

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTE OF LANDSCAPE ARCHITECTS OF NIGERIA TO CONTROL LAND DETERMINE THE STANDARDS OF KNOWLEDGE TO BE ATTAINED BY PERSONS SEEKING TO BECOME LANDSCAPE ARCHITECTS; AND FOR RELATED MATTERS

Sponsors:

Hon. Benjamin Okezie Kalu	Hon. Blessing Onuh
Hon. Abubakar H. Nalaraba	Hon. Dennis Idahosa
Hon. Patrick Umoh	Hon. Festus Akingbaso
Hon. Iduma Igariwey	Hon. Felix Nwaeke
Hon. Ali Lawan Shettima	

[] Commencement

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

1 1.-(1) There is established a body to be known as the Institute of
2 Landscape Architects of Nigeria (in this Bill referred to as "the Institute").

Establishment
of the Institute of
Landscape Architects
of Nigeria

3 (2) The Institute-

4 (a) shall be a body corporate with perpetual succession and a
5 common seal;

6 (b) may sue and be sued in its corporate name and may acquire,
7 hold and dispose of any property, movable and immovable; and

8 (c) shall be charged with the duty of determining the standards of
9 knowledge and practice for persons and organisations in landscape
10 architecture.

11 2. The Institute shall be charged with the following objectives, that
12 is to-

Objectives of the
Institute

13 (a) provide qualitative training, and re-training that will
14 professionally empower, efficiently facilitate operational compliance with

1 extant laws and to self-regulate members for best results, that explicitly define
2 professionalism among its practitioners;

3 (b) collaborate with regulatory authorities for full compliance with
4 extant laws as it affects landscape architects, in eliminating and ameliorating
5 consequential breaches;

6 (c) generate, collate and distribute information data, for vital decision
7 making, through a systematically designed and reliable database for industry
8 use of all stakeholders for effective planning and organisation;

9 (d) sponsor, support and pursue creative policies that will further
10 deepen and develop the built environment through conferences, seminars,
11 workshops and other enlightenment activities for maximum impacts;

12 (e) collaborate with local, state, national and international agencies,
13 and organisations, for the achievement of objectives of the Institute; and

14 (f) carry out all other activities aimed at advancing the profession and
15 the implementation of the provision of this Bill.

Ancillary objectives
of the Institute

16 **3. The Institute shall-**

17 (a) determine the standards of knowledge and skills to be attained by
18 persons seeking to become members of the Institute, review those standards,
19 from time to time, as circumstances may require;

20 (b) secure, in accordance with the provisions of this Bill, the
21 establishment and maintenance of a register of members of the Institute and the
22 publication, from time to time, of lists of those persons;

23 (c) conduct professional examinations leading to the award of
24 certificates as may be prescribed by the Institute;

25 (d) ensure the furtherance, maintenance and observance of ethical
26 standards, discipline and professionalism among practitioners as well as
27 maintain a monitoring team to ensure compliance;

28 (e) do such things as may impart, advance and promote positive
29 projection of the Institute; and

30 (f) perform, through the Governing Council, the functions conferred

1 on it by this Bill.

2 4.-(1) Membership of the Institute shall be in two categories of Membership of
3 individual and corporate. the Institute

4 (2) Provided they meet the criteria set by the Governing Council,
5 from time to time, all persons, employed by or involved in activities of not-
6 for-profit establishments are eligible to be registered by the Institute in the
7 categories of-

8 (a) Individual Membership, as-

9 (i) Ordinary Member,

10 (ii) Student Member,

11 (iii) Graduate Member,

12 (iv) Junior Associate,

13 (v) Full Associate,

14 (vi) Honorary Fellow,

15 (vii) Fellow; and

16 (b) Corporate Membership as -

17 (i) Regular Corporate Member,

18 (ii) Special Corporate Associate,

19 (iii) Full Corporate Associate, and

20 (iv) Corporate Fellow.

21 5.- (1) An individual, or a corporate establishment registered under provisions relating
22 this Bill, shall be enrolled into only one of the membership categories in to membership
23 section 4(2) of this Bill, at one time, as no member's name shall appear in of the Institute
24 more than one part of the Institute's Membership Register.

25 (2) The Governing Council shall-

26 (a) set out the procedure for elevation of members to a higher status
27 and shall exercise the prerogative to determine such applications;

28 (b) from time to time, determine, for use, the suffixes applicable to
29 each class of membership which shall be affixed after the member's name;

30 (c) determine the nature and format of proof of membership

1 document to be issued and shall cause such to be issued as evidence to all
2 registered members of the Institute; and

3 (d) have the final say on all applications for membership of the
4 Institute and its decisions, on this matter, shall not form the subject of litigation
5 in any court of law.

6 (3) Pursuant to the provisions of subsection (1) of this section, any
7 member who has been enrolled in line with section 4(2) of this Bill shall be
8 qualified for elevation to a higher membership status if he has applied in the
9 manner prescribed by and satisfactory to the Governing Council.

10 (4) Application for higher membership status by a member shall be
11 denied, with reason(s) communicated in writing to that member, where the
12 Governing Council deems it fit and appropriate to do so.

13 (5) A member who has been previously denied elevation to a higher
14 membership status by the Governing Council may re-apply, and shall not be
15 denied, if he has-

16 (a) made good the reason(s) for his previous denial; and

17 (b) met other conditions, if any, that may have become necessary
18 since his previous application was denied.

Election of President,
Vice-Presidents, etc.

19 **6.-(1)** There shall be a President and Four Vice-Presidents who shall
20 be outstanding Fellows of the Institute and shall be elected at the annual
21 general meeting of the Institute and shall each hold office for a term of two
22 years, notwithstanding the provisions of paragraph 1(1) of the First Schedule
23 of this Bill, from the date of their election.

24 (2) To qualify for election as President of the Institute, the member
25 shall hold the office of Vice-President at the time of contesting the election.

26 (3) To qualify for election as Vice-President of the Institute, the
27 member shall be a member of the Council at the time of contesting the election.

28 (4) Upon the emergence at election of a new President of the Institute,
29 the tenure of other three subsisting Vice-Presidents shall automatically lapse
30 and they shall step down from their offices and shall be ineligible to recontest.

1 (5) The President shall preside at all meetings of the Institute, so
2 however that, in the event of the death, incapacity or inability for any reason
3 of the President, the First Vice-President shall act in his stead for the
4 unexpired portion of the term of office, or as the case may require, and
5 references in this Bill to the President shall be construed accordingly.

6 (6) In furtherance to the provisions of sub-section (2) of this
7 section, a bye-election within The Council shall be conducted to elect one of
8 the Vice-Presidents to serve as Acting President and the Council shall elect
9 one of its members to assume the vacant post of Vice-President for the
10 period before the next annual general meeting.

11 (7) The President shall be Chairman of the Council.

12 (9) If the President, or the Vice-President, ceases to be a member of
13 the Institute, he shall ipso facto cease to hold any of the offices designated
14 under this Bill.

15 7.-(1) There is established for the Institute a Governing Council (in
16 this Bill referred to as "the Council") which shall be charged with the
17 responsibility of providing the guiding policy direction and administration
18 of the Institute, oversee activities of the Executive Committee and setting
19 the standards of education and training therein.

Membership of
the Governing
Council

20 (2) The Council membership shall consist of-

21 (a) the Chairman, who shall be President of the Institute;

22 (b) four Vice-Chairmen, of equal number of male and female, who
23 shall be Vice-Presidents of the Institute;

24 (c) five members of the Institute who shall be elected at its annual
25 general meeting, one of who shall be the Treasurer of the Institute;

26 (d) the immediate past President of the Institute, upon successful
27 completion of his term of office;

28 (e) a representative of units in each defined geographical area of
29 the Institute and such other units as may be created by the Council, from time
30 to time;

1 (g) a representative of the Ministry charged with the responsibility for
2 Housing;

3 (h) a representative of the Ministry charged with the responsibility for
4 Environment;

5 (i) a representative of the Ministry charged with the responsibility for
6 Education;

7 (j) two persons who are members of the Institute and appointed by the
8 Minister for Education to represent institutions of higher learning and offering
9 courses leading to an approved qualification, in rotation, so however that the
10 two shall not come from the same tertiary institution;

11 (k) Two ex-officio members, appointed by Chairman of the Council;
12 and

13 (l) the Registrar/Chief Executive, who shall serve as Secretary.

14 (3) The provisions of the First Schedule to this Bill shall have effect
15 with respect to the qualifications and tenure of office for members of the
16 Council and other matters.

Powers of the
Council

17 **8.** The Council shall have power to-

18 (a) organise, define and give directions on policies and its
19 implementation for the Institute;

20 (b) establish and maintain the Institute's vision, mission statement
21 and objectives;

22 (c) develop long-range strategic plans for the Institute;

23 (d) develop and maintain a broad Policy Manual to guide
24 administration of the Institute;

25 (e) evaluate institutional, presidential and committee performances;

26 (f) approve employment, on full time basis, of the Registrar and other
27 senior level employees of the Institute;

28 (g) approve and execute negotiated agreements with bargaining units;

29 (h) receive, consider, revise and approve the capital and operating
30 budgets of the Institute, from time to time;

1 (i) accept grants, conveyances, devices of real or personal property
2 from public and private sources and adopt regulations to govern the receipt
3 and expenditure of the proceeds, rents, profits and income thereof;

4 (j) authorise and approve, self-supporting facilities for members
5 by way of grants, loan requests or contract funding proposals;

6 (k) authorise and approve requests for the purchase of long-term
7 lease, for two years or more, of real property and leases involving new
8 programmes or new locations;

9 (l) enter into major contracts with persons and agreements with
10 public agencies on behalf of the Institute;

11 (m) borrow money, issue and sell financial bonds or other
12 evidences of indebtedness;

13 (n) approve the initiation or discontinuation of programmes being
14 funded by the Institute;

15 (o) retain the responsibility for the expenditure of third party funds
16 by the Institute, its agents and employees;

17 (p) adopt, amend or repeal some or all rules that are given in the
18 pursuit of objectives of the Institute;

19 (q) exercise all authority expressly reserved to the Council in rules
20 which have been, or are hereafter, adopted or amended, from time to time;

21 (r) retain all authority which may be hereafter delegated to the
22 Council under this Bill unless such authority is expressly delegated to the
23 President or his designee; and

24 (s) ensure that all statutory reports are prepared and filed with the
25 regulatory authorities.

26 **9.** The Council shall meet every quarter to consider issues brought
27 before it by the Institute and other sundry bodies, etc.

Quarterly meetings
of the Council

28 **10.-(1)** There shall be established and maintained a fund,
29 comprised of all bank accounts, cash and other assets held by the Institute,
30 the management and control of which shall be in the hands of the Council,

Financial
provisions

1 and into which shall be paid-

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

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

5 (c) foreign aids and assistance from bilateral and multilateral
6 agencies such as affiliated bodies;

7 (d) donations charges and monies payable to the Institute in
8 pursuance of this Bill shall be without any conditions whatsoever and not
9 inimical to the Institute, Nigerian government or its agencies; and

10 (e) such other monies as may be received by the Institute in the course
11 of its operations or in relation to the exercise of any of the functions under this
12 Bill.

13 (2) The signatories to bank accounts of the Institute shall be the-

14 (a) the Registrar and the Council Chairman, jointly, for amounts in
15 excess of two million naira; or

16 (b) Chairman of the Council, only, for amounts not exceeding two
17 million naira.

18 (3) There shall be paid out of the fund of the Institute-

19 (a) the remuneration and allowances of the Institute's Council
20 members and other employees of the Institute;

21 (b) such reasonable travel and subsistence allowances of members of
22 the Council in respect of the time spent on the business of the Institute as the
23 Council may determine; and

24 (c) any other expenses incurred by the Council in the discharge of its
25 functions under this Bill.

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

29 (5) The Council may, from time-to-time, borrow money for the

1 Institute and any interest payable on monies so borrowed shall be paid out of
2 the fund.

3 (6) All members of the Institute shall cause to be paid to the fund,
4 annual dues and levies as may be fixed by the Council, from time-to-time.

5 11.-(1) The Council shall, on behalf of the Institute, keep proper
6 books of accounts in respect of each year and proper records concerning
7 these accounts, and the Council shall cause the accounts to be audited by an
8 external auditor and, when audited, the accounts shall be submitted to
9 members of the Institute for approval at a General Meeting.

Proper accounts
keeping and the
Institute's audited
accounts

10 (2) The audited accounts referred to in subsection (1) of this section
11 shall fulfilled requirements of the Financial Reporting Standards set out
12 pursuant to relevant legislation.

13 12.-(1) The Council shall appoint a fit and proper person who shall
14 be a member of the Institute as the Registrar, and such other persons as the
15 Council may, from time to time, deem necessary to assist the Registrar in the
16 performance of his functions under this Bill.

Appointment of
Registrar

17 (2) The Registrar shall, in addition to his other functions, be the
18 Secretary to the Council and shall keep minutes of all its proceedings.

19 (3) The Registrar shall-

20 (a) be the chief executive and accounting officer of the Institute,
21 and;

22 (b) be responsible for the day-to-day administration of the Institute
23 and responsible to the Council for execution of the policy directives thereof.

24 (4) The Registrar shall be appointed for a term of 3 years, in the first
25 instance and, upon satisfactory performance, may be reappointed for a
26 further term of 3 years, and no more.

27 (5) The Registrar shall be paid such remuneration as may be
28 specified in his letter of appointment or as determined by the Council, using
29 the Institute's established emoluments pay structure.

30 (6) The Registrar shall cease to hold office if any of the conditions

1 pertaining to cessation of membership of the Institute and the Council applies
2 to him.

3 (7) The Registrar may resign his appointment by a written notice
4 under his hand delivered to the Council Chairman.

5 (8) It shall be the duty of the Registrar to-

6 (a) prepare and maintain, in accordance with rules made by the
7 Council, a Register of names, addresses and approved qualifications and of
8 such other particulars, as may be specified in the rules, of all persons who are
9 entitled, in accordance with provisions of this Bill, to be registered as members
10 of the Institute;

11 (b) correct, in accordance with direction of the Council, any entry in
12 the Registers, which the Council directs him to correct as being, in the opinion
13 of the Council, an entry which was incorrectly made;

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

16 (d) record the names of members of the Institute who are in debt for
17 more than one year in the payment of annual subscription, or practicing fee,
18 and to take such action in relation thereto, including the removal of names of
19 defaulters from the Register, as the Council may direct or require;

20 (e) cause the Register to be printed, published and put out on sale to
21 members of the public not later than 2 years from commencement of this Bill;

22 (f) remove from the Register the name of a deceased member;

23 (g) in each year after which a Register is first published under
24 paragraph (e) of this subsection, cause to be printed, published and put on sale,
25 as aforesaid, either a corrected edition of the Register or list of alterations made
26 to the Register since it was last printed, and;

27 (h) cause a print of each edition of the Register and of each list,
28 corrections to be deposited at the headquarters of the Institute, and it shall be
29 the duty of the Council to keep the Register and list so deposited, available at all
30 reasonable times for inspection by members of the public, for a fee to be

1 determined by the Council.

2 **13.**-(1) There shall be, for the purpose of this Bill, two Registers, of Register
3 which one shall be for individual members and the other for corporate
4 members as provide for under subsections (2) and (3) of this section.

5 (2) The Register of Individual Members shall consist of the-

6 (a) first part which shall be for Ordinary Members;

7 (b) second part which shall be for Student Members;

8 (c) third part which shall be for Graduate Members;

9 (d) fourth part which shall be for Junior Associate Members;

10 (e) fifth part which shall be for Full Associate Members;

11 (g) sixth part which shall be for Honorary Fellows; and

12 (h) seventh part which shall be for Fellows.

13 (3) The Register of Corporate Members shall consist of the-

14 (a) first part which shall be for Regular Corporate Members;

15 (b) second part which shall be for Special Corporate Associates;

16 (c) third part which shall be for Full Corporate Associates; and

17 (d) fourth part which shall be for Corporate Fellows.

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

21 (a) regulating the making of applications for enrolment,
22 registration or upgrading to a higher membership class, as the case may be,
23 and providing for the evidence to be produced in support of applications;

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

26 (c) authorising a registered person to have any qualification which
27 is, in relation to the relevant membership class of the profession, either an
28 approved qualification or an accepted qualification for purposes of this Bill,
29 registered in relation to his name in addition to or, as he may elect, in
30 substitution for any other qualifications so registered;

1 (d) specifying fees, including any annual subscription, to be paid to
2 the Institute in respect of the entry of names on the Register, and authorising the
3 Registrar to refuse to enter a name on the Register until any fee specified for the
4 entry has been paid; and

5 (e) specifying anything failing to be specified under the foregoing
6 provisions of this section, but rules made for the purposes of paragraph (d) of
7 this subsection shall not come into force until they are confirmed at a special
8 meeting of the Institute convened for the purpose thereafter, or at the next
9 annual general meeting, as the case may be.

10 (5) If the Registrar-

11 (a) sends, by post to any registered person, a letter addressed and
12 delivered to him at his address, usually on the Register, enquiring whether the
13 registered particulars relating to him are correct and receives no reply to the
14 letter within 7 months from the date of posting it; and

15 (b) upon expiration of the period, sends, in like manner, to the person
16 in question, a second similar letter and receives no reply within three months
17 from the date of posting it, the Registrar may include the name of such person
18 in the list of special cases under this subsection for the Council's consideration
19 and may, if directed by the Council, remove the particulars relating to the
20 person in question from the Register,

21 Provided that the Council may direct the Registrar to restore, to the
22 appropriate part of the Register, any particulars removed therefrom pursuant to
23 this subsection.

24 (6) A document purporting to be a print of an edition of a Register
25 published under this section by authority of the Registrar, or documents
26 purporting to be prints of an edition of a Register so published and of the list of
27 corrections to that edition so published, shall, without prejudice to any other
28 means of proof, be admissible in any proceedings as evidence that any person
29 specified in the document, or the documents read together, as being registered
30 was so registered at the date of the edition or of the list of corrections, as the

1 case may be, and that any person not so specified was not so registered.

2 (7) Where, in accordance with subsection (6) of this section, a
3 person is, in any proceeding, shown to have been or not to have been
4 registered at a particular date, he shall, unless the contrary is proved, be
5 taken for the purposes of those proceedings as having at all material times
6 thereafter continued to be, or not to be, so enrolled or so registered.

7 14.-(1) An individual, other than the one whose membership has
8 been suspended by a directive of the Disciplinary Tribunal, shall be entitled
9 to be registered as a member of the profession if he satisfies the Council that-

Registration of
members

10 (a) he has passed the prerequisite qualifying examinations
11 accepted by the Council and completed the prescribed practical training;

12 (b) he holds a qualification, for the time being, accepted by the
13 Institute and is, by law, entitled to practice, for all purposes, as a professional
14 in which the qualification was granted and if the Council so requires, he
15 satisfies the Council that he has sufficient experience;

16 (c) immediately before commencement of this Bill, he holds a
17 qualification, approved for membership by the Institute, of any professional
18 body, on recommendation of the Council;

19 (d) he is of good character;

20 (e) he has attained eighteen years in age; and

21 (f) he has not been convicted of an offence involving fraud or
22 dishonesty.

23 (2) The Council may, in its sole discretion, provisionally accept a
24 qualification produced in respect of an application for registration, under
25 this section, or direct that the application be renewed within such period as
26 may be specified in the discretion.

27 (3) Any entry directed to be made in the Register, under subsection
28 (2) of this section, shall show that the registration is provisional and no entry
29 so made shall be converted to full registration without consent of the
30 Council, signified in writing, in that behalf.

1 (4) The Council shall, from time to time, publish in the Institute's
2 journal, particulars of qualifications, for the time being, accepted as aforesaid.

3 (5) The Council may approve any institution, for the purposes of this
4 Bill, and may, for those purposes, approve-

5 (a) any course of training, at any approved institution, which is
6 intended for persons seeking to become or are already members of the
7 profession and which, in the opinion of the Council, is designed to confer on
8 persons completing it sufficient knowledge and skill for practice of the
9 profession;

10 (b) any qualification which, as a result of an examination taken in
11 conjunction with a course of training approved by the Council, under this
12 section, is granted to candidates reaching a standard at the examination
13 indicating, in the opinion of the Council, that the candidates have sufficient
14 knowledge and skill for practice of the profession.

15 (6) The Council may, if it thinks fit, withdraw any approval given,
16 under this section, in respect of any course, qualification or institution, but
17 before withdrawing such an approval, the Council shall-

18 (a) give notice that it proposes to do so to persons appearing to the
19 Council to be persons by whom the course is conducted, or the qualification is
20 granted, or the institution is controlled, as the case may be;

21 (b) afford such person an opportunity of making to the Council
22 representations with regard to the proposal; and

23 (c) take into consideration any representation made as respects the
24 proposal in pursuance of paragraph (b) of this subsection.

25 (7) A course, qualification or institution shall not be treated as
26 approved during any period the approval is withdrawn under subsection (8) of
27 this section.

28 (8) Notwithstanding the provisions of subsection (3) of this section,
29 the withdrawal of an approval under subsection (7) of this section shall not
30 prejudice the eligibility for registration of any person who, by virtue of the

1 approval, was registered or was eligible for registration, either
2 unconditionally or subject to his obtaining a certificate of experience,
3 immediately before the approval was withdrawn.

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

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

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

12 (10) It shall be the duty of the Council to keep itself informed of the
13 nature of-

14 (a) The instruction given at approved institutions to persons
15 attending approved courses of training; and

16 (b) the examinations as a result of which approved qualifications
17 are granted, and for the purposes of performing that duty, the Council may
18 appoint, either from among its members or otherwise, persons to visit
19 approved institutions or to observe such examinations.

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

22 (a) adequacy of the instruction given to persons attending
23 approved courses of training at institutions visited by him;

24 (b) adequacy of the examinations attended by him; and

25 (c) any other matters relating to the institutions, or examinations,
26 on which the Council may, either generally or in a particular case, request
27 him to report, but no such person shall interfere with the giving of any
28 instruction or the holding of any examination.

29 (12) On receiving a report made in pursuance of this section, the
30 Council may, if it thinks fit, and shall, if so required by the institution, send a

1 copy of the report to the person appearing to the Council to be in charge of the
2 institution or responsible for the examination to which the report relates,
3 requesting that person to make an observation on the report to the Council
4 within such period as may be specified in the request, not being less than one
5 month commencing from date of the request.

Establishment of
Investigative Panel
and Disciplinary
Tribunal

6 **15.**-(1) There shall be constituted a body known as the Institute of
7 Landscape Architects of Nigeria Investigation Panel (in this Bill referred to as
8 "the Investigation Panel") which shall be charged with the duty to-

9 (a) conduct preliminary investigation into any case where it is alleged
10 that a member of the Institute has violated any of the provisions of the
11 Institute's Code of Conduct or shall, for any other reason, be the subject of
12 proceeding before the Disciplinary Tribunal; and

13 (b) decide whether the case should be referred to the Disciplinary
14 Tribunal, or not.

15 (2) The Investigation Panel shall be constituted by the Council and
16 shall consist of five members as follows-

17 (a) two members of the Council, one of whom shall be the Chairman
18 of the Panel; and (b) three members of the Institute who are not members of the
19 Council.

20 (3) All proceedings of the Investigation Panel shall be documented
21 and, for reference purpose, properly archived.

22 (4) The tenure of any member of the Investigation Panel shall be two
23 years and renewable only for a further period of two years.

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

26 (6) The Investigation Panel shall act independently in the receiving
27 and investigation of allegations under subsection (1)(a) of this section and shall
28 have the power to receive complaints directly from any individual or
29 organisation.

30 (7) There shall be established the Institute of Landscape Architects of

1 Nigeria Disciplinary Tribunal (in this Bill referred to as "the Disciplinary
2 Tribunal") which shall be charged with the duty of considering and
3 determining any case referred to it by the Investigation Panel constituted.

4 (8) The Disciplinary Tribunal shall be appointed by the Council
5 and shall consist of a Vice-President of the Institute who shall be the
6 Chairman, three other members of the Council and three members of the
7 Institute who are not members of the Council.

8 (9) The provisions of the Second Schedule to this Bill shall have
9 effect, so far as applicable to the Investigation Panel and Disciplinary
10 Tribunal respectively, with respect to all those bodies aforementioned.

11 **16.-(1) Where-**

12 (a) a person is adjudged by the Disciplinary Tribunal to be guilty of
13 misconduct in any professional respect; or

14 (b) a person is convicted, by any court or tribunal of competent
15 jurisdiction in Nigeria, or elsewhere, having the power to award
16 imprisonment for an offence, where or not punishment with imprisonment
17 which, in the opinion of the Disciplinary Tribunal is incompatible with the
18 conduct required of a member of the Institute; or

19 (c) the Disciplinary Tribunal is satisfied that the name of a person
20 has been fraudulently registered, and the person involved has been given
21 opportunity for a fair hearing to defend himself before the Disciplinary
22 Tribunal,

23 the Disciplinary Tribunal shall, after receiving the confirmation of its
24 decision from the Council, convey a direction to the person concerned,
25 reprimanding that person, or ordering the Registrar to strike his name off the
26 relevant part of the Register.

27 (2) A person who commits an offence and is found guilty by
28 decisions of the Disciplinary Tribunal shall be liable to the maximum
29 sanction of having his name being struck off the Register of members
30 provided such offence is related to the practice of the profession.

Penalties for
unprofessional
conduct

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

4 (a) no decision shall be deferred under this subsection for a period
5 exceeding three months from the conclusion of proceedings in the case; and

6 (b) no person shall be a member of the Disciplinary Tribunal to reach
7 a decision which has been deferred or further deferred unless he was present as
8 a member of the Disciplinary Tribunal when the decision was deferred.

9 (4) For subsection (1)(b) of this section, a person shall be treated as
10 guilty as therein mentioned, unless the guilt stands at a time when no appeal or
11 further appeal is pending or may, without extension of time, be brought in
12 connection with the direction.

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

16 (6) The person to whom such a direction relates may, at any time
17 within twenty-eight days from the date of service on him/her of the notice of the
18 direction, appeal against the direction to the Federal High Court and, where
19 necessary, to the Court of Appeal and the Disciplinary Tribunal shall appear as
20 the respondent to the appeal and, to enable directions to be given as to the costs
21 of the appeal and of proceeding before the Federal High Court of Appeal, the
22 Disciplinary Tribunal shall be deemed to be a party thereto, whether or not it
23 appeals the hearing of the appeal.

24 (7) A direction of the Disciplinary Tribunal given under subsection
25 (1) of this section shall take effect where-

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

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

30 (c) such an appeal is brought and is not withdrawn or struck out as

1 aforesaid, if and when the appeal is dismissed and shall not take effect
2 except in accordance with the foregoing provisions of this subsection.

3 (8) A person whose name is struck off the Register in pursuance of a
4 direction of the Disciplinary Tribunal under this section shall not be entitled
5 to be registered again, except, in pursuance of a directive in that behalf and a
6 direction under this section for the striking off of a person's name from the
7 Register prohibit him from making an application for membership or
8 restoration of his membership until after the period specified by the
9 direction that his name should be struck off, and if he makes an application
10 during the currency of the prohibition such application shall be invalid.

11 17. A person who is not a member of the Institute of Landscape
12 Architects of Nigeria, before the commencement of this Bill, who but for
13 this Bill is qualified to apply for and obtain membership of the Institute, may
14 apply for membership of the Institute of Landscape Architects of Nigeria,
15 established by this Bill, in such manner as may be prescribed by rules made
16 by the Council and shall be registered in the category of membership
17 appropriate in the current period for holders of the qualification he
18 possesses.

Application of
this Bill to yet
to be registered
landscape architects

19 18.-(1) A person, other than a corporate member, shall be deemed
20 to practice as a member of the profession if, in consideration of
21 remuneration received, or to be received, and whether by himself or in
22 partnership with any other person-

Practice as a
member of landscape
architects profession

23 (a) he engages himself in practice within the not-for-profit
24 establishments or holds himself out to the public as a landscape architect; or

25 (b) he renders professional service or assistance in or about matters
26 or principles or details relating to landscape architecture; or

27 (c) he renders any other service which may be, by regulations,
28 made by the Council, designated as service constituting practice as a
29 member of the profession; or

30 (d) he is engaged to practice or provide services to organisations

1 within the landscape architecture and allied sector, who but for this Bill, would
2 have been qualified to apply for and obtain membership of the Institute may,
3 within the period of six months beginning from the commencement of this Bill,
4 apply for membership of the Institute in such manner as may be prescribed by
5 rules made by the Council and, if approved, shall be registered according to his
6 qualification.

7 (2) Nothing in this section shall be construed as to apply to persons
8 who, while in the employment of any government, are required, under the
9 terms or in the course of such employment, to perform the duties or any of the
10 duties of a professional within the context of this Bill.

When person are
deemed to practice
as a member of
the Institute

11 **19.**-(1) For the purposes of paragraph (b) of this subsection, a person
12 shall be deemed to practice as a professional member of the Institute if, in
13 consideration of remuneration received, or to be received, and whether by
14 himself or in partnership with any other persons, he-

15 (a) engages himself in services with landscape architecture and allied
16 establishments or holds himself out to the public as a professional within the
17 landscape architecture profession; or

18 (b) renders professional service or assistance in, or about matters of
19 principles or details, relating to the landscape architecture; or

20 (c) describes himself as a professional, employee, manager or
21 administrator or such related nomenclature so construed within the landscape
22 architecture profession.

23 (2) Nothing in subsection (1) of this section shall be construed as to
24 apply to persons who, while in the employment of any government, are
25 required, under the terms or in the course of such employment, to perform the
26 duties or any of the duties of a landscape architect professional.

Provision of library
facilities, etc

27 **20.** The Institute shall-

28 (a) provide and maintain a library comprising books and publications
29 across the spectrum of landscape architecture under the care of the Institute's
30 Registrar until such time when a professional librarian would be engaged for

1 professional service, and;

2 (b) encourage research into landscape architecture and allied
3 subjects to the extent that the Council may, from time-to-time, consider
4 necessary.

5 21.-(1) A person, for the purpose of procuring the registration of
6 any name, qualification or other matter who-

Offences and
penalties

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

9 (b) recklessly makes a statement which is false in a material
10 particular,

11 shall be guilty of an offence.

12 (2) If, on or after the relevant date, any person who is not a member
13 of the Institute practices or holds himself out to practice as a member of the
14 Institute for, or in expectation of, reward or takes or uses the name, titles,
15 addition or description implying that he is in practice as a landscape
16 architect under this Bill, he shall be guilty of an offence and be liable to
17 prosecution under this Bill:

18 Provided that, in the case of a person falling within section 19 of
19 this Bill-

20 (a) this subsection shall not apply in respect of anything done by
21 him during the period of three months mentioned in that section; and

22 (b) if within that period he duly applies for membership of the
23 Institute then, unless within that period he is notified that his application has
24 not been approved, this subsection shall not apply in respect of anything
25 done by him between the end of that period and the date on which he is
26 enrolled or registered or is notified as aforesaid.

27 (3) The Registrar, or any other person, employed by or acting on
28 behalf of the Institute, who willfully makes any falsification in any matter
29 relating to the Register, shall be guilty of an offence.

30 (4) Where an offence under this section, which has been committed

1 by a body corporate, is proved to have been committed with the consent or
2 connivance of or to be attributable to any neglect on the part of any director,
3 manager, secretary or other similar officer of the body corporate or any person
4 purporting to act in any such capacity, he, as well as the body corporate, shall be
5 deemed to have committed the offence and liable, on conviction by a court of
6 competent jurisdiction, in the case of an individual to the punishment
7 prescribed in subsection (5) of this section and in the case of a body corporate,
8 to a fine of not less than N500,000.

9 (5) A person, who shall be guilty of an offence under this section, is
10 liable-

11 (a) on conviction, to imprisonment for a term not exceeding two years
12 or to a fine of not less than N200,000 or to both imprisonment and fine; or

13 (b) on summary conviction, to a fine of an amount not less than
14 N50,000 but not exceeding N100,000.

15 (6) In this section, "the relevant date" means the second anniversary
16 of the coming into force of this Bill or such earlier date as may be prescribed for
17 the purposes of this section by order of the Council and published in the official
18 journal of the Institute.

19 (7) Rules made by the Council, for the purposes of this Bill, shall be
20 subject to confirmation at the next annual general meeting or any special
21 meeting of the Institute convened for that purpose and, if annulled, shall cease
22 to have effect on the day after the date of annulment, but without prejudice to
23 anything done in pursuance or intended pursuance of any such rules.

Regulations

24 **22.**-(1) Any Regulations made pursuant to this Bill shall be published
25 in the Institute's Journal.

26 (2) Regulations made for the purpose of this Bill shall be subject to
27 confirmation at the next annual general meeting or any special meeting of the
28 Institute convened for that purpose and, if annulled, shall cease to have effect
29 on the day after the date of annulment, but without prejudice to anything done
30 in pursuance or intended pursuance of any such regulations.

1	23. In this Bill, unless the context otherwise requires-	Interpretation
2	"the Council" means the Council established as the governing body of the	
3	Institute under section 7 of this Bill;	
4	"the Disciplinary Tribunal" means the Institute of Landscape Architects of	
5	Nigeria Disciplinary Tribunal, established under section 15(7) of this Bill;	
6	"fees" includes annual subscription and induction charges;	
7	"fit person" means a person of good character, who is not an undischarged	
8	bankrupt and has not been convicted in Nigeria, or elsewhere, of any offence	
9	involving fraud or dishonesty or has not been so convicted since a period to	
10	be specified, from time to time, by the Council;	
11	"the Institute" means the Institute of Landscape Architects of Nigeria,	
12	established under section 1 of this Bill;	
13	"Investigation Panel" means the Institute of Landscape Architects of	
14	Nigeria Investigation Panel, established under section 15 of this Bill;	
15	"President", "Vice-President" and Treasurer" means the office holders under	
16	those names in the Institute, respectively;	
17	"Registrar" means the Registrar appointed under section 8 of this Bill; and	
18	"Register" means the register kept in pursuance of section 13 of this Bill.	
19	26. This Bill may be cited as the Institute of Landscape Architects	Citation
20	of Nigeria (Establishment, etc.) Bill, 2023.	

1 SCHEDULE

2 FIRST SCHEDULE

3 *[Section 7(3)]*

4 QUALIFICATIONS, TENURE OF OFFICE OF A MEMBER, RECONSTITUTION OF
5 THE COUNCIL, ETC.

6 1.-(1) Subject to the provisions of this paragraph, a member of The
7 Council shall hold office for an initial period of two (2) years, beginning from
8 the date of his appointment or election, and may be returned only for another
9 two years.

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

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

14 (4) A person who retires from, or otherwise ceases to be a member of,
15 the Council shall be ineligible again to become a member of the Council.

16 (5) The Council, at its meeting before any meeting of members of the
17 Institute, shall fill any vacancy created, howsoever, and shall present the new
18 members for ratification at the subsequent annual general meeting.

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

22 (7) If, for any reason, there is a vacation of office by a member, where
23 such member was-

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

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

30 (8) Notwithstanding the provisions of paragraph 1(1) of this First

1 Schedule of this Bill, all Emeritus and Distinguished Fellows of The
2 Institute shall be permanent members of The Council.

3 (9)(a) Where the Council is unable, or fails, to conduct elections
4 after expiration of its predetermined tenure or an irreconcilable dispute, of
5 any nature, occurs within the Council as may threaten the going concern
6 status of the Institute, the Body of Emeritus and Distinguished Fellows
7 shall, upon becoming aware-

8 (i) within seven (7) days, convene a meeting and pass a resolution
9 for immediate dissolution of the Council;

10 (ii) appoint an Acting President, who shall report to the Body of
11 Emeritus and Distinguished Fellows, to run the affairs of the Institute,
12 pending the conduct of elections, within six months of this appointment,
13 into vacant offices created as a result of the dissolution occasioned by
14 paragraph (9)(a)(i) above; and

15 (iii) upon election at a Special Meeting of the Institute, inaugurate
16 the newly elected members of the Council into office for an initial term of
17 two years.

18 (b) All irreconcilable disputes within the Council shall be resolved
19 as set out in paragraph (9)(a) above and shall not be subject to litigation in
20 any court of law.

21 *Powers of the Council*

22 2. The Council shall have the power to, within the provisions and
23 contemplation of this Bill, do anything which, in its opinion, is calculated to
24 facilitate the carrying on of activities of the Institute.

25 *Standing Orders*

26 3.-(1) Subject to the provision of this Bill, the Council may, in the
27 name of the Institute, make standing orders regulating the proceedings of the
28 Institute or the Council, and in the exercise of its power under this Bill, may
29 set up committees in the general interest of the institute and make standing
30 orders thereof.

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

4 (3) Standing orders made for a Committee shall provide for the
5 Committee to report back to the Council on any matter referred to it by the
6 Council.

7 (4) Quorum of the Council shall be nine and the quorum of a
8 Committee of the Council shall be fixed by the Council.

9 *Meetings of the Institute*

10 4.-(1) The Council shall convene the annual general meeting of the
11 Institute in October of every year, or on such other day as the Council may,
12 from time to time, appoint, so however, that if the meeting is not held within
13 one year after the previous meeting, no more than fifteen months shall elapse
14 between the respective dates of the two meetings:

15 Provided that, notice of the annual general meeting shall be given to
16 all members of the Institute not later than twenty-one days from the date of the
17 meeting.

18 (2) The Chairman of the Council shall convene a special meeting of
19 the Institute, upon a written request to the Chairman, of not less than fifty
20 members of the Institute, setting out the purpose and urgency of the proposed
21 meeting at any time:

22 Provided that, a notice of the special meeting shall be given to all
23 members of the Institute not later than twenty-one days from the date of the
24 meeting.

25 (3) Quorum for an annual general meeting and that of any special
26 meeting of the Institute shall each be 100 members.

27 *Meeting of the Council*

28 5.-(1) Subject to provisions of any standing order of the Council, the
29 Council shall meet whenever a meeting is summoned by the Chairman, and if
30 the Chairman is required to do so, by notice in writing given to him by no less

1 than five other members, he shall summon a meeting to be held within
2 fourteen days from the date on which the notice is given.

3 (2) At any meeting of the Council, the Chairman or, in his absence,
4 any one of the Vice-Chairmen stated in section 5(2)(b) of this Bill in the
5 descending order of their status shall preside, but if the Chairman and Vice-
6 Chairmen are absent, the meeting shall be adjourned to another date agreed
7 to by members present and such date shall be communicated to the
8 Chairman and Vice-Chairmen, in writing.

9 (3) Where the Council desires to obtain the service of any person
10 on a matter, the Council may co-opt him as a member for such period as the
11 Council may think fit, but a person who is a member under this sub-
12 paragraph shall not count towards a quorum.

13 *Committees*

14 6.-(1) The Council may appoint one or more committees to carry
15 out on behalf of the Institute, or the Council, such function as the Council
16 may determine.

17 (2) Any Committee appointed under this paragraph shall consist of
18 the number of persons determined by the Council, of whom not more than
19 one-third may be the persons who are not members of the Council and a
20 person other than a member of the Council shall hold office on the
21 Committee in accordance with the terms of the letter by which he/she is
22 appointed.

23 (3) Decisions of a Committee of the Council shall be of no effect
24 until it is confirmed, in writing, by the Council.

25 *Transitional Provisions, Etc.*

26 7.-(1) At its first meeting, the Council shall fix a date, not later than
27 six months after the appointed day, for the first special meeting of the
28 Institute.

29 (2) Members of the Council of Incorporated Trustees of the Society
30 of Landscape Architects of Nigeria Ltd/Gte (in this Bill referred to as the

1 "Incorporated Institute") shall be deemed to be members of the Council of the
2 Institute of Landscape Architects of Nigeria until the date determined in
3 pursuance of the foregoing sub-paragraph when the Institute shall have its first
4 special meeting and they shall continue to hold office thereon until expiration
5 of their predetermined tenure.

6 (3) Any person who, immediately before the appointed day, held
7 office as the President or Vice-President of the Council of the Incorporated
8 Institute, by virtue of the Articles of the Incorporated Institute, shall on that day
9 become the President or, as the case may be, the Vice-President of the Institute,
10 and shall be deemed to have been appointed-

11 (a) to that office in pursuance of the provision of this Bill
12 corresponding to the relevant provision in the said Articles of the incorporated
13 Institute; and

14 (b) on the date on which he took office, or last took office, in
15 pursuance of the relevant provision of those Articles.

16 (4) Members of the Incorporated Institute shall, as from the appointed
17 day, be registered as members of the Institute, and without prejudice relating to
18 the transfer of property, any person, who, immediately before the appointed
19 day, was a member of staff of the Incorporated Institute shall, on that day,
20 become the holder of an appointment with the Institute with the status,
21 designation and functions which correspond, as nearly as may be, to those
22 which appertained to him in his capacity as a member of staff.

23 (5) Any person, being an office holder on or member of the Council of
24 the Incorporated Institute immediately before the appointed day and deemed
25 under this paragraph to have been appointed to any like position in the Institute,
26 or on the Council of the Institute and thereafter ceases to hold office otherwise
27 than by reason of a misconduct, shall be eligible for appointment to office in the
28 Institute or to membership of the Council, as the case may be.

29 (6) All regulations, rules and similar instruments made for the
30 purposes of the Incorporated Institute, and in force immediately before the

1 appointed day shall, except in so far as they are subsequently revoked or
2 amended by any authority having power in that behalf, have effect, with any
3 necessary modifications, as if duly made for the corresponding purposes of
4 the Institute.

5 (7) Every agreement to which the Incorporated Institute was a
6 party immediately before the commencement of this Bill, whether in writing
7 or not and whether or not of such a nature that the rights, liabilities and
8 obligations thereunder could be assigned by the Incorporated Institute,
9 shall, unless its terms or subject matter make it impossible that it should have
10 effect as modified in the manner provided by this sub-paragraph, have effect
11 from the commencement of this Bill, so far as it relates to assets and
12 liabilities transferred by this Bill to the Institute, as if-

13 (a) the Institute had been a party to the agreement;

14 (b) for any reference, however worded and whether express or
15 implied, to the Incorporated Institute, there were substituted, as respects
16 anything falling to be done or after the commencement of this Bill, a
17 reference to the Institute; and

18 (c) for any reference, however worded and whether express or
19 implied, to a member or members of the Council of the Incorporated
20 Institute or an officer of the Incorporated Institute, there were substituted, as
21 respects anything falling to be done on or after the commencement of this
22 Bill, a reference to a member or members of the Council under this Bill or
23 the officer of the Incorporated Institute who corresponds as nearly as may be
24 to the member or officer in question of the Incorporated Institute.

25 (8) Other documents which refer, whether specially or generally, to
26 the Incorporated Institute, shall be considered in accordance with sub-
27 paragraph (7) of this paragraph so far as applicable.

28 (9) Without prejudice to the generality of the foregoing provisions,
29 by the operation of this Bill, any right, liability or obligation vested in the
30 Institute, and all other persons shall, as from commencement of this Bill,

1 have the same rights, powers and remedies, and, in particular, the same rights
2 as to the taking or resisting of legal proceedings or the making or resisting of
3 applications to any authority, for ascertaining, perfecting or enforcing that
4 right, liability or obligation as they would have had if it had at all times been a
5 right, liability or obligation of the Institute.

6 (10) Any legal proceeding or application to any authority pending on
7 the appointed day by or against the Incorporated Institute and relating to assets
8 or liabilities transferred by this Bill to the Institute may be continued on or after
9 that day in favour of, or against, the Institute.

10 (11) If the law in force at the place where any property transferred by
11 this Bill is situate provides for the registration or transfer of property, the law
12 shall, so far as it provides for alterations of a Register, but not for avoidance of
13 transfers, the payment of fees or any other matters, apply with the necessary
14 modifications to the transfer, to the officer of the registration authority, and for
15 that officer to register the transfer accordingly.

16 *Miscellaneous*

17 8.-(1) Fixing of official seal of the institute shall be authenticated by
18 the signature of the Chairman or some other member of the Council authorised
19 generally, or specially, by the Institute to act for that purpose.

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

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

28 (4) Upon the commencement of this Bill, any proposal for a change,
29 variation, alteration or modification of this document, by any person or group
30 of persons, howsoever within or outside the Institute, shall be with the written

1 consent of the Body of Emeritus and Distinguished Fellows of the Institute,
2 otherwise, such change, variation, alteration or modification shall be invalid
3 and of no effect.

4 9. The validity of any proceedings of the Institute or the Council or
5 of a Committee of the Council, shall not be adversely affected by any
6 vacancy in membership or by any defect in the appointment of a member of
7 the Institute or the Council or of a person to serve on the Committee or by
8 reason that a person not entitled to do so, took part in the proceeding.

9 10. Any member of the Institute, or of the Council or any person
10 holding office on a Committee of the Council, who has a personal interest in
11 any contract or arrangement entered into or proposed to be considered by the
12 Council on behalf of the Institute or by a Committee of the Council on behalf
13 of the Council, shall forthwith disclose his interest to the Committee or the
14 Council, as the case may be, and shall not vote on any question relating to the
15 contract or arrangement.

16 11. A person shall not, by reason only of his membership of the
17 Institute, be treated as holding an office in the public service of the
18 Federation.

1 SECOND SCHEDULE

2 [Section 15]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL
4 AND INVESTIGATION PANEL5 *The Disciplinary Tribunal*6 1.-Quorum at meetings of the Disciplinary Tribunal shall be five
7 members.8 2.-(1) The Council shall make rules as to the selection of members of
9 the Disciplinary Tribunal for any proceedings and as to the procedure to be
10 followed and the rules of evidence to be observed in proceedings before the
11 Disciplinary Tribunal.

12 (2) The rules shall, in particular, provide-

13 (a) for securing that notice of the proceeding shall be given at such
14 time and in such manner, as may be specified by the rules, to the person who is
15 the subject of the proceedings;16 (b) for determining, in addition to the person aforesaid, who is subject
17 of the proceedings;18 (c) for securing that any party to the proceeding shall, if he so
19 requires, be entitled to be heard by the Tribunal;20 (d) for securing that any party to the proceeding may be represented
21 by a legal practitioner;22 (e) subject to the provisions of section 10(3)(c) of this Bill, as to the
23 cost of proceedings before the Disciplinary Tribunal;24 (f) for requiring, in any case where it is alleged that the person who is
25 the subject of the proceedings involved himself in an improper conduct in any
26 professional respect, that where the Disciplinary Tribunal adjudges that the
27 allegations have not been proven, it shall record a finding that the person is not
28 guilty of such conduct in respect of the matter to which the allegation relates;
29 and

30 (g) for publishing notice of any direction of the Disciplinary Tribunal,

1 which has taken effect, providing that a person's name shall be struck off a
2 Register.

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

8 (a) make any statement before the Disciplinary Tribunal tending to
9 incriminate himself; or

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

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

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

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

27 (b) every such party or person as aforesaid shall be informed if, in
28 any case, the Disciplinary Tribunal does not accept the advice of the
29 Assessor on such a question as aforesaid; and

30 (c) an Assessor may be appointed under this paragraph, either

1 generally or for any particular proceedings or class of proceedings, and shall
2 hold and vacate office in accordance with the terms of the letter by which he
3 was appointed.

4 *The Investigation Panel*

5 5. Quorum of the Investigation Panel shall be three.

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

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

10 *Miscellaneous*

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

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

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

26 9. Any document authorised or required by virtue of this Bill to be
27 served on the Disciplinary Tribunal, or the Investigation Panel, shall be served
28 on the Registrar of the Institute.

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

EXPLANATORY MEMORANDUM

This Bill, among other things, seeks to establish the Institute of Landscape Architects of Nigeria to regulate and control membership, operations and professional practice within the landscape architecture profession.

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