

TOWN PLANNERS (REGISTRATION, ETC.) ACT

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TOWN PLANNERS (REGISTRATION, ETC.) ACT

An Act to establish the Town Planners Registration Council for the registration of town planners and to provide extensively for the regulation of the profession of town planning.

[1988 No.3.]

[16th January, 1988]

[Commencement.]

The Council

1. Establishment of the Town Planners Registration Council, etc.

(1) There is hereby established a body to be known as the Town Planners Registration Council (in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued by the name.

(2) The Council shall be charged with the general duty of-

(a) determining who are town planners for the purposes of this Act;

(b) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the profession of town 'planning (in this Act referred to as "the profession") and reviewing those standards, from time to time, as circumstances may require;

(c) securing in accordance with this Act, the establishment and maintenance of a register of persons entitled to practice the profession and the publication, from time to time, of lists of those persons;

(d) regulating and controlling the practice of the profession in all its aspects and ramifications;

(e) maintaining, in accordance with this Act, of discipline; and

(f) performing such other functions which in its opinion are calculated to facilitate the carrying on of its activities under this Act.

(3) Subject to the provisions of this Act, the Council shall consist of a President of the Council to be appointed in accordance with section 2 (7) of this Act and the following other members, that is-

(a) one town planner to be appointed by the Minister to represent each State of the Federation and the Federal Capital Territory, Abuja in consultation with the respective State Governors and the Minister of the Federal Capital Territory, Abuja;

(b) two persons from the Institute, one of whom shall be the current President of the Institute; and feasible

(c) two persons appointed by the Minister of whom at least one is an employee in the Ministry charged with responsibility for matters relating to town planning.

(4) The provisions of the First Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters therein mentioned.

[First Schedule.]

2. Qualifications and tenure of office of members

(1) A person shall not be appointed a member of the Council unless he is a citizen of Nigeria, fully registered or qualified for registration as a town planner under this Act and has been engaged in the practice of the profession for not less than five years.

(2) Subject to the following provisions of this section, a person who is a member of the Council otherwise than by virtue of paragraphs (a) and (b) of section 1 (3) of this Act, shall hold office for a period of three years from the date of his appointment.

(3) The office of a member of the Council shall become vacant if-

(a) he becomes bankrupt or makes arrangements with his creditors;

(b) he is as a result of physical or mental illness unable to discharge his functions as a member of the Council; or

(c) he is convicted of an offence involving dishonesty, fraud or moral turpitude.

(4) Any member of the Council holding office otherwise than by virtue of paragraphs (a) and (b) of section 1 (3) of this Act may, by notice in writing to the Minister, resign his office.

(5) A person who has ceased to be a member of the Council (except in the manner provided for in subsection (3) of this section) shall be eligible for re-appointment: Provided that no person shall hold office as President of the Council for more than two consecutive terms.

(6) Where a member of the Council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed or elected shall, as soon as practicable appoint, or as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid so however that (without prejudice to the provisions of paragraph (b) of section 1 (3) of this Act) the foregoing provisions of this subsection shall not apply where a person holding office as a member of the Council in pursuance of that paragraph has ceased to hold office at a time when the residue of his term does not exceed one year.

(7) The power of appointing a person as President of the Council shall-

(a) during the period of three years beginning with the date when this subsection comes into force, be exercisable by the President; and

(b) after the expiration of that period, be exercisable by the Council; and where an existing member of the Council is appointed President, his office shall become vacant and his term of office as President shall begin on the date of his appointment as President.

3. Financial provisions and annual reports

(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

(a) such moneys as may be provided by the Government to the Council by way of grant or by way of loan or otherwise howsoever; and

(b) all other moneys that may accrue to the Council under this Act.

(3) The Council shall prepare and submit to the Minister not later than 30 June of the year in which this Act comes into force and in each subsequent year an estimate of its expenditure and income during the next succeeding financial year.

(4) The Council shall keep proper accounts in respect of each financial year and proper records in relation to those accounts and shall cause the accounts to be audited within six months after the end of each financial year to which the accounts relate.

(5) The Council shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister and shall not have power to pay remuneration (including pensions, allowances or other) except with the prior consent of the Minister and shall not pay expenses to any member or employee of the Council or to any other person except in accordance with scales approved by the Minister.

(6) The Council shall prepare and submit to the minister not later than twelve clear months after its establishment and once in each year thereafter a report on the activities of the Council during the last preceding financial year and shall include in the report a copy of the audited accounts of the Council for that year and of the auditors' report on the accounts.

4. Power of the Minister to give directions to the Council

(1) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.

(2) Before giving a direction under the foregoing subsection, the Minister shall serve a copy of the proposed direction on the Council and shall afford the Council an opportunity of making representations to him with respect to the directions; and after considering any representations made to him in pursuance of this subsection, the Ministry may give the direction either without modification or with such modifications as appear to him to be appropriate, having regard to the representations made to him in pursuance of this subsection.

Registration

5. Preparation and maintenance of the register

(1) The Council shall appoint a fit and proper person to be the registrar for the purpose of this Act.

(2) It shall be the duty of the registrar to prepare and maintain, in accordance with the rules made by the Council under this section, a register of the names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled in accordance with the provisions of this act to be registered as town planners and who apply in the specified manner to be so registered.

(3) The register shall consist of two parts of which one shall be in respect of fully registered persons and the other in respect of provisionally registered persons.

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

(a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;

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

(c) authorising a registered person to have any qualification which is 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 to be paid to the Council in respect of the entry of names on the register and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid; and

(e) specifying anything falling to be specified under the foregoing provisions of this section: Provided that rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by an order of the Minister published in the *Federal Gazette*.

(5) It shall be the duty of the registrar-

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

(b) to make from time to time any necessary alterations to the registered particulars of registered persons;

(c) to remove from the part of the register which relates to provisionally registered persons all particulars relating to a person registered in the other part of the register; and

(d) to remove from the relevant part of the register the name of any registered person who has died or, as the case may be, has ceased to be entitled to be registered.

(6) If the registrar-

(a) sends 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 and receives no reply to the letter within the period of three months from the date of posting it; and

(b) upon the expiration of that period sends in like manner to the person in question a second and similar letter and receives no reply to that letter within three months from the date of posting it
the registrar may remove or deal appropriately with the particulars relating to the person in question in the relevant part of the register; but the Council may for any reason which seems to it to be sufficient direct the registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

6. Publication of the register and lists of corrections

(1) It shall be the duty of the registrar-

(a) to cause a list of persons whose names and qualifications are indicated in the register to be printed, published and put on sale to members of the public not later than twelve months from the beginning of the year in which this subsection comes into force;

(b) in each year after that in which a register is first published 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 corrections made to the register since it was last printed; and

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at all offices of the Council and the Institute, and it shall be the duty of the Council and the Institute to keep the register and lists so deposited open at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of the register published under this section by authority of the registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year shall, without prejudice to any other mode of proof, be admissible in any proceedings as evidence that any person specified in the document or the documents read together as being fully or provisionally registered is so registered and that any person not so specified is not so registered.

7. Registration of town planners

(1) Subject to section 12 and to rules made under section 5 (4) of this Act, a person shall be entitled to be fully registered as a town planner if-

(a) he passes the qualifying examination for registration recognised or conducted by the Council under this Act; or

(b) he holds a qualification granted outside Nigeria which for the time being is accepted by the Council and he is by law entitled to practise for all purposes as a town planner in the country in which the qualification was granted and, if the Council so requires, he satisfies the Council that he has had sufficient practical experience as a town planner.

(2) Subject as aforesaid, a person shall also be entitled to be registered under this Act if-

(a) he holds a certificate recognised by the Council and has not less than two years' post-qualification practical experience in the profession; or

(b) he has passed an examination approved by the Council and has not had less than two years' post-qualification practical experience in the profession.

(3) An applicant for registration under this Act shall, in addition to evidence of qualification, satisfy the Council that he is of good character.

(4) A person shall be entitled to be registered provisionally under this Act if-

(a) he holds a certificate recognised by the Council and has not had the two years' post-qualification practical experience in the profession; or

(b) he has passed an examination conducted or approved by the Council and has not had two years' post-qualification practical experience in the profession.

(5) Any entry directed to be made in the register under subsection (4) of this section shall show that the registration is provisional, and no entry so made shall be converted to full registration without the consent of the Council specified in writing in that behalf.

(6) The Council shall, from time to time, publish in the *Federal Gazette* particulars of the qualifications for the time being accepted for registration under this Act.

8. Persons entitled to registration under special circumstances

(1) Subject to subsection (2) of this section, where the Council is satisfied that reciprocal arrangements are in existence between Nigeria and any other country whereby citizens or nationals of that country and those of Nigeria are entitled to practise in that other country as town planners on the same or nearly similar terms and conditions, a national or citizen of that other country shall, if resident in Nigeria immediately before the date of his application for registration and on due compliance with any other requirements of the Council, be entitled to be registered as a town planner under this Act.

(2) Where any person not a citizen of Nigeria would, but for this subsection, be required to satisfy the Council as to reciprocal arrangements made and that person is, on or after the commencement of this Act, employed in Nigeria as a town planner-

(a) under any foreign technical assistance or foreign technical aid programme;

(b) under a contract of service with the Government of the Federation or any State thereof; or

(c) under a contract of service with a fully registered and practising town planner who is a citizen of Nigeria, the Council shall, after receipt by it of an application for registration duly made by the person so employed, and upon payment of the prescribed fee but without requiring to be satisfied as to any such reciprocal arrangements and residential qualification, direct registration of the person concerned under this Act while so employed but not otherwise.

9. Approval of courses, qualifications and institutions

(1) The Council may approve for the purposes of section 5 of this Act-

- (a) any course of training which is intended for persons who are seeking to become or are already qualified as town planners;
- (b) any institution, either in Nigeria or elsewhere, which the Council may consider is properly organised and equipped for conducting the whole or any part of a course of training approved by the Council under this section
- (c) any qualification obtained as a result of examinations taken in conjunction with a course of training approved by the Council under this section certifying that the holder has in the opinion of the Council attained a standard of knowledge and skill sufficient to practice town planning as a profession.

(2) The Council shall from time to time publish in the Federal *Gazette* a list of qualifications approved by it as aforesaid.

(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 the person appearing to the Council to be the person by whom the course is conducted or the qualification is granted or the institution is controlled, in Nigeria, as the case may be;
- (b) afford such person an opportunity of making representations to the Council with regard to the proposal; and
- (c) take into consideration any representations made as respects the proposal in pursuance of the last foregoing paragraph.

(4) As respects 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 (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.

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

- (a) as soon as may be, 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 Minister.

10. Supervision of instruction and examinations leading to approved qualifications

(1) It shall be the duty of the Council to keep itself informed of the nature of--

- (a) the instruction given at approved institutions to persons attending approved courses of training; and
- (b) the examinations as a result of which approved qualifications are granted, and for the purposes of performing that duty the Council may appoint, either from among its members or otherwise, persons to inspect approved institutions or attend any examination conducted by such institutions.

(2) It shall be the duty of a person appointed under this section to report to the Council on-

(a) the sufficiency or otherwise of the instruction given to persons attending approved courses of training at institutions inspected by him;

(b) the sufficiency or otherwise of the examinations conducted at any institution inspected by him; and

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

(3) On receiving a report made in pursuance of this section, the Council shall as soon as practicable send a copy of the report to the person, body or authority appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates requesting that person, body or authority to make observations on the report to the Council within such period as may be specified in the request, not being more than one month from the date of the request.

11. Certificate of experience

(1) Any person who, having qualified as a town planner by examination after the commencement of this Act or not earlier than two years before its commencement, as the case may be, satisfies the conditions mentioned in subsection (2) of this section, may apply for and shall be entitled to receive free of charge a certificate of experience in the prescribed form from the person mentioned in subsection (2) of this section, entitling him to be fully registered as a town planner under this Act and such certificate shall, when received by the person provisionally registered, be filed with his application for full registration.

(2) The conditions aforesaid are that-

(a) he shall during his employment after qualification as aforesaid, have acquired practical experience under the personal supervision and guidance of at least one fully registered town planner for a period of two years; and

(b) the manner in which he carried out the duties of his employment and his conduct during the period of his employment shall have been satisfactory.

(3) It shall be the duty of the employer, being a fully registered town planner supervising the work of a person employed with a view to obtaining a certificate of experience, to secure that a person so employed is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (a) of subsection (2) of this section.

(4) Where, after having completed the period mentioned in paragraph (a) of subsection (2) of this section, a person affected applies for and is refused a certificate of experience, he shall be entitled-

(a) to receive from his employer aforesaid particulars in writing of the grounds of the refusal; and

(b) to appeal from the refusal to a committee of the Council in accordance with rules made by the Council in that behalf (including rules as to the time within which appeals are to be brought), and on any such appeal the committee may either dismiss the appeal or itself issue the certificate of experience in question or give such other direction as it considers just.

Professional discipline

12. Establishment of the Disciplinary Tribunal and the Investigating Panel

(1) There shall be established a body to be known as the Town Planners Disciplinary Tribunal (in this Act referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the panel established and constituted under this section and any other case of which the Tribunal has cognisance under the following provisions of this Act.

(2) The Tribunal shall consist of the President of the Council and eleven other members of the Council appointed by the Council and shall include three members of the Council holding office by virtue of paragraph (b) of section 1 (3) of this Act or, where the number of those members is for the time being less than three, all those members.

(3) There shall be established a body to be known as the Town Planners Investigating Panel (in this Act referred to as "the Panel") which shall be charged with the duty of-

(a) conducting a preliminary investigation into any case where it is alleged that a person fully or provisionally registered has committed acts of professional misconduct in his capacity as a town planner or should for any other reason be the subject of proceedings before the Tribunal; and

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

(4) The Panel shall be appointed by the Council and shall consist of seven members of the Council and two other registered town planners who are not members of the Council.

(5) The provisions of the Second Schedule to this Act shall, so far as applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies.

[Second Schedule.]

13. Penalties for unprofessional conduct

(1) Where-

(a) a person registered under this Act is convicted of any offence by any court or tribunal in Nigeria or elsewhere being a court having power to sentence a person to a term of imprisonment for an offence (whether or not punishable with imprisonment) and the Tribunal is of the opinion that the commission of the offence is incompatible with the status of a town planner; or

(b) a registered person is adjudged by the Tribunal to be guilty of infamous conduct in a professional respect; or

(c) the Tribunal is satisfied that the name of any person has been fraudulently registered the Tribunal may-

(i) if it thinks fit, give a direction ordering the registrar to strike the person's name off the relevant part of the register; or

(ii) suspend that person from practice by ordering him not to engage in practice as a town planner for such period not exceeding 24 months as may be specified in the direction; or

(iii) reprimand him, and any such direction may where appropriate include provision requiring the refund of moneys paid or the surrender of documents or any other thing as the circumstances of the case may require.

(2) Where a registered person is judged by the Tribunal to be guilty of misconduct not amounting to infamous conduct, which in the opinion of the Council is incompatible with the status of a town planner, the Tribunal may, if it thinks fit, give such direction as

is authorised by sub-paragraph (ii) or (iii) of subsection (1) of this section and such direction may where appropriate, include provision requiring the refund of moneys paid or surrender of documents or any other thing as the circumstances of the case may require.

(3) The Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal; but

(a) no decision shall be deferred under this subsection for periods exceeding twelve months in the aggregate; and

(b) no person shall be a member of the Tribunal for the purpose 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.

(4) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (a) of that subsection 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.

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

(6) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the 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 purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Court of Appeal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(7) 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 the appeal, on the expiration of that time; or

(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; or

(c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and not otherwise howsoever.

(8) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the tribunal on the application of that person; and a direction under this section for the removal of the name of a person from the register may stipulate that an application under this subsection shall not be presented by the affected person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

14. Offences and venue for trial thereof

(1) Any person not being a town planner who-

(a) for or in expectation of reward practises or holds himself out to practise as such; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a town planner, shall be guilty of an offence under this Act.

(2) Any person on the provisional register who, otherwise than in accordance with section 11 of this Act-

(a) for or in expectation of reward, practises or holds himself out to practise as a town planner; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a town planner, shall be guilty of an offence under this Act.

(3) If any person, for the purpose of procuring the registration of any name, qualification or other matter-

(a) makes a statement which he believes or ought reasonably to believe to be false in a material particular; or

(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence under this Act.

(4) If any person employed by the Council wilfully makes any falsification in any matter relating to the register, he shall be guilty of an offence under this Act.

(5) A person found guilty of an offence under this Act shall be liable on conviction to a fine not exceeding ₦1,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and, where the offence is a continuing one, to a further fine not exceeding ₦20 for each and every day that the offence continues.

(6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) Without prejudice to the other provisions of this Act, offences under this Act shall be triable in the Federal High Court.

Miscellaneous and supplementary

15. Entitlement to practice, etc.

(1) A registered town planner shall (but to the extent only of his qualification) be entitled to practise as a town planner throughout the Federation.

(2) It shall be the duty of the person in charge of each university or other institution of higher learning in the Federation having a faculty by whatever name called, at which there is held a course of training intended for persons who are seeking to become registered town planners under this Act, to furnish to the registrar, not later than the 31st day of March in every year, a list of the names and such other particulars as the Council may specify of all person who attended any such course at the institution in question at any time during the last preceding year.

16. Recovery of fees

Without prejudice to any rule of law whereby a contract may be avoided for inconsistency with an enactment, a person other than a fully registered town planner shall not be entitled to recover by process of law fees or other valuable consideration whatsoever in respect of any act, matter or thing done or omitted to be done by him in intended pursuance of any contract while purporting to act as a registered town planner.

17. Regulations

In addition to any other power to make regulations under this Act, the Minister may make all such other regulations as may, in his opinion, be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

18. Interpretation

(1) In this Act, unless the context otherwise requires-

"approved qualification" means a qualification which is approved by the Council under this Act;

"certificate of experience" means a certificate granted in pursuance of section 11 of this Act;

"Council" means the Town Planners Registration Council established by section 1 of this Act;

"fully registered" means, in relation to an individual, a person whose name is for the time being entered in that part of the register maintained in respect of fully registered town planners;

"functions" includes powers and duties;

"Institute" means the body commonly known as the Nigerian Institute of Town Planners;

"Minister" means the Minister for the time being charged with responsibility for matters relating to the profession of town planning;

"Panel" means the Town Planners Investigating Panel established by section 12 (3) of this Act;

"profession" means the profession of town planning;

"provisionally registered" means, in relation to an individual, a person whose name is for the time being entered in that part of the register other than that for the entry of the names of persons fully registered;

"register" means the register maintained under this Act in respect of those entitled to practise the profession of town planning and **"registered"** shall be construed accordingly;

"registrar" means the registrar appointed in pursuance of section 5 (1) of this Act;

"town planner" means a person who is registered to practise the profession in accordance with the provisions of this Act;

"town planning" means the theory and practice of town and country planning by the ordering and control of the siting and erection of buildings and other structures and the provision of open spaces and such similar use of land, as the case may be, for the improvement of the human environment;

"Tribunal" means the Town Planners Disciplinary Tribunal established by section 12 (1) of this Act.

(2) Reference in this Act to service under or employment by a Government include reference to service under or employment by a Federal or State statutory corporation or a company wholly-owned or controlled by Government or service under a local government council.

19. Short title

This Act may be cited as the Town Planners (Registration, etc.) Act.

SCHEDULES

FIRST SCHEDULE

[Section 1 (4).]

Supplementary provisions relating to the Council

Proceedings of /he Council

1. Subject to the provisions of this Act and of section 27 of the Interpretation Act, the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

[Cap.123.]

2. The quorum of the Council shall be fourteen of whom at least six shall be representatives appointed under paragraph (a) of section 1 (3) of this Act; and the quorum of any committee of the Council shall be determined by the Council.

3. (1) The Council shall appoint one of its members to be the Vice-President of the Council for such period as the Council may determine, so however that a Vice-President who ceases to be a member shall cease to be Vice-President.

(2) At any time while the office of President is vacant or the President is in the opinion of the Council permanently or temporarily unable to perform the functions of his office, the Vice-President shall perform those functions, and references in this Schedule to the President shall be construed accordingly.

4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the President and in any case not less than four times in any financial year; and if the President is required so to do by notice given to him by not less than nine other members, he shall summon a meeting of the Council to be held within 21 days from the date on which the notice is given.

(2) At any meeting of the Council the President shall preside, and in his absence the Vice-President shall preside, but if both are absent, the members present shall elect one of their member to preside at the meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

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

Committee

5. (1) The Council may appoint one or more committees to carry out on behalf of the Council such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council and not more than one third of those persons may be persons who are not members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his letter of appointment.

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

Miscellaneous

6. (1) The fixing of the seal of the Council shall be authenticated by the signature of the President or of some other member authorised generally or specially by the Council to act for that purpose.

(2) Any contract or instrument, which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Council by any person generally or specially authorised to act for that purpose by the Council.

(3) Any document purporting to be duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

7. The validity of any proceedings of the Council or a committee thereof shall not be affected by any vacancy in the membership of the Council or committee or by any defect in the appointment of a member of the Council or a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.

8. Any member of the Council and any person holding office on a committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council or committee and shall not vote on any question relating to the contract or arrangement.

SECOND SCHEDULE

[Section 12 (5).]

Supplementary provisions relating to the Disciplinary Tribunal and the Investigating Panel

The Tribunal

1. The quorum of the Tribunal shall be four.

2. (1) The Chief Justice of Nigeria may make rules 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 proceedings shall if he so requires be entitled to be heard by the Tribunal;

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

(e) subject to the provisions of section 13 (6) of this Act, as to the costs or proceedings before the Tribunal;

(f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates;

(g) for publishing in the *Federal Gazette* notice of any direction of the tribunal which has taken effect providing that the name of a person shall be struck off the register or that a person shall be suspended from practice.

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 issue out of the registry of the Federal High Court as the case may require, writs of *subpoena ad testificandum* and *ad duces tecum*; but no person 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.

Assessors

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 and shall be a legal practitioner of not less than seven years' standing.

(2) An assessor, when nominated in accordance with sub-paragraph (1) of this paragraph, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in the instrument; and where the appointment is not a general one, it shall have effect only in respect of a particular meeting of the Tribunal.

(3) Subject to the terms of his appointment, an assessor shall attend any meeting of the Tribunal as and when requested to do so by notice in writing given to him by the secretary not later than three clear days before the date appointed for the meeting, and he shall thereat advise the Tribunal on questions of law arising in proceedings before it.

(4) Except where the Tribunal is deliberating in private, the advice of the assessor on questions of law as to evidence, procedure and as to compliance with this Act shall be tendered in the presence of every party or of his counsel.

(5) If the advice by the assessor to the Tribunal is given otherwise than in the presence of all parties, or as the case may be, of their counsel, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice given and the reaction thereto of the Tribunal.

(6) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, 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 not less than six members, make standing orders with respect to the panel.

(2) Subject to the provisions of any such standing order, the Panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the Tribunal or the Panel shall be eligible for reappointment as a member of the body concerned.

(2) A person may, if otherwise eligible, be a member of both the Tribunal and the Panel; but no person 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 sub-paragraph (2) of paragraph 7 above) by reason of

the fact than any person who was not entitled to do so took part in the proceedings of that body.

9. The Tribunal and the Panel may each sit in two or more divisions.

10. Any document authorised or required by virtue of this Act to be served on the Tribunal or the Panel shall be served on the registrar.

11. Any expenses of the Tribunal or the Panel shall be defrayed by the Council.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation