable and immovable property as may be
30 necessary or expedient for carrying into effect the provisions of this Act and for

1 the same purpose sell, lease, mortgage or otherwise allocate or dispose of
2 any such property;

3 (w) establish such faculties, institutes, schools, extra-mural
4 departments and other teaching and research units throughout Nigeria as
5 may from time to time be necessary subject to the approval of the Council
6 for effective education, training and administrative convenience of the
7 Institute; and

8 (x) carry out such activities as are necessary or expedient for the
9 performance of its functions under this Act.

10 6. The Institute shall have power in addition to any other powers Powers of the
11 contained in this Act to: Institute

12 (a) set conditions and standards for institutions or organization
13 offering courses in environment and safety or skill in Nigeria;

14 (b) approve programmes or courses of training for institutions or
15 organizations offering courses in environment and safety or skill in Nigeria;

16 (c) assess and grade personnel and quality of services rendered by a
17 Practitioner or Organisation;

18 (d) impose subscriptions, fees, levies, penalties and other charges
19 for services rendered to private individuals, corporate bodies, institutions,
20 organisations and groups;

21 (e) assess relevant records, documents and training
22 equipment's/materials of any institution or organisation, or environment and
23 safety practitioner to which this Act applies for the purpose of inspection or
24 investigation and grading;

25 (f) require a person in apparent control of any institution, company
26 or training school to furnish the Institute with such information on any
27 aspects of the school's operation as may appear necessary to enable the
28 Institute carry out any of its functions under this Act;

29 (g) establish and maintain subsidiaries either by itself or in
30 collaboration with other organizations, government or persons to enhance

1 the attainment of the functions of the Institute;

2 (h) regulate environment and safety personnel and services of the
3 institutions and establishments specified in the Second Schedule of this Act;
4 and do such other things as are necessary for the efficient performance of the
5 Institute.

6 (2) The Institute shall have the power to award Diplomas and
7 Certificates in accordance with the highest academic standards as may be
8 prescribed by the Council.

9 (3) For the purposes of carrying out the objects listed under section 4
10 of this Act, the Institute shall:

11 (a) institute and award fellowships, scholarships, exhibitions,
12 bursaries, medals, prizes, distinctions, awards and other forms of recognition
13 or title;

14 (b) be responsible for the discipline and welfare of members of the
15 Institute within the Public Service Rules;

16 (d) conduct examinations, award diplomas, certificates and other
17 distinctions to persons pursuing courses of studies approved and that have
18 satisfied the requirements prescribed by the Institute;

19 (e) conduct research in relevant fields of learning and other human
20 endeavours;

21 (f) determine the standard of knowledge including content and skill to
22 be attained by persons seeking to become members of the profession and
23 review such standards, from time to time;

24 (g) determine and set standards including course content for the
25 courses in Faculties of environment and safety in Nigeria;

26 (h) formulate, publish and review from time to time, the Code of
27 Conduct, Ethics and Practice of the Profession;

28 (i) erect, provide, equip and maintain libraries, laboratories, lecture
29 halls, halls of residence, refectories, sports grounds, playing fields and other
30 buildings as are necessary for the carrying out of the objects of the Institute;

1 (j) register, regulate and control the activities of all personnel
2 engaged in environment and safety management in Nigeria;

3 (k) require a mandatory certification of a minimum of 75% of all
4 persons working in the environment and safety management positions in
5 Nigeria;

6 (l) require mandatory Continuous Professional Development
7 (CPO) from entry to management level every two (2) years; and

8 (m) require all Environment and Safety Management Training
9 Schools to carryout mandatory Continuous Professional Development
10 (CDP) of its training Staff every two years;

11 (n) do such other things as are considered necessary for the
12 development, maintenance and sustenance of a prestigious professional
13 organization to rank amongst the best institutes in the world in support of the
14 attainment of the highest standard of professionalism.

15 PART III - ESTABLISHMENT OF THE GOVERNING COUNCIL OF

16 THE INSTITUTE

17 7.-(1) There shall be established for the Institute a Governing
18 Council (in this ACT referred to as "the Council") which shall initiate, Establishment of
the Governing
Council
19 approve and provide the general policy guidelines for the administration of
20 the Institute.

21 8.-(1) The Council shall perform a supervisory function over the Functions and
powers of the
Council
22 Registrar for the implementation of the Institute's functions as outlined in
23 Section 5 of this Act.

24 (2) Ensure the realisation of the Objectives of the Institute as
25 enshrined in Section 4 of this Act.

26 9.-(a) The powers of the Council are not subject to delegation. Delegation of
powers of the
Council

27 10.-(a) The remuneration of staff and agents of the Institute shall be Remuneration
28 the exclusive preserve of the Director General in consultation with the
29 registrar of the Institute; or as prescribed by any Act of the National
30 Assembly incidental or connected to wages and remunerations in Nigeria;

1 (b) The decision of the Director General shall be subject to
2 confirmation by the Council;

3 (c) remuneration of council members shall be only sitting allowances
4 during meetings.

Membership of
the Council

5 **11.**-(a) a chairman who shall be a person of proven ability and
6 integrity and a registered member of the Institute with not less than five years
7 experience in the profession of environment and safety management to be
8 elected from amongst the registered members of the Institute;

9 (b) one representative each from:

10 (i) Federal Ministry of Labour and Productivity,

11 (ii) Federal Ministry of Environment,

12 (iii) Federal Ministry of Education,

13 (iv) Federal Fire Service;

14 (v) National Emergency Management Agency,

15 (vi) Federal Road Safety Commission,

16 (vii) Federal Ministry of Health,

17 (ix) National Environmental Standards and Regulations Enforcement
18 Agency,

19 (x) United Nations Development Programme.

20 (c) three other members of the Institute with not less than 3 years
21 practical experience who shall be elected into the Board from amongst the
22 registered members of the Institute; and

23 (d) the Legal Adviser;

24 (e) the Registrar of the Institute.

Appointment
and tenure of
Members of
the Council

25 **12.**-(a) Subject to the provisions of this Act, a person appointed or
26 elected as a member of the Board shall hold office for a period of four years
27 from the date of his appointment or election and may be re-appointed or re-
28 elected for a further term of four years and no more;

29 (b) The Chairman shall hold office for a period of 2 years from the date
30 of his election and may be re-elected for a further term of 2 years and no more;

1 (c) Membership of the board shall be on part time basis.

2 PART IV - DIRECTOR-GENERAL AND OTHER STAFF OF THE INSTITUTE

3 13.-(1) There shall be for the Institute a director general who shall
4 be appointed by the Board.

Appointment,
Tenure and Duties
of Director-General

5 (2) A person shall not be appointed as the Director General, except
6 he is a person of proven ability and integrity.

7 (3) The Director General shall hold office:

8 (a) for a period of four years' subject to re-appointment on the
9 recommendation of the board for a further term of four years; and

10 (b) on such other terms and conditions as may be specified in his
11 appointment.

12 (4) The Director General shall be the chief executive officer of the
13 Institute and be responsible for the:

14 (a) day-to-day management and administration of the Institute;

15 (b) execution of the policies and programmes of the Institute;

16 (c) organisation, control and management of the affairs of the
17 Institute;

18 (d) implementation of the Institute's functions and ensuring that it
19 achieves its goals;

20 (e) direction, supervision and control of other employees of the
21 Institute;

22 (f) promotion of research within the Institute;

23 (g) maintenance of accounting records in accordance with
24 applicable laws governing statutory bodies and generally accepted
25 international best practices; and performance of such other functions and
26 duties as may be directed by the Council.

27 (5) The shall supervise the keeping and maintaining of register of
28 environment and safety management Practitioners under this Act;

29 (6) The office of the Director General shall become vacant where:

30 (a) his term of office expires;

1 (b) he resigns his appointment as Registrar by a notice in writing
2 under his hand addressed to the Chairman of Council; or

3 (c) he dies;

4 (7) The council may on the recommendation of the members remove
5 the Registrar where:

6 (a) he has been absent from the Council meetings for two consecutive
7 times without permission;

8 (b) he is incapable of carrying out his duties due to mental or physical
9 infirmity;

10 (c) he has been declared bankrupt or he makes compromise with his
11 creditors;

12 (d) he has been convicted of a felony or any offence involving fraud or
13 dishonesty;

14 (e) he is guilty of gross misconduct relating to his duties; or

15 (f) the Chairman of Council is satisfied that it is not in the interest of
16 the Council or of the public for the person to continue in office.

Appointment
and Functions
of the Registrar

17 14.-(1) The Board shall appoint a fit and proper person to be the
18 Registrar of the Institute.

19 (2) The Registrar shall:

20 (a) be the Secretary to the Board;

21 (b) prepare and maintain in accordance with rules approved by the
22 Board, a register of the names, addresses, qualifications and such other
23 particulars as may be required of all persons who are entitled in accordance
24 with the provisions of this Act to be registered as Safety Management
25 Professionals and who apply in the specified manner and have been so
26 registered;

27 (c) correct in accordance with the Board's directive any entry in the
28 Register which the Board directs him to correct as being in the Board's opinion
29 an entry which was incorrectly made;

30 (d) cause the Register to be published and put on sale to members of

1 public not later than two years from the date in which this Act comes into
2 effect and thereafter to be published and put on sale either a corrected or an
3 updated edition of the Register at no more than two year intervals;

4 (e) subject to the provisions of this section, the Institute may make
5 such other rules as may be expedient for the proper keeping of the Register
6 and the making of entries therein; and

7 (f) subject to the provision of this Act, a person who holds a
8 qualification obtained outside Nigeria and for the time being acceptable to
9 the Institute shall be eligible to be registered as a Safety Management
10 Professional.

11 15.-(1) The Institute shall with the approval of the Council appoint,
12 designate or cause to be deployed, directly or on secondment from any
13 public or private body such number and category of employees as it may
14 require to assist it in the effective discharge of its duties and functions under
15 this Act.

Other Staff of
the Institute

16 (2) The Council shall be responsible for determining the job
17 description, title, terms, qualifications and salaries, including allowances of
18 the employees of the Institute, subject to the availability of funds in the case
19 of remunerations.

20 16. The Institute may cooperate with relevant organisations and
21 authorities involved in environment and safety related issues in the
22 performance of its functions under this Act.

Co-operation with
other Bodies

23 PART V - FINANCIAL PROVISIONS

24 17.-(1) There shall be established for the Institute a fund which
25 shall consist of:

Funds of the
Institute

26 (a) all monies held immediately before the commencement of this
27 Act by the Chartered Institute of Environment and Safety Management;

28 (b) all monies raised for the Institute by way of gifts, loans,
29 endowment, grants-in-aids, testamentary disposition, bequest or other
30 voluntary contributions from philanthropic organizations or persons; where

1 the terms and conditions attached are not inconsistent with the functions of the
2 Institute;

3 (c) charges, fees and other sums collected or received for services
4 rendered by the Institute; and

5 (d) all other funds which may, from time to time, accrue to the
6 Institute;

Investment of
the Fund of the
Institute

7 18.-(1) The Institute may invest any or all monies in its fund, not
8 immediately required for its current expenditure in:

9 (a) the purchase or improvement of any land in any part of the
10 Federation; or

11 (b) any venture in Nigeria as may be approved by the board, including
12 investment in stocks quoted at the Nigerian Stock Exchange.

13 (2) In the exercise of its powers of investment of its fund under
14 subsection (1) of this section, the Institute may from time to time vary any such
15 investments in line with extant Government Regulations.

Power to accept
gifts

16 19.-(1) The Institute may accept gifts of land, money, books, vehicles,
17 equipment or other property from within or outside Nigeria upon such terms
18 and conditions, if any, as may be specified by the person or organization
19 making the gift.

20 (2) The Institute shall not accept any gift if the conditions attached by
21 the person or organization making the gift are inconsistent with the objectives
22 and functions of the Institute under this Act.

23 PART VI - REGISTRATION OF ENVIRONMENT AND SAFETY
24 MANAGEMENT PRACTITIONERS

Registration of
Environment
and Safety
Management
Practitioners

25 20.-(1) A person shall not hold any appointment or practice as
26 Environment and Safety Practitioner in Nigeria unless he is registered with the
27 Institute under the provisions of this Act.

28 (2) A registered Environment and Safety Practitioner shall be entitled
29 to practice in any part of Nigeria provided he is licensed to practice.

30 (3) Subject to the relevant provisions of this Act, a person shall be

1 entitled to be enrolled or registered as a Certified Environment and Safety
2 Practitioner where:

3 (a) he passes the qualifying examination for membership
4 conducted by the Institute and completes the prescribed practical training;

5 (b) he holds a qualification granted outside Nigeria and for the time
6 being accepted by the Institute;

7 (c) he has paid the prescribed registration fees; and

8 (d) satisfies the Council that he has had sufficient practical
9 experience as an environment and safety practitioner, if the Council so
10 requires.

11 (4) An applicant for registration shall, in addition to evidence of
12 qualification, satisfy the Institute and the Governing Council that he:

13 (a) is of good character; and

14 (b) has attained the age of twenty-one years.

15 (5) The Institute may in its sole discretion provisionally accept a
16 qualification produced in respect of an application for registration under this
17 section, or direct that the application be renewed within such period as may
18 be specified in the direction.

19 (6) Any entry directed to be made in the register under subsection
20 (3) of this section shall show that registration is provisional, and no entry so
21 made shall be converted to full registration without the written consent of
22 the Council.

23 (7) The Institute shall subject to the approval of the Council,
24 publish in the Federal Gazette particulars of qualifications for the time being
25 acceptable for registration as Environment and Safety Manager.

26 (8) As from the commencement of this Act, a Company, Firm or
27 Business outfit to operate as Environment and Safety Management outfit or
28 consultant shall have at least one of its registered Directors as a registered
29 member of the Institute.

Registration of
Provisional,
Associate,
Certified Member
or Fellow

- 1 **21.-(1)** A person admitted to membership of the profession in Nigeria
2 under the provisions of this Act may be registered as:
3 (a) a provisional member;
4 (b) associate; or
5 (c) a certified member.
6 (2) A person shall be entitled to be enrolled as a provisional member
7 where he:
8 (a) has submitted a written application in the form prescribed by the
9 Institute and has paid the prescribed registration fee;
10 (b) has completed a minimum of equivalent of Health Safety and
11 Environment (HSE) level one (1);
12 (c) has sworn to the Environment and Safety oath;
13 (d) is of good character;
14 (e) has not been convicted in Nigeria or elsewhere of any criminal
15 offence involving fraud or dishonesty; and
16 (f) meets any other requirements for registration as a provisional
17 member of the profession as may be prescribed by the Institute;
18 (3) A person shall be entitled to be registered as an associate member
19 of the profession where in addition to holding the qualifications and satisfying
20 all the conditions set out in subsection (2) of this section; he:
21 (a) has submitted a written application in the form prescribed by the
22 Institute and paid the prescribed fee for his registration;
23 (b) A minimum of equivalent of Health Safety and Environment
24 (HSE) level 1,2&3;
25 (c) meets any other requirements for registration as an associate
26 member of the profession as may be prescribed by the Institute.
27 (4) A person shall be entitled to be registered as a certified member of
28 the profession where in addition to holding the qualifications and satisfying all
29 the conditions set out in subsection (2) of this section; he:
30 (a) has submitted a written application in the form prescribed by the

1 Institute and paid the prescribed fee for his registration;

2 (b) has completed; Health Safety and Environment (HSE) level
3 one to three (HSE 1,2&3) or Environmental Impact Assessment and passed
4 all practical examinations;

5 (c) has completed the statutory continuous internship training for
6 not less than one year in an institution approved by the Institute and has
7 obtained from the approved institution a certificate of experience in that
8 regard; and

9 (d) meets any other requirements for registration as an associate
10 member of the profession as may be prescribed by the Institute.

11 (5) A person shall be entitled to be registered as a Fellow of th
12 Institute where in addition to holding the qualifications and satisfying all th
13 conditions set out in subsection (2) of this section; he:

14 (a) has submitted a written application in the form prescribed by
15 the Institute and paid the prescribed fee for his registration;

16 (b) has worked as a certified environment and safety manager for
17 not less than ten (10) years; and

18 (c) meets any other requirements for registration as a fellow of the
19 profession as may be prescribed by the Institute.

20 Or such an individual has displayed uncommon professionalism in
21 his career worthy of emulation by other environment and safety
22 practitioners and is being considered for such highest honour by the council

23 22. A Nigerian citizen who qualified as Environment and Safet
24 Manager in an approved institution outside Nigeria shall be registered unde
25 this Act; where he-

26 (a) holds a qualification in a recognized field in Environment and
27 Safety management awarded by an approved or recognized Institution
28 outside Nigeria which qualification for the time being, is acceptable to the
29 Council for the purposes of this Act;

Registration of
Nigerian citizen
who qualified
outside Nigeria

1 (b) holds a certificate of registration as a Practitioner acceptable to the
2 Council;

3 (c) has completed the statutory internship course of training and
4 obtained certificate specified in section 30 (4) (b) and (c) of this Act (where
5 applicable);

6 (d) is of good character;

7 (e) has not been convicted in Nigeria or elsewhere of any criminal
8 offence involving fraud or dishonesty;

9 (f) submits a duly completed application in writing in the prescribed
10 form and paid the prescribed fee for his registration; and

11 (g) Meets any other requirements for registration as a member of the
12 profession as may be prescribed by the Council.

Registration of
non-Nigerian
Practitioners

13 23.-(1) A person who is not a citizen of Nigeria may be registered as a
14 Practitioner under this Act where the country of which he is a citizen grants
15 reciprocal registration facilities to Nigerian citizens and where he:

16 (a) holds a requisite qualification recognized by the Institute;

17 (b) has passed the Institute's examination and such other
18 examinations as the Institute may prescribe;

19 (c) has acquired the requisite experience in accordance with section
20 30(4)(b) and (c) of this Act;

21 (d) has been resident in Nigeria for not less than one calendar months
22 immediately preceding the date of his application for registration; and

23 (e) meets all other requirements for registration as may be prescribed
24 by the Institute.

25 (2) An applicant applying for registration under this section shall in
26 addition to evidence of qualification, satisfy the Institute that he:

27 (a) is of good character;

28 (b) has not been convicted in Nigeria or elsewhere of any criminal
29 offence involving fraud or dishonesty;

1 (c) submits a duly completed application in writing in the
2 prescribed form; and

3 (d) has paid the prescribed fee for registration

4 24.-(1) Subject to the provisions of this Act, the Institute shall make
5 rules with respect to the form, contents, parts and procedures for keeping
6 and making of entries in the register of Environment and Safety
7 Practitioners under this Part.

Rules for keeping
and maintaining
Register

8 (2) The rules made pursuant to subsection (1) of this section shall in
9 particular make provision for:

10 (a) regulating the making and processing of applications for
11 enrolment of provisional members or registration of full members;

12 (b) providing for the notification to the Director General of any
13 change in those particulars by the person to whom any registered particulars
14 relates;

15 (c) providing for the procedure for the acceptance and registration
16 of additional qualification to the earlier qualification held which is in
17 relation to the profession;

18 (d) specifying the fees, including any annual subscription to be
19 paid to the Institute in respect of:

20 (i) entry of names in the register of Environment and Safety
21 Manager and

22 (ii) payment of annual practising fee;

23 (e) authorizing the Director - General to refuse to enter a name in
24 the register until any fees specified for the entry has been paid in compliance
25 with the requirements of this Act or of rules made on that behalf which are
26 for the time being in force; and

27 (f) specifying any other thing not mentioned under the foregoing
28 provisions which the Institute considers necessary or expedient.

29 25. It shall be the duty of the Institute under the supervision of the
30 Director General, to:

Correction of
entries in the
Register

1 (a) correct any entry in the register of Environment and Safety
2 Managers in accordance with the Council's directions or order of court;

3 (b) make or update, from time to time, any necessary alteration in the
4 register as may be necessary or expedient; and

5 (c) remove from the register of any registered person who is dead or
6 who has ceased to be so registered.

7 PART VII - APPROVAL OF INSTITUTIONS AND COURSE OF TRAINING

Approval of
Institutions and
course of Training

8 26.-(1) The Institute shall approve any institution for the purposes of
9 this Act, and may for those purposes approve:

10 (a) any course of training at an approved institution which is intended
11 for persons seeking to become or are already Environment and Safety
12 practitioners and which the Institute considers is designed to confer on persons
13 completing it sufficient knowledge and skill for admission to the Institute; and

14 (b) any qualification which, as a result of an examination taken in
15 conjunction with a course of training approved by the Institute under this
16 section, is granted to candidates reaching a standard at the examination
17 indicating in the opinion of the members of the Institute that the candidates
18 have sufficient knowledge and skill to practice Environment and Safety
19 Management.

20 (2) The Institute may, withdraw any approval given under this section
21 in respect of any course, qualification or institution.

22 (3) Before withdrawing an approval under subsection (1) of this
23 section, the Institute shall:

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

27 (b) afford each of such persons an opportunity of making to the
28 Institute representations with regard to the proposal; and

29 (c) take into consideration any representations made in respect of the
30 proposal.

1 (4) With respect to any period during which the approval of the
2 Institute under this section for a course, qualification or institution is
3 withdrawn, the course, qualification or institution shall not be treated as
4 approved under this section; but the withdrawal of such an approval shall not
5 prejudice the registration or eligibility for registration of any person who by
6 virtue of the approval was registered or eligible for registration, either
7 conditionally or unconditionally, immediately before the approval was
8 withdrawn.

9 (5) The giving or withdrawal of an approval under this section shall
10 have effect from such date, either before or after the execution of the
11 instrument signifying the giving or withdrawal of the approval, as the
12 Institute may specify in that instrument; and the Institute shall as soon
13 possible, publish such instrument in the Federal Gazette.

14 27.-(1) The Institute shall, from time to time, assess the nature and
15 content of instructions given to persons attending course of training by
16 Institutions approved by the Institute.

Supervision of
Institutions and
Examinations
leading to approved
qualifications

17 (2) The Institute may where necessary engage external assessor
18 and visitation panels to evaluate examinations in approved Institutions.

19 (3) A visitation panel or external assessor shall submit a report to
20 the Institute on the approved institution visited and the report shall disclose:

21 (a) the adequacy of the instructions given to persons attending the
22 course of training in the approved institution;

23 (b) the adequacy of the professional examinations; and

24 (c) any other matters relating to the institutions and examinations
25 on which the Institute may, either generally or in a particular case direct.

26 (5) The Institute may, on the receipt of a report made under this
27 section by a visitation panel or external assessors, demand for a clarification
28 from the institution visited

29 PART VIII - PROFESSIONAL DISCIPLINE

30 28.-(1) There shall be for the Profession, a tribunal to be known as

Establishment
of Disciplinary
Tribunal

1 the Environment and Safety Practitioners Disciplinary Tribunal (in this Act
2 referred to as "the Tribunal"), which shall be charged with the responsibility of
3 considering and determining any case referred to it by the Investigating Panel
4 established under section 43 of this Act and any other case of which the
5 Tribunal has cognizance under the provisions of this Act.

6 (2) The Tribunal shall consist of the Chairman, the Director General
7 of the Institute, one council member and two members from the Environment
8 and Safety Practitioners as maybe appointed by the Council.

Establishment
of an Investigating
Panel

9 29.-(1) There shall be a body, to be known as the Environment and
10 Safety Investigating Panel (in this Act referred to as "the Panel") which shall be
11 charged with the following responsibilities:

12 (a) the duty of conducting a preliminary investigation into any case
13 where it is alleged that a member has misbehaved in his capacity as a
14 Professional Environment and Safety Manager, or should for any other reason
15 be subject of proceedings before the Tribunal; and

16 (b) deciding whether the case should be referred to the Tribunal or not.

17 (2) The Panel shall be appointed by the Institute and shall consist of
18 one member of the council, two Director Carder Staff of the Institute appointed
19 by the Director General and two members of the Profession who are not
20 members of the Council with a Legal Practitioner from the Institute as
21 secretary to the penal.

22 (3) The provisions of the Third Schedule to this Act shall, as far as
23 applicable to the Tribunal and Panel, respectively; have effect with respect to
24 those bodies.

Meaning of
Professional
misconduct or
infamous conduct

25 30.-(1) For the purposes of this section, professional misconduct or
26 infamous conduct in a professional respect includes:

27 (a) the publication or circulation of false, misleading or deceptive
28 statements concerning the practice of Environment and Safety Management;

29 (b) divulging or revealing to unauthorized persons, a client or another
30 practitioner's information, or the nature of professional services rendered,

1 without the Client's express consent, or without order or direction of a court;

2 (c) engaging in conduct likely to deceive, defraud or harm the
3 Client or the public, or demonstrating a willful or careless disregard for the
4 health, welfare or safety of a Client or the public or engaging in conduct
5 which substantially departs from the standards of care ordinarily exercised
6 by a Environment and Safety Practitioner; or

7 (d) obtaining any monies by fraud, misrepresentation or deception

8 (2) Without prejudice to the provisions of subsection (1) of this
9 section, the Institute may make rules prescribing other acts or omissions
10 which shall constitute professional misconduct or infamous conduct in
11 professional respect under this Act.

12 31.-(1) Where:

13 (a) a member is adjudged by the Tribunal to be guilty of infamous
14 conduct in any professional respect;

15 (b) a member is convicted by any court in Nigeria or elsewhere
16 having power to impose imprisonment for an offence (whether or not
17 punishable with imprisonment) which in the opinion of the Tribunal is
18 incompatible with the status of a Professional Environment and Safety
19 Practitioner; or

20 (c) the Tribunal is satisfied that the name of any person has been
21 fraudulently registered; the tribunal may, if it considers fit, give a direction:

22 (i) reprimanding that person;

23 (ii) ordering the Institute to strike out his name off the register of
24 practitioners;

25 (iii) pay a fine of not less than N200,000.00 as may be specified in
26 the direction.

27 (2) The Tribunal may, if it considers fit, defer or further defer its
28 decision as to the giving of a direction under subsection (1) of this section
29 until a subsequent meeting of the tribunal provided that:

30 (a) no decision shall be deferred under this subsection for periods

Penalties for
unprofessional
conduct, etc.

1 exceeding six months in the aggregate; and

2 (b) a person shall not be a member of the tribunal for the purposes of
3 reaching a decision which has been deferred or further deferred, unless he was
4 present as a member of the tribunal when the decision to defer the tribunal's
5 decision was taken.

6 (3) When the tribunal gives a direction under subsection (1) of this
7 section, the tribunal shall cause notice of the direction to be served on the
8 person to whom it relates.

9 (4) A person to whom a direction under subsection (1) of this section
10 relates may, at any time within thirty days from the date of service on him of the
11 notice of direction, appeal against the direction to the Tribunal.

12 (5) The Tribunal shall set-up a new sitting to determine the appeal and
13 give a direction; this direction is final and cannot be appealed.

14 (6) A direction of the tribunal under subsection (1) of this section shall
15 take effect, where:

16 (a) no appeal under subsection (5) of this section is brought against
17 the direction within the time limited for such an appeal, on the expiration of that
18 time;

19 (b) an appeal under subsection (4) of this section is brought against
20 the direction, but it is withdrawn or upheld at the appeal sitting;

21 (7) A person whose name is struck out of a register kept under this Act,
22 in pursuance of a direction of the tribunal or whose name as a registered person
23 is removed or suspended from the register shall not be entitled to be re-
24 registered in that register, except in pursuance of a direction given by the
25 Tribunal.

26 **32.** For the purposes of section 30(1)(b) of this Act, a person shall not
27 be treated as convicted unless:

28 (a) as at the time the conviction is subsisting, no appeal is pending in
29 an appellate court; or

30 (b) when an appeal or further appeal is brought in connection with the

When a person
shall be treated
as convicted

1 conviction, the appellate court upheld the conviction, provided that such
2 notice of appeal is brought within sixty days after the date of conviction.

3 33. A person shall be considered to be a Environment and Safety
4 practitioner if, in consideration of remuneration received or to be received
5 and whether by himself or in partnership with any other person, he:

When a person
is deemed to be
an Environment
and Safety
Practitioner

6 (a) engages himself in activities relating to environment, disaster
7 management and safety or holds himself out to the public as a Environment
8 and Safety Practitioner;

9 (b) renders any of the services listed under section 4 of this Act or
10 any professional service or assistance in or about matters of principle or
11 detail relating Environment and Safety; or

12 (c) renders any other service which may, by regulations made by
13 the Institute, be designated as service constituting practice as a Environment
14 and Safety Practitioner.

15 34. Criminal proceedings shall not oust the jurisdiction of the
16 Disciplinary Tribunal from determining any case of misconduct or infamous
17 conduct in a professional respect.

The jurisdiction
of the Disciplinary
Tribunal

18 PART IX - OFFENCES AND PENALTIES

19 35.-(1) Any Environment and Safety institution or establishment
20 that has not acquired the requisite mandatory training of personnel commit
21 an offence under this Act.

Mandatory Training
of Personnel,
continuous
professional
development
certification

22 (2) Any institution that fails to comply with the continuous
23 professional development of its training staff required by the Act, commit
24 an offence under this Act.

25 (3) Any enterprise or institution that fails to carry out mandatory
26 certification as required under the provision of the Act, commits an offence
27 under this Act.

28 *Offence*

29 (4) An institution or establishment convicted of an offence under
30 this Act is liable on:

1 (a) Conviction in the case of subsection (1) of this section, to a fine of
2 not less than 100,000.00;

3 (b) Conviction in the case of subsection (2) of this section, to a fine of
4 not less than 30,000.00;

5 (c) Conviction in the case of subsection (3) of this section, to a fine of
6 not less than 100,000.00; or (until the mandatory training certification level has
7 been achieved) or both.

Power to enter
premises and
penalty for
obstruction

8 **36.-(1)** An officer of the Institute or its appointed agent may in the
9 course of his duty, at any reasonable notice and on the production of his
10 certificate of designation if so required, enter the premises, office of any of the
11 establishments mentioned under the Second Schedule to this Act for the
12 purposes of supervision, standardization and compliance with professional
13 ethics to ensure enhanced service delivery in the environment and safety
14 industry.

15 (2) Any person who assaults or obstructs an officer of the Institute or
16 the appointed agent of the Institute in the performance of his duties under this
17 Act commits an offence and is liable on conviction:

18 (a) in the case of an individual a fine of not less than N50,000.00 or to
19 imprisonment for a term not exceeding one year or to both; and

20 (b) in the case of a body corporate, to a fine of not less than
21 N100,000.00.

General offences,
penalties and
legal proceedings

22 **37.-(1)** Any person who knowingly makes a false statement for the
23 purpose of procuring enrolment, registration or admission to the Institute,
24 commits an offence.

25 (2) A person who is not a registered Environment and Safety
26 Practitioner under this Act, but practices as such or holds himself out as being
27 so registered and entitled to practice in that capacity whether for reward or not,
28 or takes or uses any name, title, addition or description implying that he is so
29 registered and authorized by law to so practice, commits an offence under this
30 Act.

1 (3) A person convicted of any offence under this section is liable
2 on:

3 (a) conviction in the case of subsection (1) of this section, to a fine
4 of not less than N50,000.00 or to a term of imprisonment not exceeding one
5 year or to both; or

6 (b) conviction in the case of subsection (2) of this section, to a fine
7 of not less than N100,000.00 or to a term of imprisonment not exceeding two
8 years, or to both.

9 (4) A body corporate that violates the provisions of this section
10 commits an offence and is liable on:

11 (a) conviction in the case of subsection (1) of this section, to a fine
12 of not less than N1,000,000.00 and the directors or principal officers of the
13 body corporate shall be liable to a fine of not less than N200,000.00 or to a
14 term of imprisonment not exceeding one year or to both; or

15 (b) conviction in the case of subsection (2) of this section, to a fine
16 of not less than N2,000,000.00 and the directors or principal officers of the
17 body corporate shall be liable to a fine of not less than N500,000.00 or to a
18 term of imprisonment not exceeding two years or to both.

19 (5) Where any employer fails, neglects or refuses to furnish the
20 required returns under this Act, the Director - General of the Institute or any
21 staff authorized on his behalf shall assess the appropriate contribution,
22 payment or levy, the employer shall pay to the Institute.

23 (6) Where an offence under this Act which has been committed by a
24 body corporate is proved to have been committed with the consent,
25 connivance or collusion of or to be attributable to any neglect on the part of a
26 director, manager, secretary or any other similar officer of the body
27 corporate or any person who was purporting to act in any such capacity, he,
28 as well as the body corporate shall be guilty of that offence and shall be liable
29 to be proceeded against and punished accordingly in like manner as if he had
30 himself committed the offence, unless he proves that the act or omission

1 constituting the offence took place without his knowledge, consent or
2 connivance.

3 (7) Any person who contravenes any provisions of this Act for which
4 no specific penalty was provided, commits an offence and, shall be liable on
5 conviction to a fine not exceeding N100,000.00 or imprisonment for a term not
6 exceeding one year or to both fine and imprisonment.

7 (8) Subject to section 174 of the Constitution of the Federal Republic
8 of Nigeria 1999, as amended (which relates to the power of the Attorney
9 General of the Federation to Institute, continue or discontinue criminal
10 proceedings), any employee of the Institute authorised in that behalf by the
11 Council and who is a legal practitioner may before any Court of competent
12 jurisdiction conduct or defend any complaint or other proceedings arising
13 under this Act.

Arrest and
Investigation and
prosecution of
criminal cases

14 38. Subject to the provisions of the Constitution of the Federal
15 Republic of Nigeria, 1999 (as amended) and the Administration of Criminal
16 Justice Act, 2015, the Nigerian Police or other relevant law enforcement
17 agencies shall have power under this Act to arrest and investigate cases under
18 this Act.

19 PART X

Regulations, Rules
and Guidelines

20 39.-(1) The Institute may, with the approval of the council, make
21 regulations, rules and guidelines as may be required to give effect to the
22 provisions of this Act.

23 (2) The contravention of any regulations, rules or guidelines issued
24 pursuant to any of the provisions of this Act shall constitute an offence and shall
25 be punishable as prescribed in the particular regulations, rules or guidelines.

The seal of the
Institute

26 40.-(1) The seal of the Institute and the fixing of the seal of the
27 Institute shall be signed by the Director - General or any other official of the
28 Institute as may be authorised by the Director General.

29 (2) Academic Certificates issued by the Institute shall have the seal of
30 the Institute fixed and signed by the Director - General or any other official of

1 the Institute as may be authorised by the Director General.

2 41. The Council shall meet at least two times in each year.

Meeting of the
Council

3 42.-(1) Any lawful act done or purported to have been done by the
4 Chartered Institute of Environment and Safety Management existing
5 immediately before the commencement of this Act (in this Act referred to as
6 the "executing agency") is hereby validated under this Act.

Transitional
Provisions

7 (2) Any act lawfully done or purported to have been done by any
8 person however designated or appointed before the commencement of this
9 Act for and on behalf of the Institute, including the acquisition of landed
10 properties or erection of buildings, rentals, supervision or control of the
11 Institute hereby established, is hereby validated.

12 (3) Any agreement to which the executing agency under this Act
13 was a party, whether or not made in writing and whether or not of such a
14 nature that the rights, liabilities and obligations under the agreement may be
15 assigned by the executing agency shall, unless its terms or subject matter
16 make it impossible that it should, have effect so far as it relates to property as
17 if the Institute was a party to the agreement and:

18 (a) reference (however worded and whether express or implied) to
19 the executing agency, in respect of anything failed to be done shall be a
20 reference to the Institute; and

21 (b) any document which refers, whether specifically or generally,
22 to the executing agency shall be construed as referring to the Institute.

23 (4) Without prejudice to the generality of the provisions of this
24 section, any right, liability or obligation which the executing agency had
25 before the commencement of this Act shall vest in the Institute.

26 (5) Any application, liability or obligation, legal proceedings or
27 enforcement of rights pending against the executing agency may be
28 continued against the Institute established under this Act.

29 (6) Notwithstanding the provisions of subsections (1) to (5) of this
30 section:

1 (a) existing regulations or rules made or guidelines issued by the
2 executing Agency before the commencement of this Act shall be deemed to
3 have been made or issued pursuant to the relevant sections of this Act;

4 (b) any register kept by the executing Agency shall be deemed to be
5 part of the register kept under this Act;

6 (c) any direction, orders and appointments lawfully given, made or
7 other acts done by the executing Agency and in force immediately before the
8 commencement of this Act, shall be deemed to have been given, made or done
9 under this Act and shall have effect accordingly; and

10 (d) all property held by or on behalf of the executing Agency
11 immediately before the commencement of this Act, shall on the
12 commencement of this Act be deemed to have been vested in the Institute
13 without further assurance.

14 (7) Subject to the provisions of this Act, the Director - General of the
15 executing Agency is deemed to have been transferred to the Institute
16 established under this Act under the same conditions as Director - General.

17 (8) Any person who immediately before the commencement of this
18 Act held appointment as an employee of the Institute shall on the
19 commencement of this Act be deemed to have been appointed under this Act
20 for purposes of pension.

21 (9) As from the commencement of this Act, any disciplinary
22 proceedings pending or existing against any employee of the executing
23 Agency shall be continued and completed by the Institute established under
24 this Act.

Interpretation

25 **43.** In this Act, unless the context otherwise requires:
26 "Academic staff" means a member of staff of the Institute whose sole and
27 primary responsibility is teaching, research and assessment of students;
28 "Academic year" means semesters covered by a period of not more than twelve
29 calendar months within which students must complete a level of study;
30 "Administrative staff" means those persons in the employment of the Institute

- 1 other than academic staff who hold administrative, professional or technical
2 posts;
- 3 "Alumni Association" means any association recognised by the Institute as
4 being representative of graduates or former students of the Institute;
- 5 "Chairman" means the Chairman of the Council;
- 6 "Council" means the Governing Council of the Institute established under
7 Section 7 of this Act;
- 8 "Director-General" means the Director-General of the Institute and charged
9 with the day to day running of the Institute;
- 10 "enrolled" in relation to a member registered under this Act;
- 11 "executing agency" means the Chartered Institute of Environment and
12 Safety Management established that existed immediately before the
13 commencement of this Act;
- 14 "fees" includes annual subscription;
- 15 "functions" includes powers and duties;
- 16 "Graduate" means a person on whom a certificate other than an honorary
17 certificate has been conferred to by the Institute;
- 18 "Grading" means the assessment of Environment and Safety professional
19 characteristics based on knowledge, skills and quality of services provided.
- 20 "Environment" means the surroundings and conditions in which a company/
21 or individual operates or which it may affect, including living systems
22 (human and other) therein;
- 23 "Safety" means the condition of being protected against physical, chemical,
24 mechanical and organic hazard;
- 25 "Institute" means the Chartered Institute of Environment and Safety
26 Management established under this Act;
- 27 "Establishment or Enterprise" means the activities enumerated under the
28 second schedule of this Act;
- 29 "Minister" means the Minister charged with the responsibility for matters
30 relating to Environment and safety;

1 "multi campus system" means the Institute campuses established in any part of
2 Nigeria and the Federal Capital Territory, Abuja;
3 "Officer" means a staff of senior rank of the Institute;
4 "Register" means the register of Environment and Safety Managers
5 maintained under this Act;
6 "Tribunal" means the Environment and Safety Managers Disciplinary Tribunal
7 established under this Act.

Short title 8 43. This Bill may be cited as the Chartered Institute of Environment
9 and Safety Management Bill, 2019.

10 SCHEDULES

11 FIRST SCHEDULE

12 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

13 *Proceedings of the Council*

14 1. Subject to this Act and section 27 of the Interpretation Act, the
15 Council shall have power to regulate its proceedings and those of its
16 committees, notices to be given, the keeping of minutes of its proceedings, the
17 custody and production for inspection of such minutes and such other matters
18 as the Council may, from time to time determine.

19 2. There shall be at least two (2) ordinary meeting of the Council in
20 each year and subject thereto, the Council shall meet whenever it is convened
21 by the Director General, and if the Chairman makes a request to do so by notice
22 given to Director General.

23 3. Every meeting of the Council shall be presided over by the
24 Chairman and if the Chairman is unable to attend a particular meeting, the
25 Chairman may nominate any of the members present to preside at the meeting.

26 4. The minutes of the Council shall be recorded by the Secretary and
27 signed by the Chairman or the person who presided at the meeting, after
28 confirmation by the Council.

29 5. A quorum at a meeting of the Council shall be one-third of the total
30 number of members.

1 *Convening of Meetings of the Council*

2 6. The Director General shall, at any time, if five other members
3 request in writing, convene an emergency meeting of the Council, provided
4 that not less than 48 hours' notice is given to members for the meeting.

5 7. The Council shall meet for the conduct of its business at such
6 places and on such days as the Director General may appoint.

7 8. A question put before the Council at a meeting shall be decided
8 by consensus and where this is not possible, by a majority of the votes of the
9 members present and voting.

10 9. The Chairman shall, in the case of an equality of votes, have a
11 casting vote in addition to his deliberative vote.

12 10. Where the Council seeks the advice of any person on a
13 particular matter, the Council may invite that person to attend for such
14 period as it deems fit, but a person who is invited by virtue of this paragraph
15 shall not be entitled to vote at any meeting of the Council and shall not count
16 towards the quorum.

17 *Committees*

18 11. The Council may appoint one or more committees to carry out
19 on behalf of the Council such of its functions as the Council may determine
20 and report on any matter with which the Council is concerned subject to
21 budgetary funding.

22 12. A committee appointed under paragraph 11 of this Schedule
23 shall be presided over by a member of the Council and shall consist of such
24 number of persons (not necessarily all members of the Council) as, may be
25 determined by the Council, and a person other than a member of the Council
26 shall hold office on the committee in accordance with the terms of his
27 appointment.

28 13. A person who is not a member of the Council shall hold office
29 on the committee in accordance with his letter of appointment.

30 14. A decision of a committee of the Council shall be of no effect

1 until it is confirmed by the Council resolution.

2 *Seal of the Institute*

3 15. The application of the common seal of the Institute shall be
4 authenticated by the signature of the Director General on behalf of the Institute
5 or any official of the Institute authorized by the Director General in writing to
6 do so.

7 16. A contract or an instrument which, if made or executed by any
8 person not being a body corporate, would not be required to be under seal, may
9 be made or executed on behalf of the Institute by the Director General or by any
10 person generally or specifically authorized to act for that purpose by the
11 Director General

12 17. A document purporting to be a contract, an instrument or other
13 document signed or sealed on behalf of the Institute shall be received in
14 evidence and, unless the contrary is proved, be presumed without further proof,
15 to have been properly signed or sealed.

16 *Miscellaneous*

17 18. The validity of any proceeding of the Council or its committees
18 shall not be affected by:

- 19 (a) any vacancy in the membership of the Council or its committees;
20 (b) reason that a person not entitled to do so took part in the
21 proceedings; or
22 (c) any defect in the appointment of a member.

23 19. Any member of the Council or committee who has a personal
24 interest in any arrangement entered into or proposed to be considered by the
25 Council or any committee shall:

- 26 (a) disclose his interest to the Council or committee; and
27 (b) not vote on any question relating to the arrangement.

28 20. A resolution of the Council is valid, even though it is not passed at
29 a meeting of the Council, if:

- 30 (a) the notice in writing of the proposed resolution was given to each

- 1 member; and .
2 (b) the resolution is signed or assented to by a majority of members
3 of the Council, including the Director General.

4 SECOND SCHEDULE

5 PROVISIONS RELATING TO REGULATED ENVIRONMENT AND SAFETY

6 ACTIVITIES AND SERVICES

7 (1) Enterprises:

8 Any organization that has up to ten (10) staff must have an environment and
9 safety professional among the staff. However, the following set of
10 enterprises must have an environment and safety professional irrespective
11 of the number of staff there in:

- 12 (i) Food and beverages;
13 (ii) Water treatment and related organizations;
14 (iii) Waste Management companies;
15 (iv) Security outfits;
16 (v) Recreational companies;
17 (vi) Oil and gas industries;
18 (vii) Health and spa resorts;
19 (viii) Transport (air, land and water) and logistics companies;
20 (ix) Manufacturing companies;
21 (x) Construction companies;
22 (xi) Schools;
23 (xii) Environment and Safety organizations.

24 (2) Ministries of Environment:

- 25 (i) Labour;
26 (ii) Transport;
27 (iii) Disaster management;
28 (iv) Mines and steel;
29 (v) Agriculture and Natural Resources;
30 (vi) Water resources;

1 (vii) Interior.

2 (3) Paramilitary.

3 THIRD SCHEDULE

4 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL
5 AND INVESTIGATING PANEL

6 *The Tribunal*

7 1. The quorum of the Tribunal shall be three of whom at least one
8 shall be a certified Environment and Safety Practitioner.

9 2. The Council shall make rules for the purposes of any proceedings
10 and as to the procedure to be followed.

11 3. The rules made pursuant to Paragraph 2 of this Schedule shall in
12 particular provide for:

13 (a) securing that notice of the proceedings shall be given, at such time
14 and in such manner as may be specified by the rules, to the person who is the
15 subject of the proceedings;

16 (b) determining who in addition to the person aforesaid, shall be a
17 party to the proceedings;

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

20 (d) publishing in the Federal Gazette notice of any direction of the
21 Tribunal which has taken effect providing that a person's name shall be struck
22 off a register.

23 *The Panel*

24 4. The quorum of the Panel shall be three.

25 5. The Panel may, at any meeting of the Panel attended by all the
26 members of the Panel, make standing orders with respect to the Panel.

27 6. Subject to the provisions of any such standing orders, the Panel
28 may regulate its own procedure.

29 *Miscellaneous*

30 7. A person ceasing to be member of the Tribunal or the Panel shall be

1 eligible for reappointment as a member of that body.

2 8. A person may, if otherwise eligible, be a member of both the
3 Tribunal and the Panel; but no person who acted as a member of the Panel
4 with respect to any case shall act as a member of the Tribunal with respect to
5 that case.

6 9. The Tribunal or the Panel may act notwithstanding any vacancy
7 in its membership; and the proceedings of either body shall not be
8 invalidated by any irregularity in the appointment of a member of that body,
9 or (subject to paragraph 6 (b) of this Schedule) by reason of the fact that any
10 person who was not entitled to do so took part in the proceedings of that
11 body.

12 10. Any expenses of the Tribunal or the Panel shall be defrayed by
13 the Institute.

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the above Act but is intended
to explain its purport)*

This Bill seeks to establish the Chartered Institute of Environment and Safety Management charged with the duty, amongst others, of regulating and controlling the training, basic skills development, registration and practice of Environment and Safety Practitioners and to provide an effective legal and institutional framework for the training and regulation of the practice of environment and safety in Nigeria to ensure improved and quality service delivery.

