

A BILL

FOR

AN ACT TO PROVIDE FOR ESTABLISHMENT OF THE CHARTERED INSTITUTE OF POWER ENGINEERS OF NIGERIA TO REGULATE, CONTROL AND DETERMINE THE STANDARDS OF KNOWLEDGE TO BE ATTAINED BY PEOPLE SEEKING TO BECOME CHARTERED POWER ENGINEERS; AND FOR RELATED MATTERS

Sponsored by Senator Gabriel Suswan

[] Commencement

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

- 1 1.-(1) There is established a body to be known as the Chartered
- 2 Institute of Power Engineers of Nigeria (in this Bill referred to as "the
- 3 Institute")
- 4 (2) The Institute-
- 5 (a) Shall be a body corporate with perpetual Succession and a
- 6 common seal;
- 7 (b) May sue and be sued in its corporate name; and may acquire,
- 8 hold and dispose of any property, movable and immovable.
- 9 (c) shall be charged with the duty of-
- 10 (i) determining what standards of knowledge and skill are to be
- 11 attained by persons seeking to become members of the Power Engineering
- 12 profession and raising those standards, from time to time, as circumstances
- 13 may permit;
- 14 (ii) securing in accordance with the provisions of this Bill, the
- 15 establishment and maintenance of the register of fellows, associates and
- 16 registered power engineers entitled to practice as power engineers and the
- 17 publication, from time to time, of lists of those persons;
- 18 (iii) conducting examinations leading to the award of professional

Establishment of Chartered Institute of Power Engineers of Nigeria

1 competency certificates as may be prescribed by the institute and in conformity
2 with international best practices;

3 (iv) ensuring the furtherance, maintenance and observance of ethical
4 standards and professionalism among Power Engineers in Nigeria;

5 (v) ensuring detailed synergy between the industry and academia in
6 the power industry; and

7 (vi) performing through the Council under this Bill the functions
8 conferred on it by this Bill.

Membership of
the Institute

9 **2.-(1)** Membership of the Institute shall be in two categories of
10 corporate and Associates.

11 (2) Any person employed in any public or private Institution in
12 Nigeria is eligible to be registered by the Institute in any of the following
13 categories-

14 (i) Fellows;

15 (ii) Power Engineers (Members);

16 (iii) Power Engineering Technologist (Associate Power Engineers);

17 (iv) Power Engineering Technicians;

18 (v) Power Engineering Craftsmen;

19 (vi) Power Engineering Corporate Firms;

20 (vii) Power Engineering Graduates.

21 (3) In furtherance to sub-clause (1) of this clause, all corporate
22 members shall cause their staff to register with the institute to foster ethical
23 standards, professionalism and self - regulation in the Power Engineering
24 Industry.

25 (4) The privileges and entitlements of members of the institute shall
26 be-

27 (a) The use of abbreviation Chartered Institute of Power Engineers of
28 Nigeria (CIPEN) written as CPE;

29 (b) The right to affix a member seal and stamp on every document
30 endorsed by or emanating from them;

1 (c) Members in the class of fellow shall be entitled to use the
2 abbreviation of "FCPE";

3 (e) members registered into the category of Corporate Member
4 shall be entitled to use initials "MCPE";

5 (f) members registered into the category of power engineering
6 technologist (Associate Power Engineer) Member shall be entitled to use
7 initials "ACPE";

8 (g) members registered into the category of power engineering
9 Technician Member shall be entitled to use initials "PET";

10 (h) Members registered into the category of power engineering
11 Craftsman Member shall be entitled to use initials "PEC".

12 (5) The provisions of the first schedule to this Bill shall, so far as
13 applicable to the question of admission to the institute, have effect with
14 respect to the categories of members listed in sub-clause (1) and (2) of this
15 clause.

16 3.-(1) There shall be a President, Deputy President and Four vice-
17 Presidents of the institute who shall be outstanding fellows of the Institute
18 and shall be elected at the annual general meeting of the institute and shall
19 each hold office for a term of Two years from the date of the election.

Election of
President, Deputy
Presidents, Vice-
Presidents and
other officers of
the Institute

20 (2) There other elected officers of Institute who shall be
21 outstanding fellows or corporate members of the Institute and shall be
22 elected at the annual general meeting (AGM) of the institute and shall each
23 hold office for a term of Two years from the date of the election too.
24 Together, all elected officers at the Institute's AGM constitute to form the
25 Executive Committee

26 (3) The Vice Presidents elected under sub-clause (1) shall each
27 represent the four [4] distinct arms of the profession-

28 (i) Generation Services;

29 (ii) Transmission Services;

30 (iii) Distribution Services;

1 (iv) Power Business (Regulation, Gas issues, Training, Finance,
2 Legislation, Legal, Policy, etc.).

3 (4) The President shall preside at meetings of the institute, so however
4 that, in the event of the death, incapacity or inability for any reason of the
5 president, the deputy president shall act in his stead for the unexpired portion of
6 the term of office, or as the case may require, and references in this Bill to the
7 president shall be construed accordingly.

8 (5) In furtherance to the provisions of sub-clause (3), a bye-election
9 within the Council shall be conducted to elect one of the Vice-presidents to
10 serve as Acting Deputy President and the Council shall appoint one of its
11 members to assume the vacant post of Vice President for the period before the
12 next annual general meeting.

13 (6) The president and deputy-president shall respectively be
14 chairman and vice-chairman of the Council under this Bill.

15 (7) If the president or the vice-president ceases to be a member of the
16 Institute he shall cease to hold any of the offices designated under this Bill.

Membership of
governing council
of the institute, etc.

17 4.-(1) There is established for the institute a governing council (in this
18 Bill referred to as "the Council") which shall be charged with the responsibility
19 for providing the guiding policy administration of the institute, oversee the
20 activities of the executive committee and setting the standards of education
21 therein.

22 (2) The Council shall consist of the following members being fellows
23 or members, as follows (Elected and nominated persons made up the council)-

24 (a) A Chairman;

25 (b) Deputy Chairman;

26 (c) Four (4) Vice Chairmen (each represent the four (4) distinct arms
27 of the profession);

28 (d) A National Treasurer;

29 (e) Ten (10) Persons elected at the Institute's AGM to represent the
30 known technical units of the profession;

- 1 (f) Immediate Past Presidents of the Institute ;
- 2 (g) A representative of the Federal Ministry of Power who must be
3 a practicing power engineer and shall not be below the rank of Deputy
4 Director;
- 5 (i) A representative from Government tertiary Training and
6 research Institution on Power engineering;
- 7 (j) Two (2) persons nominated to represent all licensed power
8 engineering contractors and consultants in rotation;
- 9 (k) Six Persons representing the Chapters of Institutes in each zone
10 of the federation and such other zone as may be created by the council from
11 time-to-time; and
- 12 (3) The provisions of the second schedule to this Bill shall have
13 effect with respect to the qualifications and tenure of office of the member of
14 the council and the other matters.
- 15 (4) There shall be an Executive Committee of the Institute and shall
16 consist of all elected members of the Institute (i.e 5 -(2a) to (2f) as captured
17 above.
- 18 The Executive Committee of the Institute shall be responsible to
19 Council. Its core functions is to, alongside the Registrar, overseeing the day
20 to day management and administration of the Institute's affairs.
- 21 **5.-(1)** The Council shall exercise the responsibilities for policy
22 formulation and direct organs of the Institute for the execution and general
23 administration by the executive Committee.
- 24 (2) The Council shall exercise the responsibilities establishing
25 (create) Chapters of Institutes in such location (Town & cities) across the
26 federation from time-to-time.
- 27 (3) The Council shall create a conducive atmosphere to enable it to
28 be consulted by industry (NESI) stakeholders as it relates to power
29 engineering practice and Training.
- 30 (4) The Council shall have power to-

Membership of
Executive Committee
Members of the
Institute, etc.

Functions of the
Executive Committee
of the Institute

Power of the
Council

- 1 (a) manage and superintend the affairs of the Institute;
- 2 (b) make rules and regulations for the proper functioning of the
3 Institute;
- 4 (c) employ and pay the staff of the Institute appropriate remuneration
5 commensurate in scale with that of staff in organizations of similar stature; and
- 6 (d) enter into any negotiation, agreement and contractual relationship
7 as may be necessary or expedient for the discharge of the functions of the
8 Institute.
- 9 (5) The Council shall sit every quarter to consider issues brought
10 before it by the Executive Committee of the Institute and other sundry bodies,
11 etc.
- 12 (6) The Council shall perform the other functions conferred on the
13 Council by this Act.
- 14 (7). Subject to the provisions of this Act, the Chairman and members
15 of the Council shall each hold office-
- 16 (1) for a term of Two years and may be re-elected or re-appointed for a
17 further term of two years and no more;
- 18 (2) A person shall cease to hold office as a member of the Council if-
- 19 (a) he dies;
- 20 (b) he becomes bankrupt;
- 21 (c) he is convicted of a felony or any offence involving dishonesty or
22 fraud;
- 23 (d) he becomes of unsound mind or is incapable for any reason of
24 carrying out his duties;
- 25 (e) he is guilty of a serious misconduct in relation to his duties;
- 26 (f) in the case of a person possessed of a professional qualification, he
27 is disqualified or suspended, other than at his own request, from practising his
28 profession in any part of the world by an order of a competent authority made in
29 respect of that member; or
- 30 (g) he resigns his appointment by written notice under his hand to the

Tenure of Council
Members

1 Council Chairman (Institute President).

2 6.-(1) There shall be no funding to the Institute from the Federal Financial
3 Government, States or its Agencies save for grants, donations, gifts, etc in Provisions
4 support of its statutory activities

5 (2)The Council shall establish and maintain a fund, the
6 management and control of which shall be in the hands of the Council, and
7 into which shall be paid-

8 (a) all subventions, fees, fines, penalties and charges for services
9 rendered or publications made by the Council;

10 (b) gifts, endowments, bequests, loans, donations, grants or aids;

11 (c) foreign aids and assistance from bilateral and multilateral
12 agencies such as affiliated bodies on power engineering; donations charges
13 and monies payable to the institute in pursuance of this Bill,

14 (d) Such other monies as may be received by the institute in the
15 course of its operations or in relation to the exercise of any of the functions
16 under this Act.

17 (3) There shall be paid out of the fund of the institute-

18 (a) The remuneration and allowance of the institute's Council
19 members and other employees of the institute;

20 (b) Such reasonable travelling and subsistence allowance of
21 members of the council in respect of the time spent on the business of the
22 council as the council may determine; and

23 (c) Any other expenses incurred by the council in the discharged of
24 its functions under this Bill.

25 (4) The council may invest monies from the fund in any security
26 created or insured by or on behalf of the Federal Republic of Nigeria or in
27 any other securities in Nigeria approved by the council.

28 (5) The council may from time-to-time, borrow money for the
29 Institute and any interest payable on monies so borrowed shall be paid out of
30 the fund.

1 (6) All the corporate members in Nigeria shall cause to be paid to the
2 fund, an annual dues and levies as may be agreed by the council from time-to-
3 time.

Proper account
keeping and annual
audited institute
account

4 (7)(a) The council shall on behalf of the institute keep proper books of
5 accounts in respect of each year and proper records concerning these accounts
6 and the council shall cause the accounts to be audited by an external auditor and
7 when audited the accounts shall be submitted to the members of the institute for
8 approval at a general meeting of the institute. Such annual audited account
9 shall be deemed to have fulfill the requirement of the Financial Reporting
10 standards;

11 (b) The audit of the Institute's books shall be in accordance with the
12 provisions of the Constitution of the Federal Republic of Nigeria, 1999.

Appointment of
Registrar, Tenure,
Remuneration, etc.

13 7.-(1) The Council shall appoint a fit and proper person who shall be a
14 member of the institute to be the registrar, and such other persons as the council
15 may from time to time, deem necessary to assist the registrar in the
16 performance of this functions under this Bill.

17 (2) The registrar shall in addition to his other functions under this Act,
18 be the secretary to the council and shall keep minutes of the proceedings of all
19 meetings of the council.

20 (3) The Registrar shall be the Chief Executive Officer and Accounting
21 Officer to the Council. He/She is to be responsible for the day to day
22 administration of the Institute and responsible to the Council for the executive
23 of the policies directives thereof.

24 (4) a graduate of Electrical Engineering with at least 18 years cognate
25 experience in the Nigeria Electric Power industry.

26 (5) The Registrar

27 (a) shall be appointed for a term of Three (3) years in the first instance;
28 and

29 (b) may be appointed for a further term of three years and no more.

30 (6) The Registrar shall be paid such remuneration as may be specified

1 in his letter of appointment or as determined by the Council using the scale
2 applicable in the Nigeria Electric Power industry.

3 (7) The Registrar shall cease to hold office if any of the conditions
4 specified in clause 15 (1) a - c pertaining to cessation of membership of the
5 Institute and Council applies to him.

6 (8) The Registrar may resign his appointment by a written notice
7 under his hand delivered to the Council Chairman (Institute's President).

8 (9) It shall be the duty of the Registrar-

9 (a) to prepare and maintain in accordance with rules made by the
10 council, a registrar of names, addresses and approved qualifications and of
11 such other particulars, as may be specified in the rules of all persons who are
12 entitled in accordance with the provisions of this Bill to be registered as
13 members of the institute;

14 (b) to correct, in accordance with the direction of the council, any
15 entry in the register, which the council, directs him to correct as being in the
16 opinion of the council an entry, which was incorrectly made;

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

19 (d) to record the names of members of the institute who are in debt
20 for more than One year in the payment of annual or practicing fee and to take
21 such action in relation thereto including removal of the name of defaulter
22 from the register as the council may be direct or require;

23 (e) to cause the register to be printed, published and put out on sale
24 to members of the public not later than two years from the commencement
25 of this Bill;

26 (f) to remove from the register the name of a deceased member

27 (g) in each year after that in which a register is first published under
28 paragraph (d) of this sub-clause, to cause to be printed, published and put on
29 sale as afore said, either a corrected edition of the register or list of
30 alterations made to the register since it was last printed; and

1 (h) to cause a print of each edition of the register and of each list,
2 corrections to be deposited at the headquarters of the institute, and it shall be
3 the duty of the council to keep the register and list so deposited, available at all
4 reasonable times for inspection by members of the public.

5 (5) There shall be for the purpose of this Bill, two Registers, of which
6 one shall be for members and the other shall be for corporate firms.

7 (6) Subject to sub-clause (5)-

8 (a) The register of members shall consist of Six (6) parts in respect of:

9 (i) Fellows;

10 (ii) Power Engineers (Members);

11 (iii) Power Engineering Technologist (Associate Power Engineer)
12 members;

13 (iv) Power Engineering Technician Members;

14 (v) Power Engineering Craftsmen members;

15 (vi) Power Engineering graduate members.

16 (b) The register of Corporate Firms shall consist of Six (6) parts, in
17 respect of:

18 (i) Consulting Engineering in the power industry;

19 (ii) Engineering Contracting in the power industry;

20 (iii) Manufacturing in the power industry;

21 (iv) Engineering Services in the power industry;

22 (v) Vendors of Machinery, Equipment and Engineering Materials in
23 the power industry;

24 (vi). Maintenance/Repairs and Fabrication in the power industry;

25 (6) Subject to the following provisions of this clause, the Council
26 shall make rules with respect to the form and keeping of the register and the
27 making of entries therein, and in particular-

28 (a) regulating the making of applications for enrolment or registration
29 as the case may be, and providing for the evidence to be produced in support of
30 applications;

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

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

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

12 (e) specifying anything falling to be specified under the foregoing
13 provisions of this clause, but rules made for the purposes of paragraph (d) of
14 this sub-clause shall not come into force until they are confirmed at a special
15 meeting of the Institute convened for the purpose thereafter, or at the next
16 annual general meeting, as the case may be.

17 (7) If the registrar-

18 (a) Sends by post to any registered person a letter addressed and
19 deliver to him at his address usually on the register enquiring whether the
20 registered particulars relating to him are correct and receives no reply to the
21 letter within seven months from the date of posting it; and

22 (b) Upon the expiration of the period, send, in the like manner to
23 the person in question a second similar letter and receives no reply to the
24 letter within three months from the date of posting it, the registrar may
25 include the name of such person in the list of special cases under this sub-
26 clause for the council consideration and may if directed by the council
27 remove the particulars relating to the person in question from the registrar.
28 Provided that, the council may direct the registrar to restore to the
29 appropriate part of the register any particulars removed therefrom pursuant
30 to this subsection.

Publication of
Register and list
of corrections etc.

1 **8.**-(1) It shall be the duty of the Registrar to:
2 (a) cause the register to be printed, published and put on sale to
3 members of the public not later than two years from the commencement of the
4 Bill;
5 (b) thereafter in each year, to cause to be printed, published and put on
6 sale as aforementioned, either a corrected edition of the register or list of
7 corrections made to the register, since it was last printed;
8 (c) cause print of each edition of the register and of each list of
9 corrections to be deposited at the principal office of the institute; and
10 (d) keep the register and list so deposited and to make the register and
11 such list available to members of the public at all reasonable times for
12 inspection.

13 (2) A document purporting to be a print of an edition of a register
14 published under this clause by the authority of the registrar or documents
15 purporting to be prints of an edition of a register so published and of the list of
16 corrections to that edition so published, shall (without prejudice to any other
17 made of proof) be admissible in any proceeding as evidence that any person
18 specified in the document or the document read together, as being registered,
19 was so registered at the date of the edition or of the list of correction as the case
20 may be, and the person not so specified was not so registered.

21 (3) Where in accordance with sub-clause (2) of this clause, a person
22 is, in any proceeding, shown to have been or not to have been registered at a
23 particular date, he shall, unless the contrary is proved, be taken for the purposes
24 of those proceedings as having at material times thereafter continued to be or
25 not to be so registered.

Registration of
members

26 **9.**-(1) An individual, other than the one whose membership has been
27 suspended by a directive of the disciplinary tribunal shall be entitled to be
28 registered as a member in the following categories:

29 (a) Power Engineering Graduate member, where the person-

30 (i) works in a power engineering organization and is a holder of a

1 degree or such equivalent qualification or the minimum qualification
2 prescribed by the council; or

3 (i) Has passed the associate ship examination specified by the
4 council but has not had the period on the job practical experience prescribed
5 by the council;

6 (ii) Not being a member of the institute at the time of application
7 for membership has passed the qualifying examinations of an institute of
8 Power Engineering in any other country acceptable to the council;

9 (iii) Has not been elected a fellow or an associate by recognized
10 foreign Institute of Power Engineers; or

11 (iv) Satisfy any other condition which the council may, from time
12 to time, approve;

13 (b) Power Engineering Technologist (Associate Engineer)
14 member, where the person-

15 (i) has passed the associate ship examination specified by the
16 council;

17 (ii) not being a member of the institute at the time of application for
18 membership, has passed the qualifying examinations of an institute of
19 Power Engineers in any other country acceptable to the council;

20 (iii) has had a period of on the job practical experience not less than
21 the minimum period prescribed by the council for the category of
22 membership sought; or

23 (iv) has been elected by any recognized foreign institute to that
24 category of membership;

25 (c) Power Engineering Technician Member, where the Person-

26 (i) does not satisfy the conditions for registration as an associate or
27 fellow specified in paragraphs (d) and (g) of this sub-clause, but has
28 obtained the academic qualifications prescribed by the council for
29 Engineering Technician membership; and

30 (ii) is engaged in active service in a power engineering activity in a

- 1 reputable institution/ organization or tertiary educational institution, etc;
- 2 (d) Power Engineering Craftsman Member, where the person-
- 3 (iii) does not satisfy the conditions for registration as an associate or
- 4 fellow specified in paragraphs (d) and (g) of this sub-clause, but has obtained
- 5 the academic qualifications prescribed by the council for Engineering
- 6 Craftsman membership; and
- 7 (iv) engaged in active service in power engineering activities in
- 8 reputable institution or organization, etc;
- 9 (e) Fellow of Institute, where the person-
- 10 (i) has contributed greatly to the growth of the Power Engineering
- 11 industry and the institute;
- 12 (ii) is considered by the Board of fellows and the council as a fit and
- 13 proper person to be awarded the fellowship of the institute;
- 14 (iii) satisfies the council that he/she is a fit and proper person to be so
- 15 registered and has for years (to be specified by the council) been a corporate
- 16 member and has been active in the institute's activities and up to date in
- 17 dues/levies;
- 18 (iv) occupies a senior management position in a reputable institution/
- 19 organization or tertiary educational institution and must have been practising
- 20 in the ESI for a minimum of 15 consecutive years;
- 21 (v) satisfies all other criteria as may be specified by the council from
- 22 time to time.
- 23 (2) An applicant for registration shall in addition to evidence of
- 24 prescribed academic qualification(s), and on the relevant ESI experience,
- 25 satisfy the council that-
- 26 (a) he is of good character; and
- 27 (b) he has not been convicted in Nigeria or elsewhere of an offence
- 28 involving fraud or dishonesty or both;
- 29 (c) he has satisfied any other condition which the council may from
- 30 time-to-time approve;

1 (3) A firm other than the one whose membership has been
2 suspended by a directive of the disciplinary tribunal shall be entitled to be
3 registered as a power engineering firm member, where the entity-

4 (a) is a professional institute, a power engineering firm or
5 professional corporation and-

6 (i) is licensed to carry out the business or practice of power
7 engineering in Nigeria; and

8 (ii) must have, registered power engineers, and or CIPEN
9 chartered engineers in her board and management, and also provide the
10 populated organization organogram with roles/responsibilities of holders.

11 (iii) Musts how evidence of portfolio of projects
12 undertaken/executed directly or in joint venture ownership with dates

13 (4) The council shall from time-to-time, publish in the institute's
14 journal, particulars for qualifications of registered members for time being
15 accepted as aforesaid:

16 (a) One or more members may incorporate a professional power
17 engineering firm or corporation to provide the services of a chartered power
18 engineering contracting or consulting firm;

19 (b) Such firm or corporation in (4a) above shall have been
20 incorporated under the Company and Allied Matters Act;

21 (c) A corporation shall not provide the services of a chartered
22 power Engineer firm unless it is registered and licensed under this Bill;

23 (d).A corporation or a firm, shall take or use as part of its name the
24 words "chartered power engineers" or another word, name, title, initials; or
25 description implying or calculated to imply that its members are chartered
26 power engineers with the consent of the institute.

27 **10.** FCPE: Initials and appellation for members registered into the
28 fellow'scategory of chartered Institute of Power Engineers of Nigeria;

29 MCPE: Initials and appellation for members registered into the corporate
30 members category of chartered Institute of Power Engineers of Nigeria;

Use of words,
initials, acronyms,
etc.

1 ACPE: Initials and appellation for members registered into the Associate
2 engineer category of chartered Institute of Power Engineers of Nigeria (power
3 engineering technologist or Associate Power Engineer);

4 PET: Initials and appellation for members registered into the Technician
5 category of chartered Institute of Power Engineers of Nigeria (power
6 engineering technician);

7 PEC: Initials and appellation for members registered into the craftsmen
8 category of chartered Institute of Power Engineers of Nigeria (power
9 engineering craftsmen);

10 CIPEN: chartered Institute of Power Engineers of Nigeria.;

11 COREN; council for the regulation of engineering in Nigeria;

12 ERA; Engineers Registration Act;

13 CORBON; council for the regulation of Builders in Nigeria;

14 COMEG: council for Nigerian Mining Engineers and Geoscientist;

15 NESI: Nigerian Electricity Supply Industry.

Approval of
qualifications, etc.

16 11.-(1) The Council may approve any qualification for the purpose of
17 this Bill and may, for such purpose, approve-

18 (a) any course of training at any approved institution which is
19 intended for persons seeking to become members of the Power Engineering
20 profession and which the Council consider is designed to confer on persons
21 completing it, sufficient knowledge and skill for registration with the institute;

22 (b) any qualification which as a result of an examination taken in
23 conjunction with a course of training approved by the council under this clause
24 is granted to candidates having reached a standard at the examination,
25 indication in the opinion of the Council that the candidates have sufficient
26 knowledge and skill to be registered with the Institute.

27 (2) The Council may, if it thinks fit, withdraw any approval given
28 under this clause in respect of any course, qualification of the institution, but
29 before withdrawing such approval the council shall-

30 (a) give notice that it proposes to do so, to each person in Nigeria

1 appearing to the Council to be a person by whom the course is conducted or
2 the qualification is granted or the institution is controlled, as the case may
3 be;

4 (b) afford such a person an opportunity of making to the council
5 representations with regard to the proposal; and

6 (c) take into consideration any representations made in respect of
7 the proposal in pursuance of paragraph (b) of this sub-clause.

8 (3) A course, qualification or institution shall not be recognized as
9 approved during any period the approval is withdrawn under sub-clause (2)
10 of this clause.

11 (4) Notwithstanding the provisions sub-clause (3) of this clause,
12 the withdrawal of an approval under sub-clause (2) of this clause shall not
13 prejudice the registration or eligibility for registration of any person who, by
14 virtue of the approval, was registered or was eligible for registration (either
15 unconditionally or subject to the obtaining a certificate or experience)
16 immediately before the approval was withdrawn.

17 (5) The granting or withdrawal of an approval under this clause
18 shall have effect from such date whether before or after the execution of the
19 instrument signifying the giving or withdrawal of the approval, as the
20 council may specify in the instrument and the Council shall-

21 (a) as soon as may be possible, publish a copy of every such
22 instrument; and

23 (b) not later than seven days before its publication, as aforesaid a
24 copy of the instrument to the institution affected.

25 **12.-(1)** It shall be the duty of the council to keep itself informed of
26 the nature of-

27 (a) the instruction is given at approved institutions to persons
28 attending approved courses of training; and

29 (b) the examination as a result of which approved qualifications are
30 granted and for the purposes of performing that duty, the council may

Supervision of
instructions and
examinations
leading to approved
qualifications that
indicates competency
candidates as power
engineering
practitioners

1 appoint, either from among its members or otherwise, persons to visit approved
2 institute or observe such examinations.

3 (2) It shall be the duty of a person appointed under sub-clause (1) of
4 this clause to report to the council on-

5 (a) the adequacy of the instructions given to the person attending
6 approved courses of training at institution visited by him;

7 (b) the adequacy of the examination attended by him; and

8 (c) any other matter relating to the institutions or examinations on
9 which the council may, either generally or in a particular case, request him to
10 report, but no such person shall interfere with the giving of any instruction or
11 the holding of any examination.

12 (3) On receiving a report made in pursuance of this clause, the council
13 may, if it thinks fit, and shall if so required by the institution, send a copy of the
14 report to the person appearing to the council to be in charge of the institution or
15 responsible for the examinations to which the report relates, requesting that
16 person to make observations on the report to the council within such period as
17 may be specified in the request not being less than once month beginning with
18 the date of the request.

Establishment
of Investigating
Panel and
Disciplinary
Tribunal

19 **13.**-(1) There shall be constituted a body to be known as the chartered
20 Institute of power engineers of Nigeria investigating panel (in this Bill referred
21 to as "Investigating panel") which shall be charged with the duty to-

22 (a) conduct a preliminary investigation into any case where it is
23 alleged a member of the Institute has violated the provisions of the Institute's
24 Code of Conduct or shall for any other reason be the subject of proceeding
25 before the Disciplinary Tribunal;

26 (b) decide whether the case should be referred to the Disciplinary
27 Tribunal or not.

28 (2) The investigating panel shall be appointed by the council and shall
29 consist of five members as follows-

1 (a) two members of the council, one of whom shall be the chairman
2 of the panel; and

3 (b) Three members of the institute who are not members of the
4 council.

5 (4) The tenure of any member of the investigating panel shall be
6 two years renewable for a further period of two years.

7 (5) The Council may make rules not inconsistent with this Bill as
8 regard acts which constitute professional misconduct.

9 (6) The Investigating Panel shall act independently in the receiving
10 and investigation of allegations under sub-clause (1) (a) of this clause and
11 shall have the power to receive complaints directly from any individual or
12 organization.

13 (7) There shall be established the Chartered Institute of Power
14 Engineers of Nigeria Disciplinary Tribunal (in this Bill referred to as "The
15 Disciplinary Tribunal") which shall be charged with the duty of considering
16 and determining any case referred to it by the Investigating Panel
17 constituted.

18 (8) The Disciplinary Tribunal shall be appointed by the council and
19 shall consist of a Vice- President of the institute who shall be the Chairman,
20 three other members of the council and three members of the Institute who
21 are not members of the council.

22 (9) The provisions of the third schedule to this Bill shall, so far as
23 applicable to the Investigating Panel and Disciplinary Tribunal respectively,
24 have affect with respect to all those bodies aforementioned.

25 **14.-(1) Where-**

26 (a) A person is adjudged by the Disciplinary Tribunal to be guilty of
27 unprofessional conduct in any professional respect; or

28 (b) A person is convicted, by any court or tribunal in jurisdiction in
29 Nigeria or elsewhere having the power to award imprisonment for an
30 offence (where or not punishment with imprisonment) which in the opinion

Penalties for
Unprofessional
Conduct

1 of the tribunal is incompatible with the conduct required of a member of the
2 Power Engineering profession; or

3 (c) The Disciplinary Tribunal is satisfied that the name of the person
4 has been fraudulently registered, and the person involved has been given
5 opportunity for a fair hearing to defend his/herself before the Tribunal.

6 The Tribunal shall, after receiving the confirmation of its decision from the
7 council, convey a direction to the person concerned reprimanding that person
8 ordering the registrar to strike his name off the relevant part of the registered.

9 (2) A person who commits an offence and is found guilty by the
10 decisions of the Disciplinary Tribunal shall be liable to the maximum sanction
11 of having his name being struck out from the register of members provided
12 such offence is related to the practice of the profession.

13 (3) The Disciplinary Tribunal may, if deems it fit refer or further defer
14 its decision as to the giving of a direction under sub-clause (1) of this clause
15 until a subsequent meeting of the disciplinary Tribunal, but-

16 (a) No decision shall be deferred under this sub-clause for periods
17 exceeding three months from the conclusion of proceedings in the case; and

18 (b) No person shall be a member of the Disciplinary Tribunal to reach
19 a decision which has been deferred or further deferred unless he was present as
20 a member of the Disciplinary Tribunal when the decision was deferred.

21 (4) For sub-clause (1) (b) of this clause, a person shall be treated as
22 guilty as therein mentioned, unless the guilt stands at a time when no appeal or
23 further appeal is pending or may (without extension of time) be brought in
24 connection with the direction.

25 (5) When the Disciplinary Tribunal gives a direction under sub-clause
26 (1) of this clause, the Disciplinary Tribunal shall cause notice of the direction to
27 be served on the person to whom it relates.

28 (6) The person to whom such a direction relates may, at any time
29 within twenty-eight days from the date of service on him/her of the notice of
30 the direction, appeal against the direction to the Federal High Court and were

1 necessary to the Court of appeal and the Disciplinary Tribunal shall appear
2 as the respondent to the appeal and, to enable directions to be given as to the
3 costs of the appeal and of proceeding before the Federal High Court of
4 appeal the Disciplinary Tribunal shall be deemed to be a party thereto,
5 whether or not it appeals the hearing of the appeal.

6 (7) A direction of the Disciplinary Tribunal given under sub-clause
7 (1) of this clause shall take effect where-

8 (a) no appeal under this Clause is brought against the direction,
9 within the time limit for such an appeal, or on the expiration of that time;

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

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

15 (8) A person whose name is struck off the register in pursuance of a
16 direction of the Disciplinary Tribunal under this clause shall not be entitled
17 to be registered again, except, in pursuance of a directive in that behalf and a
18 direction under this clause for the striking off of a person's name from the
19 register prohibit him from making an application for membership or
20 restoration of his membership until after the period specified by the
21 direction that his name should be struck off, and if he makes an application
22 during the currency of the prohibition such as application shall be invalid.

23 **15.** A person who is not a member of any Engineering professional
24 body establish before the commencement of this Bill who but for this Bill, is
25 qualified to apply for membership of the Chartered Institute of Power
26 Engineers of Nigeria established by this Bill, in such manner as may be
27 prescribed by rules made by the Council, shall given such opportunity to be
28 registered in the category of membership appropriate in the current period
29 for holders of the qualification he/she possesses.

Application of
this Bill to yet to
be registered
engineering persons

Practice as a
member of the
Power Engineering
profession

1 **16.** A person other than a corporate member of the Institute shall be
2 deemed to practice as a member of the Power Engineering profession if, in
3 consideration of remuneration received or to receive and whether by himself or
4 in partnership with any other person-

5 (a) he engages himself in the practice of Power Engineering services
6 or holds himself out to the public as a member of the power engineering
7 profession;

8 (b) he renders professional service or assistance in or about matters of
9 principle or detail relating to procedures; or

10 (c) he renders any other service which may be by regulations made by
11 the Council, be designated as service constituting practice as a member of the
12 Power Engineering profession.

Rules as to
Practice etc.

13 **17.**-(1) The Council may make rules to guide training in Power
14 Engineering methods and practice.

15 (2) The Council may also make rules-

16 (a) prescribing the amount and date for payment of the annual
17 subscription and such purposes, a different amount may be prescribed by the
18 rules according to whether the person is registered as a Fellow, Power
19 Engineers (Members), Power Engineering Technologist (Associate
20 Engineers), Power Engineering Technicians, Power Engineering Craftsmen,
21 Power Engineering Graduates, Corporate Firms and Students;

22 (b) Restricting the right to membership of the Institute in default of
23 payment of the amount of the annual subscription where the default continues
24 for more than one year or such period as may be prescribed by the rules;

25 (c) also, to annual subscription, dues and levies as may be ascribed,
26 the Institute shall be obliged to the Issuance of annual practicing and licensing
27 fee for all registered practitioners in the Institute's register, with annual
28 certificates spanning 12 calendar months upon the payment of the prescribed
29 fee.

1 (3) Rules when made under this clause, shall be published in the
2 institute's journal.

3 (4) Any member of the institute who fails to pay the annual
4 subscription and practitioner license fee for one year or such period as may
5 be prescribed by the council may have his name removed from the register
6 of members.

7 **18.** The Institute shall-

8 (a) provide and maintain a library comprising books and
9 publications across the spectrum of Power industry Engineering practice
10 under the care of the Institutes' Registrar until at such a time when a
11 professional librarian would be engaged for professional service;

Provision of
Library facilities
etc.

12 (b) encourage research into Power Engineering theory and practice
13 and allied subjects to the extent that the council may, from time-to-time,
14 consider necessary.

15 **19.**-(1) A person for the purpose of procuring the registration of any
16 name, qualification or other matter who-

Offences and
penalties, etc.

17 (a) makes a statement which he believes to be false in a material
18 particular; or

19 (b) recklessly makes a statement which is false in a material
20 particular, is guilty of an offence.

21 (2) If, on or after the relevant date, any person who is not a member
22 of the Institute practices or holds himself out to practices as a power
23 engineering practitioner for or in expectation of reward or takes or use the
24 name, titles, addition or description implying that he is in practice as a power
25 engineering professional, he shall be guilty of an offence and be liable to
26 prosecution under this Bill:

27 Provided that, in the case of a person falling within clause 17 of this
28 Bill-

29 (a) this sub-clause shall not apply in respect of anything done by
30 him during the period of three months mentioned in that clause; and

1 (b) If within that period he duly applies for membership of the
2 Institute then, unless within that period he is notified that his application has
3 not been approved, this sub-clause shall not apply in respect of anything done
4 by him between the end of that period and the date on which he is enrolled or
5 registered or is notified as aforesaid.

6 (3) The registrar or any other person employed by or on behalf of the
7 institute who willfully makes any falsification in any matter relating to the
8 register, shall be guilty of an offence.

9 (4) Where an offence under this clause which has been committed by
10 a body corporate is proved to have been committed with the consent or
11 connivance of or to be attributable to any neglect on the part of any director,
12 manager, secretary or other similar officers of the body corporate or any person
13 purporting to act in any such capacity, he, as well as the body corporate, shall be
14 deemed to have committed the offence and is liable on conviction by a court of
15 competent jurisdiction in the case of an individual to the punishment
16 prescribed in sub-clause (4) of this clause and in the case of a body corporate, to
17 a fine of not less than N2,000,000.00

18 (5) A person who shall be guilty of an offence under this clause is
19 liable on conviction to imprisonment for a term not exceeding two years or to a
20 fine not less than N300,000.00 or both imprisonment and fine.

Regulations

21 **20.**-(1) Any regulations, made pursuant to this Bill shall be published
22 in the Institute's Journal.

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

Alignment of
all existing
Engineering
Regulations Act

28 **21.**-(1) In furtherance to clause 2, where there is conflict with extant
29 Act or law especially as it relates to the Nigerian Electricity Supply Industry

1 (NESI) or Power Engineering Practice or specialty, the triteness of the law
2 stands.

3 (2) The rights, interest obligations and liabilities existing under any
4 existing Act such as any contract or instrument, or in law in equity apart from
5 any contract or instrument, shall by virtue of this Bill be assigned to and
6 vested in the institute established by this Bill.

7 (3) Any contractor instrument provided insub-clause (1) of this
8 clause shall be of the same force and in effect against or in favour of the
9 institute and shall be enforceable fully and effectively.

10 **22. In this Bill-**

Interpretation

11 "Power Engineering" means activities of engineering concerns in the power
12 industry (NESI); operations, maintenance, engineering, procurement,
13 construction, technical audit, plants inspection, etc;

14 "Power Engineer" means a person who has graduated from any engineering
15 school, having the requisite engineering qualifications and duly engaged in
16 the practice of power engineering activities in the NESI but yet to be
17 admitted as a chartered Power Engineering practitioner by the Institute;

18 "Chartered Power Engineer" means a person who has passed the profession
19 competence examinations in power engineering practice and has been
20 elected a Corporate or Associate Member of the Chartered Institute of Power
21 Engineers of Nigeria (CIPEN);

22 "Certificate" means a certificate to practice as a chartered power
23 engineering practitioner issued by the institute;

24 "Firms" means any organisation in Nigeria undertaking Power Engineering
25 activities and or such other functions related;

26 "Corporate Firm Member" means any Power consulting firms, Power
27 Engineering contracting firms, professional power engineering
28 corporations, etc that is duly registered as a firm member with the Institute;

29 "Council" means the council established as the governing body of the
30 institute under clause 5 (1);

1 "Executive Committee" means the Institute's established administrative body
2 of the under clause 5 (3);

3 "Disciplinary Tribunal" means the chartered Institute of Power Engineers of
4 Nigeria Disciplinary Tribunal established under clause 15;

5 "Fees" includes annual subscription;

6 "Fit Person" means a person of good character, who is not an undercharged
7 bankrupt and has not been convicted in Nigeria or elsewhere of any offence
8 involving fraud or dishonesty or has not been so convicted since a period to be
9 specified from time to time by the council;

10 "Institute" means the Chartered Institute of Power Engineers of Nigeria
11 (CIPEN) established under clause 1;

12 "Chapter of the Institute" means the branch of the institute established at any
13 location in Nigeria under clause 1;

14 "organs of the Institute" means the various sub administrative units of the
15 institute established to implement its objectives;

16 "Investigation panel" means the chartered Institute of Power Engineers of
17 Nigeria (CIPEN) Investigation Panel established under clause 14;

18 "Member of The Power Engineering Profession" means a person registered by
19 the institute as a member in the category of a Fellows, Power Engineers
20 (Members), Power Engineering Technologist (Associate Power Engineers),
21 Power Engineering Technicians, Power Engineering Craftsmen, Power
22 Engineering Graduates, Corporate Firms and Students;

23 "President" , "Vice president" and National Treasurer" Means the office
24 holders under those names in the institute respectively;

25 "Profession" Means the Power Engineering profession;

26 "Register" means the register kept in pursuance of clause 8 (4) of this Act;

27 "Minister" means the minister responsible for the ministry of power

Citation

28 **23.** This Bill may be cited as the Chartered Institute of Power
29 Engineers of Nigeria Bill, 2020.

1

EXPLANATORY MEMORANDUM

2

This Bill seeks to establish the Chartered Institute of Power Engineers of Nigeria and charges it with the responsibility for determining the standard of knowledge and skill to be attained by persons seeking to become Chartered Power Engineers.

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It also seeks to establish the Governing council of the Institute which shall have the responsibility of managing the Institute, its policy directions and setting the standard of education and competence required for its members therein.

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8

9

1 FIRST SCHEDULE

2 *Clause 3 (5)*3 *Qualification for Membership Categories*4 1. A person registered under this Bill is enrolled to higher membership
5 status in any of the following categories:

6 (a) As a fellow if he-

7 (i) Satisfies the council that he is eligible to be so registered and has
8 for several years (to be specified by the council) had been a Corporate Member
9 or the holder of an approved academic qualifications; and10 (ii) Satisfies all other criteria as may be specified by the council from
11 time to time;12 (iii) Has obtained such academic, professional or other
13 qualification(s) as may be prescribed by the council from time to time;14 (iv) Has held any senior management position in the public or private
15 relevant institution.

16 (b) As a Power Engineer (corporate member) if he-

17 (i) Satisfies the council that he/she is eligible to be so registered;

18 (ii) Has obtained such academic, professional or other
19 qualification(s) as may be prescribed by the council from time to time;20 (iii) Satisfies all other criteria as may be specified by the council from
21 time to time; and22 (iv) Satisfies the council that he/she presently works in a Power
23 Engineering firm or company in the practice of power Engineering.

24 (c) As a Power Engineering Associate member if he-

25 (i) Satisfies the council that he is eligible to be so registered and has
26 passed the associate examination;27 (ii) Has obtained such academic, professional or other
28 qualification(s) as may be prescribed by the council from time to time;29 (iii) Has acquired on the job practical power Engineering experience
30 for such number of years as may be specified by the council;

- 1 (d) As a Power Engineering Technician member if he-
- 2 (i) Satisfies the council that he is eligible to be so registered and has
- 3 passed the requisite professional skill test examination;
- 4 (ii) Has obtained such academic, professional or other
- 5 qualification(s) as may be prescribed by the council from time to time for
- 6 such category;
- 7 (iii) Has acquired on the job practical power engineering
- 8 experience for such number of years as specified by the council.
- 9 (e) As a Power Engineering Craftsman member if he-
- 10 (i) Satisfies the council that he is eligible to be so registered and has
- 11 passed the requisite professional grade examination;
- 12 (ii) Has obtained such academic, professional or other
- 13 qualification(s) as may be prescribed by the council from time to time for
- 14 such category;
- 15 (iii) Has acquired on the job practical power Engineering
- 16 experience for such number of years as may be specified by the council.
- 17 (f) As a power engineering Graduate member if he-
- 18 (i) Satisfies the council that he is eligible to be so registered;
- 19 (ii) Has been a student member; and
- 20 (iii) Has passed associate ship examination but not met other
- 21 conditions specified in paragraph (d) of this sub-clause.
- 22 (g) As a Power Engineering Corporate Firm if the organization-
- 23 (i) Satisfies the council that it is eligible to be so registered; and has
- 24 for several years (to be specified by council) been a engaged in contracting
- 25 or consulting practice in the power industry;
- 26 (ii) Its proponents and management officers have obtained such
- 27 academic, professional or other qualification(s) as may be prescribed by the
- 28 council from time to time;
- 29 (iii) Satisfies all other criteria as may be specified by the council
- 30 from time to time;

1 (iv) Satisfies the council that it is in a Power Engineering firm or
2 company in the practice of power Engineering.

3 SECOND SCHEDULE

4 [clause 5 (3)]

5 *Qualifications and tenure of office of a member of the council*

6 1-(1) Subject to the provisions of this paragraph, a member of the
7 council shall hold office for a period of two (2) years beginning with the date of
8 his appointment or election.

9 (2) A member of the institute who ceases to be a member thereof shall,
10 if he is also a member of the council cease to hold office in the council.

11 (3) A member of the council may, by notice in writing under his hand
12 addressed to the President resign his office.

13 (4) A person who retires from or otherwise ceases to be an elected
14 member of the council shall be eligible to become of the council and any
15 appointed member may be re-appointed.

16 (5) Member of the council shall at its meeting next before the general
17 meeting of the Institute, arrange for the replacement of elected members of the
18 council who are longest in office to retire at that general meeting.

19 (6) Election to the council shall be held in such manner as may be
20 prescribed by rules made by the council and until so otherwise decided, they
21 shall be decided by secret ballot.

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

23 (a) Such member was appointed by the council or any other body, the
24 Council or that body may appoint another fit person from the area in respect of
25 which the vacancy occurs; or

26 (b) such member was elected, the Council may, if the time between
27 the unexpired term of office and the next general meeting of the Institute
28 appears to warrant the filling of the vacancy, co-opt some fit person for such
29 time as aforesaid.

1 *Power of the Council*

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

5 *Standing Orders*

6 3.-(1) Subject to the provision of this Bill, the Council may in the
7 name of the Institute make standing orders regulating the proceedings of the
8 Institute or the Council, and in the exercise of its power under this Bill, may
9 set up committees in the general interest of the institute and make standing
10 orders thereof.

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

15 (3) Standing orders made for a committee shall, provide for the
16 committee to report back to the council on any matter referred to it by the
17 council.

18 (4) The quorum of the Council shall be nine and the quorum of a
19 committee of the council shall be fixed by the council.

20 *General Meeting of the Institute*

21 4.-(1) The Council shall convene the annual general meeting of the
22 Institute on 12th May every year, or on such other day as the council may,
23 from time-to-time, appoint so however, that if the meeting is not held within
24 one year the previous meeting, no more than fifteen months shall elapse
25 between the respective dates of the two meetings:

26 Provided that, a notice of the annual general meeting shall be given
27 to all members at any time and if not later than twenty-one days from the date
28 of the meeting.

29 (2) A special general meeting of the Institute may be convened by
30 the council at any time and if not less than twenty members of the institute so

1 with the terms of the letter by which he/she is appointed.

2 (3) Decisions of a Committee of the council shall be of no effect
3 until it is confirmed by the Council.

4 *Miscellaneous*

5 7.-(1) The fixed of the seal of the institute shall be authenticated by
6 the signature of the chairman or some other member of the council
7 authorized generally or specially by the institute to act for that purpose.

8 (2) Any contract or instrument which, if made or executed by a
9 person not being a body corporate, would not be required to be under seal,
10 may be made or executed on behalf of the institute or of the council, as the
11 case may require, by any person generally or specially authorized to act for
12 that purpose by the council.

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

16 8. The validity of any proceedings of the institute or the council or
17 of a committee of the council shall not be adversely affected by any vacancy
18 in membership or by any defect in the appointment of a member of the
19 institute or the council or of a person to serve on the committee or by reason
20 that a person not entitled to do so, took part in the proceeding.

21 9. Any member of the institute or of the council or any person
22 holding office on a committee of the council, who has a personal interest in
23 any contract or arrangement entered into or proposed to be considered by the
24 council on behalf of the institute or by a committee of the council on behalf
25 of the council, shall forth with disclose his interest to the committee or the
26 council, as the case may be and shall not vote on any question relating to the
27 contract or arrangement.

28 10. A person shall not by reason only of his membership of the
29 institute be treated as holding an office in the public service of the
30 Federation.

1 THIRD SCHEDULE

2 [clause 14(9)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL
4 AND INVESTIGATING PANEL5 *The Disciplinary Tribunal*

6 1. The quorum of the Disciplinary Tribunal shall be five members

7 2.-(1) The Attorney-General of the Federation shall make rules as to
8 the selection of members of the Disciplinary Tribunal for any proceedings and
9 as to the procedure to be followed and the rules of evidence to be observed in
10 proceedings before the Disciplinary Tribunal.

11 (2) The rules shall in particular provide:

12 (a) For securing that notice of the proceeding shall be given at such
13 time and in such manner, as may be specified by the rules, to the person who is
14 the subject of the proceedings;15 (b) For determine who, in addition to the person who is the subject of
16 the proceedings;17 (c) For securing that any party to the proceeding shall, if he so
18 requires, be entitled to be heard by the Tribunal;19 (d) For securing that any party to the proceeding may be represented
20 by a legal practitioner;21 (e) Subject to the provisions of clause 14 (6) of this Bill, as to the cost
22 of proceedings before the Disciplinary Tribunal;23 (f) For requiring, in any case where it is alleged that the person who is
24 the subject of the proceedings involved himself in unprofessional conduct in
25 any professional respect, that where the Disciplinary Tribunal adjudges that the
26 alleged has not been provided, it shall record a finding that the person is not
27 guilty of such conduct in respect of the mater to which the allegation relates;
28 and29 (g) For publishing notice of any direction of the Tribunal which has
30 taken effect, providing that a person's name shall be struck off a register.

1 3. For any proceedings before the Tribunal, any member of the
2 Tribunal may administer oaths and any party to the proceedings may issue
3 out of the registry of the Federal High Court writs of subpoena and
4 testudinatam and deuces tecum, but no person appearing before the
5 Disciplinary Tribunal shall be compelled-

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

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

10 4.-(1) To advise the Tribunal on the question of law arising in the
11 proceedings before it, there shall in all such proceedings by an assessor to
12 the Disciplinary Tribunal who shall be appointed by the Council on the
13 nomination of the Attorney-General of the Federation and shall be a legal
14 practitioner of not less than seven years standing.

15 (2) The Attorney General of the Federation shall make rules as to
16 the functions of assessor appointed under this paragraph and in particular
17 such rules shall contain a provision for securing that-

18 (a) Where an assessor advises the Disciplinary Tribunal on any
19 question of law as to evidence, procedure or any other matters specified by
20 the rules, he shall do so in the presence of every party or a person
21 representing a party to the proceedings who appears there or if the advice is
22 tendered while the Tribunal is deliberating in private that every such party or
23 person as aforesaid shall be informed of the assessor on such a question as
24 aforesaid;

25 (b) Every such party or person as aforesaid shall be informed if in
26 any case the Tribunal does not accept the advice of the assessor on such a
27 question as aforesaid.

28 (3) An Assessor may be appointed under this paragraph either
29 generally or for any particular proceedings or class proceedings and shall

1 hold and vacate office in accordance with the terms of the letter by which he
2 was appointed.

3 *The Investigation Panel*

4 5. The quorum of the Investigation Panel shall be three

5 6.-(1) The Investigation panel may, at any of its meetings attended by
6 all the members of the investigating panel, make standing orders concerning
7 the Investigation Panel.

8 (2) Subject to the provisions of any such standing orders, the
9 Investigation Panel may regulate its proceeding.

10 *Miscellaneous*

11 7.-(1) A person ceasing to be a member of the investigation panel of
12 the Disciplinary Tribunal shall be eligible for re-appointment as a member of
13 the Investigation Panel or Disciplinary Tribunal as the case may be; however,
14 nobody shall serve in the Investigation Panel for more than two consecutive
15 terms totaling four years.

16 (2) A person may, if otherwise eligible, be a member of both the
17 Disciplinary Tribunal and the Investigating Panel, but no person who acted as a
18 member of the Investigating panel concerning any case shall act as a member
19 of the Disciplinary Tribunal with respect to that case.

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

26 9. Any document authorized or required by virtue of this Act to be
27 served on the Disciplinary Tribunal or the Investigating Panel shall be served
28 on the Registrar.

29 10. Any expenses of the Disciplinary Tribunal or the Investigation
30 panel shall be defrayed by the Institute.