



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**NIGERIAN INSTITUTE OF CHARTERED FORESTERS
(ESTABLISHMENT) BILL, 2022
(HB. 801)**

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN INSTITUTE OF CHARTERED FORESTERS AND; FOR
RELATED MATTERS, 2022

FIRST READING

TUESDAY, 7TH DECEMBER, 2021

SECOND READING

TUESDAY, 15TH FEBRUARY, 2022

THIRD READING AND PASSAGE

TUESDAY, 15TH FEBRUARY, 2022

NIGERIAN INSTITUTE OF CHARTERED FORESTERS (ESTABLISHMENT) BILL, 2022



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A BILL FOR

AN ACT TO ESTABLISH THE NIGERIAN INSTITUTE OF CHARTERED FORESTERS AND; FOR RELATED MATTERS, 2022
(HB. 801)

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Commencement

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

PART I — ESTABLISHMENT OF THE INSTITUTE OF CHARTERED FORESTERS

1. (1) There shall be established a body to be known as the Nigerian Institute of Chartered Foresters (in this Bill referred to as "the Institute").

Establishment of the Institute of Chartered Foresters.

(2) The Institute:

(a) shall be a body corporate with perpetual succession and a common seal which shall be kept in such custody as the Council may from time to time authorize;

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

(c) shall have power to own, hold and dispose of property whether movable or immovable.

2. The functions of the Institute are:

Functions of the Institute.

(a) determining who chartered Foresters are for the purposes of this Bill;

(b) determining the standards of knowledge and skill required to become a member of the forestry profession and raising those standards from time to time as deemed appropriate for registration of individuals seeking to become registered as Members, Associates or Fellows of the Institute;

(c) securing in accordance with the provisions of this Bill the establishment and maintenance of registers of individuals entitled to practice as foresters and the publication from time to time the lists of those individuals; and

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

3. The Institute shall powers to:

Powers of the Institute.

(a) establish such offices, departments, units and branches of the Institute as may be required for the proper administration and operation of the Institute;

(b) subject to such terms and conditions as the Institute may approve, engage staff;

(c) establish necessary organization for the proper and efficient conduct of the affairs of the Institute;

(d) provide staff regulations for all staff of the Institute and provide pension and welfare schemes for the staff; and do such other acts and things as may be necessary for the performance of the functions of the Institute.

4. (1) There is established for the Institute the Chartered Foresters Council (in this Bill referred to as the "Council").

Council of the Institute and membership.

(2) The Council shall comprise of eleven (11) members, all of whom shall be Fellows or Chartered Foresters in the manner outlined below:

(a) the President;

(b) the Vice - president;

(c) the Registrar;

(d) two representatives nominated by the Minister of Environment (in this Bill referred to as the Minister);

(e) the National Secretary of the Forestry Association of Nigeria (in this Bill referred to as the Association);

(f) Director General of Forestry Research Institute of Nigeria or his/her representative;

(g) four individuals elected by the Council of Forestry Association of Nigeria (in this Bill referred to as the Council of the Association) alongside the President, Vice President and Registrar.

5. The President, the Vice - President, Registrar and other members of the Council mentioned in section 4 (2) (g) of this Bill shall be elected by the Council of the Association, at an annual general meeting of the Association.

President of the Institute.

6. (1) The term of office of a member of the Council shall be two (2) years from the date of election but such member may, at the end of that term, be eligible for re-election, for one more term only.

Tenure of office.

(2) The President shall be Chairman at all meetings of the Council while the Vice President shall hold the position of Vice Chairman.

(3) Where the President is unavailable, due to death, incapacity or removal, the Vice President shall act in his stead for the unexpired portion of the term.

(4) If the President or Vice President ceases to be a member of the Institute he shall also cease to hold any of the offices designated under this section.

(5) The office of a member of the Council shall become vacant if the member:

(a) resigns from office, by a written notice to the Council;

(b) is removed from office by the Council, by reason of professional misconduct or physical or mental infirmity; or

(c) without leave of Council, absents from 3 consecutive meetings of the Council.

(6) The provisions of the First schedule of this Bill shall have effect with respect to the qualification and tenure of office of members of the Council and other matters related therewith.

7. The functions of the Council shall be to:

Functions of the Council.

- (a) govern the affairs of the Institute;
- (b) effect proper administration and management of the Institute;
- (c) implement policy directions as conveyed from the Council of the Association;
- (d) make regulations that provide for the increase or reduction of the Council's membership and make such amendments to section 4(2) as the Council considers expedient;
- (e) appoint such officers and other employees as it may deem necessary to complement the functions of the Registrar in operating the Institute;
- (f) undertake other activities as the Council may consider necessary in fulfillment of its functions and as directed by the Council of the Association.

8. (1) The Council shall establish and maintain a fund (in this Bill referred to as "the fund") which shall comprise:

Fund of the Institute.

- (a) contributions, levies, subscriptions, fees and other dues paid by the members of the Institute;
- (b) revenue accruing to the Institute from investments, activities and services;
- (c) grants, endowments and donations from Governments, Agencies, Organizations, benefactors and other donors; and
- (d) revenue accruing to the Institute from any other source approved by the Council.

(2) The management and control of the fund shall be solely handled by the Council in accordance to this Bill and as determined by policy directions of the Association.

9. The funds of the Institute shall be paid into an account in a reputable bank approved by the Council and no instrument for the withdrawal of any money from that account shall be valid unless it is authenticated by the signatures of the President and the Registrar or by the signatures of such officers of the Institute as may from time to time be approved by the Council.

Bank account.

10. The Institute may apply the proceeds of the Fund for:

Expenditure.

- (a) the cost of administration of the Council;

- (b) the payment of salaries of employees of the Council;
- (c) fees and other remuneration for experts or professionals appointed by the Council;
- (d) maintenance of any property acquired by or vested in the Council;
- (e) any other expenditure of the Institute connected with its functions under this Bill, as approved by the Council.

11. The Institute may, from time to time, subject to such terms and conditions as the Council may approve, invest any part of its funds in any Government or Government approved security and may at any time dispose of such securities. Power to invest.

12. The Institute may from time to time, subject to such terms and conditions as the Council may approve, borrow such money as the Council may require for carrying out any of the functions or the powers of the Institute: Power to borrow.

Provided that all interests payable on the amount borrowed are paid out of the Institute's funds.

13. (1) The Institute shall keep and maintain proper accounts of its income and expenditure and shall, by the 30th day of September of each year, submit such accounts to be audited by any auditor approved by the Accountant - General of the Federation. Account of the Institute.

(2) The audited accounts of the Institute and the auditor's report shall, not later than the 31st day of December of each year, be submitted by the Institute, or the Council to the Association at the next general meeting.

14. (1) The Council of the Association shall appoint a fit and proper individual to be the Registrar of the Institute and such other individuals that may assist the Registrar in the fulfillment of his/her duties as prescribed by the Bill. Appointment and functions of the Registrar.

(2) It shall be the duty of the Registrar to:

- (a) be the Secretary to the Council;
- (b) prepare and maintain in accordance with the rules of the Council, a register of members comprising, the names, addresses, approved qualifications and such other particulars as prescribed by the act;
- (c) keep custody of the register of the Institute and make such entries in the register as the Council may, from time to time by resolution, direct in respect to:
 - (i) Fellows;
 - (ii) Chartered Members;
 - (iii) Associates;

(iv) registered students and members;

(d) keep custody of the Common Seal of the Institute and affix same to such documents as the Council may direct; and

(e) carry out other duties as the Council or the President may from time to time direct.

PART II — REGISTRAR AND REGISTRATION

15. (1) The Registrar shall maintain a "Register of Members" for the following category of Members:

Register of members.

(a) Fellows;

(b) Chartered Members;

(c) Associates; or

(d) Ordinary Members and Student Members.

(2) Subject to the following provisions of this section, the Council shall make rules with respect to the form and keeping of the Registers and the making of entries therein, and in particular —

(a) regulating applications for enrolment or registration inclusive of evidence of the requisite supporting documents;

(b) providing for the notification of the Registrar, any changes in an individual's particulars;

(c) authorizing a registered member to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Bill, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;

(d) specifying the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register, and authorizing the Registrar to refuse to enter a name on the register until the specified fee for entry has been paid;

(e) ensuring that rules made for the purposes of (d) are not implemented until they are confirmed at a special meeting of the Institute convened for that purpose or at the next Annual General meeting of the Association's Council.

(3) It shall be the duty of the Registrar:

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

(b) to make from time to time any necessary alterations, in the particulars of registered individuals;

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

(d) to record the names of Members of the Institute that are in default for non-payment of annual subscription, four months after the end of the financial year and to take such requisite action as the Council may direct;

(e) to remove, subject to the Council's direction, names of members in default under subsection (d) above;

(f) to remove from the appropriate Register, any individual who, after due inquiry, is adjudged by the Council to have been guilty in his professional capacity of infamous conduct, gross negligence or incompetence; or

(g) remove from the appropriate register, any individual who is convicted of any criminal offence which, in the opinion of the Council, renders him unfit to practice.

(4) In maintaining the Register of Members, the Registrar:

(a) shall periodically, send by post to any registered person, a registered letter, addressed to him at his address on the Register, enquiring whether the registered particulars relating to him, are correct; if a response is received, the particulars shall be duly noted and updated but if no reply is received within the period of six months from the date of posting it, action will be taken as outlined in (i) below;

(b) upon the expiration of the period specified in (a) above, send a reminder and if he receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating to the individual;

(c) upon appeal by the affected Member, shall seek the directive of the Council on the matter and if so directed by the Council, the Registrar shall restore to the appropriate part of the register, the particulars so removed.

(5) It shall be the duty of the Registrar:

(a) to cause the Register to be printed, published and put on sale to Members of the public not later than two years from the beginning of the year in which the subsection comes into force;

(b) in each year after the first publication of the register under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the Register or a list of alterations made to the register since it was last printed;

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Institute; and

(d) to keep the updated register and lists so deposited, available at all reasonable times for

inspection by Members of the public.

(6) A document purporting to be a print of an edition of the Register published under this section by authority of the Registrar, or documents purporting to be prints of an edition of the Register so published, and of a list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any individual specified in the document, or the documents read together, as being fully or provisionally registered, was so registered at the date of the edition or of the list of corrections, as the case may be, and that any individual not so specified was not so registered.

(7) Where in accordance with subsection (6) of this section an individual is, in any proceedings, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so registered.

16. (1) The Institute shall confer the status of Fellow on an individual, if:

Eligibility of
members as
fellows.

(a) he has been a chartered Forester for at least five years preceding the date of application;

(b) he is a holder of the approved academic qualifications; and

(c) has been in continuous practice on his own as a Chartered Forester or is in partnership with other Chartered Forester.

(2) In same vein, an individual shall be conferred the status of Fellow of the Institute if:

(a) he has been a Chartered Forester for a period of not less than ten (10) years immediately preceding the date of application of such enrolment. Provided that the period of membership of the Association shall also count as a qualifying factor in this regard;

(b) he has been enrolled as a Chartered Forester, or qualified to be so enrolled; and

(c) has made substantial contribution to enhance the forestry profession.

(3) The first Fellows of the Institute shall only be enrolled after commencement of this Bill, if they:

(a) made an application in writing supported by a curriculum vitae submitted to the Institute upon commencement of the Bill;

(b) are enrolled and recognized as Chartered Foresters; and

(c) have been duly recognized by the Institute as consistent and committed members for the period of two years.

17. (1) The Institute shall confer the status of Chartered Member to an individual if he possesses any of the following qualifications:

Chartered
members.

(a) a forestry or forestry allied degree (Bachelors, Masters or Doctorate) from a University duly accredited by the Institute;

(b) a postgraduate diploma in forestry or forestry allied diploma from an Institution duly accredited by the Institute.

(2) An applicant with either qualification shall —

(a) submit details of his work in forestry in a log book endorsed by a Chartered Forester;

(b) pass the competence examination and or professional interview conducted by the Council; and

(c) must have been actively engaged in the forestry profession for a period of at least five years under this Bill; provided that section 16 and 17 of this section shall not be operative until two years after the commencement of this Bill.

18. The Institute shall confer on an individual the status of an Associate Member if he:

Associates.

(a) possesses a Higher National Diploma in Forestry or its equivalent from an Institution accredited by the Institute;

(b) submit details of his work in forestry in a log book endorsed by a Chartered Forester; and

(c) pass the professional interview conducted by the Council.

19. (1) The Institute shall confer the status of a Member on any fit individual if he has duly satisfied the Council's entry qualification for that position;

Ordinary and student members.

(2) The Institute shall confer the status of a Student Member on any fit individual if he has duly satisfied the Council's entry qualification for that position.

20. (1) Where an individual is enrolled or registered in the Institute, he shall be entitled to the use of such letter after his name as may be authorized by the Council, dependent on the status of his Membership as a Fellow, Chartered Forester, Associate/Registered Member or Student Member;

Titles to be used by registered members.

(2) In furtherance of subsection (1) above, the Registrar may issue the appropriate certificate to a Member upon approval of the Council.

21. (1) Subject to section 23 of this Act and to rules made under section 15 of this Bill an individual registered as a Member shall be entitled to entry of his qualification in the register as a Forester and may so apply if:

Registration of members.

(a) he possesses the required qualifications prescribed for the status in any Institution duly accredited for that purpose by the institute, and completes the practical training prescribed; or

(b) he holds the equivalent qualification granted outside Nigeria and for the time being accepted by the Institute and, if the Council so requires, satisfies the Council that he has had sufficient practical experience as a Forester.

(2) An applicant for registration under subsection (1) of this section shall, if so by the Council, in addition to evidence of qualification, satisfy the Council:

(a) that he has attained the age of twenty-one years;

(b) that he is of good character; and

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

(3) Any person not a member of the Institute who, but for this Bill, would have been qualified to apply for and obtain membership of an approved Institute outside Nigeria may within the period of three months beginning from the commencement of this Bill, apply for membership of the Institute in such manner as may be prescribed by rules made by the Council; and if approved, he shall be enrolled or registered, as the case maybe, according to his qualifications.

(4) The Council may in its sole discretion provisionally accept a qualification produced in respect of an application for registration under this section, or direct that an entry be made in the Register accordingly, or where applicable direct that the application be renewed within such period as may be specified in the direction.

(5) Any entry directed to be made in the Register under subsection (3) of this section shall show that registration is provisional, and no entry so made shall be converted to full registration without the consent of the Council signified in writing.

22. (1) The Council may approve for the purposes of this Bill:

(a) any course of training at an approved Institution, which is intended for Individuals who are seeking to become or are already Foresters and which the Council considers designed to confer on individuals completing it sufficient knowledge and skill for admission to a membership status in the Institute;

(b) any Institution either in Nigeria, or elsewhere, which the Council considers is properly organized and equipped for conducting the whole or any part of a course of training, approved by the Council under this section;

(c) any qualification which, as a result of an examination taken in conjunction with the course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practice as Foresters;

Approval of
courses,
qualifications
and institutions.

(2) The Council shall from time to time publish in the Federal Gazette, particulars of qualifications in the forestry profession for the time being accepted and approved by the Council of the Association;

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

(a) give notice that it proposes to do so to individuals in Nigeria appearing to the Council to be an individual by whom the course is conducted or the qualification is granted or the Institution

is controlled; and

(b) afford each individual an opportunity to make representations to the Council with regard to the proposal; and

(c) take due consideration of any representations made in respect of (b) above.

(4) With regard to any period during which the approval of the Council under this section for a course, qualification or Institution is withdrawn, the course, qualification or Institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration before the approval was withdrawn.

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

(a) as soon as practicable, publish a copy of every such instrument in the Federal Gazette; and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Honourable Minister of Environment.

PART III — PROFESSIONAL DISCIPLINE

23. In this part, professional misconduct means any conduct considered by the Council to be unprofessional and which includes all acts of professional indiscipline, unjust enrichment, abuse of office and other forms of corrupt practices.

Definition of professional misconduct.

24. (1) There is established for the Institute, a Tribunal to be known as the Nigerian Institute of Chartered Foresters Disciplinary Tribunal (in this Bill hereafter referred to as 'the Tribunal).

Tribunal.

(2) The Tribunal shall be charged with the duty of considering and determining all cases of professional misconduct against any Forester in the discharge of official duties as a Chartered Forester.

(3) The Tribunal shall consist of the Chairman of the Council and six other members appointed by the Council, two of whom shall be Chartered Foresters but non Council members who are knowledgeable about the matter under investigation.

25. (1) There shall be a body, to be known as the Investigating Panel of the Institute (in this Bill hereafter referred to as "the Panel").

Investigating panel.

(2) The Panel shall be charged with the duty of:

(a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a member of the Institute;

(b) deciding whether the member has a case to answer before the Tribunal and where applicable, to refer such case to the Tribunal for hearing and determination.

(3) The panel shall be appointed by the Council and comprise of three members of the Council and one Associate who is not a member of the Council but knowledgeable in the matter under investigation.

26. The Council may make rules to regulate the proceedings of the Tribunal and the Investigating Panel as appropriate; however, all rules contained in the Second Schedule of this Bill shall be fully applicable to these bodies as well.

Rules of the Council for tribunal and investigating panel.

27. (1) Where:

Penalties for unprofessional conduct.

(a) a member is judged by the Tribunal to be guilty of any form of professional misconduct; or

(b) a member is convicted of an offence, by any Court in Nigeria or elsewhere (having power to sentence an offender to imprisonment) which in the opinion of the tribunal is incompatible with his status in the Institute; or

(c) the Tribunal is satisfied that the name of any individual has been fraudulently registered in the Register of Members; then

(d) the Tribunal may if it deems fit, give directions to the Registrar to either reprimand the Member or strike off the Member's name from the relevant part of the register.

(2) The Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under the foregoing subsection until a subsequent meeting of the Tribunal is held; but —

(a) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and

(b) so far as possible, no individual shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when the decision was deferred.

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

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

(5) The individual to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of notice of the direction, appeal against the direction to the Court of Appeal and the Tribunal may appear as respondent to the appeal and, for the purposes of enabling directions to be given as to the costs of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

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

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

(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;

(c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.

PART IV — MISCELLANEOUS AND GENERAL PROVISIONS

28. (1) Supervision and Control of the Institute by the Minister:

Supervision and control of the Institute.

(a) the Minister shall perform supervisory/oversight functions over the Institute particularly in:

(i) ensuring the timely submission of deliverables to the Ministry and/or other Government Agencies;

(ii) ensuring the Institute's compliance with rules/regulations/ policies outlined in section 29 of this Bill;

(b) the Minister may give policy directions to the Council on the recommendation of the Association regarding the effective fulfillment of its mandate;

(c) prior to giving such policy direction under subsection (a) of this section, the Minister shall forward a copy of the proposed direction to the Council and shall afford the Council an opportunity of making representations to him accordingly. After considering the representations made, the Minister may give the direction without modification or with such modifications as considered appropriate.

(2) Supervision and Control of the Institute by the Council of the Association:

(a) the Council of the Association shall via its General Meeting ratify the decisions of the Council on such policies or rules which are fundamental to the practice of the forestry profession.

(3) Supervision and Control of the Institute by its Council:

(a) the Council of the Institute shall supervise the administration of the Institute and oversee the Registrar's implementation of its policies and directives in respect of members or the maintenance of the Register of members.

29. (1) Rules and Regulations shall be made for the Institute in the manner prescribed below:

Rules and regulations of the Institute.

(a) the Minister shall have powers to make rules and regulations for the Institute on the recommendation of the Council of the Association;

(b) the Association shall from time to time prescribe policy directions for the optimal performance of the Institute with regards to practices in the Forestry Profession;

(c) the Council shall make rules and regulations to guide its operations at a general meeting

attended by all eleven members of the Council;

(d) the Registrar shall make recommendations to the Council regarding:

(i) rules to facilitate the proper maintenance of the Institute's Register of members; and

(ii) formulation of policies that will enhance the administration and management of the Institute.

(e) regulations made under this section shall be published in the Federal Gazette as soon as they are made;

(f) rules made for the purposes of this Bill (other than Rules made by the Minister) shall be subject to confirmation by the Association at its next Annual General Meeting or at any special meeting of the Council convened for that purpose, and if not confirmed shall cease to have effect on the day after the date of the confirmation but without prejudice to anything done in pursuance or intended pursuance of any such rules.

(2) Additional Rules made in respect of section 29 (1) (d) by the Council, shall comprise the following:

(a) rules for training suitable individuals in forestry methods and practice;

(b) rules for the supervision and regulation of members professional activities;

(c) rules for engagement, training and transfer of staff of the Institute on recommendation of the Registrar;

(d) rules for distinguishing between foresters and other auxiliary forestry personnel;

(e) rules prescribing the amount payable as annual subscription for each category of members;

(f) rules prescribing the due date for payment of annual subscription;

(g) rules prescribing the form of license to be issued to practicing Foresters at intervals of three years. However, this requirement shall not apply to Student Members of the Institute;

(h) rules restricting the right of Members to practice where such Members are in default of payment of annual subscription, for a period longer than prescribed by the rules;

(i) rules restricting the a Member's right to practice where the qualification granted outside Nigeria does not entitle the holder to practice as a member of the Institute;

(j) rules prescribing the qualification or practical experience required for a Member restricted under subsection (j) of this section to qualify as a practicing Forester.

30. In this Bill —

"Association" means the Forestry Association of Nigeria;

"Council" means the Institute's Council established under section 4 (1);

"Council of the Association" means Council of the Forestry Association of Nigeria;

"Institute" means the Nigerian Institute of Chartered Foresters established under section 1 of this Bill;

"Member" means a Member of the Institute and includes a Fellow, a Chartered Member, an Associate, Ordinary Member and Student Member;

"Minister" means the Honourable Minister of Environment, charged with supervisory oversight of the Institute and all forestry and forestry allied matters;

"Panel" means Investigating Panel established under section 25 of this Bill;

"Professional misconduct" means any act outlined below or considered unprofessional:

- (a) deliberate refusal to follow the standard of conduct and practice of Foresters;
- (b) gross negligence in a professional capacity;
- (c) release of professional licence to a non-member to practice in a Member's name;
- (d) abuse of position of trust, expertise or authority;
- (e) disregard for Clients needs or rights;
- (f) incompetence;

"Register" means the Register of Members created and maintained under this Bill;

"Registered Forester" means an individual duly registered under any of the categories of Membership after due assessment of his qualification, experience or contribution to the forestry profession;

"Registrar" means the Registrar appointed under section 15 of this Bill;

"Tribunal" means the Nigerian Institute of Chartered Foresters Disciplinary Tribunal established under section 24 of this Bill.

31. This Bill may be cited as the Nigerian Institute of Chartered Foresters (Establishment) Bill, 2022.

Citation.

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE AND ITS COUNCIL

Qualifications and Tenure of Office of Members

1. Subject to the provisions of this paragraph a Member of the Council shall hold office for a period of two years, with commencement from the date of his appointment or election.
2. Any member of the Institute who ceases to be a Member thereof shall, if he is also a Member of the Council, cease to hold office on the Council.
3. Any elected member may resign from office sequel to the submission of a written notice that is duly addressed to the Presidency; and any appointed member may, with the consent of the Minister, likewise so resign from his office as a Council Member.
4. An individual who retires from or otherwise ceases to be an elected Member of the Council shall be eligible to become a member of the Council again, for a maximum period of three terms of two years each. While an appointed Member may be reappointed for one more term of two years by the Minister as he deems fit.
5. Elections to the Council shall be held by secret ballot in such manner as may be prescribed by rules made by the Council.
6. (1) If for any reason there is a vacation of office by a Member and:
 - (a) such member was appointed by the Minister, the Minister shall appoint another fit person from the territory to fill in the vacancy;
 - (b) such member was elected by the Council of the Association, the Association shall elect another fit person to fill in the vacancy for the unexpired portion of the term of office.

Powers of Council

7. The Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the Institute.

Proceedings of the Council

8. (1) Subject to the provisions of this Act the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute or its Council, and in the exercise of its power under this Bill, may set up Committees in the general interest of the Institute, and make standing orders thereof as deemed appropriate.
 - (2) Standing orders shall provide for decisions to be taken by a majority of Members, and, in the event of equality of votes (where a tie exists), the President or the Chairman, may have a second or casting vote.
 - (3) Standing orders made for a Committee shall provide that the Committee is to report back to the Council on any matter not within its competence to decide or handle.
 - (4) The quorum of the Council shall be six; and the quorum of a Committee of the Council shall be fixed by the Council as it deems fit.

Committees

9. (1) The Council may appoint Standing or Ad hoc Committee(s) to carry out specified functions on behalf of the Institute or the Council as deemed appropriate.

(2) The Council shall set up a Standing Committee to be known as the Policy Formulation Committee which shall be responsible for formulation of policies for the Institute. Only members of the Council shall be eligible for appointment into the Committee and shall hold office for a single term of five years.

(3) With the exception of the Policy Formulation Committee, any other Committee appointed under this paragraph shall consist of the Council Members nominated by the Council but may co-opt any non-Council member whose advice is desired to aid the Committees assignment. However, such co-opted member shall not be entitled to vote at any meeting of the Committee and shall not count towards a quorum.

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

Miscellaneous

10. Fixture of the Institute's seal shall be authenticated by the signature of the President or of such other member of the Council that is authorised generally or specifically by the Institute to act accordingly.

11. The validity of any proceedings of the Institute, its Council or Committee(s) shall not be affected by:

(a) any vacancy in membership;

(b) any defect in the appointment of a Member or an individual nominated to serve on a Committee; or

(c) the attendance or participation of one not entitled to take part in the proceedings.

12. Any member of the Institute or its Council, that has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute, or on behalf of the Council or a Committee thereof, shall forthwith disclose his interest to the President or to the Council, and shall not vote on any question relating to the contract or arrangement.

13. An individual shall not by reason only of his membership of the Institute be treated as holding an office of emolument under the Federal Republic of Nigeria or any state thereof.

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the tribunal shall be four of whom at least two shall be Chartered Foresters.

2. (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

(2) The rules shall in particular provide:

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

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

(c) for securing that any party to the proceeding shall, if he so requires, be entitled to appear and be heard by the Tribunal;

(d) for the representation of a party to the proceedings by a Legal Practitioner;

(e) for costs of proceedings before the tribunal, subject to the provisions of section 24 of this Bill;

(f) for a record to indicate that an individual alleged to be guilty of misconduct has been found, not guilty of such conduct;

(g) for publishing in the Federal Gazette, notice of any direction of the Tribunal which has taken effect, providing that an individual's name shall be struck off the Register of Members due to professional misconduct.

3. For the purposes of any proceedings before the Tribunal, any Member of the Tribunal may administer oaths and any party to the proceedings may sue out of the registry of the High Court as the case may require; but no individual appearing before the Tribunal shall be compelled:

(a) to make any statement before the Tribunal tending to incriminate himself; or

(b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action in Court.

4. (1) For the purpose of advising the Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be An assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria.

(2) The Assessor shall be a Legal Practitioner with not less than ten years post call experience.

(3) The Chief Justice of Nigeria shall make rules as to the functions of Assessors appointed under this paragraph, and in particular such rules shall contain provisions for ensuring:

(a) that where an Assessor advises the Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or individual representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed of the advice the Assessor has tendered;

(b) that every such party or individual in subparagraph (a) shall be informed if in any case the Tribunal does not accept the advice of the Assessor on such a question as aforesaid.

(c) an Assessor may be appointed under this paragraph either generally or for any specific proceeding, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

5. The quorum of the Panel shall be three.

6. (1) The Panel may, at any meeting of the Panel attended by all the members of the panel, make standing orders with respect to its activities.

(2) Subject to the provisions of any such standing orders, the Panel may regulate its own procedure of operation subject to policy directions by the Council of the Association.

Miscellaneous

7. (1) An individual ceasing to be a member of the Tribunal or the Panel shall be eligible for reappointment as a member of that body.

(2) An individual may, if otherwise eligible, be a member of both the Tribunal and the Panel; provided that no individual who acted as a member of the Panel with respect to any case shall act as a Member of the Tribunal with respect to that case.

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

9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or the Panel, shall be served on the Registrar appointed in pursuance of section 15 of this Bill.

10. Any expenses of the Tribunal or the Panel in the execution of its mandate shall be defrayed by the Institute.

THIRD SCHEDULE

NIGERIAN INSTITUTE OF CHARTERED FORESTERS DISCIPLINARY TRIBUNAL RULES

Proceedings before the Tribunal

Reference of Case to the Tribunal

1. Where the Investigating Panel establishes a prima facie case of professional misconduct against a Member, a comprehensive report of the findings shall be made and forwarded to the Tribunal alongside all relevant documentation considered by the Panel.

Parties and Appearance

2. (1) The parties to any proceeding of the Tribunal shall be:

(a) the complainant;

(b) the respondent; and

(c) any other person required by the Tribunal to be joined, or joined by leave of the Tribunal.

(2) Subject to subparagraph (3) of this paragraph, parties to the proceedings may enter an appearance in person, or by their respective legal practitioners acting as counsel.

(3) The Tribunal may require the attendance of the complainant or respondent in person if that is necessary in the interest of justice.

Notice of Hearing

3. (1) When a complaint is referred by the Panel to the Tribunal, the Registrar shall:

(a) after consultation with the Chairman, appoint a date, time and place for the hearing; and

(b) in the form specified in the Schedule, give notice to all concerned parties (including members of the Tribunal and the Assessor) as directed or required by the Chairman.

(2) If the directions are, for any reason, not given, it is sufficient compliance with this paragraph if the notice is:

(a) handed to the party concerned or affected, personally; or

(b) sent by registered post to the last known place of abode of the party.

Hearing in absence of Parties

4. (1) Subject to paragraph 2 (2) of this schedule, the Tribunal may hear and determine a case in the absence of any party.

(2) A party to any proceeding before a Tribunal who fails to appear or be represented may apply within one month after the date when the pronouncement of the findings and directions of the Tribunal were given, for a rehearing on the ground of want of notice or other good and sufficient reason, and the Tribunal in appropriate cases, may grant the application upon such terms as to costs or otherwise as it deems fit.

Hearing of Witnesses

5. The Tribunal may, in the course of its proceedings, hear witnesses and receive any documentary evidence necessary in its opinion to assist it in arriving at a conclusion as to the truth or otherwise of the allegation of misconduct, in the complaint referred to it by the Panel, and in the application of this paragraph, the provisions of the Evidence Act shall apply in all proceedings.

Amendment of Complaint

6. If in the course of proceedings, it appears to the Tribunal that the complaint before it requires amendment, the

Tribunal may, on such terms as it deems fit, allow the amendment to be made and the amended complaint shall thereupon be dealt with accordingly.

Proceedings to be in Public

7. The proceedings of the Tribunal shall be held in public, and its findings and directions shall also be delivered in public unless otherwise directed by the Tribunal.

Findings and Costs in Certain cases

8. The Tribunal may, on its own motion or upon the application of any party, adjourn the hearing, on such terms as to cost or otherwise, as the Tribunal deems fit.

False Evidence

9. (1) If any person willfully gives false evidence on oath before the Tribunal during the course of any proceedings or willfully makes a false statement in any affidavit sworn to for the purpose of such proceedings, the Tribunal may refer the matter to the Attorney - General of the Federation for such action as the Attorney - General may think fit.

(2) If after the hearing, the Tribunal adjudges that the charge of professional misconduct has not been proven, the Tribunal:

(a) shall record findings that the respondent is not guilty of the misconduct in respect of which the charge was referred; and

(b) may order any party (except the complainant) to pay the costs of the proceedings, having regard to his conduct and the circumstances of the case.

Publication of Findings

10. Any finding made or direction given by the Tribunal shall be published in the Federal Gazette immediately after such findings or direction, as the case may be.

11. The Chairman shall, during the hearing, take the minutes of the proceedings which shall be open to inspection by the parties and shall be made available to any party upon the payment of such charges as the Registrar may fix, by the relevant instrument published in the Federal Gazette.

Miscellaneous Powers of Tribunal

12. The Tribunal may dispense with any requirement of this Schedule regarding notices, affidavits, documents, services or time for doing or omitting anything in any case where it appears to the Tribunal that it would be just or expedient to do so, and the Tribunal may, in any particular case, extend the time for doing anything under the schedule as provided for in the policy direction of the Chief Justice of Nigeria.

Powers to Retain Exhibit Pending Appeal

13. Books and other exhibits produced or used at the hearing shall, unless the Tribunal otherwise directs, be retained by the Registrar until the expiry of the time for filing an appeal against any finding or direction of the Tribunal or, if notice

of any such appeal is given, until the hearing and disposal of the appeal.

Appointment and Duties of Assessors

14. (1) The Council shall, by instrument, appoint an Assessor who shall hold and vacate office as provided in his instrument of appointment, and where the appointment is not a general one, it shall have effect only in respect of a particular proceeding of the Tribunal.

(2) Subject to the terms of appointment, an Assessor shall attend the proceedings of the Tribunal whenever required to do so by notice in writing given to the Assessor by the Registrar, not later than 3 days, before the date fixed for the hearing of such proceeding and the Assessor shall advise the Tribunal on questions of law only.

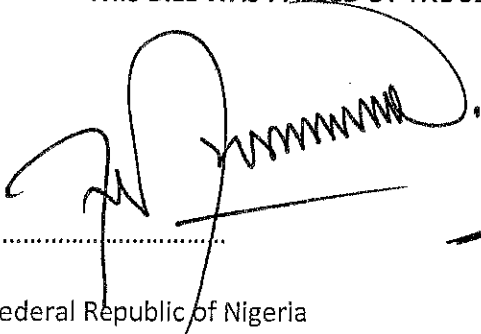
Interpretation

15. In this Schedule:

"Complainant" means a person or body who brings a complaint before the Tribunal, alleging professional misconduct against a member of the Institute;

"Respondent" means the person required to answer to any charge of professional misconduct.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 15TH FEBRUARY, 2022



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President,
Senate of the Federal Republic of Nigeria



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Clerk,
Senate of the Federal Republic of Nigeria