

**THE ENGINEERS (REGISTRATION ETC.)
DECREE 1970**



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Decree No. 55

[Section 18 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Registered engineers and council thereof

1.—(1) There shall be established on the coming into force of this Decree, a body to be known as the Council of Registered Engineers of Nigeria (hereafter in this Decree referred to as "the council") which shall be a body corporate by the name aforesaid and be charged with the general duty of—

Council of
Registered
Engineers of
Nigeria
established.

- (a) determining who are engineers for the purposes of this Decree ;
- (b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as engineers and raising those standards from time to time as circumstances may permit ;
- (c) securing in accordance with the provisions of this Decree the establishment and maintenance of a register of persons entitled to practise as registered engineers and the publication from time to time of lists of those persons ;
- (d) performing the other functions conferred on the council by this Decree ;
- (e) regulating and controlling the practice of the engineering profession in all its aspects and ramifications.

(2) Subject to the provisions of this Decree, the council shall consist of the following members—

- (a) one person who shall be appointed as President of the council ;
- (b) seven persons appointed by the Federal Commissioner charged with responsibility for the profession of engineering (hereafter in this Decree referred to as "the Commissioner") of whom at least one shall be employed by the Ministry under his control and the other persons not so employed shall be appointed by the Commissioner from amongst other interests in the field of engineering covered by this Decree which in his opinion are not adequately represented ;
- (c) six persons to be appointed by the Commissioner to represent the States in rotation for two years at a time, no two of whom shall come from one State ;
- (d) six persons elected by the Nigeria Society of Engineers in the manner for the time being provided by the constitution of that society ;
- (e) three persons as nominated one from each of the three universities with faculties of engineering and appointed by the Commissioner.

(3) The provisions of Schedule 1 to this Decree shall have effect with respect to the qualification and tenure of office of members of the council, powers and procedure of the council and the other matters there mentioned.

(4) Regulations may provide for increasing or reducing the membership of the council, and may make such consequential amendments of paragraph 1 of Schedule 1 to this Decree as the Commissioner considers expedient in consequence of the increase or reduction.

Financial provisions.

2.—(1) The council shall prepare and submit to the Commissioner not later than the 31st day of December of the year in which this subsection comes into force (so however that for that year the Commissioner may if he considers it necessary extend the period) and of each subsequent year an estimate of its expenditure and income during the next succeeding financial year.

(2) The council shall keep proper records in respect of each financial year, and proper records in relation to those accounts, and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved as respects that year by the Commissioner.

Control of council by Commissioner.

3.—(1) The Commissioner 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 Commissioner 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 direction; and after considering any representations made to him in pursuance of this subsection, the Commissioner may give the direction either without modification, or with such modifications as appear to him to be appropriate having regard to the representations.

Preparation and maintenance of the register.

The register

4.—(1) It shall be the duty of the council to appoint a fit person to be the registrar for the purposes of this Decree.

(2) It shall be the duty of the registrar to prepare and maintain, in accordance with 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 Decree to be registered as registered engineers and who apply in the specified manner to be so registered.

(3) The register of engineers (hereafter in this Decree referred to as "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 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 application;

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

(c) authorising a registered person to have any qualification which is, in relation to the relevant division of the profession, whether an approved qualification or an accepted qualification for the purposes of section 5 (2) of this Decree, 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 ;

(e) specifying anything falling to be specified under the foregoing provisions of this section ;

but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by order of the Commissioner.

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

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

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

(c) to remove from the part of the register of engineers which relates to provisionally registered persons all particulars relating to a person registered in the other part of that register or relating to persons ceasing for any reason to be entitled to be so provisionally registered ; and

(d) to remove from the register the name of any registered person who has died.

(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 six 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 similar letter and receives no reply to that letter within three months from the date of posting it,

the registrar may remove the particulars relating to the person in question from the relevant part of the register ; and the council may direct the registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

5.—(1) It shall be the duty of the registrar—

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

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

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

and it shall be the duty of the council to keep the register and lists so deposited open at all reasonable times for inspection by members of the public.

Publication
of register
and lists of
corrections.

(2) A document purporting to be a print of an edition of a 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.

Registration

Registration
as
engineers.

6.—(1) Subject to section 11 and to rules made under section 4 (4) of this Decree, a person shall be entitled to be fully registered under this Decree if—

- (a) he has attended a course of training approved by the council under the next following section ; and
- (b) the course was conducted at an institution so approved, or partly at one such institution and partly at another or others ; and
- (c) he holds a qualification so approved ; and
- (d) he holds a certificate of experience issued in pursuance of section 9 of this Decree.

(2) Subject as aforesaid, a person shall also be entitled to be fully registered under this Decree if he satisfies the council—

- (a) that he is of good character ; and
- (b) that he holds a qualification granted outside Nigeria and for the time being accepted by the council for the purposes of this subsection as respects the engineering profession ; and
- (c) that in the country in which the qualification was granted he was under no legal disability in the practice of engineering ; and
- (d) if the council so requires, that he has had sufficient practical engineering experience ;

and the council shall from time to time publish in the Federal Gazette particulars of the qualifications for the time being accepted as aforesaid.

(3) Subject as aforesaid, a person shall be entitled to be provisionally registered under this Decree in the cases specified in section 12 of this Decree.

Approval of
courses,
qualifica-
tions and
institutions.

7.—(1) Subject to subsection (2) of this section, the council may approve for the purposes of section 6 of this Decree—

- (a) any course of training which is intended for persons who are seeking to become, or are already, members of the engineering profession, and which the council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession or for practice as members of a specialised branch of that profession ;
- (b) any institution either in Nigeria, or elsewhere, which the council considers 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 which, as a result of examination taken in conjunction with the course of training approved by the council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the council, that they have sufficient knowledge and skill to practise engineering as a profession.

(2) The council shall from time to time publish in the Federal Gazette a list of qualifications in the profession of engineering approved by it, and subject thereto the council shall not approve for the purposes of subsection (1) above a qualification granted by an institution in Nigeria unless the qualification has been so published by the council.

(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 persons in Nigeria appearing to the council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be; and

(b) afford each such person an opportunity of making to the council representations 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, institution or qualification is withdrawn, the course, institution or qualification 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, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the council may specify in that instrument; and the council shall—

(a) as soon as 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 Commissioner.

8.—(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;

Supervision
of instruction
and examina-
tions leading
to approved
qualifica-
tions.

and for the purposes of performing that duty the council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a visitor appointed under this subsection to report to the council on—

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

(b) the sufficiency of the examinations attended 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 no visitor shall 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 may be send a copy of the report to the person appearing to the council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Certificate
of experience.

9.—(1) A person who, after obtaining an approved qualification, satisfies the conditions mentioned in subsection (2) of this section shall be entitled to receive free of charge a certificate of experience in the prescribed form from the person in charge of the institution mentioned in that subsection.

(2) The conditions aforesaid are—

(a) he shall have served his time for the prescribed period in Nigeria with a view to obtaining a certificate of experience ;

(b) he shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered engineers for such periods as may be prescribed ; and

(c) 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 registered engineer supervising the work of persons employed with a view to obtaining a certificate of experience, to secure that the last-mentioned person is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (b) of subsection (2) above.

(4) Where after having served his time as mentioned in paragraph (a) of subsection (2) above a person is refused a certificate of experience he shall be entitled—

(a) to receive from his employer 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 shall either dismiss the appeal or itself issue the certificate of experience in question or give such other directions in the matter as it considers just.

(5) Regulations may provide for the issue of certificates of experience in respect of employment and institutions outside Nigeria.

Professional discipline

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Establishment of disciplinary tribunal and investigating panel.

10.—(1) There shall be a tribunal, to be known as the Registered Engineers Disciplinary Tribunal (hereafter in this Decree 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 by the following provisions of this section and any other case of which the tribunal has cognisance under the following provisions of this Decree.

(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 not less than four members of the council holding office by virtue of paragraph (d) of subsection (2) of section 1 of this Decree or, where the number of those members is for the time being less than four, all those members.

(3) There shall be a body, to be known as the Registered Engineers Investigating Panel (hereafter in this Decree 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 misbehaved in his capacity as such, 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.

(5) The provisions of Schedule 2 to this Decree shall, so far as applicable to the tribunal and the panel respectively, have effect with respect to those bodies.

11.—(1) Where—

Penalties for unprofessional conduct, etc.

(a) a person fully registered under this Decree is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the tribunal is incompatible with the status of a registered engineer; or

(b) a person provisionally registered under this Decree is likewise so convicted in circumstances such that the council is satisfied that his name ought to be removed from the register; or

(c) the tribunal is satisfied that the name of any person has been fraudulently registered,

the tribunal may, if it thinks fit, give a direction reprimanding that person if fully registered or whether or not fully registered ordering the registrar to strike his name off the relevant part of the register.

(2) The tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) above until a subsequent meeting of the tribunal; but—

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

(b) no person shall be a member of the tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the tribunal when the decision was deferred.

(3) For the purposes of subsection (1) 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.

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

(5) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Supreme Court; 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 tribunal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the tribunal under subsection (1) of this section shall take effect—

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

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

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

and shall not take effect except in accordance with the foregoing provisions of this subsection.

(7) 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 a person's name from the register may prohibit an application under this subsection by that 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.

Miscellaneous and General

Provisional
registration
of persons
not citizens
of Nigeria.

12.—(1) Where a person satisfies the council—

(a) that he has been selected for employment for a specified period in a capacity in which a person fully registered as an engineer under this Decree would normally be employed and that he is or intends to be in Nigeria temporarily for the purposes of serving for that period in the employment in question,

(b) that he holds, or has passed examinations necessary for obtaining some qualification granted outside Nigeria which is for the time being accepted by the council for the purposes of this section as respects the capacity in which, if employed, he is to serve,

the council may, if it thinks fit, give a direction that he shall be temporarily registered as an engineer.

(2) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) above and shall cease—

(a) on the termination of the period of employment specified to the council under that subsection, or

(b) on the termination of the said employment before the end of that period.

whichever first comes :

Provided that nothing in this subsection shall preclude the council from giving a further direction under subsection (1) above in respect of a specified period whose commencement coincides with the termination of another such period.

(3) A person who is temporarily registered shall, in relation to his employment as mentioned in subsection (1) (a) above, and to things done or omitted in the course of that employment, be deemed to be fully registered, but in relation to all other matters he shall be treated as not so registered.

(4) In case of doubt as to whether a person's employment has been terminated, the decision of the council shall be conclusive for the purposes of subsection (2) above.

(5) Nothing in this section shall have effect to exempt any person provisionally registered as an engineer pursuant to this section from payment of an annual practising fee.

(6) The registrar, as directed from time to time by the council, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section.

13.—(1) Any person not a registered engineer who—

Offences.

(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 registered engineer,

shall be guilty of an offence.

(2) Any person on the provisional register who, otherwise than in accordance with section 12 of this Decree—

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

shall be guilty of an offence.

(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 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.

(4) If the registrar or any other person employed by the council wilfully makes any falsification in any matter relating to the register he shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable—

(a) on conviction in any court of inferior jurisdiction, to a fine not exceeding fifty pounds ;

(b) on conviction in a High Court, to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years, or to both.

(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.

Miscellaneous
supplementary
provisions.

14.—(1) Subject to the following provisions of this section, a person shall not hold an appointment requiring status as a registered engineer under this Decree in the public service of the Federation or a State or in the armed forces of the Federation unless he is an engineer registered under this Decree or is otherwise exempted.

(2) A registered engineer under this Decree shall, but to the extent only of his particular qualifications, be entitled to practise as a registered engineer throughout the Federation.

(3) It shall be the duty of the person in charge of each university having attached thereto a faculty of engineering in the Federation, at which there is held a course of training intended for persons who are seeking to become registered engineers under this Decree, to furnish to the registrar, not later than the thirty-first day of March in every year, a list of the names, and of such other particulars as the council may by order specify, of all persons who attended any such course at the institution in question at any time during the preceding year.

(4) In this section "public service" includes service as a registered engineer in or with any institution or corporation (Federal or State) or state-owned company.

Recovery of
fees, etc.

15. 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 engineer 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 engineer.

Regulations,
rules and
orders.

16. Any power to make regulations, rules or orders conferred by this Decree shall include power—

(a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of this instrument; and

(b) to make different provision for different circumstances.

Interpre-
tation, etc.

17.—(1) In this Decree, unless the context otherwise requires—

"approved" means for the time being approved under section 7 of this Decree;

"approved engineering qualification" means a qualification which is approved in respect of the engineering profession;

"certificate of experience" means a certificate granted in pursuance of section 9 of this Decree;

"the council" means the council of registered engineers of Nigeria established by section 1 (1) of this Decree;

"the Commissioner" means the Federal Commissioner charged with responsibility for matters relating to the engineering profession generally;

"the panel" has the meaning assigned to it by section 10 (3) of this Decree ;

"prescribed" means prescribed by regulations made under this Decree ;

"register" means the register maintained under this Decree, and "registered" shall be construed accordingly ;

"registered engineer" means a person registered under this Decree ;

"the registrar" means the registrar appointed in pursuance of section 4 of this Decree ;

"regulations" means regulations made by the Commissioner ;

"the tribunal" has the meaning assigned to it by section 10 (1) of this Decree.

(2) For the purpose of this Decree—

(a) a person is fully registered if his name is for the time being entered in the part of the register maintained in respect of fully registered persons ; and

(b) a person is provisionally registered if his name is for the time being entered in the other part of that register,

and "fully registered" and "provisionally registered" shall be construed in accordance with paragraphs (a) and (b) of this subsection.

(3) Any approval, consent, direction, notice, observation, report, representation or request authorised or required to be given or made by or under this Decree shall be in writing and may, without prejudice to any other method of service but subject to the provisions of rules made under Schedule 2 to this Decree, be served by post.

18.—(1) This Decree may be cited as the Engineers (Registration etc.) Decree 1970 and shall apply throughout the Federation.

(2) This Decree shall come into force on such date as the Commissioner may appoint by order published in the Federal Gazette.

Citation,
extent and
commence-
ment.

SCHEDULES

SCHEDULE 1

Section 1.

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and tenure of office of members

1.—(1) A person shall not be a member of the council unless he is a citizen of Nigeria fully registered as an engineer under this Decree.

(2) A person not a member of the council by virtue of his election by the Nigeria Society of Engineers or of his appointment as a member of any of the public services of Nigeria or under section 1 (2) (c) of this Decree shall, subject to the following provisions of this paragraph, hold office for the period of three years beginning with the date of his appointment or election as a member.

(3) Persons elected by the Nigeria Society of Engineers shall hold office as members of the council for such term, not less in any event than two years from the date of election, as may be provided by the constitution of that society.

(4) Any member of the council holding office otherwise than by virtue of his appointment as a member of the public services as aforesaid may, by notice to the council resign his office.

(5) A person who has ceased to be a member of the council shall be eligible again to become a member of the council.

(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 may be 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 powers conferred by paragraph (d) of subsection (1) of section 1 of this Decree) the foregoing provisions of this subparagraph shall not apply where a person holding office as a member of the council in pursuance of that paragraph ceases 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 subparagraph comes into force, be exercisable by the Commissioner ; 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 as an existing member shall become vacant and his term of office as president shall begin on the date of his appointment as president.

Powers of the Council

2.—(1) Subject to the following subparagraph and to any directions of the Commissioner under this Decree, the council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

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

Proceedings of the Council

1964 No. 1.

3. Subject to the provisions of this Decree and of section 26 of the Interpretation Act 1964 (which provides for decisions of a body to be taken by a majority of the members of the body and for the chairman to have a second or casting vote), the council may make standing orders regulating the proceedings of the council or any committee thereof.

4. The quorum of the council shall be eleven : and the quorum of any committee of the council shall be determined by the council.

5.—(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.

6.—(1) Subject to the provisions of any standing orders of the council, the council shall meet whenever it is summoned by the president; and if the president is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the council to be held within seven days from the date on which the notice is given.

(2) At any meeting of the council the president or in his absence the vice-president shall preside, but if both are absent the members present at the meeting shall appoint one of their number to preside at that 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 subparagraph 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 Commissioner, who may give such directions as he thinks fit as to the member who shall preside and the procedure which shall be followed at that meeting.

Committees

7.—(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 the instrument by which he is appointed.

(3) A decision of a committee of the council other than the committee mentioned in section 9 (4) of this Decree shall be of no effect until it is confirmed by the council.

Miscellaneous

8.—(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.

SCHEDULE 2

Section 10.

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND INVESTIGATING PANEL*The Tribunal*

1. The quorum of the tribunal shall be four.

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

(2) The rules shall in particular provide—

(a) for securing that notice of the proceedings shall be given, at such time 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 10 (5) of this Decree, as to the costs of 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 of notice of any direction of the tribunal which has taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the tribunal, any member of the tribunal may administer oaths and any party to the proceedings may sue out of the registry of the Supreme Court as the case may require, writs of subpoena ad testificandum and 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.

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) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing—

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

(b) that every such party or person as aforesaid shall be informed if in any case the tribunal does not accept the advice of the assessor on such a question as aforesaid.

(3) 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 of the panel, make standing orders with respect to the panel.

(2) Subject to the provisions of any such standing orders, 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 that body.

(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 that 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 Decree 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.

12. A person shall not, by reason only of his appointment as a legal assessor to the tribunal or as a member of the panel, be treated as holding an office of emolument under the Federal Republic of Nigeria or any State thereof.

MADE at Lagos this 5th day of December 1970.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*