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S.I. 15 of 1980

ESTATE SURVEYORS AND VALUERS (REGISTRATION, ETC.)  
DECREE 1975

(Decree No. 24 of 1975)

Estate Surveyors and Valuers (Disciplinary Tribunal  
and Assessors) Rules 1980

*Commencement : 27th August 1980*

In exercise of the powers conferred upon me by paragraphs 2 and 4 of Schedule 2 to the Estate Surveyors and Valuers (Registration, etc.) Decree 1975, and of all other powers enabling me in that behalf, I, Atanda Fatayi-Williams, the Chief Justice of Nigeria hereby make the following rules :—

*Proceedings before the Tribunal*

1.—(1) In any case where in pursuance of section 13 (3) of the Decree the panel is of the opinion that a prima facie case is made against an estate surveyor and valuer, the panel shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the Secretary together with all the documents considered by the panel.

Reference of  
case to  
Tribunal.

2.—(1) The parties to proceedings before the tribunal shall be—

Parties and  
appearance.

(a) the complainant ;

(b) the respondent ;

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

(2) Any party to the proceedings may appear in person or be represented by a legal practitioner, so however that the tribunal may order a party to the proceedings to appear in person if of opinion that it is necessary in the interest of justice but without prejudice to his right to counsel.

3.—(1) On the direction of the Chairman, the Secretary shall fix a day for the hearing of the case and forthwith thereafter shall, in the form set out in the Schedule to these rules, serve notice thereof on each party to the proceedings.

Notice of  
hearing and  
service.

(2) The Secretary shall serve on each party, other than the complainant, copies of the report and all the charges prepared by the panel and all documents considered by the panel.

(3) It shall be sufficient compliance with this rule if any process required to be served is handed to the party concerned or affected personally or is sent by registered post to the last known place of residence or abode of the party.

4.—(1) Subject to the next succeeding paragraph, the tribunal may hear and determine a case in the absence of any party.

Hearing in  
absence of

(2) Any party to the proceedings before a tribunal who fails to appear or be represented, or who has previously appeared before the tribunal but subsequently fails to appear or be represented, may apply within 30 days after the date when the pronouncement of the findings and directions of the tribunal were given for a re-hearing on the grounds of want of notice or other good and sufficient reason; and the tribunal may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

Witnesses  
and  
evidence.

5. The tribunal may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of the charge or charges referred to it by the panel; and in the application of this rule, the provisions of the Evidence Act or Law in force in the State where the tribunal holds its sittings shall apply to any such proceedings.

Amendment  
of charges.

6. If in the course of the proceedings it appears to the tribunal that the charge or charges referred to it by the panel require to be amended in any respect, the tribunal may permit such amendment as it thinks fit.

Proceedings  
to be in  
public.

7. The proceedings of the tribunal shall be held, and its findings and directions shall be pronounced, in public.

Adjourn-  
ment of  
hearing.

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

False  
evidence.

9. If any person wilfully gives false evidence on oath before the tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the tribunal may refer the matter to the Attorney-General of the Federation for any action he may deem fit.

#### *Findings, etc.*

Findings and  
costs.

10. If after the hearing, the tribunal adjudges that the charge of professional misconduct has not been proved, the tribunal—

(a) shall record a finding that the respondent is not guilty of such conduct in respect of the matters to which the charge relates;

(b) may, nevertheless, order any party (except the complainant) to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the tribunal thinks fit so to order.

Publication  
of tribunal's  
findings.

11. Subject to section 14 (3) of the Decree (which relates to appeals), any direction given by the tribunal shall be published in the *Gazette* as soon as may be after the direction takes effect.

Records of  
Proceedings.

12.—(1) Shorthand notes of the proceedings may be taken by a person appointed by the tribunal and any party who appeared at the tribunal and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof.

(2) The Secretary shall supply to any person entitled to be heard upon an appeal against the direction of the tribunal, and to the Estate Surveyors and Valuers Registration Board of Nigeria, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the Secretary.

(3) If no shorthand notes are taken, the Chairman shall take a note of the proceedings and, accordingly, the provisions of these rules as to inspection and supplying of copies shall apply to such notes.

13. The tribunal may dispense with any requirement of these rules respecting notices, affidavits, documents, service or time in any case where it appears to the tribunal to be just to do so ; and the tribunal may in any appropriate case extend the time to do anything under these rules.

Dispensing  
with certain  
provisions.

14. The tribunal may order that any documents or other exhibits produced or used at the hearing shall be retained by the Secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given, until the appeal is heard or otherwise disposed of.

Power to  
retain exhibits  
pending  
appeal.

15.—(1) An assessor, when nominated in accordance with paragraph 4 (1) of Schedule 2 to the Decree, shall be appointed by the board by instrument, and the assessor shall hold and vacate office as provided in the instrument ; where the appointment is not a general one, it shall have effect only in respect of a particular sitting of the tribunal.

Appointment  
and duties of  
assessor.

(2) 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 there advise the tribunal on questions of law arising in proceedings before it.

(3) 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 the Decree shall be tendered in the presence of every party or of his counsel.

(4) 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 and the reaction thereto of the tribunal.

(5) Fees to be paid to the assessor shall be such as may be determined by the board from time to time with the consent of the assessor.

### *Supplementary*

16. In these rules, unless the context otherwise requires—

“the Chairman” means the Chairman of the Estate Surveyors and Valuers Disciplinary Tribunal ;

“the complainant” means the Estate Surveyors and Valuers Investigating Panel or any member thereof ;

“the respondent” means the person required to answer any charge of professional misconduct ;

“the Secretary” means a person appointed to act as the registrar under section 6 (1) of the Decree.

Interpreta-  
tion.

17. These rules may be cited as the Estate Surveyors and Valuers (Disciplinary Tribunal and Assessors) Rules 1980.

Citation.

SCHEDULE

NOTICE OF HEARING BY THE ESTATE SURVEYORS AND VALUERS  
DISCIPLINARY TRIBUNAL

In the matter of the Estate Surveyors and Valuers (Registration, etc.) Decree  
1975

and

In the matter of A.B., a Registered Estate Surveyor and Valuer

TAKE NOTICE that the report and charges prepared by the Estate Surveyors  
and Valuers Investigating Panel in the above matter are fixed for hearing by  
the Estate Surveyors and Valuers Disciplinary Tribunal at.....

on the ..... day of ..... 19.....

Copies of :

(a) the report ;

(b) the charges ; and

(c) .....

are annexed hereto.

DATED at ..... this ..... day of ..... 19.....

.....  
*Secretary to the Tribunal*

MADE at Lagos this 27th day of August 1980.

FATAYI WILLIAMS,  
*Chief Justice of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above rules but is intended to  
explain the effect)*

The rules provide for the procedure and other matters relating to the  
proceedings before the Estate Surveyors and Valuers Disciplinary Tribunal.  
Provisions are also included with respect to the appointment and duties of an  
assessor.