

A BILL

FOR

AN ACT TO ESTABLISH A CHARTERED INSTITUTE OF COUNSELING IN NIGERIA AND PROVIDE A FRAMEWORK FOR THE REGULATION, STANDARDIZATION, AND DEVELOPMENT OF THE COUNSELING PROFESSION IN NIGERIA TO ENSURE EXCELLENCE AND PROFESSIONALISM IN THE PRACTICE OF COUNSELING AND FOR RELATED MATTERS

Sponsored by Hon. O. K. Chinda

[] Commencement

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

1 PART A - ESTABLISHMENT OF THE INSTITUTE AND COUNCIL

2 1.-(1) There is hereby established a body to be known as the Establishment
3 Chartered Institute of Counselling of Nigeria (hereinafter referred to as "The
4 Institute").

5 (2) The Institute:

6 (a) shall be a body Corporate with perpetual succession and a
7 common seal;

8 (b) may sue and be sued in its corporate name; and

9 (c) may acquire, hold, mortgage, dispose and deal with property,
10 whether movable or immovable, real or personal for the purpose of carrying
11 out any of its functions under this Act.

12 2. The Functions of the Institute shall be to: Functions of the
13 Institute

14 (a) Determine the standards of knowledge and skills attained by
15 persons seeking to become members of the Institute and improve those
16 standards from time to time;

17 (b) Secure a Register of Members of the Institute;

18 (c) Arrange conferences, seminars, webinars, symposia and
meetings;

	1	(d) Address issues in counseling and mental health in Nigeria and
	2	internationally;
	3	(e) Provide professional counseling and psychotherapy training;
	4	(f) Support practicing counselors and psychotherapists with
	5	developmental support and training.
Objectives of the Institute	6	3. The institute shall have the following objectives:
	7	(a) Leading the crusade for mental health in Nigeria and
	8	internationally;
	9	(b) Raising a generation of innovative counselors and mental health
	10	professionals;
	11	(c) Becoming Africa's foremost institution for professional
	12	counseling and psychotherapy training;
	13	(d) Improving professionalism in counseling and psychotherapy
	14	practice in Africa.
Powers of the Institute	15	4. The Institute shall have the powers to:
	16	(a) Enter into contracts;
	17	(b) Charge fees for its services;
	18	(c) Make regulations for the conferment of charter;
	19	(d) Make penal regulations.
Establishment and composition of Governing Council of the Institute	20	5.-(1) There is established for the Institute a Governing Council (in
	21	this Bill referred to as the "Council") which shall be charged with responsibility
	22	for the administration and general management of the Institute.
	23	(2) The Council shall consist of the following members:
	24	(a) a Chairman, to be elected by Council members among themselves;
	25	(b) the Vice-chairman, to be elected by Council members among
	26	themselves;
	27	(c) a representative of each of:
	28	(i) the Federal Ministry of Health and Social Welfare,
	29	(ii) the Federal Ministry of Education,
	30	(iii) the Federal Ministry of Interior,

1 (iv) the National Commission for Mental Health and Substance
2 Abuse Services, and

3 (v) the National Agency for the Prohibition of Trafficking in
4 Persons,

5 (d) an immediate past President of the Institute who shall be
6 entitled to serve on the Council for a maximum period of two years from the
7 expiration of their terms of office as President of the Institute;

8 (e) the Chairman of the Counselling Practitioners Disciplinary
9 Committee;

10 (f) six (6) Senior Academics not below the Senior Lecturer rank,
11 who must be registered members of the Institute to represent institutions of
12 higher learning in Nigeria offering courses leading to approved
13 qualifications, to be elected by the Institute, based on geo-political zones.
14 Each geopolitical zone shall nominate representatives in rotation;

15 (g) two persons who shall be registered Counsellors and/or Mental
16 Health Practitioners to be elected by the Institute to represent the organized
17 private sector; and

18 (h) the Registrar of the Institute who shall be the Secretary to the
19 Council.

20 (2) The President and Vice-President shall hold office for a term
21 not exceeding two years from the date they take their oath of office.

22 (3) All other members shall hold office for a term not exceeding
23 two years from the date of their appointments as members of the Council.

24 (4) The President shall preside at meetings of the Council, and in
25 his absence, the Vice-President shall preside.

26 (5) The provisions set out in the Schedule of this Bill shall have
27 effect with respect to the operation, qualification, tenure of office of all
28 Council members and other matters mentioned in it.

Schedule

29 **6.** The Council shall have the power to-

Powers of the
Council

30 (a) make rules to regulate proceedings and voting at its meetings;

	1	(b) approve any course of training at any approved Institute which is
	2	intended for persons seeking to become or are already engaged in local
	3	government and public administration and which the Council considers as
	4	being designed to confer on persons completing it sufficient knowledge and
	5	skill for admission into the Institute;
	6	(c) Create committees as shall be necessary to achieve the objectives
	7	of the Institute and execute its functions.
Meetings of the Council	8	7. The Council shall meet once every quarter, and shall have
	9	emergency meetings as the need arises.
	10	PART B - APPOINTMENT OF REGISTRAR
Appointment of the Registrar of the Institute	11	8.-(1) The Council shall appoint a Registrar who shall be the Chief
	12	Executive Officer of the Institute.
	13	(2) A person appointed as Registrar shall have served the Institute for
	14	a minimum period of two years preceding the date of his appointment.
	15	(3) The Registrar shall prepare and maintain, in accordance with the
	16	rules and regulations made by the Council, a Register of:
	17	(a) Name;
	18	(b) Addresses;
	19	(c) Contact Details;
	20	(d) Approved Qualifications;
	21	(e) Institutions;
	22	(f) And other particulars
	23	of all persons who are entitled to be enrolled as fellows, members, associates or
	24	registered students who, in the manner of such rules, apply to be so registered.
Functions of the Registrar	25	9. The Registrar shall:
	26	(a) Attend meetings of the Council as secretary and keep minutes of
	27	the proceedings at all such meetings;
	28	(b) In accordance with the directions of the Council, correct any entry
	29	in the register which the Council directs him to correct as being in the opinion
	30	of the Council, an entry which was incorrectly made;

1 (c) From time to time make any necessary alteration to the
2 particulars of registered members;

3 (d) Record the names of the registered members who are in default
4 for more than six months in the payment of annual subscriptions; and

5 (e) Remove the names of defaulters from the register as the Council
6 may direct or require.

7 **10.**-(1) On the Recommendation of the Registrar, the Council may
8 appoint such other Staff as it may consider necessary to assist the Registrar
9 in the discharge of his duties. Appointment of
other Staff

10 (2) The appointment of the Registrar and all other staff shall be
11 pensionable and in accordance with the terms and conditions of the service
12 of the Public Service of the Federation of Nigeria.

13 **11.** The Register shall have four parts- Content of the
Register

14 (a) Fellows;

15 (b) Members;

16 (c) Associates;

17 (d) Affiliates;

18 (e) Registered Students.

19 **12.** The Council may by Regulations make provisions for the: Regulations

20 (a) Manner of making entry in the register;

21 (b) Manner of application for enrollment or registration in the
22 Register, and

23 (c) Fees, including annual subscriptions payable to the Institute.

24 **PART C - MEMBERSHIP OF THE INSTITUTE**

25 **13.**-(1) A Person is entitled to be registered as a member of the
26 Institute if he- Qualification for
Membership

27 (a) Passes the qualifying examination conducted by the Council
28 and completes the practical training prescribed;

29 (b) Holds a qualification accepted by the Council as sufficient
30 practical experience in Counselling and Mental Health practice; or

1 (c) Holds a qualification granted outside Nigeria which is recognized
2 by the Council and he us by law entitled to practice the profession for all
3 purpose in the country in which qualification was granted.

4 (2) In addition to providing evidence of his qualification, an applicant
5 for registration shall satisfy the Council that he-

6 (a) Is of good character;

7 (b) Had attained the age of 18 years; and

8 (c) Has not been convicted in Nigeria or elsewhere of an offence
9 involving dishonesty.

10 (3) The Council may provisionally accept a qualification produced in
11 respect of an application for registration under this section, or direct that the
12 application be renewed within such period as may be specified in the
13 direction.

14 (4) An entry made under subsection (3) above shall show that the
15 registration is provisional and such an entry may only be converted to full
16 registration with the consent signified in writing.

Publication in
the Gazette

17 **14.** The Council shall periodically publish in the Federal Government
18 Gazette, the particulars of qualifications acceptable for registration.

Designation
of Members

19 **15.**-(1) Members admitted into the Institute shall undergo a
20 Membership Induction Program and be registered as Chartered Counsellors in
21 the following categories and shall use the accompanying designatory letters-

22 (a) Fellow of the Chartered Institute of Counsellors of Nigeria
23 (FCICN);

24 (b) Member of the Chartered Institute of Counsellors of Nigeria
25 (MCICN);

26 (c) Associate of the Chartered Institute of Counsellors of Nigeria
27 (ACICN); and

28 (d) Affiliate of the Chartered Institute of Counsellors of Nigeria
29 (AfCICN).

30 (2) Persons accorded by the Council, the status of Chartered

1 Counsellor of Nigeria are entitled to the use of that name and shall be
2 enrolled as-

3 (a) fellows, if they are at least 35 years of age and-

4 (i) have 10 years relevant working experience as a Counsellor,
5 Psychotherapist, or Mental Health practitioner;

6 (ii) have, for at least three years in the past 10 years, held in relevant
7 senior appointments in a mental health or counselling organisation or
8 institution;

9 (iii) are holders of the professional qualifying certificate of the
10 Institute, and

11 (iv) are otherwise considered by the Council to be fit to be so
12 enrolled;

13 (b) members, if they are at least 30 years and-

14 (i) have passed a professional qualifying examination of the
15 Institute, or

16 (ii) have at least eight years relevant working experience in a mental
17 health or counselling organisation or institution;

18 (c) associates, if they are at least 21 years and-

19 (i) have passed the professional qualifying examination of the
20 Institute or any equivalent examination recognised by the Institute, or

21 (ii) have at least five years relevant working experience in a mental
22 health or counselling organisation or institution; and

23 (d) Affiliates if they are registered Non-governmental
24 Organisations (NGOs), Civil Society Organisations (CSOs) or individuals
25 furthering the course of mental health or psychotherapy, have functional
26 working relationships with the institute and have applied to be so registered;

27 (e) registered students, if they are at least 18 years old and have
28 passed with credits in West African School Certificate Examination, or
29 General Certificate Examination Ordinary Level or Senior Secondary
30 Certificate Examination in five papers at no more than two sittings.

Approval of instructions	1	16. -(1) The Council shall keep itself informed of the nature of-
	2	(a) instructions given at approved institutions to persons attending
	3	approved courses of training; and
	4	(b) examination, the result of which qualifications are granted,
	5	(2) For the purpose of discharging its duty in subsection (1) above, the
	6	Council may appoint, either from among its own members or otherwise,
	7	persons to visit approved institutions to observe such instructions or
	8	examinations.
	9	(3) Persons appointed under subsection(2) above shall report to the
	10	Council on the sufficiency or otherwise of the instructions given to persons
	11	attending approved courses of training at institutions visited by them.
Signatory to certificates	12	17. The President and Registrar shall be the joint signatory to
	13	certificates awarded by the Institute.
	14	PART D - FUND OF THE INSTITUTE
Funds of the Institute	15	18. -(1) The Council shall establish and maintain a fund (in this Act
	16	referred to as "the Fund") to be applied for the functions of the Institute .
	17	(2) The Institute shall, not later than 1st June in each financial year or
	18	soon thereafter, submit to the Council for approval its estimate of revenue and
	19	expenditure in respect of each year.
	20	(3) The Council may borrow money for the purposes of the Institute,
	21	and any interest payable on monies so borrowed shall be paid out of the
	22	Fund.
	23	(4) The Council may invest money in the Fund in any security created
	24	or issued by or on behalf of the Government of the Federation or in any other
	25	securities in Nigeria approved by Council.
	26	(5) There shall be paid and credited into the Fund-
	27	(a) all fees and other money payable to the Institute;
	28	(b) all grants, aids and solicited funds received for the Institute; and
	29	(c) proceeds from programme and activities.
	30	(6) There shall be defrayed from the Fund-

1 (a) the remuneration and allowances of the Registrar and other
2 employees of the Institute;

3 (b) such reasonable travelling allowance (as determined by the
4 Council and its Committees) incurred in the business or official functions of
5 the Institute; and

6 (c) any expenses incurred by the Council in the discharge of its
7 duties.

8 **19.**-(1) The Council shall keep proper accounts on behalf of the
9 Institute in respect of each financial year and proper record in relation to
10 those accounts. Auditing of
Accounts

11 (2) Within six (6) months after the end of each financial year, the
12 Council shall cause the account to be audited by an auditor appointed from
13 the list and in accordance with the guidelines supplied by the Auditor-
14 General of the Federation.

15 (3) The auditor appointed for the purposes of this section shall-

16 (i) not be a member of the Council;

17 (ii) be paid from the Fund of the Institute.

18 (4) The audited annual accounts and report shall be submitted by
19 the Council to the Members of the Institute at the annual general meeting.

20 **20.** Any regulation made under this Bill shall be published in the
21 Federal Government Gazette as soon as they are made and the Minister shall
22 lay a copy of any such regulation before the National Assembly for
23 consideration and passage into law. Publication of
Regulations

24 PART E - PROFESSIONAL DISCIPLINE

25 **21.**-(1) There is established an Investigating Panel (in this Act
26 referred to as "the Panel") consisting of three members and two non-
27 members of the Council who shall be appointed by the Council charged with
28 the duty of- Establishment
of the CIC
Investigative
Panel

29 (a) conducting preliminary investigation into allegations that a
30 registered member has misconducted himself in his capacity as a registered

1 member; and

2 (b) deciding whether the allegations should be referred to the
3 Counselling Practitioners Disciplinary Committee or not.

Establishment
of the Counselling
Practitioners
Disciplinary
Committee

4 **22.** There is established a Counselling Practitioners Disciplinary
5 Committee (in this Act referred to as "the CPDC") consisting of seven members
6 one of whom shall be the Chairman appointed by the Council, charged with the
7 duty of investigating and determining any case referred to it by the Panel.

Penalties for
unprofessional
conduct

8 **23.-(1)** Where-

9 (a) a registered member is adjudged by the CPDC to be guilty of
10 infamous conduct in any professional respect,

11 (b) a registered member is convicted in Nigeria or elsewhere by any
12 court of competent jurisdiction, or

13 (c) the CPDC determines that the name of any person has been
14 fraudulently registered,

15 the CPDC may give a direction reprimanding that person or ordering the
16 Registrar to strike the person's name out of the relevant part of the
17 Register.

18 (2) The CPDC may defer or further defer its decision as to the giving
19 of a direction under subsection (1) until a subsequent meeting of the
20 Committee, provided that no decision may be deferred for a period exceeding
21 one year.

22 (3) When the CPDC gives a direction under subsection (1), it shall
23 cause notice of the direction to be served on the person to whom it relates.

24 (4) The person to whom a direction under subsection (!) relates may, at
25 any time within 28 days from the date of service on him, appeal against the
26 direction to the Federal High Court.

27 (5) A person whose name is removed from the register under a
28 direction of the CPDC may not be registered again except under a direction in
29 that respect given by the CPDC on the application of that person.

30 (6) A direction for the removal of a person's name from the register

1 may prohibit an application under subsection (1) of this section by that
2 person until the expiration of such period as the direction may state.

3 PART F - OFFENCES AND PENALTIES

4 **24.**-(1) It shall be an offence for a person to-

Offences and
Penalties

5 (a) hold himself out as a Chartered Counsellor of Nigeria where he
6 is not; or

7 (b) willfully provide false information on any matter relating to the
8 register.

9 (2) A person who contravenes subsection (1) is liable on-

10 (a) summary conviction to a fine not exceeding N150,000; or

11 (b) conviction on indictment, to a fine not exceeding N300,000 or a
12 term of imprisonment not exceeding two years, or both.

13 **25.**-(1) Notwithstanding anything to the contrary contained in any
14 other enactment, no suit shall be instituted in any court against the
15 Institute, a member or any employee of the Institute for any act done in
16 pursuance or execution of any enactment or law, or of any public duty or
17 authority, or in respect of an alleged negligence or default in the execution of
18 such enactment or law, duty or authority, unless it is commenced within 12
19 months next after the act or neglect complained of or in the case of a
20 continuing damage or injury, within 12 months next after the ceasing of
21 damage or injury, against the Council and its staff.

Limitation of suits

22 (2) No suit shall be commenced against the Institute before the
23 expiration of a period of one month notice of intention to commence the suit
24 shall have been served upon the Institute by the intending plaintiff or his
25 authorised agent and the notice shall clearly state-

26 (a) the cause of action;

27 (b) the particulars of the claim;

28 (c) the name and place of abode of the intending plaintiff; and

29 (d) the relief which he claims.

30 (3) The notice referred to in subsections (1) and (2) and any

	1	summons, notice or other document required or authorised to be served upon
	2	the Institute under the provisions of this Bill or any other enactment or law may
	3	be served by delivering the same to the President of the Council or the Registrar
	4	of the Institute or by sending it by registered post to the principal office of the
	5	Institute.
Interpretation	6	26. In this Bill-
	7	All pronouns (him, he, his) refer to both male and female;
	8	"Institute" means the Chartered Institute of Counselling of Nigeria established
	9	under section 1 (1) of this Bill;
	10	"Minister" means the Minister charged with the responsibility of matters
	11	relating to Mental Health; and
	12	"Registered" means enrolled.
Citation	13	27. This Bill may be cited as the Chartered Institute of Counselling of
	14	Nigeria Bill, 2024.

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SCHEDULE

Section 5(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL PROCEEDINGS

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decision of a Cap 123 LFN, 2004 statutory body to be taken by a majority of its members, and for the President to have a second or casting votes) the Council may make standing orders regulating its proceedings and that of any Committee.

2. If, at any time, the office of the 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 Council may appoint one of its members to perform such functions and reference in this Schedule to the President shall be construed accordingly.

3. Every meeting of the Council shall be presided over by the President and, where he is unable to attend a particular meeting, the Vice-President shall preside and, in the event where both the President and Vice-President are absent, the members present at the meeting shall elect one of them to preside at the meeting.

4. The quorum at a meeting of the Council shall be the President or, in the appropriate case, the person presiding at the meeting and six other members.

5. Where, upon any special occasion, the Council desires to obtain the advice of any person, it may co-opt that person to be a member for as many meetings as may be necessary, and that person, while so co-opted, shall have all the rights and privileges of a member, except that he is not entitled to vote or count towards a quorum.

Committee

6.-(1) Subject to its standing orders, the Council may set up such number of standing or ad-hoc committees as it deems fit to consider and report on any matter with which the Council is concerned.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a Chartered Institute of Counseling in Nigeria and provide a framework for the regulation, standardization, and development of the counseling profession in Nigeria to ensure excellence and professionalism in the practice of counselling.