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PROEM

The establishment of the Nigerian Content Development and Monitoring Board (NCDMB) in 2010 by the Nigerian Oil and Gas Industry Content Development Act, 2010 (the 'Act') was an initiative designed to drive local content development in Nigeria by the imposition of standards on capacity building, technology transfer and training in the Oil and Gas Industry.

The overall objective of the following ministerial regulations is to provide pragmatic strategies for the implementation and enforcement of the respective enabling sections of the Act.

Regulation for Registration of Oil and Gas Professionals with Nigerian Professional Bodies 2021. This Regulation stipulates the requirements for any operator or company or professional employee engaged for any professional service within the Industry to register with relevant Professional Bodies.

**NIGERIA CONTENT DEVELOPMENT AND MONITORING BOARD
(NCDMB)**

**REGULATION FOR REGISTRATION OF OIL AND GAS PROFESSIONALS
WITH NIGERIA PROFESSIONAL BODIES, 2021**



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S. I. No. 31 of 2021

**NIGERIA CONTENT DEVELOPMENT AND MONITORING BOARD
(NCDMB)**

**REGULATION FOR REGISTRATION OF OIL AND GAS PROFESSIONALS
WITH NIGERIA PROFESSIONAL BODIES, 2021**

[26th Day of February, 2021]

Commence-
ment.

This Regulation is made in exercise of the power conferred on the Minister of State for Petroleum Resources by Section 42 of the Nigerian Oil and Gas Industry Content Development (NOGICD) Act, Cap P10, Laws of the Federation of Nigeria 2010.—

PART I—COMMENCEMENT, CITATION, OBJECTIVES AND SCOPE

1. This Regulation may be cited as Nigerian Content Development and Monitoring Board (NCDMB) Regulation for Registration of Oil and Gas Professionals with Nigerian Professional Bodies.”

Citation.

2. The objectives of this Regulation are to—

Objectives.

(1) Ensure the standardization and conformity of professional certification with the minimum requirements of Nigerian Professional Bodies.

(2) Ensure that Operators, Companies and their professional employees are certified in their appropriate fields by the relevant Professional Bodies.

(3) Enhance human capacity through professional development and growth in the Nigerian Oil and Gas Industry by the Operators, Companies and their professional employees.

3. This Regulation shall apply to any Operator or Company or its Professional employees engaged in the provision of engineering or other professional services and it shall be enforceable against all foreign and local companies operating or providing services in the Nigerian Oil and Gas Industry.

Scope.

PART II—REGISTRATION AND REQUIREMENT FOR REGISTRATION

1.—(1) Subject to other relevant laws setting up Professional Bodies, every Operator, Company or their Professional Employees operating in the Nigerian Oil and Gas Industry shall be registered with their relevant Professional Bodies in Nigeria—

Application.

(a) Notwithstanding the provision of section 1(1) of this Regulation, any Professional Expatriates or Operators who intends to operate in the Nigeria Oil and Gas Industry shall be registered with their relevant Professional Bodies in Nigeria within ninety (90) days of arrival into Nigeria.

(b) Except as provided by any act guiding any Operators or Company or its Professional Employee in Nigeria, all Operators or Company or its

Professional Employees shall be registered within the required time frame stipulated by its act.

(2) The Professional Bodies relating to the Nigerian Oil and Gas Industry shall be as contained in the Second Schedule to this Regulation and as may be amended from time to time.

(3) The registered Operator, Company or its Professional Employees in Sub Regulation (1) above shall submit evidence of registration with the relevant Professional Body to the Board via the NOGIC JQS platform not later than 30 days after registration or commencement of employment or operations in the case of new employees or new operators respectively except where reasonable cause is shown to the Board for extension of time.

(4) Evidence of registration with the relevant Professional Body shall be a prerequisite—

(a) for any expatriate quota application or renewal ; and

(b) for any application for Nigerian Content Compliance Certificate (NCCC) provided that in Regulation 4(a) and subject to Regulation 1(1), upon 'fresh' applications, the Professional shall within sixty days of entry to Nigeria show evidence of registration with the relevant Professional Body in Nigeria.

2. Subject to the provisions of Section 42 of the NOGICD Act 2010, the Professional Employees shall—

Registration
for
Professional
employees.

(a) obtain a minimum standard of training relevant to their profession as employees approved by the relevant Professional Bodies ;

(b) be certificated by an accredited institution to practice the profession the application is being sort.

3. A company or operator shall—

Registration
for
Company or
Operator.

(a) be a registered member of the relevant Professional Body ; or

(b) be a member of a General Association relevant to its profession ; or

(c) be certified by the recognized Institution.

4. Pursuant to Regulation 1 of this Regulation, every Operator, Company and their Professional Employees, shall submit to the Board—

Requirement
for
Registration.

(a) evidence of registration with the relevant Professional Body where the applicant is a Professional Employee ;

(b) a certified copy of the Memorandum of Association and Articles of Association where the Applicant is a Body Corporate ; and

(c) the Name, Address, Occupation of the Professional, Director or Principal Officer as the case may be.

5. The Board shall conduct due diligence to ensure the information supplied to it by the Operator, Company and its Professional Employee, are true, reliable and genuine.

Confirmation
for
Registration.

PART III—SUPERVISION AND ENFORCEMENT

6. The Board shall liaise with relevant Professional Bodies to ensure strict compliance and enforcement of this Regulation.

Supervisory
Bodies.

7. Without prejudice to any other Law, the Board shall have the power to enforce the sanction for non-compliance contained in this Regulation.

Power to
Sanction.

PART IV—SANCTIONS AND PENALTIES

8. Any Operator, Company or its Professional Employees who contravenes any of the provisions of these Regulations, is in breach thereof and is liable to such fines, sanctions or penalties determined under the Nigerian Oil and Gas Industry Enforcement and Compliance Regulation 2021 or as may be determined by the Board from time to time.

Sanctions,
Penalties etc.
for non-
Compliance.

9. An Operator, Company or its Professional Employees shall be in breach of the Regulations—

Sanction, for
obtaining
registration
by fraud.

(1) If the Operator, Company or its Professional Employees makes or causes to be made any false declaration or misrepresentation for the purposes of obtaining registration.

(2) If such Operator, Company or its Professional Employees for the purposes of registration—

(a) Provides evidence which they believe or ought to know to be false ;

(b) Makes a statement which is false at the time of registration.

PART V—MISCELLANEOUS

10. In this regulation—

Interpretation.

“Board” means the Nigerian Content Development and Monitoring Board ;

“Certification” means the formal procedure by which an accredited or authorized person or agency assesses and verifies (and attests in writing by issuing a certificate) the attributes, characteristics, quality, qualification, or status of individuals or organizations, goods or services, procedures or processes or events or situations, in accordance with established requirements or standards ;

“Company” means a company formed and registered in Nigeria in accordance with the provision of Companies and Allied Matters Act ;

“Employee” means a person who works in service of another person, Company or Operator under an express or implied contract ;

“Minister” means the Minister of State for Petroleum Resources ;

“Nigerian Oil and Gas Industry” means all activities connected with the exploration, development, exploitation, transportation and sales of Nigerian Oil and Gas resources including upstream, midstream, and downstream oil and gas operations ;

"NOGICD ACT" means Nigerian Oil and Gas Industry Content Development Act, 2010 ;

"Operators" means the Nigerian National Petroleum Company (NNPC), its Subsidiaries and Joint Venture Partners and any Nigerian, Foreign or International Oil and Gas Company operating in the Nigerian oil and Gas Industry under any Petroleum Arrangement or Services ;

"Plan" means a Nigerian content plan submitted in compliance with any aspect of this Regulation ;

"Principal Officer" means a person connected with the management of the applicant ;

"Professional" A Professional under this Regulation shall be a Person or Company having competence or belonging to a Profession whose occupation requires a high level of skills acquisition, specialized training and proficiency which is a result of examination taken in conjunction with the course of training approved by the relevant Educational Regulatory Bodies.

A Professional is as contained in the First Schedule to this Regulation and such other Professions that shall be identified from time to time by any Professional Body established by law.

"Professional Bodies" means a set of Artificial Persons created by law or by legal authority with distinct characteristics, methodology and ethical manner of various professions.

Professional Bodies is as contained in the second schedule to this Regulation and such other relevant Professional Bodies that shall be established by law from time to time.

SCHEDULES

FIRST SCHEDULE

LIST OF PROFESSIONALS IN THE OIL AND GAS INDUSTRY

1. Accountants.
2. Architects.
3. Auditors.
4. Economists.
5. Engineers.
6. Geographers.
7. Legal Practitioners.
8. Medical Practitioners.
9. Pharmacists.
10. Secretaries.
11. Surveyors.
12. Town Planners.

SECOND SCHEDULE

LIST OF NIGERIAN PROFESSIONAL BODIES CONNECTED TO THE
NIGERIAN OIL AND GAS INDUSTRY

1. Association of National Accountants of Nigeria
2. Council for the Regulation of Engineering in Nigeria (COREN)
3. Institute of Chartered Accountants of Nigeria
4. Institute of Chartered Economists of Nigeria
5. Nigeria Bar Association
6. Nigeria Institute of Estate Surveyors and Valuers
7. Nigeria Institute of Quantity Surveyors
8. Nigerian Institute of Architects
9. Nigerian Institute of Town Planners
10. Nigerian Medical Association
11. Pharmacist Council of Nigeria
12. The Institute of Certified Geographers of Nigeria
13. The Institute of Chartered Secretaries of Nigeria

MADE this 26th day of February, 2021.

TIMIPRE SYLVA

Minister of State for Petroleum Resources